

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

Attachments:

- YES Land Use Information Form with approval and signature of local planning department(*must be an original*) or signed receipt.
- YES Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- YES Fees - Amount enclosed: \$ 2,850,00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME SEUBERT EXCAVATORS, INC.		PHONE (HM)	
PHONE (WK) 208-962-3314	CELL 208-507-0916	FAX	
ADDRESS PO Box 57			
CITY COTTONWOOD	STATE ID	ZIP 83522	E-MAIL * areehder@q.com Seubexcro@gmail.com

Organization Information

NAME SEUBERT EXCAVATORS, INC.		PHONE 208-962-3314	FAX
ADDRESS PO Box 57		CELL 208-507-0916	
CITY COTTONWOOD	STATE ID	ZIP 83522	E-MAIL * areehder@q.com Seubexcro@gmail.com

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL *

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Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (Paper copies of the final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.
- I have not provided my social security number in any of the materials submitted to the Department.



I (we) affirm that the information contained in this application is true and accurate.

Christopher M. Rehder
Applicant Signature

Christopher M. Rehder, Project Engineer 01/08/2018
Print Name and title if applicable Date

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Applicant Signature

Print Name and title if applicable Date

JAN 12 2018	For Department Use	
App. No. <u>P-88428</u>	Permit No. _____	Date _____

Revised 7/1/2011 **OWRD**

Surface Water/3

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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3 Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: NORTH RESERVOIR

Tributary to: MALHEUR RIVER

Source 2: SOUTH RESERVOIR

Tributary to: MALHEUR RIVER

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

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If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT		
NORTH RESERVOIR	MINING	APRIL 5 TO SEPTEMBER 30	0.35	<input checked="" type="checkbox"/> cfs	<input type="checkbox"/> gpm <input type="checkbox"/> af
SOUTH RESERVOIR	MINING	APRIL 5 TO SEPTEMBER 30	0.43	<input checked="" type="checkbox"/> cfs	<input type="checkbox"/> gpm <input type="checkbox"/> af
				<input type="checkbox"/> cfs	<input type="checkbox"/> gpm <input type="checkbox"/> af
				<input type="checkbox"/> cfs	<input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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_____ GRAVEL IS BEING EXTRACTED BY LOADERS AND TRACKHOE.
 _____ GRAVEL IS USED DIRECTLY ON CONSTRUCTION PROJECTS OR CRUSHED TO PRODUCE CONCRETE, ASPHALT, & AGGREGATE FOR PROJECTS.

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): _____

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) **SEE SECTION 5.A**

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: _____

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: _____

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: _____

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: _____

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

NORTH RESERVOIR

- NR-1 A 30 HP CENTRIFUGAL PUMP AND MOTOR ASSEMBLY, UNKNOWN MAKE.
- NR-2 A GOULD 15 HP CENTRIFUGAL PUMP AND MOTOR ASSEMBLY.
- SR-1 A GOULD 15 HP CENTRIFUGAL PUMP AND MOTOR ASSEMBLY.
- NR-1 WATER IS PUMPED FROM THE NORTH RESERVOIR IN A PVC 4" PIPE TO A FILL STATION FOR, WHERE A WATER TANKER IS FILLED FOR DUST CONTROL.
- NR-2 WATER IS PUMPED FROM THE NORTH RESERVOIR IN A PVC 6" PIPE. THE PVC 6" PIPES CONNECTS TO 3" STEEL PIPE THAT IS USED TO PRODUCED ASPHALT PLANT MIX AND DUST CONTROL.
- SR-1 WATER IS PUMPED FROM THE SOUTH RESERVOIR IN A PVC 6" PIPE. THE WATER IS USED FOR AGGREGATE WASHING, CRUSHING EQUIPMENT, AND DUST CONTROL.

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SECTION 5: WATER MANAGEMENT

C. Conservation

The 0.78 CFS is required to provide adequate water for washing of aggregate, crushing of aggregate, production of asphalt plant mix, and dust control.

The pumping of water only takes place when the equipment that utilizes the water is in operation. When the equipment is not in use, the pumps are shut off.

The water from pump NR-1 is measured using an electrical hour meter located in the pump control panel.

The water from pump NR-2 is measured by a 3" flow meter located at the asphalt plant.

The water from SR-1 is measured using an electrical hour meter located in the pump control panel.

Any water that is used for processing aggregate materials and is not consumed on site is allowed to either flow back to the reservoirs or it goes to a holding pond.

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SECTION 6: RESOURCE PROTECTION

Oregon Department of Fish & Wildlife has inspected the reservoir and provided a letter. A copy is included in the application, granting a Fish Passage Exemption.

No excavation or clearing of bank will take place. The reservoirs were constructed in the 1990's. The riparian and/or streamside areas are protected and will stay that way.

Operating equipment in the water bodies is not planned now or in the future.

Water quality is protected by controlling erosion along banks and excess waste water is routed to a holding pond off the stream and reservoirs. Water quality is improved by reservoirs holding the sediment from upstream farms.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: CONSTRUCTION BEGAN IN 1990's

Date construction will be completed: CONSTRUCTION WAS FINISHED IN 1990's

Date beneficial water use will begin: OCTOBER 1, 2018

SECTION 8: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

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Date _____

(For staff use only)



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

**WE ARE RETURNING YOUR APPLICATION
FOLLOWING REASON(S):**

FOR THE

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____

Land Use Information Form _____

Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

Fees _____

MAP

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines, or flumes (if well is outside of the area of use)
- Other _____

 _____ **RECEIVED** _____
 _____ JAN 19 2018 _____

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S-88488



Oregon Water Resources Department

FORM R
FOR WATER USED FOR MINING PURPOSES

1. What type of mining operation is planned?

- Aggregate, Industrial Minerals, Placer, Metal (flotation processing), Metal (chemical processing - heap leach), Other (Specify)

2. What are the proposed uses of water?

- Gravel washing, Dewatering, Make-up for milling operation, Heap leach, Dust control, Domestic, Other (Specify) AGGREGATE CRUSHING

3. Does the mine operation require dewatering?

- No (Skip to question no. 4), Yes

At what rate will the water be produced? gpm cfs

How will the water be discharged? Recirculated Off-site

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4. Will ponds or dams be constructed?

- No (Skip to question no. 5), Yes CONSTRUCTED IN 1990's

NORTH RESERVOIR

Approximate pond depth: 18' Depth to ground water: UNK Amount stored: 8.2 A.F.

SOUTH RESERVOIR

Approximate pond depth: 10' Depth to ground water: UNK Amount stored: 1.2 A.F.

5. Will a pond (or ponds) be left after reclamation has been completed?

- No (Skip to question no. 6), Yes List information for each pond.

Source: Use: Size: Depth:

Use the reverse side of this form for additional ponds.

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6. Will monitoring or observation wells be constructed on site?

- No (Skip to question no. 7), Yes How many?

Label these well locations on your permit application map.

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7. Attach a copy of the map submitted to the Department of Geology and Mineral Industries (DOGAMI) showing locations of all intermittent water courses, perennial streams, springs, wetlands, and wells.

5-88499



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division
4034 Fairview Industrial Dr SE
Salem, OR 97302
503-947-6200
Fax: 503-947-6202
www.dfw.state.or.us

March 18, 2016

Chris Rehder
Seubert Excavators, Inc.
P.O. Box 57
Cottonwood, ID 83522



Re: Fish Passage Exemption Approval for Seubert Excavators Ponds on an Unnamed Tributary of Canyon Creek #1; Application # E-10-0002

Dear Mr. Rehder,

The fish passage exemption request for two instream ponds on an unnamed tributary of Canyon Creek #1, a tributary of the Snake River, has been approved by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 509.585(9(aC)) and OAR 635-412-0025(4(c)) and (10(aA)). The project is located near Ontario, OR in Malheur County. An appreciable benefit analysis performed by ODFW showed that providing fish passage at this site would not result in an appreciable benefit to native migratory fish due to the presence of artificial obstructions downstream and upstream of the in-stream ponds, as well as a lack of usable native migratory fish habitat upstream. Therefore, fish passage is not required at this time. Please note that if conditions change in the future to the extent that providing passage at this site results in an appreciable benefit to native migratory fish, this exemption can be revoked (ORS 509.585(9(aC)(b)) and (OAR 635-412-0025(6)).

Please keep a copy of this fish passage exemption approval letter with the attachment as a record of the fish exemption approval. Please contact me at 503-947-6256 if you have any questions regarding this fish passage exemption approval letter.

Sincerely,

Ken Loffink
ODFW Assistant Fish Passage Coordinator

Cc: Greg Apke; ODFW
David Banks; ODFW
Benji Ramirez; ODFW

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Land Use Information Form Water Rights



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant: SEUBERT EXCAVATORS, INC.
First Last

Mailing Address: PO Box 57

COTTONWOOD ID 83522 Daytime Phone: 208-962-3314
City State Zip

A. Land and Location Water Rights Application

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
17S	47E	19	NWNE	800		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SWNW	900		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SENW	1000		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SWNE	800 & 1100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SENE	800		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NWSW	900		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NESW	1200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NWSE	1200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NESE	1200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SESW	1600		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SWSE	1600 & 1700		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	MINING

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

MALHEUR COUNTY.

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment for Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 0.78 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other MINING

Briefly describe:

WATER IS STORED IN TWO RESERVOIRS AND THEN USED FOR WASHING, CRUSHING, & DUST CONTROL.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ACC 6-6-3
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: W. Alvin Scott Title: PLANNING DIRECTOR

Signature: W. Alvin Scott Phone: 541 473 5185 Date: JAN 3, 2018

Government Entity: Malheur County PLANNING DEPT

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

EXHIBIT "A"

Ontario Quarry

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Parcel A:

(Tax Lot 800)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: All that portion of the NE1/4 lying and being South and West of the right of way of the existing US Interstate Highway No. 84 (Old Oregon Trail Highway as relocated);

EXCEPTING THEREFROM the following 2 parcels:

Parcel No. 1: Beginning at the Northwest corner of the SW1/4 NE1/4 of said Sec. 19; thence South, coincident with the West boundary thereof, 144 feet; thence East, parallel with the North boundary of said SW1/4 NE1/4, 691 feet; thence Northwesterly to a point being 123 feet North and 610 feet East of the Northwest corner of said SW1/4 NE1/4; thence North, parallel with the West boundary of said NE1/4, to the Southwesterly right of way boundary of said Old Oregon Trail Highway as relocated; thence Northwesterly, coincident with said Southwesterly boundary, to the point of intersection with the West boundary of said NE1/4; thence South, coincident with the said West boundary, to the Point of Beginning.

Parcel No. 2: Beginning at the Southwest corner of the SW1/4 NE1/4; thence N. 0°8'22" E., coincident with the West boundary thereof, 712.71 feet; thence S. 63°15'47" E. 207.37 feet; thence S. 30°53'04" E. 723.88 feet to the South boundary of said SW1/4 NE1/4; thence N. 89°48'44" W., coincident with said South boundary, 558.51 feet to the Point of Beginning.

(Tax Lot 1000)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: S1/2 SE1/4 NW1/4

TOGETHER with a non-exclusive easement and right of way over and across the South 20 feet of Govt Lot 2 in Sec. 19.

(Tax Lot 900)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: Govt Lot 2 and the North 1/2 of Govt Lot 3,

EXCEPTING THEREFROM that portion of said Lot 3 described as follows:

Beginning at a point on the West boundary of said Lot 3 being 210 feet South of the Northwest corner thereof;

thence South 200 feet;

thence East, parallel with the North boundary of Lot 3, 145 feet;

thence North, parallel with the said West boundary, 200 feet;

thence West, parallel with said North boundary, 145 feet to the Point of Beginning.

Subject to existing road and Lateral rights of way.

5-88498

(Tax Lot 1600)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: E1/2 SE1/4 SW1/4 and SW1/4 SE1/4,

EXCEPTING THEREFROM the following parcel:

Beginning at the Northwest corner of said SW1/4 SE1/4;

thence S. 89°54'17" E., coincident with the North boundary thereof, 1316.34 feet to the Northeast corner of said SW1/4 SE1/4;

thence S. 0°4'28" W., coincident with the East boundary thereof, 537.46 feet;

thence N. 76°15' W., 855.71 feet;

thence N. 63°46' W., 510.15 feet;

thence N. 58°42' W., 213.54 feet to the North boundary of said E1/2 SE1/4 SW1/4;

thence S. 89°56'05" E., coincident with the said North boundary, 155.62 feet

to the Point of Beginning.

Parcel B:

(Tax Lot 1200)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: NE1/4SW1/4 and NW1/4SE1/4.

(Tax Lot 1700)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: A parcel of land in the E1/2 SE1/4 SW1/4 and SW1/4 SE1/4 described as follows:

Beginning at the Northwest corner of said SW1/4 SE1/4;

thence S. 89°54'17" E., coincident with the North boundary thereof, 1316.34 feet to the Northeast corner of said SW1/4 SE1/4;

thence S. 0°4' 28" W., coincident with the East boundary thereof, 537.46 feet;

thence N. 76°15' W., 855.71 feet;

thence 63°46' W., 510.15 feet;

thence N. 58°42' W., 213.54 feet to the North boundary of said E1/2 SE1/4 SW1/4;

thence S. 89°56'05" E., coincident with the said North boundary, 155.62 feet to the Point of Beginning

SUBJECT TO:

Regulations of the Owyhee Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

An easement for power lines created by instrument, including the terms and provisions thereof; Recorded: Mar, 20, 1939, in Book 15, Page 195, L&A Records (SENE)

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Recorded: June 7, 1950, Book 82, Page 577, Deeds.
Recorded: July 17, 1981, Inst. 81-93281, Deeds
Recorded: Dec. 31, 1992, Inst. 92-8938, Deeds (Tax Lot 1200)
Recorded: July 14, 2004, Inst. 2004-4968, Deeds (Tax Lot 602)
Favor of: Idaho Power Company

Reservations and Restrictions as contained in Deed from the State of Oregon Highway Comm. recorded July 27, 1956, Book 104, Inst. 6531, Deeds. (Tax Lot 800)

Reservation as contained in Deed from Teddy Allen recorded Dec. 16, 1982, Inst. 82-111316, Deeds, for a right of way across the South 30 feet of S1/2 SE1/4 NW1/4.

Reservation as contained in Notice of Sale from John C. Compton recorded Oct. 12, 1981, Inst. 81-96398, Deeds AND in Deed recorded Jan. 6, 1987, Inst. 87-8140, for access.

Reservation as contained in Deed from John C. Compton recorded July 14, 1987, Inst. 87-11777, for access.

Roadway easement in favor of Merle Maine recorded July 14, 1987, Inst. 87-11778, Deeds across the SWSE.

Right of way in favor of Cascade Gas Corp. as follows:

- a. Recorded July 9, 1992, Inst. 92-4679, Deeds. (Tax Lot 1200, 1700)
- b. Recorded July 9, 1992, Inst. 92-4680, Deeds. (Tax Lot 1600)

Easement Agreement for existing private road 50 feet wide created by instrument, including the terms and provisions thereof.

Dated: April 9, and May 8, 2007

Recorded: May 8, 2007, as Instrument No. 2007-3512, official records of Malheur County, Oregon

Favor of: John W. Faw and Patricia A. Faw
(Tax Lots 1600 and 1700)

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SEUBERT EXCAVATORS, INC.

P.O. BOX 57
COTTONWOOD, IDAHO 83522
PHONE 208-962-3314 • FAX 208-962-3392

An Equal Opportunity Employer
CCB #072372

January 8, 2018

Mr. Gerry Clark
Oregon Water Resource Dept.
725 Summer St. NE, Ste. A
Salem, Oregon 97301-1266

Re: Application for Store Water in a Reservoir Permit and Surface Water Permit

Dear Mr. Clark,

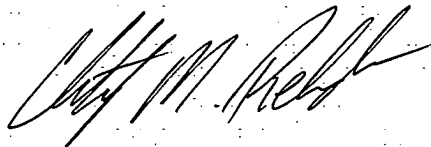
The attached permit applications are being submitted to correct an oversight from a permit application that was filed in October 1998.

The original application requested water to be used from January 1 to December 31. The permit was issued for October 1 to April 4. This application is being submitted to allow the water to be used for the entire calendar year.

The ponds/reservoir were noted in the original application but were not included in the issued permit. The applications will correct that problem.

If you have any questions or would like to discuss please do not hesitate to give me a call at (208) 962-3314 or you can reach me via e-mail at seubexcr@gmail.com.

Sincerely,



Christopher M. Rehder
Project Engineer, BSCE

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Oregon Water Resources Department
Apply for a Permit to Appropriate Surface Water

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Today's Date: Wednesday, January 3, 2018

SURFACE WATER RIGHT

Base Application Fee for use of Surface and optionally Stored Water.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	0.780	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	3	\$700.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	9.4	\$350.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,850.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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Oregon Water Resources Department
Permit to Appropriate Only Stored Water - Expedited Secondary

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Today's Date: Friday, January 12, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	10.3	\$385.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,425.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

SAB

S-88499