

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:

-
- Land Use Information Form with approval and signature of local planning department(*must be an original*) or signed receipt.
 - 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 - Amount enclosed: \$ 625
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: None

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Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME MARK DORMAN		PHONE (HM) 541 343 8213	
PHONE (WK) 541 501 5985	CELL SAME	FAX	
ADDRESS 80854 TERRITORIAL RD			
CITY EUGENE	STATE OR	ZIP 97405	E-MAIL * MARKD@KINGESTATE.COM

Organization Information

NAME KING ESTATE WINERY, INC. / MARK DORMAN		PHONE 541-942-9874	FAX
ADDRESS 80854 TERRITORIAL HWY			CELL
CITY EUGENE	STATE OR	ZIP 97405	E-MAIL *

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

AGENT / BUSINESS NAME DOANN HAMILTON / PACIFIC HYDRO-GEOLOGY, INC.		PHONE (503) 632-5016	FAX (503) 632-5983
ADDRESS 18487 S. VALLEY VISTA ROAD			CELL (503) 349-6946
CITY MULINO	STATE OR	ZIP 97042	E-MAIL * PHGDMH@GMAIL.COM

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:

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- 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.

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


Applicant Signature

MARK DORMAN - KING ESTATE
Print Name and title if applicable

3-2-18
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. S-8857H	For Department Use	Date
Permit No.		

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*).

NA

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: West Reservoir, Cert 90716

Tributary to: Farman Creek

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.

S-88571

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
West Reservoir Certificate 90716	Irrigation	March 1 through October 31	2.64 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only:

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

Primary: 10.7 Acres Supplemental: NA Acres

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

NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2.64 AF

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

SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

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Pump (give horsepower and type): 7.5 HP centrifugal electric pump

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Other means (describe): _____

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

We will pump water into a 2-inch buried line directly to the place of use.

B. Application Method

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

We will use drip tapes to irrigate the place of use from the reservoir

8857

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.

Irrigation will be done by drip system using the best management practices to prevent waste.

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: ODFW has been out when inspecting the reservoir and has determined there were no migratory fish affected or present.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Underground buried lines will be used to pump the water from the reservoir, protecting the bank from erosion.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No equipment will be operated in the drainage.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: : Best management practices will be followed to prevent erosion and run-off of waste or chemical products.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: one year after permit issued

Date construction will be completed: five years after permit issued

Date beneficial water use will begin: five years after permit issued

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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 NA	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.
Permit S-52936 will be cancelled once this permit is approved.

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: King Estate Winery, Inc.

Mailing Address: 80854 Territorial Hwy.

Eugene OR 97405
 City State Zip

Daytime Phone: 541-942-9874

A. Land and Location

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:
20S	5W	02		801	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Lane County

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 or 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: 2.64
 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 _____

Briefly describe:

A surface water permit to use stored runoff to irrigate vineyards.

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.

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See bottom of Page 3. →

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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): Water used for irrigation qualifies as farm use; permitted by LC 16.212(3)(a)
- 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.

Water used for farm use/irrigation permitted outright per LC 16.212(3)(a)

Name: Rachel Serslev Title: Planner
 Signature: [Signature] Phone: 541-682-6903 Date: 3/15/2018
 Government Entity: Lane County

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: _____ **RECEIVED**
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: MAR 27 2018



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" EXHIBIT A "

PARCEL I

Beginning at the West one-quarter corner of Section 12, Township 20 South, Range 5 West of the Willamette Meridian; thence North 89° 39' West 330 feet (said point being the Southwest corner of EDLEFSON TRACT MILWAUKEE ORCHARD COMPANY, as platted and recorded in Book 5, Page 19, Lane County Oregon Plat Records); thence North 0° 29' West along the West line of EDLEFSON TRACT MILWAUKEE ORCHARD COMPANY, 2210 feet to the South line of the FIELDING LEMMON DONATION LAND CLAIM NO. 40; thence South 89° 49' West 383.5 feet to the Westerly Southwest corner of said LEMMON DONATION LAND CLAIM; thence North 0° 26' East 1111.24 feet to the Northwest corner of said LEMMON DONATION LAND CLAIM; thence North 89° 43' West 666.8 feet to the Southwest corner of the MICHAEL N. CROW DONATION LAND CLAIM NO. 36; thence North 0° 10' West 516.12 feet to the Northwest corner of Lot 55 of PLAT OF LORANE ORCHARDS, as platted and recorded in Book 4, Page 13, Lane County Oregon Plat Records; thence North 89° 43' West 66 feet; thence North 33° 55' West 1535.08 feet to the South line of the JOHN W. THOMPSON DONATION LAND CLAIM NO. 37; thence South 89° 29' West 677.4 feet to the Southwest corner of Lot 67, PLAT OF LORANE ORCHARDS; thence North 110.88 feet; thence North 7° 50' West 2696.71 feet to the township line between Township 19 South, Range 5 West and Township 20 South, Range 5 West; thence North 932.5 feet to the Northwest corner of Lot 106, PLAT OF LORANE ORCHARDS; thence East 917.9 feet to the Southwest corner of Lot 113 of PLAT OF LORANE ORCHARDS; thence North 17° 21' East 1106.5 feet to the Northwest corner of Lot 144 of PLAT OF LORANE ORCHARDS; thence East 396 feet; thence North 628.96 feet along the West line of Lot 145 of PLAT OF LORANE ORCHARDS to the South line of a 30 foot street; thence North 89° 57' East along the South line of said 30 foot street, 692.54 feet to the East line of Lot 146 of PLAT OF LORANE ORCHARDS; thence South 543.2 feet to a point on the North line of a 30 foot street; thence North 89° 55 1/2' West along the North line of said street, 15 feet; thence South 2084.2 feet to the South line of Section 35, Township 19 South, Range 5 West of the Willamette Meridian; thence East 916.74 feet to the Southeast corner of said Section 35; thence South 18° 11' East 561.8 feet to an angle corner on the JOHN W. THOMPSON DONATION LAND CLAIM NO. 37; thence South 0° 10' East 2190.6 feet to the most Southerly Southeast corner of said JOHN W. THOMPSON DONATION LAND CLAIM; thence South 0° 29' East 1318.2 feet; thence South 89° 54' East 1957.7 feet to the Northerly Northeast corner of Lot 52, PLAT OF LORANE ORCHARDS; thence South 516.12 feet; thence South 89° 54' East 51.9 feet; thence South 452.9 feet to the South line of a 30 foot street; thence South 89° 49' West along the South line of said street, 330 feet to the East line of Lot 39 of PLAT OF LORANE ORCHARDS; thence South 645 feet; thence North 89° 49' East 330 feet to the Northeast corner of the EDLEFSON TRACT MILWAUKEE ORCHARD COMPANY; thence South 0° 29' East 1892.46 feet to the Northerly Northwest corner of the JOHN DILLAMATER DONATION LAND CLAIM NO. 42, Township 20 South, Range 5 West of the Willamette Meridian; thence West 1987.79 feet to a point on the West line of Section 12, which is North 311.52 feet from the Point of Beginning; thence South 311.52 feet to the Point of Beginning, in Lane County, Oregon.

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" EXHIBIT A " cont.

EXCEPT: Out of Lot 67, PLAT OF LORANE ORCHARDS, as platted and recorded in Book 4, Page 13, Lane County Oregon Plat Records, the following:

Beginning at the Southwest corner of the JOHN THOMPSON DONATION LAND CLAIM NO. 37, in Section 2, Township 20 South, Range 5 West of the Willamette Meridian; running thence North 89° 29' East 140 feet; thence North 22° 43' West 463.1 feet; thence South 06° 58' East 320 feet; thence South 110.9 feet to the Place of Beginning, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: The cemetery as located adjacent to Lots 90 and 95 of PLAT OF LORANE ORCHARDS, as platted and recorded in Book 4, Page 13, Lane County Oregon Plat Records; TOGETHER WITH road dedicated between said Lots 90 and 95, and roadway adjacent on the East of Lots 90, 87, 85, 74, 72 and 61; adjacent on the North of Lot 59; adjacent on the East of Lots 59, 54 and 46; adjacent on the North of Lots 43, 42, 41, 40, 39 and 38; all in said PLAT OF LORANE ORCHARDS, in Lane County, Oregon.

PARCEL II

Lot 53, PLAT OF LORANE ORCHARDS, as platted and recorded in Book 4, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

PARCEL III

Beginning at a point on the West line of Section 12, Township 20 South, Range 5 West of the Willamette Meridian, 1352.02 feet North 0° 30' feet West from the Southwest corner of said Section 12 (said point being the Southwest corner of Lot 19 of the PLAT OF LORANE ORCHARDS, as platted and recorded in Book 4, Page 13, Lane County Oregon Plat Records); thence North 0° 30' West 654.6 feet along the West line of said Section 12; thence West 322.2 feet; thence North 0° 30' West 601.00 feet to the True Point of Beginning; thence North 25° 34' 03" East 422.43 feet; thence North 1° 24' 48" West 380 feet, more or less, to the North line of road recorded December 8, 1976, Reception No. 75-53485, Lane County Oregon Deed Records, Lane County, Oregon; thence West 100 feet, more or less, to a point on the West line of Section 12, Township 20 South, Range 5 West of the Willamette Meridian; thence South 311.52 feet along the West line of said Section 12 to the West one-quarter corner of said Section 12; thence North 80° 35' West 322.2 feet; thence South 0° 30' West 58.92 feet, more or less, to the True Point of Beginning, in Lane County, Oregon.

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State of Oregon,
County of Lane--es.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

26 JUL 91 10: 05

Reel: 1703R

Lane County OFFICIAL Records,
Lane County Clerk

By: *John E. F. [Signature]*
County Clerk

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S-8857H



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

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Tuesday, March 27, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	3	\$105.00
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		\$1,145.00

OWRD Fee Schedule

Fee Calculator Version: B20170117