

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.oregon.gov/OWRD

SECTION I: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME BRIAN & DUANE, LLC			PHONE (HM)
PHONE (WK) 503-932-9851	CELL		FAX:
ADDRESS 7385 HOWELL PRAIRIE ROAD NE			
CITY SILVERTON	STATE OR	ZIP 97381	E-MAIL * DEAN@GVFUSA.COM

Organization

NAME SAME AS ABOVE.			PHONE	FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL *	

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

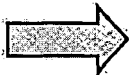
AGENT / BUSINESS NAME MICHAEL SCHULTZ, ANDERSON SCHULTZ LLP			PHONE 503-970-1915	FAX
ADDRESS PO BOX 42427			CELL	
CITY PORTLAND	STATE OR	ZIP 97242	E-MAIL * MICHAEL.SCHULTZ@ANDERSONSCHULTZ.COM	

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 proposed and final order documents will also be mailed.)

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.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.



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

Quane C. Ditchen
Applicant Signature

Quane C. Ditchen (member) *7/27/18*
Print Name and Title if applicable Date

Applicant Signature

Print Name and Title if applicable

Date

RECEIVED

Surface Water — Page 1
Rev. 06-18

For Department Use: App. Number: _____

AUG 02 2018

S-88648

OWRD

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.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

SEE EXHIBIT A FOR NAMES AND MAILING ADDRESSES. SEE EXHIBIT B FOR LEGAL DESCRIPTIONS.

Legal Description: 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), and the locations of the point of diversion (POD):

Source 1: Columbia River	Tributary to: Pacific Ocean
TRSQQ of POD: T5N R30E W.M. S8 SW NW, Located 2,910 feet North and 120 feet East from the SW Corner of Section 8.	
Source 2:	Tributary to:
TRSQQ of POD:	

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)

RECEIVED

B. Applications to Use Stored Water

AUG 02 2018

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

- Yes.
- No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

OWRD

For Department Use: App. Number: _____

5-88648

If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

RECEIVED

Upper Columbia - OAR 690-033-0115 thru -0130

AUG 02 2018

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

OWRD

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

For Department Use: App. Number: _____

S-88649

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

RECEIVED

AUG 02 2018

OWRD

For Department Use: App. Number: _____

S-88648

SECTION 5: 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
Columbia River	Primary - Out of season application to raise moisture content of soil	Nov 1 - Feb 28/29	15.85 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Columbia River	Supplemental - Out of season application to raise moisture content of soil	Nov 1 - Feb 28/29	40.62 <input 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

Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 634.17 Acres Supplemental: 1624.90 Acres
 If Supplemental Acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): S-87472, S-54773
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2-acre feet

- 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: _____

SECTION 6: WATER MANAGEMENT

RECEIVED

AUG 02 2018

OWRD

A. Diversion and Conveyance

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

- Pump (give horsepower and type): See Exhibit C.
- Other means (describe): _____

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

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Primarily center pivot with solidest handlines in corners.

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.

The right to apply a 2.0 ac.ft. duty would allow the applicant to build the soil water profile outside of the irrigation season thereby offsetting the total crop demand for water for irrigation use during the irrigation season.

For Department Use: App. Number: _____

S-88648

This offset would benefit the user by increasing the amount of water available to crops and benefit other users by decreasing demand offset by the winter right. Damage to affected surface waters by would be prevented by diverting during the winter season, when water is available, and by recording and reporting use data from the flow meters identified in this application.

SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: Applicant does not have control over the point of diversion on the Columbia River. The draft Plans & Specifications for the East Improvement District contain the measures that EID plans to implement to protect water resources at the point of diversion. The U.S. Army Corp of Engineers Environmental Assessment contains additional details on protected of water resources.

The draft Plans & Specifications for the EID pump station indicate the following actions will be taken to protect water resources at the point of diversion.

Intakes and Screens: Each pump will be set in a vertical can. A tenth can will be installed for additional redundancy. Each can will be connected to an 84-inch diameter manifold. This manifold will be supported by five cradles, secured between pairs of steel H-piles. The manifold will continue as an 84-inch diameter intake pipe. This pipe will be supported on four cradles, each secured by a pair of steel piles. The intake pipe will transition to a 70-foot long by 78-inch diameter steel manifold. This manifold will be supported on five cradles, each secured to the river bed by a pair of steel piles. Along the top of the manifold will be five 60-inch diameter pups, vertically mounted, equally spaced, each flanged. On each of these pups will be installed a tee screen.

Each of the five (5) new tee screens will measure 5 feet in diameter by approximately 19 feet in length and will have NMFS approved slotted fish screen to insure juvenile salmonids are not impinged or entrained in the intake. Each screen will have a design capacity of 19,000 gpm at an approach velocity of 0.2 feet-per-second. The intake screens will also be equipped with an air-burst system to facilitate the cleaning of the screens and maintain the appropriate approach velocity in compliance with NMFS criteria. This air-burst system will include a compressor, an air vessel, stainless steel lines to each screen, control valves, and a monitoring and control system.

RECEIVED

AUG 02 2018

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. **QWRD**
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: The USACE EA for the EID pump station indicates construction would require a total of two acres be cleared and graded to create a 36-foot-wide access road and staging pad along proposed pipeline routes, installation of underground transmission lines, and installation of transformers. There would be little, temporary disturbance to all vegetation except the 500 square feet that would be permanently altered by the installation of the new transformers. All other disturbed areas would be graded and hydro-seeded with a native grass seed mix approved by ODFW to generally match the preconstruction plant species composition.

For Department Use: App. Number: _____

S-88648

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: The USACE EA indicates that all project work conducted below the OHWM of the Columbia River would occur between December 1 and February 28 of the NMFS-preferred in-water work window (IWWW) for the middle Columbia River which is December 1 through March 15, a period when ESA-listed salmonids are least likely to occur within the project action area. It is anticipated that the proposed project would require eight to twelve weeks of in-water work. Divers would direct the in-water work and carry out required welding. All heavy equipment (i.e., crane and excavator) would access the project site via existing roadways, parking areas, disturbed upland area, and/or floating barges.

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions: The USACE EA indicates that at each new pump can location, a 60-inch diameter by 7.5-foot long section of sleeve pipe would be positioned vertically and driven a foot into the river bed using a vibratory hammer. The river bed material inside of these sleeve pipes would be suctioned out. The pipe would be driven further down as material is removed until the desired depths are achieved. This approach would limit the total required volume of excavation to around 16 cubic yards while minimizing impact to existing structures. The suctioned bed material would be side cast back into the river within the existing easement. The place of use is not adjacent to the point of diversion. By geographical separation and by the efficient water use by center pivot nozzles, there will be no return flow to the surface waters. Because there will be no return-flow or runoff to the surface waters, there will be no erosion into the surface waters and no run-off of waste or chemical products.

List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Construction for the EID System is expected to begin in Fall 2018. Applicant will begin construction to tie in the EID System with the Applicant System in Spring 2019. No additional construction is required for the Applicant System.
- b) Date construction will be completed: Construction for the EID System will be completed by April 2019. Construction for the Applicant System tie in will be completed by October 2019.
- c) Date beneficial water use will begin: Winter 2019.

SECTION 9: WITHIN A DISTRICT

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

See Exhibit E - Irrigation Districts	Address	
	City	State
	Zip	

RECEIVED

AUG 02 2018

OWRD

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

For Department Use: App. Number: _____

5-88610

**BRIAN & DUANE, LLC
SURFACE WATER APPLICATION**

EXHIBIT A - Landowners

The names and mailing addresses of all affected landowners are as follows:

1. Point of Diversion. The East Improvement District, 84186 Highway 37, Hermiston, OR 97838, will hold the easement for the pump station on the Columbia River.
2. Delivery System. The East Improvement District will deliver Applicant's water from the Point of Diversion to the EID delivery points. Stanfield Irrigation District, 100 W Coe Ave, Stanfield, OR 97875, will then deliver a portion Applicant's water from EID to certain Places of Use.

For the remaining Places of Use, the affected landowners from the EID delivery points to the Applicant's places of use are:

- a. Ditchen Land Company, LLC, 7385 Howell Prairie Road NE, Silverton, OR 97381
 - b. Brian & Duane, LLC, 7385 Howell Prairie Road NE, Silverton, OR 97381
 - c. Farmland Reserve Inc., 79 S Main Street Suite 1000, Salt Lake City, UT 84111
3. Places of Use. The affected landowners are:
 - a. Brian & Duane LLC, 7385 Howell Prairie Road NE, Silverton, OR 97381

RECEIVED
AUG 02 2018
OWRD

**BRIAN & DUANE, LLC
SURFACE WATER APPLICATION**

EXHIBIT B – Legal Descriptions

1. Point of Diversion. T5N R30E W.M. S8 SW NW, Located 2,910 feet North and 120 feet East from the SW Corner of Section 8.
2. Delivery System. The East Improvement District will deliver Applicant's water from the Point of Diversion to the EID delivery points. Stanfield Irrigation District will then deliver a portion Applicant's water from EID to certain Places of Use.

For the remaining Places of Use, the Applicant's conveyance system impacts the following lands:

- a. Landowner: Ditchen Land Company, LLC

T	R	S	Tax Lot
4N	29E	25	204
4N	29E	25	200
4N	29E	36	4800

- b. Landowner: Brian & Duane, LLC (Same as the Places of Use below).

- c. Landowner: Farmland Reserve Inc.

T	R	S	Tax Lot
3N	29E	1	100
3N	29E	2	3600
3N	29E	11	300
3N	29E	11	308
3N	29E	11	304
3N	29E	14	3900
3N	29E	13	3800
3N	29E	13	3700
3N	29E	24	8700

RECEIVED

AUG 02 2018

OWRD

5-80640

**BRIAN & DUANE, LLC
SURFACE WATER APPLICATION**

3. Places of Use.

Ownership	TRS	QQ	Winter Primary Acres	Winter Supplemental Acres
Brian & Duane LLC	3N30E20	NENW	9.20	30.80
Brian & Duane LLC	3N30E20	NWNW	10.80	29.20
Brian & Duane LLC	3N30E20	SWNW	8.90	31.10
Brian & Duane LLC	3N30E20	SEW	6.00	34.00
Brian & Duane LLC	3N30E20	NESW	0.00	40.00
Brian & Duane LLC	3N30E20	NWSW	0.00	40.00
Brian & Duane LLC	3N30E20	SWSW	0.00	40.00
Brian & Duane LLC	3N30E20	SESW	0.00	40.00
Brian & Duane LLC	3N30E30	NENE	0.00	40.00
Brian & Duane LLC	3N30E30	NWNE	0.00	40.00
Brian & Duane LLC	3N30E30	SWNE	1.90	38.10
Brian & Duane LLC	3N30E30	SENE	0.00	40.00
Brian & Duane LLC	3N30E30	NENW	0.00	40.00
Brian & Duane LLC	3N30E30	NWNW	0.00	57.60
Brian & Duane LLC	3N30E30	SWNW	0.00	56.80
Brian & Duane LLC	3N30E30	SEW	0.10	39.90
Brian & Duane LLC	3N30E30	NESW	17.30	22.70
Brian & Duane LLC	3N30E30	NWSW	17.60	38.40
Brian & Duane LLC	3N30E30	SWSW	55.10	0.00
Brian & Duane LLC	3N30E30	SESW	40.00	0.00
Brian & Duane LLC	3N30E30	NESE	11.20	28.80
Brian & Duane LLC	3N30E30	NWSE	32.70	7.30
Brian & Duane LLC	3N30E30	SWSE	22.20	17.80
Brian & Duane LLC	3N30E30	SESE	6.30	33.70
Brian & Duane LLC	4N29E11	NESW	0.00	8.30
Brian & Duane LLC	4N29E11	NWSW	0.00	4.40
Brian & Duane LLC	4N29E11	SWSW	0.00	6.60
Brian & Duane LLC	4N29E11	SESW	0.00	38.10
Brian & Duane LLC	4N29E12	NESW	0.00	20.00
Brian & Duane LLC	4N29E12	SWSW	0.00	20.00
Brian & Duane LLC	4N29E12	SESW	5.80	34.20
Brian & Duane LLC	4N29E12	NESE	39.83	0.00
Brian & Duane LLC	4N29E12	SWSE	4.50	35.50
Brian & Duane LLC	4N29E12	SESE	5.70	34.30
Brian & Duane LLC	4N29E13	NENE	2.90	36.10
Brian & Duane LLC	4N29E13	NWNE	1.60	37.40
Brian & Duane LLC	4N29E13	SWNE	0.00	40.00
Brian & Duane LLC	4N29E13	SENE	0.00	40.00
Brian & Duane LLC	4N29E13	NENW	6.10	32.90
Brian & Duane LLC	4N29E13	NWNW	0.60	38.40
Brian & Duane LLC	4N29E13	SWNW	7.20	32.80
Brian & Duane LLC	4N29E13	SEW	0.20	39.80
Brian & Duane LLC	4N29E13	NESW	1.20	38.80
Brian & Duane LLC	4N29E13	NWSW	4.50	35.50
Brian & Duane LLC	4N29E13	SWSW	2.80	37.20
Brian & Duane LLC	4N29E13	SESW	0.90	39.10
Brian & Duane LLC	4N29E13	NESE	0.00	40.00
Brian & Duane LLC	4N29E13	NWSE	0.00	40.00
Brian & Duane LLC	4N29E13	SWSE	0.00	40.00
Brian & Duane LLC	4N29E13	SESE	0.00	40.00
Brian & Duane LLC	4N29E14	NESE	0.00	9.40
Brian & Duane LLC	4N29E14	SESE	0.00	14.40
Brian & Duane LLC	4N29E26	SWNW	0.00	5.50
Brian & Duane LLC	4N30E31	NENW	40.09	0.00
Brian & Duane LLC	4N30E31	NWNW	51.09	0.00
Brian & Duane LLC	4N30E31	SWNW	51.05	0.00
Brian & Duane LLC	4N30E31	SEW	39.65	0.00
Brian & Duane LLC	4N30E31	NESW	37.96	0.00
Brian & Duane LLC	4N30E31	NWSW	52.89	0.00
Brian & Duane LLC	4N30E31	SESW	38.31	0.00

RECEIVED

AUG 02 2018

OWRD

9-88648

**BRIAN & DUANE, LLC
SURFACE WATER APPLICATION**

EXHIBIT C - Pumps

A. Point of Diversion Pumps:

The East Improvement District's Columbia River pump station will utilize eight (8) 2,000 horsepower pumps. A ninth 2,000 horsepower pump will be installed to serve as a standby in the event one of the eight needs to be serviced during peak operation. Each 2,000 horsepower pump will have a capacity of 11,220 GPM at a TDH of 600 feet. The pumps will be 1,180 RPM and the motors will be rated for 4,160 Volts. The motors will be high-efficiency and two will be inverter duty rated.

B. Applicant System Pumps:

The Applicant System will utilize five (5) existing pumps to move water from the East Improvement District's points of delivery to the places of use.

Pump C5 is a 25 horsepower pump with a capacity of 700 GPM.

Pump C6 is a 40 horsepower pump with a capacity of 1100 GPM.

Pump C7 is a 25 horsepower pump with a capacity of 550 GPM.

Pump C8 is a 25 horsepower pump with a capacity of 550 GPM.

Pump C9 is a 75 horsepower pump with a capacity of 1200 GPM.

RECEIVED

AUG 02 2018

OWRD

BRIAN & DUANE, LLC
SURFACE WATER APPLICATION

EXHIBIT D – System Design

A. Summary.

The proposed means of diversion is a Columbia River pump station. The East Improvement District is constructing the pump station, main pipeline, and delivery take offs (“EID System”). Construction is expected to commence in Fall 2018 and end in Spring 2019.

Applicant will primarily utilize existing pipeline to join the EID System to the places of use (“Applicant System”). Construction of the tie-ins to the EID System is expected to commence in Spring 2019. Applicant will put the water to beneficial use starting October 2019.

B. EID System.

The basic design parameters for the EID System are:

1. System capacity from the River Pump Station to Delivery Point 1 will be 200 cfs (89,770 gpm).
2. System capacity from the Delivery Point 1 to Delivery Point 2 will be 170 cfs (76,300 gpm).
3. System capacity from the Delivery Point 2 to Delivery Point 3 will be 155 cfs (69,570 gpm).
4. System capacity from the Delivery Point 3 to Delivery Point 4 will be 126 cfs (56,550 gpm).
5. The minimum pressure at any Delivery Point will be 20 psi.
6. The minimum pressure at any high point will be 10 psi.
7. The maximum flow velocity will be less than 7 feet per second.

The EID pump station will be located immediately adjacent to the existing St. Hilaire Brothers pump station at river mile 301.7 of the Columbia River (Lake Wallula).

The pipeline from the River Pump Station to the first Delivery Point will be 78-inches in diameter, then to the third Delivery Point will be 72-inches in diameter, and to the fourth Delivery Points will be 66-inches in diameter. There will be approximately 3,600 feet of 78-inch pipe, 32,100 feet of 72-inch pipe, and 10,900 feet of 66-inch pipe. The pressure class of pipe used will vary along the length of the pipeline based on elevation.

C. Applicant System Overview.

Applicant will both directly connect their system to the EID System and utilize third party conveyance systems between the EID system and the Places of Use. Applicant’s Places of Use are divided up into four areas. The conveyance systems are detailed in the attached map.

1. Place of Use: Farm L. The conveyance system that serves Farm L will connect to the existing manifold 1200’ from end of pipe.
2. Place of Use: Farm 1 (eastern portion). The conveyance system that serves the Farm 1 will connect at EID pipe terminus via 1200’ of pipe to existing manifold.
3. Place of Use: Farm 1 (western portions). Stanfield Irrigation District will convey water from EID to these Places of Use through the district’s existing conveyance infrastructure.
4. Place of Use: Farm 2: The conveyance system that serves Farm 2 will connect to existing AgriNW conveyance infrastructure, which in turn connects to the EID System through the AgriNW tie-in.

RECEIVED

AUG 02 2018

OWRD

**BRIAN & DUANE, LLC
SURFACE WATER APPLICATION**

EXHIBIT E – Irrigation Districts

Section 9: Within an Irrigation District

1. Stanfield Irrigation District, 100 W Coe Ave, Stanfield, OR 97875
2. East Improvement District, 84186 HWY 37, Hermiston, OR 97838
3. Echo Irrigation District, 73120 Hwy 207, Echo, OR 97826

RECEIVED

AUG 02 2018

OWRD

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

Applicant: Brian and Duane, LLC
First Last

Mailing Address: 7385 Howell Prairie Road NE

Silverton OR 97381 Michael Schultz, Agent
City State Zip Daytime Phone: 503-970-1915

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:
The requested water right will be diverted,						<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
conveyed, and used entirely within the service						<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
areas of the East Improvement District.						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<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:

Umatilla County.

RECEIVED
 AUG 02 2018

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 Groundwater Registration Modification
 Limited Water Use License Allocation of Conserved Water Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) Columbia River

Estimated quantity of water needed: 56.5 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:

Applicant intends to apply winter irrigation water to Place of Use. Water will be conveyed from the East Improvement District's point of diversion on the Columbia River through the East Improvement District to Stanfield Irrigation District, which will convey it to the Places of Use.

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.

5-88648

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): UCDC 152.050(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.

RECEIVED

AUG 02 2018

OWRD

Name: CARDI JOHNSON Title: Planner
 Signature: *Cardi Johnson* Phone: 511-278-6222 Date: 7/24/18
 Government Entity: Umatilla 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: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Burns District Office
28910 Hwy 20 West
Hines, Oregon 97738
<http://www.blm.gov/or/districts/burns>

JUL 31 2018

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Dwight French:

The Bureau of Land Management (BLM) and The United States Forest Service are in the process of developing a joint water rights training course to be held in April–May of 2019. We are currently in the curriculum development phase. The last training of this type was held in 2006. Therefore, our water rights legislation and policy data is now 12 years old. In an effort to provide those who work closely with Oregon water rights correct and current data, we are seeking knowledge of any water rights policy and/or legislative changes that may have occurred during this time.

Data may be sent to the course developer in charge of Oregon data:

Jana Krauss
District Water Rights Specialist
Burns BLM
jawilcox@blm.gov
541-589-4613

Sincerely,

Richard Roy
Three Rivers Resource Area Field Manager

RECEIVED

AUG 02 2018

OWRD

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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- 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: \$ 21,750.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:

- 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 diversion, 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 identified clearly.
- 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)

RECEIVED

AUG 02 2018

OWRD

S-88643



**Oregon Water Resources Department
Surface Water Application**

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

Today's Date: Thursday, August 2, 2018

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	56.47	\$19,950.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	\$350.00
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
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		\$21,750.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

S-88648