

**Oregon Water Resources Department  
Ground Water Application**[Main](#) [Help](#)  
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Today's Date: Friday, November 16, 2018

|                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|
| Base Application Fee.                                                                                                                                                                                                                                                                                                                                                                                                           |                    | \$1,340.00 |
| Number of proposed cubic feet per second (cfs) to be appropriated.<br>(1 cfs = 448.83 gallons per minute)                                                                                                                                                                                                                                                                                                                       | 2.21               | \$1,050.00 |
| Number of proposed Use's for the appropriated water.<br>(i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *                                                                                                                                                                                                                                                                             | 1                  |            |
| Number of proposed Ground Water points of appropriation. (i.e. number of wells)<br>(include all injection wells, if applicable) **                                                                                                                                                                                                                                                                                              | 1                  |            |
| Permit Recording Fee. ***                                                                                                                                                                                                                                                                                                                                                                                                       |                    | \$520.00   |
| * the 1st Water Use is included in the base cost.<br>** the 1st Ground Water point of appropriation is included in the base cost.<br>*** 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. | <b>Recalculate</b> |            |
| Estimated cost of Permit Application                                                                                                                                                                                                                                                                                                                                                                                            |                    | \$2,910.00 |

OWRD Fee Schedule

|                                  |
|----------------------------------|
|                                  |
| Fee Calculator Version B20170117 |

# Application for a Permit to Use Groundwater



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

|                                                                      |             |              |                                     |
|----------------------------------------------------------------------|-------------|--------------|-------------------------------------|
| NAME<br>DAVID LOWE, LOWE FAMILY RANCH, LLC, (ATTENTION: KIRK FENLEY) |             |              | PHONE (HM)                          |
| PHONE (WK)<br>KIRK FENLEY: 541-805-0974                              | CELL        |              | FAX                                 |
| ADDRESS<br>55503 HWY 244                                             |             |              |                                     |
| CITY<br>LAGRANDE                                                     | STATE<br>OR | ZIP<br>97850 | E-MAIL*<br>KIRKNTONYA7779@YAHOO.COM |

### Organization

|         |       |       |         |
|---------|-------|-------|---------|
| NAME    |       | 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<br>NANCY RORICK CONSULTING |             | PHONE<br>541-519-3644 | FAX                              |
| ADDRESS<br>645 L LOOP                            |             | CELL                  |                                  |
| CITY<br>BAKER CITY                               | STATE<br>OR | ZIP<br>97814          | E-MAIL*<br>NRORICK@NLR-WATER.COM |

Note: Attach multiple copies as needed

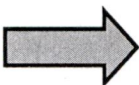
\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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.

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

|                                                                                                            |                                                                 |                 |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------|
| <br>Applicant Signature | Kirk Fenley Ranch Manager<br>Print Name and Title if applicable | 11/8/18<br>Date |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------|

|                     |                                    |      |
|---------------------|------------------------------------|------|
| Applicant Signature | Print Name and Title if applicable | Date |
|---------------------|------------------------------------|------|

## 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*).

n/a

**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: WELL DEVELOPMENT

| WELL NO. | NAME OF NEAREST SURFACE WATER | IF LESS THAN 1 MILE:              |                                                              |
|----------|-------------------------------|-----------------------------------|--------------------------------------------------------------|
|          |                               | DISTANCE TO NEAREST SURFACE WATER | ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD |
| WELL 1   | GRAND RONDE RIVER             | 0.43 MILES                        | 70 FEET                                                      |

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

There are three irrigation wells (UNIO 52061, UNIO 52062, UNIO 52063) about a mile east of the proposed well and a domestic well (UMAT 649, the county is mislabeled) 0.25 miles southeast of the proposed well. The three irrigation wells all pump water from a basalt aquifer at depths of less than 210 feet (an elevation of 2920 feet). According to the well logs these wells produce from 300 to 400 gpm.

The geologic map and cross section<sup>1</sup> show Neogene sedimentary rocks as the surface layer underlain by the Little Catherine Creek Basalt, which is underlain by the Grand Ronde Basalt. The map also shows a normal fault between the proposed well and the neighboring wells. The proposed well is on the side of the fault that dropped down relative to the neighboring wells to the east. Due to the presence of the fault, the depth to the aquifer at the proposed well location would be deeper. The proposed well (land surface elevation 3180 feet) would therefore likely produce water at a depth greater than 260 feet. We are therefore estimating the depth of the proposed well at 300 to 600 feet.

The proposed well will be cased and sealed per permit conditions set by the Department.

<sup>1</sup> Geology of the Upper Grande Ronde River Basin Union County, Oregon, Bulletin 107, by Mark L. Ferns, et al.

### SECTION 3: WELL DEVELOPMENT, continued

**Total maximum rate requested:** 2.21 CFS OR 992 GPM (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

**The table below must be completed for each source to be evaluated or the application will be returned.** If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

| OWNER'S<br>WELL<br>NAME OR<br>NO. | PROPOSED                            | EXISTING                 | WELL ID<br>(WELL TAG)<br>NO.*<br>OR<br>WELL LOG<br>ID** | FLOWING ARTESIAN         | CASING<br>DIAMETER | CASING<br>INTERVALS<br>(IN FEET) | PERFORATED<br>OR SCREENED<br>INTERVALS<br>(IN FEET) | SEAL<br>INTERVALS (IN<br>FEET)              | MOST<br>RECENT<br>STATIC<br>WATER<br>LEVEL &<br>DATE<br>(IN FEET) | PROPOSED USE      |                        |                                    |                                 |
|-----------------------------------|-------------------------------------|--------------------------|---------------------------------------------------------|--------------------------|--------------------|----------------------------------|-----------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------|-------------------|------------------------|------------------------------------|---------------------------------|
|                                   |                                     |                          |                                                         |                          |                    |                                  |                                                     |                                             |                                                                   | SOURCE AQUIFER*** | TOTAL WELL<br>DEPTH    | WELL-<br>SPECIFIC<br>RATE<br>(GPM) | ANNUAL<br>VOLUME<br>(ACRE-FEET) |
| WELL 1                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | N/A                                                     | <input type="checkbox"/> | 12 INCH            | TO BE<br>DETERMINED              | TO BE<br>DETERMINED                                 | 20 FT + (AS<br>CONDITIONED<br>BY THE DEPT.) | N/A                                                               | BASALT            | ESTIMATE<br>300-600 FT | 992 GPM                            | 397.8                           |
|                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                                                         | <input type="checkbox"/> |                    |                                  |                                                     |                                             |                                                                   |                   |                        |                                    |                                 |
|                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                                                         | <input type="checkbox"/> |                    |                                  |                                                     |                                             |                                                                   |                   |                        |                                    |                                 |
|                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                                                         | <input type="checkbox"/> |                    |                                  |                                                     |                                             |                                                                   |                   |                        |                                    |                                 |
|                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                                                         | <input type="checkbox"/> |                    |                                  |                                                     |                                             |                                                                   |                   |                        |                                    |                                 |
|                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                                                         | <input type="checkbox"/> |                    |                                  |                                                     |                                             |                                                                   |                   |                        |                                    |                                 |
|                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                                                         | <input type="checkbox"/> |                    |                                  |                                                     |                                             |                                                                   |                   |                        |                                    |                                 |
|                                   | <input type="checkbox"/>            | <input type="checkbox"/> |                                                         | <input type="checkbox"/> |                    |                                  |                                                     |                                             |                                                                   |                   |                        |                                    |                                 |

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

\*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

\*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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For Department Use: App. Number: \_\_\_\_\_

## 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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of appropriation (POA) 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 TRSQQ or the Lat/Long of a POA 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/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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

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

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

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☒ Yes ☐ No

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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, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:**

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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 well or proposed well located in an area where the Lower Columbia rules apply?

☐ Yes ☒ No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** 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, you will be required to provide the following information, if applicable.

☐ 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:

n/a.

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**Statewide - OAR 690-033-0330 thru -0340**

Is the well or proposed well located in an area where the Statewide rules apply?

☒ Yes ☐ No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that 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.

**SECTION 5: WATER USE**

| USE        | PERIOD OF USE        | ANNUAL VOLUME (ACRE-FEET)              |
|------------|----------------------|----------------------------------------|
| Irrigation | March 1 – October 31 | 397.8 acre-feet (3 acre-feet per acre) |
|            |                      |                                        |
|            |                      |                                        |

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 132.6 Acres Supplemental:        Acres

If you listed supplemental acres, list 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: 397.8

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: n/a (**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)

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- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): n/a

## SECTION 6: WATER MANAGEMENT

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### A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and type): to be determined  
☐ Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be pumped from the well to the irrigation pivot and wheel lines.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

The property will be irrigated with a pivot, with wheel lines or other methods used in the 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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The pivots nozzles will be sized to produce large water droplets. This reduces the amount of evaporation. Soil moisture will be monitored, and the field will only be irrigated as needed.

## SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: March 2019 or as soon as the Department issues a permit
- b) Date construction will be completed: May 2019
- c) Date beneficial water use will begin: May 2019

## SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Using a pivot or other sprinkler system will insure that the water infiltrates the soil rather than running off.

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: n/a

- ☐ Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:  
List: n/a

## SECTION 9: WITHIN A DISTRICT

☐ Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

|                                 |         |     |
|---------------------------------|---------|-----|
| Irrigation District Name<br>n/a | Address |     |
| City                            | State   | Zip |

## SECTION 10: REMARKS

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

The applicant is requesting a rate of 1/60<sup>th</sup> cfs per acre. This rate is needed to run the pivot which would use 6.5 to 7 gpm per acre.

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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.

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: Well Development
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Project Schedule
- ☒ SECTION 8: Resource Protection
- ☒ SECTION 9: Within a District
- ☒ SECTION 10: Remarks

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### 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: **\$ 2910**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://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)

**Note:** In addition to a groundwater application, a standard reservoir application is required to store groundwater in a reservoir. If an applicant proposes to divert water from a reservoir, a surface water application is also required.

# 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. 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](http://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 percent 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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# 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](http://www.oregon.gov/OWRD)

## 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 groundwater 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  
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## Applicant

|                                                                    |             |              |                                                   |             |
|--------------------------------------------------------------------|-------------|--------------|---------------------------------------------------|-------------|
| NAME<br>DAVID LOWE, LOWE FAMILY RANCH, LLC (ATTENTION KIRK FENLEY) |             |              | PHONE (HM)                                        | <b>OWRD</b> |
| PHONE (WK)<br>541-805-0974 (KIRK FENLEY)                           | CELL        |              | FAX                                               |             |
| ADDRESS<br>55503 HIGHWAY 244                                       |             |              |                                                   |             |
| CITY<br>LAGRANDE                                                   | STATE<br>OR | ZIP<br>97850 | E-MAIL*<br>KIRKNTONYA7779@YAHOO.COM (KIRK FENLEY) |             |

## 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: |
|----------|-------|---------|-----|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| T3S      | R36E  | 15, 22  |     | 900       | 551 FARM USE/EFU/IMP                            | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | EFU                |
|          |       |         |     |           |                                                 | <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:

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

Source of water: ☐ Reservoir/Pond    ☒ Groundwater    ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 2.21    ☒ 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:

Applying for a groundwater permit for a primary irrigation water right.

**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.

## 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): \_\_\_\_\_.
- ☐ 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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land Use Approval:                                                              |                                                                                      |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Ministerial Decision                                                                                   | UCZPSO Sec. 24.01                                                                 | <input checked="" type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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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.

|  |
|--|
|  |
|--|

|                           |                       |                            |
|---------------------------|-----------------------|----------------------------|
| NAME<br>Stacy Warren      |                       | TITLE<br>Associate Planner |
| SIGNATURE<br>Stacy Warren | PHONE<br>541-963-1014 | DATE<br>Nov. 13, 2018      |
| GOVERNMENT ENTITY         |                       |                            |

**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: \_\_\_\_\_

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20085047

08-19721

After recording return to:  
**Eastern Oregon Title, Inc.**  
1601 Adams Avenue  
La Grande, Oregon 97850

Until a change is requested all tax statements  
shall be sent to the following address:

**Lowé Family Ranch, LLC**  
%David Lowe  
485 El Alamo  
Danville, CA 94526

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## STATUTORY WARRANTY DEED

**GEORGE W. GIRDNER AND MARCA GIRDNER, CO-TRUSTEES OF THE GIRDNER LOVING TRUST, DATED MARCH 31, 1997**, Grantor, conveys and warrants to **LOWE FAMILY RANCH LLC, an Oregon Limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

IN TOWNSHIP 3 SOUTH, RANGE 36 EAST OF THE WILLAMETTE MERIDIAN,  
IN UNION COUNTY, OREGON

### PARCEL 1:

Section 15:

That portion of the Southwest quarter lying South of the Southerly right of way line of the Ukiah/Hilgard Highway (Highway No. 244).

Section 22:

The Northwest quarter of the Northwest quarter, the South half of the Northwest quarter, the Southwest quarter of the Northeast quarter, the Southwest quarter, the West half of the Southeast quarter.

Section 27:

The North half of the Northwest quarter, the West half of the Northeast quarter, the West half of the Southeast quarter.

(03S36-900)

### PARCEL 2:

A parcel of land situated in Township 3 South, Range 36 East of the Willamette Meridian, in Union County, Oregon, more particularly described as follows:

Section 15:

All of that portion of the North half of the Southwest quarter lying North of Oregon State Highway No. 244, said highway being a strip of land 80 feet in width, 40 feet on each side of center line as constructed, as described as Parcel One (1) in a deed to the Oregon State Highway Commission, dated August 4, 1950, recorded as Instrument No. 245595 in Book 122, Page 467, Deed Records of Union County, Oregon, EXCEPTING THEREFROM, the following:

That 6.58 acre parcel of land described as Parcel Two (2) in said deed to the Oregon State Highway Commission, referenced above; said parcel being triangular in shape, located in the Southeast corner of the larger parcel described above, and described in said deed as follows:

Beginning at a point on the East line of said Northeast quarter of the Southwest quarter of Section 15 which point is opposite and 40 feet Northerly of Engineer's Centerline Station 306+40.80 on the relocated Starkey Secondary Highway (Oregon State Highway No. 244); said point being 1,640.58 feet North and 2,670.01 feet East of the Southwest corner of said Section 15; thence, South 87°45'30" West, 747 feet parallel to the relocated centerline of the said Starkey Secondary Highway (SH 244); thence, North 43°23' East 1,106.40 feet along the Southeasterly right-of-way line of the Mount Emily Lumber Company Railroad, to the said East line of said Northeast quarter of the Southwest quarter of Section 15, thence, South 1°00' West, a distance of 775 feet, along the said East line to the Point of Beginning.

(03S36-902)

The true consideration for this conveyance is **\$2,000,000.00**, pursuant to an IRC 1031 Tax Deferred Exchange on behalf of the Grantor. (Here comply with requirements of ORS 93.030)

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**This property is free from liens and encumbrances, EXCEPT:**

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1. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession hereof.
2. Easements, claims of easements or encumbrance which are not shown by the public records, unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose
4. The assessment roll and the tax roll disclosed that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax and interest may be levied for the years in which the land was subject to the special land use assessment.
5. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Grande Ronde River. (Affects Parcel 2)
6. Right-of-way for unnamed creeks and/or ditches, as they cross this property as set forth on the Union County Assessor's Map. (Affects Parcel 1)
7. Subject to a right-of-way for a logging railroad, including the terms and provisions thereof, across the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southwest quarter of Section 15, in Township 3 South, Range 36 East of the Willamette Meridian, in Union County, Oregon, given by Fred B. Taal and Emma M. Taal, husband and wife, to Mount Emily Lumber Company, recorded December 14, 1927, in Book 86, Page 208, Deed Records of Union County, Oregon.

Note: Much of the old logging railroad in this area has been abandoned. Boise Cascade Corporation, successor in interest to Mount Emily Lumber Company has signed releases for some of the railroad rights-of-way in this area. In addition, much of the old railroad rights-of-way lie within the boundaries of the Ukiah/Hilgard Highway (State Highway No. 244).

8. Right-of-Way Easement, including the terms and provisions thereof, granted to California-Pacific Utilities Company, a corporation, dated October 14, 1972, recorded October 16, 1972, as Microfilm Document No. 41014 and recorded July 11, 1973, as Microfilm Document No. 45088, Deed Records of Union County, Oregon, for the right to construct, reconstruct, operate and maintain electric power lines and/or gas or water mains, and all necessary poles, towers and appurtenances over, under and upon a strip of land 10 feet in width.
9. Right-of-Way Easement, including the terms and provisions thereof, granted to C P National Corporation, a corporation, dated May 21, 1985, recorded June 5, 1985, as Microfilm Document No. 115735, Deed Records of Union County, Oregon, 15 feet in width. (Affects Parcel 1)

Note: All Electric utility easements have been transferred to Oregon Trail Electric Co-op.

10. Easement, including the terms and provisions thereof, dated June 10, 1993, recorded June 15, 1993, as Microfilm Document No. 147743, Records of Union County, Oregon, granted to Wapiti Outfitters, Inc., an Oregon corporation, and Barbara Seeger, individually, and as Conservator for Casey Ann Seeger, and Cody Robert Seeger and to them individually, a year-round access Easement. (Affects Parcel 1)
11. Easement, including the terms and provisions thereof, awarded to H. Richard Snow and Shirley Snow, husband and wife, and appurtenant to the land that Snow owns to the South, by Decree, dated July 14, 1994, in Union County Circuit Court Case No. 93-04-35549, across part of this property lying in Township 3 South, Range 36 East of the Willamette Meridian, in Union County, Oregon. Said easement was recorded July 14, 1994, as Microfilm Document No. 154704, Records of Union County, Oregon. (Affects Parcel 1)
12. Easement reserved by Wilson Dean Stone, aka Dean Stone, and Judith Ann Stone, husband and wife, as tenants by the entirety, including the terms and provisions thereof, for a nonexclusive easement for road use, dated December 29, 2005, recorded December 30, 2005, as Microfilm Document No. 20056977, Records of Union County, Oregon.

*BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF*

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APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)).

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Dated this 14 day of November, 2008.

George W. Girdner, Co-Trustee  
George W. Girdner, co-trustee

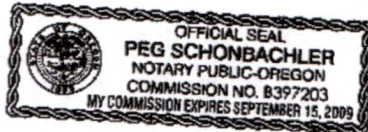
Marca Girdner, Co-Trustee  
Marca Girdner, co-trustee

STATE OF OREGON )

)ss.

COUNTY OF UNION )

Signed or attested before me on this 14 day of November, 2008 by George W. Girdner and Marca Girdner, co-trustees of The Girdner Loving Trust, Dated March 31, 1997.



Peg Schonbachler  
Peg Schonbachler  
Notary Public for the State of Oregon  
My commission expires: September 15, 2009

STATE OF OREGON }

SS

County of Union }

I certify that this instrument was received and recorded in the book of records of said county.

Union County Clerk

by: Shirley L. Lundy Deputy.

DOC#: 20085047

RCPT: 137117

37.00

11/14/2008 12:19 PM

REFUND:

.00

Q-10762



Oregon Water Resources Department  
Ground Water Application

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Today's Date: Friday, November 2, 2018

|                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                            |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------|
| Base Application Fee.                                                                                                                                                                                                                                                                                                                                                                                                           |                                            | \$1,340.00 |
| Number of proposed cubic feet per second (cfs) to be appropriated.<br>(1 cfs = 448.83 gallons per minute)                                                                                                                                                                                                                                                                                                                       | 2.21                                       | \$1,050.00 |
| Number of proposed Use's for the appropriated water.<br>(i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *                                                                                                                                                                                                                                                                             | 1                                          |            |
| Number of proposed Ground Water points of appropriation. (i.e. number of wells)<br>(include all injection wells, if applicable) **                                                                                                                                                                                                                                                                                              | 1                                          |            |
| Permit Recording Fee. ***                                                                                                                                                                                                                                                                                                                                                                                                       |                                            | \$520.00   |
| * the 1st Water Use is included in the base cost.<br>** the 1st Ground Water point of appropriation is included in the base cost.<br>*** 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. | <input type="button" value="Recalculate"/> |            |
| Estimated cost of Permit Application                                                                                                                                                                                                                                                                                                                                                                                            |                                            | \$2,910.00 |

OWRD Fee Schedule

|                                  |
|----------------------------------|
|                                  |
| Fee Calculator Version B20170117 |

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