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Application for a Permit to Use **Groundwater** **JAN 22 2019**
OWRD



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 <i>Jan & Derik Drake</i>			PHONE (HM) <i>208-866-3977</i>		
PHONE (WK)		CELL <i>208-866-3977</i>		FAX	
ADDRESS <i>727 Stephens Blvd</i>					
CITY <i>Nyssa</i>		STATE <i>OR</i>	ZIP <i>97913</i>	E-MAIL* <i>jansbows@ADL.com</i>	

Organization

NA

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.

NA

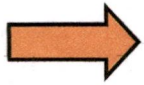
AGENT / BUSINESS NAME			PHONE		FAX
ADDRESS					CELL
CITY		STATE	ZIP	E-MAIL*	

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 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.



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

Jan Drake
Applicant Signature

Derik Drake
Applicant Signature

Jan Drake
Print Name and Title if applicable

Derik Drake
Print Name and Title if applicable

12/21/18
Date

12/21/18
Date

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SECTION 2: PROPERTY OWNERSHIP

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

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- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.

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- 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.

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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).*

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
2845 MALT	Snake River	1.4 mls	200ft

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).*

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 0.6 gal/min 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 WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
MALH 2845	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	6 in	1-79 ft		0-24 ft.	62 ft 9/25/92	80-240 ft.	240 ft	5 gal/min	.05
	<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"/>									

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* 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/

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.

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

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Is the well or proposed well located in an area where the Lower Columbia 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, 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:

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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

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)
marijuana production	Jan. 1 through Dec 31st	.05

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For irrigation use only:

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

Primary: .05 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: .05

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____ (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.)

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 1/2
- Other means (describe): _____

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

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*)

drip/hose sprayer

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*).

water is measured, no run off

SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: ASAP
- b) Date construction will be completed: _____
- c) Date beneficial water use will begin: ASAP

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SECTION 8: RESOURCE PROTECTION

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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: drip pans NO run off

- NA 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: _____

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted: List: OMMP grower cards

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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 Owyhee irrigation Dist.	Address 175 th 1st street	
City NYSEA	State OR	Zip 97913

SECTION 10: REMARKS

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

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Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

January 3, 2019

Jan & Derik Drake
727 Stephens Blvd.
Nyssa, Oregon 97913

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Dear Jan & Derik:

The Water Resources Department has received your application for a permit to use surface or ground water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the enclosed checklist.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801.

Sincerely,

JK Sauter
Water Rights Program Analyst

Cc: OWRD Fiscal

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made. Fees may change.

G-10781



Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

Proposed water use

Amount of water from *each* source in GPM, CFS, or AF

.06 GPM

A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

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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. 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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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: \$ 2,210.00
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)

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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.

G-18781

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

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
 www.oregon.gov/OWRD

Applicant

NAME <i>Jan & Derik Drake</i>		PHONE (HM) <i>708 866 3977</i>	
PHONE (WK)	CELL	FAX	
ADDRESS <i>727 Stephens Blvd</i>			
CITY <i>Nyssa</i>	STATE <i>OR</i>	ZIP <i>97913</i>	E-MAIL* <i>janbaws@ADL.com</i>

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:
<i>20</i>	<i>46</i>	<i>23</i>	<i>NE NE</i>	<i>300</i>	<i>EFU/C-A1</i>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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	
						<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:

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: *06 gpm* 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: *Irrigate crop with hose/sprayer wand (see Addendum)*

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

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Addendum

B. Description of proposed use:

There is a 1 source/1 WELL on this property that supplies water to the house and to the shop. Water runs from the WELL to the shops sink spout then through a 300 GPD reverse osmosis filter/carbon filter.

- this is 0.208 GPM
- water is stored in a water tank

Water is for 2 rooms and watered 1 time per week. Water amounts vary depending on the growth stage.

- Room 1: Max water per week : 440gal total
- Room 2: Max water per week: 100 gal total

Combined is 540 gal total weekly used at current max capacity. Less, when rooms aren't full or when plants are small.

-plants are watered individually by hand from the water tank by using water garden hoses/wands for water measuring purposes.

- water tank is refilled until the next weeks water needs are met.

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G-18701

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): MCC 6-3A-2(A)(1)
- 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JAN 22 2019	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

NAME: <u>Eric Evans</u>	TITLE: <u>Planning Director</u>
SIGNATURE:	PHONE: <u>911-473-5185</u>
GOVERNMENT ENTITY: <u>Mathews County</u>	DATE: <u>12/21/18</u>

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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.

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Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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After recording return to:
Malheur County Title Company, Inc.
81 South Oregon Street
Ontario, OR 97914

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

Jan M. Drake
727 Stephens Blvd.
Nyssa, OR 97913

File No.: 31773 E
Date: September 12, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

RECEIVED

JAN 22 2019

OWRD

MALHEUR COUNTY, OR 2016-3998
DST WD

10/28/2016 04:19 PM

Cnt=1 Pgs=3

Total: \$62.00



00039378201600039980030030

I, Deborah R. DeLong, County Clerk for Malheur
County, Oregon certify that the instrument identified
herein was recorded in the Clerk records

Deborah R. DeLong - County Clerk

lanl

STATUTORY WARRANTY DEED

BILLIE N. MORRISON AND SANDRA R. MORRISON, husband and wife, Grantor, conveys and warrants to, **JAN M. DRAKE, a single woman, Grantee**, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION.

Account No.:	15219	Code No.:	32	Map No.:	204623	Tax Lot No.:	300
Account No.:	903063	Code No.:	32	Map No.:	204623	Tax Lot No.:	300

This property is free from liens and encumbrances, EXCEPT:

Current general taxes, easements, restrictions and rights of way, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$180,000.00** (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF 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 ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

G-18781

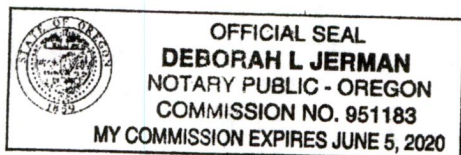
Dated this 12 day of September, 2016

Billie N. Morrison
by Cydni M. Klaus, Attorney in Fact
Billie N. Morrison
By Cydni M. Klaus, Attorney in Fact

Sandra R. Morrison
by Cydni M. Klaus, Attorney in Fact
Sandra R. Morrison
By Cydni M. Klaus, Attorney in Fact

STATE OF OREGON County of Malheur)ss

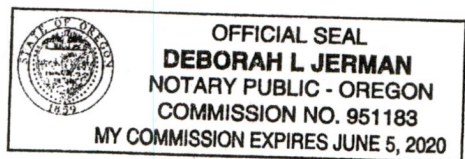
On September 12, 2016, personally appeared before me, Cydni M. Klaus as attorney in fact for Billie N. Morrison, who acknowledged to me that she subscribed the name of Billie N. Morrison thereto as principal and her own name as attorney in fact.



Deborah L. Jerman
Notary Public for Oregon
My Commission Expires: 6-5-20

STATE OF OREGON County of Malheur)ss

On September 12, 2016, personally appeared before me, Cydni M. Klaus as attorney in fact for Sandra R. Morrison, who acknowledged to me that she subscribed the name of Sandra R. Morrison thereto as principal and her own name as attorney in fact.



Deborah L. Jerman
Notary Public for Oregon
My Commission Expires: 6-5-20

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EXHIBIT 'A'

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Land in Malheur County, Oregon, as follows:

In Twp. 20 S., R. 46 E., W. M.:

Sec. 23: A parcel of land in the NE1/4NE1/4 described as follows:

Commencing at the Northwest corner of the said NE1/4NE1/4;

thence East, along the North boundary thereof, 224 feet;

thence S. 0°07' E., 825.77 feet to the POINT OF BEGINNING;

thence S. 0°07' E., 133.60 feet to the centerline of Mitchell Butte Lateral canal;

thence coincident with said centerline the following courses and distances, to-wit:

S. 75°45'19" E., 112.71 feet;

S. 88°35'16" E., 148.72 feet;

N. 70°32'21" E., 49.06 feet;

N. 32°40'09" E., 60.63 feet;

N. 7°44'20" E., 98.52 Feet;

thence West 350.44 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM, Mitchell Butte Lateral right of way.

**Malheur County Title Company
81 South Oregon St.
Ontario, Oregon 97914**

Telephone: 541-889-7625 Toll Free: 888-783-2826

November 1, 2016

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Jan Drake
727 Stephens Blvd
Nyssa, OR 97913

Regarding our Order No. 31773

Dear Customer:

In connection with the above numbered title order we enclose herewith the following:

- (X) Owners Policy
- (X) Statutory Warranty Deed Inst. # 2016-3998

Malheur County Title now has a complete file on the property which you have purchased, and in the future we will be able to offer you fast and efficient service for any of your title needs. **In the event you should sell your property, refinance or obtain a second loan, please have your realtor or lender contact our office, as we may be able to offer you a reduced rate on title insurance and/or closing costs.** In any event, should you ever need any information on your property or copies of any of your documents, we will be happy to provide these items to you at no charge.

We appreciate the opportunity of handling this transaction for you, and if we may be of further assistance, please do not hesitate to contact us.

Thank you for your business,


Malheur County Title Company

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SCHEDULE A

Malheur County Title Company, Inc.,
81 S. Oregon St.
Ontario, OR 97914
541-889-7625

File No.: 31773

Policy No.: OXOR10243701

Address Reference: 727 Stephens Blvd., Nyssa, OR 97913

Amount of Insurance: \$180,000.00

Premium: \$650.00

Date of Policy: October 28, 2016 at 4:21 PM

1. Name of Insured:

Jan M. Drake, a single woman

2. The estate or interest in the Land that is insured by this policy is:

FEE SIMPLE

3. Title is vested in:

Jan M. Drake, a single woman

4. The Land referred to in this policy is described as follows:

Land in Malheur County, Oregon, as follows:

In Twp. 20 S., R. 46 E., W. M.:

Sec. 23: A parcel of land in the NE1/4NE1/4 described as follows:

Commencing at the Northwest corner of the said NE1/4NE1/4;
thence East, along the North boundary thereof, 224 feet;
thence S. 0°07' E., 825.77 feet to the POINT OF BEGINNING;
thence S. 0°07' E., 133.60 feet to the centerline of Mitchell Butte Lateral canal;
thence coincident with said centerline the following courses and distances, to-wit:

S. 75°45'19" E., 112.71 feet;

S. 88°35'16" E., 148.72 feet;

N. 70°32'21" E., 49.06 feet;

N. 32°40'09" E., 60.63 feet;

N. 7°44'20" E., 98.52 Feet;

thence West 350.44 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM, Mitchell Butte Lateral right of way.

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**SCHEDULE B
EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes for the fiscal year 2016-17, PAID IN FULL
Original Amount: \$803.11
Account No.: 15219
Code No.: 32
Map No.: 204623
Tax Lot No.: 300

Taxes for the fiscal year 2016-17, PAID IN FULL
Original Amount: \$672.83
Account No.: 903063
Code No.: 32
Map No.: 204623
Tax Lot No.: 300 manufactured home
7. Regulations of the Owyhee Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.
8. Mineral reservation, as reserved by Eastern Oregon Land Company, a California Corporation and all rights of said Eastern Oregon Land Company and its successors in interest as owners thereof, in Deed Recorded: September 15, 1927, Book 28, Page 477, Deed records of Malheur County, Oregon

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NOTE: The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

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JAN 22 2019

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- 9. An easement for power lines created by instrument, including the terms and provisions thereof;
Recorded: June 8, 1973, as Instrument No. 146668, official records of Malheur County, Oregon
Favor of: Idaho Power Company
- 10. Covenants, conditions and restrictions, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c), imposed by instrument, including the terms and provisions thereof,
Recorded: January 5, 1982, as Instrument No. 82-98905 official records of Malheur County, Oregon.
- 11. Covenants, conditions and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, , as set forth in Deed, recorded February 12, 1992, as Instrument No. 92-952, official records of Malheur County, Oregon, as follows:
The property herein described is situated in or near a resource (farm or ranch) zone, where the intent is to encourage agricultural use and minimize conflicts with nonresource uses. Nonresource residents may be subjected to common, customary and accepted farm and ranch practices that are conducted in accordance with Federal and State laws but ordinarily and necessarily produce noise, dust, smoke and other impacts. The grantees, including their heirs, assigns and lessees, by the recording of this statement, and in return for allowing a nonresource dwelling on this property, hereby accept the potential impacts of accepted farm and ranch practices as normal and necessary and part of the risk of establishing a dwelling in this area, and grantee acknowledges the need to avoid activities that conflict with nearby resource uses.
- 12. Any improvement located upon the insured property which constitutes a manufactured structure or mobile home as defined by Chapter 446, Oregon Revised Statutes, is subject to registration and taxation as provided by Chapter 308, Oregon Revised Statutes.

NOTE: Said manufactured structure is not covered by title insurance unless exempted from registration as provided by ORS 446.626.

NOTE: Easements for ingress and egress as conveyed from Neil G. Dimmick to Billie N. Morrison and Sandra R. Morrison by deed recorded January 5, 1982, Instrument No. 82-98905, official records, Malheur County, Oregon.

- 13. Deed of Trust, including the terms and provisions thereof, given to secure an indebtedness of \$144,000.00
Dated: October 27, 2016
Recorded: October 28, 2016, as Instrument No. 2016-3999, Official records of Malheur County, Oregon
Grantor: Jan M. Drake, a single woman
Trustee: Northwest Trustee Services, Inc.
Beneficiary: Guild Mortgage Company, a California corporation (Mers)

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WATER WELL REPORT
(as required by ORS 537.765)

(2845)

(START CARD) # 45387

(1) OWNER: Well Number: _____
Name Bill Morrison
Address 101 N 5th St
City Nyssa State OR Zip 97913

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 240 ft.
Explosives used Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
10"	0	24	Bentonite	0	24	900 #
6"	24	240				

How was seal placed: Method A B C D E
 Other 690-210-340 (1)
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Casing: 6"	+1	79	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of slot(s) 79'

(7) PERFORATIONS/SCREENS:

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 5 gpm Drawdown _____ Drill stem at 220 Time 1 hr.

Temperature of water 72 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Malheur Latitude _____ Longitude _____
Township 20 N or S, Range 46 E or W, WM.
Section 23 NE $\frac{1}{4}$ NE $\frac{1}{4}$
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Ivanhoe & Hwy 201

(10) STATIC WATER LEVEL:
62 ft. below land surface. Date 9/25/92
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 80'

From	To	Estimated Flow Rate	SWL
80	100	2 gpm	62
100	240	5 gpm	62

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Top soil	0	20	-
Gravel	20	22	-
Claystone	22	30	-
Brown sand	30	45	-
Clay	45	47	-
Brown sand	47	54	-
Sandstone	54	60	-
Brown clay	60	65	62
Brown shale	65	66	"
Brown clay	66	75	"
Blue clay	75	80	"
Blue claystone	80	240	"

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OCT 23 1992
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DEC 31 2018
WATER RESOURCES DEPT
SALEM, OREGON
OVRD

Date started 9/25/92 Completed 9/25/92

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed Deane Olson WWC Number 1510 Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment of this well during the construction dates reported above. The work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 1506 Date _____

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Oregon Water Resources Department
Ground Water Application

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

Today's Date: Wednesday, January 23, 2019

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	0.001	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	1	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation 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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,210.00

OWRD Fee Schedule

Fee Calculator Version B20170117

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