

# 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><b>BROTHERS RANCH, LLC AND ZADOK RANCH, LLC</b> |                               |                     | PHONE (HM)<br><b>(503) 806-1062</b> |
| PHONE (WK)<br><b>(503) 806-1062</b>                     | CELL<br><b>(503) 806-1062</b> |                     | FAX<br><b>(503) 906-1685</b>        |
| ADDRESS<br><b>22870 SW ENO PLACE</b>                    |                               |                     |                                     |
| CITY<br><b>TUALATIN</b>                                 | STATE<br><b>OR</b>            | ZIP<br><b>97062</b> | E-MAIL *<br><b>TOM@STERLING.NET</b> |

### 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><b>DAVID NEWTON; H. A. MCCOY ENGINEERING &amp; SURVEYING, LLC</b> |                    | PHONE<br><b>(541) 325-3905</b> | FAX                                              |
| ADDRESS<br><b>2083 MOUNTAIN VIEW COURT</b>                                                 |                    | CELL                           |                                                  |
| CITY<br><b>WEST LINN</b>                                                                   | STATE<br><b>OR</b> | ZIP<br><b>97068</b>            | E-MAIL *<br><b>DNEWTON@NEWTONCONSULTANTS.COM</b> |

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.)

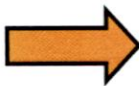
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### By my signature below I confirm that I understand:

- 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.



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

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

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.

- ☒ 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).*

NA

**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.

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE DIVERTED AND USED: PARCEL 1 AND PARCEL 2 OF PARTITION PLAT 2018-05, DESCHUTES COUNTY, OREGON; SECTION 13, T14S, R10E, W.M. (SEE ENCLOSED PARTITION PLAT MAP 2018-5)**

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## SECTION 3: WELL DEVELOPMENT

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| 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 |
| 1        | Whychus Creek                 | Approx 1.9 miles SE               | Approximately 445 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)*.

**Wells DESC 198 and DESC 1845 are installed in the adjacent Section 24 on the south side of Section 13, T14S, R10E. The DESC 198 well was installed to 649 feet with first water reported at 558-foot depth, in red cinder conglomerate. Static water level shown to remain at 558 feet. The DESC 1845 well was installed to 650 feet with first water reported at 605-foot depth, in dark gray sandstone conglomerate. Static water**

level shown at 585 feet. The wells are closer to Whychus Creek than the proposed well. Elevations in the area of these two wells is estimated to range between 3,100 and 3,200 feet, indicating the elevation change between Whychus Creek and the well heads is roughly 230 to 330 feet. The well logs are enclosed.

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### SECTION 3: WELL DEVELOPMENT, continued

**Total maximum rate requested: 0.16 cfs** (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.

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| OWNER'S<br>WELL<br>NAME OR<br>NO. | OWRD                                |                          | WELL ID<br>(WELL TAG)<br>NO.*<br>OR<br>WELL LOG<br>ID** | FLOWING<br>ARTESIAN      | CASING<br>DIAMETER | CASING<br>INTERVALS<br>(IN FEET) | PERFORATED<br>OR SCREENED<br>INTERVALS<br>(IN FEET) | SEAL<br>INTERVALS<br>(IN FEET) | MOST RECENT<br>STATIC WATER<br>LEVEL & DATE<br>(IN FEET)  | PROPOSED USE                                                                                                                                |                        |                                    |                                 |
|-----------------------------------|-------------------------------------|--------------------------|---------------------------------------------------------|--------------------------|--------------------|----------------------------------|-----------------------------------------------------|--------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------|---------------------------------|
|                                   | PROPOSED                            | EXISTING                 |                                                         |                          |                    |                                  |                                                     |                                |                                                           | SOURCE AQUIFER***                                                                                                                           | TOTAL<br>WELL<br>DEPTH | WELL-<br>SPECIFIC<br>RATE<br>(GPM) | ANNUAL<br>VOLUME<br>(ACRE-FEET) |
| 1                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                         | <input type="checkbox"/> | 6 TO 8<br>INCH     | Estimate<br>+1 to 650<br>feet    | Estimate 600<br>to 650 feet                         | 0 TO 18<br>FT MIN              | 585 ft DESC<br>1845, 1979<br><br>558 ft DESC<br>198, 1990 | Deschutes Formation;<br>Qb<br>Holocene/Pleistocene<br>basalt; Tb<br>Pliocene/Miocene<br>basalt; Ts sedimentary<br>rocks<br>Pliocene/Miocene | Approx<br>650'         | 0.16<br>cfs                        | 61                              |
|                                   | <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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## 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

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

☒ Yes ☐ No

**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.

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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:**

\_\_\_\_\_

**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) |
|--------------------------------------------------------------|----------------------------|---------------------------|
| Irrigation                                                   | APRIL 1 THROUGH NOVEMBER 1 | 33                        |
| Pond storage for fire, aquatic life, wildlife and recreation | YEAR-ROUND                 | 19                        |
| Pond Maintenance                                             | YEAR-ROUND                 | 9                         |

**For irrigation use only:**

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

Primary: 11 Acres Supplemental: 0 Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 58

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

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## 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): **ESTIMATED 15 HP; SUBMERSIBLE PUMP**  
☐ Other means (describe): \_\_\_\_\_

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

**APPROPRIATION FROM WELL BY SUBMERSIBLE PUMP WHICH WILL DELIVER WATER TO 3,000 GAL CISTERN FOR DOMESTIC USE AND TO THE POND FOR AQUATIC LIFE, WILDLIFE, FIRE, RECREATION AND POND MAINTENANCE. SOME WATER SUPPLIED TO THE POND WILL PUT ON TOP OF WATER USED FOR THE ABOVE PURPOSES, AND WILL BE PUMPED BY CENTRIFUGAL PUMP BACK OUT WITH MINIMAL TRANSFER TIME AFTER DELIVERY TO THE POND FOR SPRINKLER IRRIGATION. WATER WILL ALSO BE PUMPED FROM CISTERN TO POND FOR POND MAINTENANCE.**

### 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)*

**HIGH PRESSURE SPRINKLERS WILL BE USED FOR IRRIGATION.**

### 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)*.

**AMOUNT OF REQUESTED WATER IS BASED ON SPRINKLER IRRIGATION AND RATE OF IRRIGATION AT 1 CFS/80 ACRES (5.6 GPM/AC) AND 3.0 ACRE-Feet PER ACRE FOR ALFALFA AT 65% IRRIGATION EFFICIENCY. POND STORAGE BASED ON VOLUME OF POND; POND MAINTENANCE WATER BASED ON ANNUAL EVAPORATION RATE OF 2.7 FEET OVER 1.6 ACRE POND SURFACE AREA. CONSERVATION IS THROUGH PIPED DISTRIBUTION SYSTEM AND SPRINKLER IRRIGATION TO PREVENT WASTE. NO AQUATIC LIFE AND RIPARIAN HABITAT ARE SUSCEPTIBLE TO DAMAGE (REMOTE FROM SITE) AND NO SURFACE STREAM IS ON THE PROPERTY (NO RISK OF CONTAMINATED WATER REACHING SURFACE STREAM) AND THERE WILL BE NO ADVERSE IMPACT TO PUBLIC USES OF SURFACE WATERS. DIVERTED WATER WILL BE MEASURED BY A COMBINED FLOW/TOTALIZING FLOW METER AT THE WELL.**

## SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: **JUNE 2019**  
b) Date construction will be completed: **APRIL 2020**  
c) Date beneficial water use will begin: **APRIL 2020**

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## 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:

THE PROPERTY IS REMOTE FROM ANY SURFACE WATER SUCH THAT RUNOFF FROM WATER USE ON THE PROPERTY HAS NO ACCESS TO SURFACE WATER STREAMS; SPRINKLER IRRIGATION WILL BE USED, RESULTING IN MINIMAL WATER RUNOFF. ANY POTENTIAL RUNOFF WILL BE MINOR AND WILL NOT LEAVE THE PROPERTY.

- ☐ 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:

**NO EXCAVATION OR CLEARING OF STREAM BANKS WILL BE DONE SINCE NO STREAMS ARE ON THE PROPERTY AND NO RIPARIAN OR STREAMSIDE AREAS EXIST TO PROTECT.**

- ☐ Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:  
List: **NONE**

### 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><b>NA</b> | 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*).

\_\_\_\_\_

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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 *L184E*

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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: **\$ 3,090.00**  
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. **STORAGE OF GROUNDWATER IN THE PROPOSED POND IS FOR AQUATIC LIFE, FIRE PROTECTION, RECREATION & POND MAINTENANCE, TOTALLING 28 ACRE-FEET. WATER FOR IRRIGATION TOTALS 33 ACRE-FEET PER YEAR AND IS PUMPED FROM THE WELL INTO THE POND, THEN PUMPED OUT OF THE POND BY AN IRRIGATION PUMP WHICH DELIVERS THE WATER TO AREAS OF IRRIGATION. WATER FOR IRRIGATION IS PUMPED INTO THE**

POND ONLY FOR ITS TRANSITION INTO THE IRRIGATION SYSTEM AND IS NOT STORED IN THE POND FOR DIVERSION TO ANOTHER BENEFICIAL USE. THE CAPACITY OF THE POND IS INSUFFICIENT TO STORE 19 ACRE-FEET TO FILL THE POND FOR THE ABOVE USES AND TO THEN STORE 33 ACRE-FEET FOR IRRIGATION. IRRIGATION WATER PASSES THROUGH THE POND IN TRANSITION FROM THE WELL TO THE IRRIGATION SYSTEM SUCH THAT NO STORAGE OCCURS, NOR CAN IT OCCUR AS DESCRIBED. IRRIGATION WATER IS NOT RETAINED OR IMPOUNDED FOR LATER USE, SINCE SUCH RETENTION OR IMPOUNDMENT WOULD PRECLUDE FULL STORAGE FOR THE ABOVE USES. IF STORED WATER FOR THE ABOVE USES WAS TO BE VACATED FOR IRRIGATION USE, A FORMAL CHANGE IN USE WOULD BE REQUIRED. NO DIVERSION FROM THE POND OCCURS FOR IRRIGATION USE THAT WOULD REQUIRE A SURFACE WATER APPLICATION.

## 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

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Attachment 1: Checklist & Processing Information

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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**Receipt for Request for Land Use Information**

Applicant name: Brothers Ranch LLC and Zadok Ranch LLC  
City or County: Deschutes Staff contact: Cynthia Smidt  
Signature: Cynthia Smidt Phone: 541-388-6560 Date: 3/22/19

Land Use Information Form  
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County file # 247-19-000271-PS

60881-6

# 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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APR 02 2019

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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<br><b>BROTHERS RANCH, LLC AND ZADOK RANCH, LLC</b> |                               | PHONE (HM)<br><b>(503) 806-1062</b> |                                    |
| PHONE (WK)<br><b>(503) 806-1062</b>                     | CELL<br><b>(503) 806-1062</b> | FAX<br><b>(503) 906-1685</b>        |                                    |
| ADDRESS<br><b>22870 SW ENO PLACE</b>                    |                               |                                     |                                    |
| CITY<br><b>TUALATIN</b>                                 | STATE<br><b>OR</b>            | ZIP<br><b>97062</b>                 | E-MAIL*<br><b>TOM@STERLING.NET</b> |

**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:      |
|----------|-------|---------|------|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|-------------------------|
| 14S      | 10E   | 13      | SWNW | 701       |                                                 | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Rural Residential; Pond |
| 14S      | 10E   | 13      | NENW | 701       |                                                 | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | AG Irrigation           |
| 14S      | 10E   | 13      | SWNE | 704       |                                                 | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | AG Irrigation           |
| 14S      | 10E   | 13      | NWSE | 704       |                                                 | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | AG Irrigation           |

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

DESCHUTES

**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: 0.16    ☒ 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 Wildlife, Recreation, Pond Maintenance

Briefly describe:

**Water is for single-family rural residence to be constructed on Tax Lot 701 in Section 13, T14S, R10E, W.M. Water will supply domestic needs of house & barn, irrigation for two 5-acre areas, a pond for aquatic life, wildlife, fire protection & recreation, and pond maintenance. Water will be supplied from a new well. Water will be pumped from the well to a 3,000 gallon cistern, from which water will be distributed for various domestic uses by a centrifugal pump. A centrifugal pump at the pond will distribute irrigation water.**

**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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## 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:                                                   |                                                                                      |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                        |                                                                                   | <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 |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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              |        | TITLE: |
| SIGNATURE         | PHONE: | DATE:  |
| 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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9-18809 OWRD

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G-18809



# Oregon Water Resources Department Ground Water Application

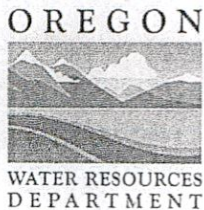
[Main](#)   [Help](#)  
[Return](#)   [Contact Us](#)

Today's Date: Thursday, April 4, 2019

|                                                                                                                                                                                                                                                                                                                                                                                                                                 |             |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------|
| 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)                                                                                                                                                                                                                                                                                                                       | 0.16        | \$350.00   |
| Number of proposed Use's for the appropriated water.<br>(i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *                                                                                                                                                                                                                                                                             | 2           | \$350.00   |
| 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. | Recalculate |            |
| Estimated cost of Permit Application                                                                                                                                                                                                                                                                                                                                                                                            |             | \$2,560.00 |

OWRD Fee Schedule

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



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Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Brothers Ranch LLC + Zadok Ranch LLC  
22870 SW Eno Place Tualatin OR 97062

Transaction Type: Ground Water

Fees Received: \$ 3090.00

☐ Cash

☐ Check:

Check No. 1452

Name(s) on Check: Thomas M. Gillihan

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Judy Ferrell  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



RECEIVED

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OWRD

Date Received (Date Stamp Here)

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March 12, 2019

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

**BROTHERS RANCH, LLC; APPLICATIONS FOR GROUNDWATER PERMIT AND  
STORAGE PERMIT; AGENT AUTHORIZATION**

To Whom it May Concern:

This letter authorizes David Newton, P.E., C.W.R.E., C.E.G., to serve as agent for Brothers Ranch, LLC and Zadok Ranch, LLC, in connection with its applications for groundwater and storage permits.

By

Printed Name Toy Gillihan  
Signature [Signature]  
Title Member  
Date 3.12.2019

Brothers Ranch, LLC  
Zadok Ranch, LLC  
22870 SW Eno Place  
Tualatin, OR 97062

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## **Water-Use Permit Application Processing**

### **1. 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 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 \$225. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### **2. 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.wrd.state.or.us](http://www.wrd.state.or.us). The public comment period is 30 days from publication in the weekly notice.

### **3. 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 initial review report, the Department issues a proposed final order explaining the proposed decision to deny or approve the application. A proposed final order proposing approval of an application will include a draft permit.

### **4. Public Notice**

Within 7 days of issuing the proposed final order, the Department gives public notice in the weekly notice. Notice includes information about the application and the proposed final order. Protest must be received by the Department within 45 days after publication of the proposed final order in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants.

### **5. 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, limitation or conditions that the Department deems appropriate. Protests are filed on approximately 10% of the 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.

If no protest is filed and if the applicant does not request any administrative holds, the approximate total processing time is nine months for surface water and reservoir applications and 14 months for ground water applications.

## **Processing of Applications for Alternate Reservoirs and the Use of Stored Water Exclusively**

After a completed application has been received by the Department, the Department must make public notice of the application within 60 days. The Department does not notify individual, neighboring landowners of an application, unless they are identified in the application as affected landowners. The public notice is to ensure that any person may submit detailed information requesting the Department deny an application based on injury to existing water rights or based on significant detrimental impact to an existing fishery resource. All comments must be submitted within 60 days of the public notice.

The Department issues a Final Order within 180 days of the priority date (i.e., date of submission of the application). The Department recommends applicants not schedule excavation work or otherwise expend financial resources until an ODFW fish passage plan and the alternate reservoir application have been approved.



# 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.wrd.state.or.us](http://www.wrd.state.or.us)

Dear Applicant:

The Oregon Water Resources Department received your application for a permit to use or store water. Your application has been assigned file number 6-18809. Please refer to this number when contacting the Department. A description of the steps that must be followed when processing an application has been included on the reverse side of this letter.

The Department's goal is to process applications within statutory deadlines. As you can see, the first step in the process is for you to receive an Initial Review. Recently, surface water and reservoir applications have been receiving their Initial Reviews in approximately two to three months, whereas groundwater applications have been averaging approximately six to eight months.

Your application is subject to review and comment from other state agencies and interested parties.

**Please keep in mind that the filing of an application for a permit to use or store water does not allow you to use or store water. Water may be used or stored only after a permit is issued.**

I will be coordinating the processing of your application. If you have any questions, please contact me at [Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov) or 503-986-0816.

**NOTE: The Department of State Lands requests that all applicants requesting to store water complete the enclosed form and return it to the Department of State Lands at the address shown on the form. If you have any questions about the form or how your reservoir might affect wetlands, please contact the Department of State Lands.**

Sincerely,

Kim French  
Water Right Application Specialist