

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME JAMES K. & RUTH A. KENNEY		PHONE (HM) 503-278-1025	
PHONE (WK)	CELL	FAX	
ADDRESS 2635 NE TERRITORIAL RD			
CITY CANBY	OR	97013	E-MAIL * RUTHAKENNEY@GMAIL.COM

### Organization

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

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

AGENT / BUSINESS NAME		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 legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

RECEIVED

JUN 21 2019

OWRD

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

Applicant Signature

Applicant Signature

Print Name and Title if applicable

Print Name and Title if applicable

Date

Date

6-19-2019

6-19-19

For Department Use: App. Number: 5-88710

**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.

RECEIVED  
JUN 21 2019  
OWRD

- 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).*

**Legal Description:** You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Unnamed Spring #1	Tributary to: Long Creek	Source 1: Unnamed Spring #1	Tributary to: Long Creek
TRSQQ of POD: T.10S.R.31E SWNW Section 21		TRSQQ of POD: T.10S.R.31E SWNW Section 21	
Source 2: Unnamed Spring #2	Tributary to: Long Creek	Source 2: Unnamed Spring #2	Tributary to: Long Creek
TRSQQ of POD: T.10S.R.31E SWNW Section 21		TRSQQ of POD: T.10S.R.31E SWNW Section 21	
Source 3: Unnamed Spring #3	Tributary to: Long Creek	Source 3: Unnamed Spring #3	Tributary to: Long Creek
TRSQQ of POD: T.10S.R.31E SWNW Section 21		TRSQQ of POD: T.10S.R.31E SWNW Section 21	
Source 4: Unnamed Spring #4	Tributary to: Long Creek	Source 4: Unnamed Spring #4	Tributary to: Long Creek
TRSQQ of POD: T.10S.R.31E SWNW Section 21		TRSQQ of POD: T.10S.R.31E SWNW Section 21	

Source 1: Intermittent Stream #1	Tributary to: Long Creek
TRSQQ of POD: T.10S.R31.E. NEN SENW SWNW, Section 21 W.M.	
Source 2: Intermittent Stream #2	Tributary to: Long Creek
TRSQQ of POD: T.10S.R.31E. SENW, Section 21 W.M.	
RECEIVED JUN 21 2019 OWRD	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

### B. Applications to Use Stored Water

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

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

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

### SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

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

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

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

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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

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

Is the POD 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,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes  No

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

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

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

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

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

For Department Use: App. Number: 5-58710

RECEIVED  
JUN 21 2019  
OWRD

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

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

Yes  No

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

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Intermittent Stream #1	Domestic/Irrigation	Year Round/Seasonal	2.5 gpm
Intermittent Stream #2	Domestic/Irrigation	Year Round/Seasonal	2.5 gpm
Unnamed Spring #1	Domestic/Irrigation	Year Round/Seasonal	5.0 gpm
Unnamed Spring #2	Domestic/Irrigation	Year Round/Seasonal	5.0 gpm
Unnamed Spring #3	Domestic/Irrigation	Year Round/Seasonal	5.0 gpm
Unnamed Spring #4	Domestic/Irrigation	Year Round/Seasonal	5.0 gpm

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

Primary: .5 Acres Supplemental:        Acres

If supplemental acres are listed, provide 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: 2.0 Acre Feet

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1 Household
- If the use is **mining**, describe what is being mined and the method(s) of extraction: \_\_\_\_\_

JUN 21 2019

OWRD

**SECTION 6: WATER MANAGEMENT****A. Diversion and Conveyance**

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

Pump (give horsepower and type): \_\_\_\_\_

Other means (describe): Water gravity flows into a pipe and then into a cistern that is plumbed into the household. The entire system is gravity flow, no pumps are used.

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

Springs #1 & #2 have served as a domestic use for generations, a pipe has been buried to collect water from these springs which flows into a cistern. The identity of what these springs looked like under natural conditions is no longer identifiable other than a slight wet area on the surface. There is overflow from the cistern that has created a down gradient channel which flows to the edge of a field then subs into a pasture. Springs # 3 and #4 are undeveloped wet areas that we intend to develop and incorporate into the existing delivery system to the household. Additionally the intermittent streams only flow water in the early spring and are typically dry in late May. A field visit conducted by the District 4 Watermasters office on 6/14/2019 identified that the intermittent streams are supplied from snowmelt and runoff and do not connect to Long Creek as identified by mapping.

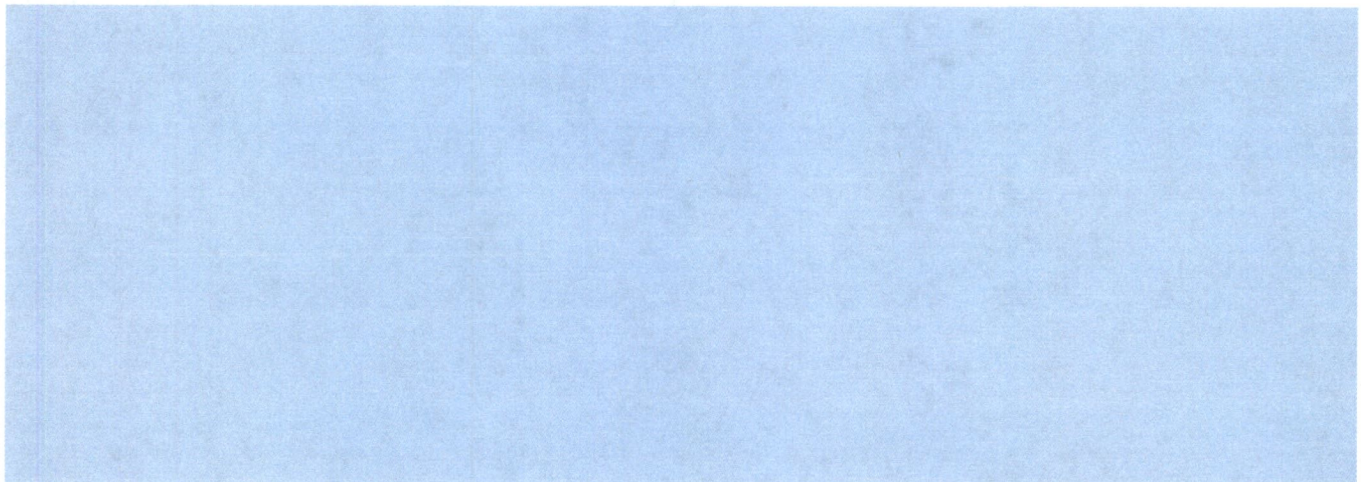
**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
2 inch PVC Pipe, 2 X 1000 gallon Concrete Cistern

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is needed to supply a domestic and .5 acres of irrigation to one household. Spring #1 and #2 are low producing springs that were developed for that one household generations ago. Our application is to expand the existing developed springs with additional sources available on our property and improve the existing infrastructure to more efficiently utilize the water already developed. Measuring device such as an inline flowmeter could be installed to identify use.



**SECTION 7: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: N/A – The springs erupt direct from a hillside on our property however no direct surface land flow connects to Long Creek. The intermittent streams identified within this application also do not flow into Long Creek as identified by mapping.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: N/A

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: N/A – There will be and there is no need to operate equipment in a body of water that would prevent damage to aquatic life. This is an already existing and or developed spring.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: N/A – These springs have been developed and existed on the property for generations natural vegetation will prevent runoff the only chemical treatment if any would be at the cistern for routine maintenance and cleaning which does not affect the natural stream flow.

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

**SECTION 8: PROJECT SCHEDULE**

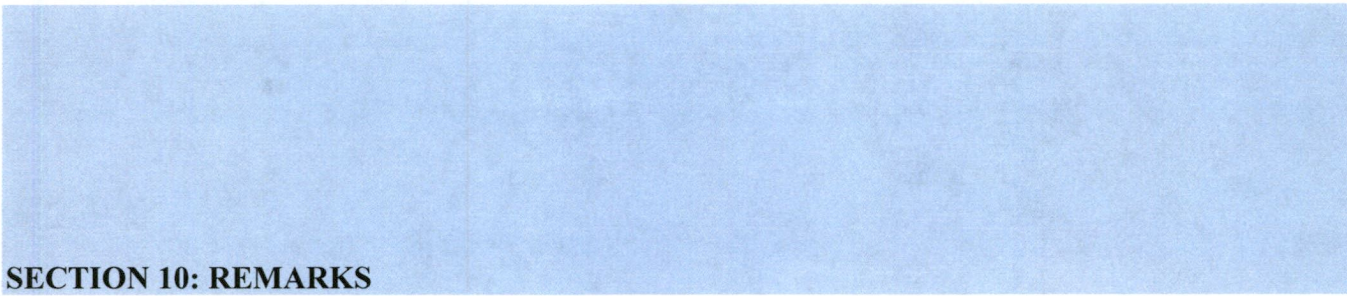
- a) Date construction will begin: Completed
- b) Date construction will be completed: Completed
- c) Date beneficial water use will begin: Completed

RECEIVED  
JUN 21 2019  
OWRD

**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip



**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).  
The property identified within this application was the result of a subdivision created in November of 2006. Springs #1 & #2 on the property originally supplied a use for domestic and irrigation to 1 household for generations. A pipe has been buried to collect water from these springs which flows into a cistern. The identity of what these springs looked like under natural conditions is no longer identifiable other than a slight wet area on the surface. There is overflow from the cistern that has created a down gradient channel which flows to the edge of a field then subs into a pasture. Springs # 3 and #4 are undeveloped wet areas that we intend to develop and incorporate into the existing delivery system to the household. Additionally the intermittent streams only flow water in the early spring and are typically dry in late May. A field visit conducted by the District 4 Watermasters office on 6/14/2019 identified that the intermittent streams are supplied from snowmelt and runoff and do not connect to Long Creek as identified by mapping.

RECEIVED

JUN 21 2019

OWRD



# Land Use Information Form



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

**Applicant**

NAME JAMES K & RUTH A KENNEY			PHONE (HM)		
PHONE (WK)		CELL		FAX	
ADDRESS 2635 SE TERRITORIAL RD					
CITY CANBY		STATE OR	ZIP 97013	E-MAIL*	

**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:
10	31	21		1704	MUR	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
10	31	21		1705	MUR	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
10	31	21		1706	MUR	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	

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

Grant County

RECEIVED  
 JUN 25 2019  
 OWRD

**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) 4 Unnamed Springs

Estimated quantity of water needed: .06  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for 1 Household(s)  
 Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

The applicant proposes to file for an authorized right from 2 already developed springs established on their property and 2 additional new springs for a total of 4 for the purpose of irrigation and domestic needs.

**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.



# 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.

RECEIVED

JUN 25 2019

OWRD

Land Use Information Form

Page 1 of 3

## 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): Grant Co Land Dev Code.

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

RECEIVED  
JUN 25 2019  
OWRD

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.

approval has been granted for dwelling. irrigation is allowed in mwk zone

NAME <u>Shannon Springer</u>	TITLE: <u>Asst Planner</u>
SIGNATURE <u>Shannon Springer</u>	PHONE: <u>541-575-1519</u>
GOVERNMENT ENTITY <u>Grant Co Planning Dept</u>	DATE: <u>6/19/19</u>

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

## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

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

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

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ \_\_\_\_\_  
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)

RECEIVED

JUN 21 2019

OWRD

# Water-Use Permit Application Processing

## 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

## 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

## 3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at [www.oregon.gov/owrd](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

## 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

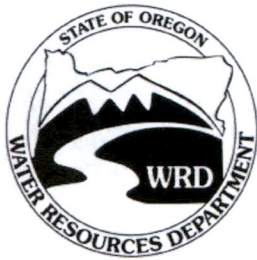
## 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

RECEIVED

JUN 21 2019

OWRD



RECEIVED

JUN 21 2019

OWRD

State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR. 97301-1271  
(503) 986-0900  
www.wrd.state.or.us

REV. 11/20/03

## SPRING DESCRIPTION SHEET

1. Is the spring on the property owned by the applicant? YES  NO
2. If not, give name and address of legal owner: \_\_\_\_\_  
\_\_\_\_\_
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES  NO
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES  NO
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?  
What is the maximum flow? Spring#1 =5gpm,#2=5gpm,#3=5gpm,#4=5gpm  
Is flow measured or estimated? MEASURED  ESTIMATED
6. Does the stream flowing from the spring form a well defined natural channel?  
YES  NO
7. Does the water flow off the lands on which it first arises? YES  NO
8. Give the name of the stream or other body of water into which the water from the spring flows: \_\_\_\_\_
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: Approximately +/- 500 feet
10. Remarks: Overflow from the springs collection/cistern creates a defined channel and flows down gradient and subs into a pasture area and does not have an identifiable overland surface flow to Long Creek and remains on tax lot of origin.

I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant [Signature] Signature Date 6-19-2019

Signature [Signature] Date 6-19-19

**GRANT COUNTY, OREGON**

I, the County Clerk for Grant County, Oregon  
certify that the instrument identified herein  
was recorded in the Clerk records.

**After recording return to: (Name, Address, Zip)**  
James K. Kenney and Ruth A. Kenney  
294 NW 2Nd Ave #590, Canby, OR 97013

**Until requested otherwise, send all tax statements to:**  
Same As Above

**GRANTOR:**  
AUDREY F. HOSTETTER  
OR

**GRANTEE:**  
James K. Kenney and Ruth A. Kenney  
294 NW 2Nd Ave #590, Canby, OR 97013

**ORDER NO:** 24839  
**TAX ACCOUNT NO.** Ref. 39665

**BRENDA PERCY**

Grant County Clerk

by Vivie Ellison  
Deputy

**DOC#:** 20160127 PG 2

**\$48.50**

**1/21/2016**  
**4:15 PM**



**STATUTORY WARRANTY DEED**

(Individual Grantor)

AUDREY F. HOSTETTER, Trustee of the Hostetter Family Trust dated March 25,1994, Grantor, conveys and warrants to James K. Kenney and Ruth A. Kenney, Grantee, the following described real property free of encumbrances, except as specifically set forth herein, situated in Grant County, State of Oregon, to wit:

Lots 3 and 5 of KEENEY ESTATES, Grant County, Oregon, as shown by the plat thereof on file and of record in the office of the county clerk of said county and state on November 22, 2006.  
(Tax Acct's 17 10-31 TL1704 and TL1706; Ref's. 39665 and 39667)

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true and actual consideration for this conveyance is \$56,000.00. (Here, comply with the requirements of ORS 93.030.)

RECEIVED

JUN 21 2019

OWRD

5-88710

20160127

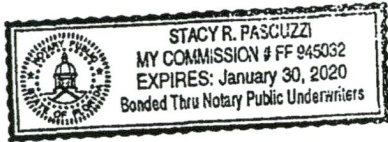
Dated this 14 day of January, 2016

Audrey F. Hostetter  
AUDREY F. HOSTETTER  
Trustee of the Hostetter Family Trust

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 14 day of January, 2016, who being by me duly sworn did say that he/she is the Trustee(s) of AUDREY F. HOSTETTER, on behalf of the Trust.

Stacy Pascuzzi  
Notary Public in and for the State of Florida  
My commission expires: 1-30-2020



RECEIVED

JUN 21 2019

OWRD



AFTER RECORDING,  
PLEASE RETURN TO:  
Hostetter Law Group, LLP  
P.O. Box 400  
Enterprise, OR 97828

I, BRENDA J. PERCY, COUNTY  
CLERK FOR GRANT COUNTY, OR  
CERTIFY THAT THE INSTRUMENT  
IDENTIFIED HEREIN WAS  
RECORDED IN THE COUNTY  
CLERK'S RECORDS.

BRENDA J PERCY, GRANT COUNTY  
CLERK

DOC#: 20182158

PG: 2

9/28/2018

\$88.50

10:41 AM

*Brooklyn A. Perry*

### STATUTORY WARRANTY DEED

AUDREY F. HOSTETTER, Trustee of the Hostetter Family Trust dated March 25, 1994, Grantor, conveys and warrants to JAMES K. KENNEY and RUTH A. KENNEY, husband and wife, Grantees, all of her interest in the real property, free of encumbrances except easements and restrictions of record, as specifically set forth and located in Grant County, Oregon, more particularly described as follows:

Lot 4 of Kenney Estates, Grant County, Oregon as shown by the plat thereof on file and of record in the office of the County Clerk of Grant County, Oregon, on November 22, 2006.

The true and actual consideration for this conveyance is \$20,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Until a change is requested, all tax statements are to be sent to the following address: Mr. & Mrs. James Kenney, 2635 SE Territorial Rd., Canby, OR 97013.

RECEIVED

JUN 21 2019

OWRD

20182158

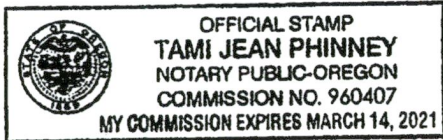
DATED this 25 day of September, 2018.

*Audrey F. Hostetter*  
AUDREY F. HOSTETTER, Trustee  
of the Hostetter Family Trust dated  
March 25, 1994

STATE OF OREGON            )  
  ) ss.  
County of Willowa         )

Personally appeared before me this 25 day of September, 2018, the above-named AUDREY F. HOSTETTER, Trustee of the Hostetter Family Trust dated March 25, 1994, and acknowledged the foregoing instrument to be her voluntary act and deed.

*Tami Jean Phinney*  
Notary Public for Oregon  
My commission expires: 03.14.2021



RECEIVED  
JUN 21 2019  
OWRD

TOP OF SPRING #1



BOTTOM OF SPRING #1



RECEIVED

JUN 21 2019

OWRD

5-88410

CISTERN COLLECTION FROM TOP



CISTERN OUTFLOW FROM BELOW OFF TO SIDE



RECEIVED

JUN 21 2019

OWRD

S-88710

TOP OF SPRING #3



SPRING #3 FROM BOTTOM



RECEIVED  
JUN 21 2019  
OWRD

5-88710

SPRING #4 FROM TOP



SPRING #4 FROM BOTTOM



5-88710

RECEIVED  
JUN 21 2019  
OWRD

SPRINGS #1 & #2 AT EMBANKMENT LOOKING FROM TOP - APPROXIMATE 15' DROP



RECEIVED

JUN 21 2019

OWRD

5-88710

EMBANKMENT FROM DISTANCE



RECEIVED  
JUN 21 2019  
OWRD



RUN OFF POINT AT BOTTOM OF EMBANKMENT



RECEIVED  
JUN 21 2019  
OWRD

S-88710

LOOKING ACROSS PASTURE FROM EDGE OF SEEP AT BOTTOM OF RUN OFF



RECEIVED

JUN 21 2019

OWRD

S-88710

PASTURE FROM TOP OF EMBANKMENT LOOKING ACROSS TO LONG CREEK. "X"  
MARKS TERMINATION POINT OF SPRING RUN OFF



RECEIVED

JUN 21 2019

OWRD

**ATTENTION:**

Dear Customer Service Group,

The Staff off the Watermaster's Office in District 4 has assisted with the preparation of this application or map.

If there are any questions or problems with this application or map please contact the following staff person Hailey Boethin at 541-575-0119 for additional information.

Thank you for your assistance,

Sincerely,

Hailey Boethin Date: 6/14/2019  
Eric W. Johnson

Watermaster Office, District 4  
201 South Humbolt St., Ste 180  
Canyon City, Or 97820  
Voice: 541-575-0119  
Fax: 541-575-0641

RECEIVED

JUN 21 2019

OWRD



**Oregon Water Resources Department  
Surface Water Application**

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

Today's Date: Friday, June 14, 2019

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	1	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	\$350.00
Number of proposed Surface Water points of diversions. **	6	\$1,750.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$3,900.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

RECEIVED  
JUN 21 2019  
OWRD

5-88710