

Application for a Permit to Use
Surface Water

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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			PHONE (HM)
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization

NAME COLD SPRING CANYON, LLC C/O GREG JUUL		PHONE (541) 567-3704	FAX
ADDRESS 31056 E. WALLS ROAD			CELL (571) 571-1043
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL * GENERATION2@EOTNET.NET

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

AGENT / BUSINESS NAME WILLIAM PORFILY		PHONE (541) 561-7259	FAX
ADDRESS P.O. BOX 643			CELL (541) 561-7259
CITY STANFIELD	STATE OR	ZIP 97875	E-MAIL * WPORFILY@GMAIL.COM

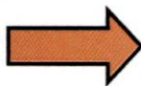
Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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

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



Greg Juul
 Applicant Signature

Greg Juul, A Member

member Print Name and Title if applicable

12/4/2019

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, **WE** have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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

Relationship to Project	Owner	Address
An Owner	Royale Columbia Farms Inc. c/o Greg Juul	PO Box 93 Hermiston, OR 97838
An Owner	Hawman Properties, LIC c/o Mike Hawman	84917 Highway 37 Hermiston, OR 97838
An Owner	JB Land, LLC c/o Greg Juul	P.O. Box 130 Hermiston, OR 97838
An Owner	JPD Land Company, LLC c/o Paul Bracher	P.O. Box 387 Helix, OR 97835
An Owner of Tax Lot 1800 T5N, R30E	Harry W Markgraf	81276 S. Cold Spring Canyon RD. Pendleton, OR. 97801

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. **Water will be pump from the Columbia River at existing Pump Stations with existing pumps described in Section 6 A below owned by Hawman Properties, LLC: JB Land, LLC and Royal Columbia Farms Inc. Water will be delivered to Cold Springs Canyon, LLC Farms owned by the four land owner listed above in "Affected Land Owners" through their delivery system described below:**

Delivery Systems for Winter Water-Hawman Farms, Royale Columbia, JB Lands, LLC, Cold Spring

Hawman Farms Delivery System

The delivery system consists of a pumping station on the south bank of the Columbia River. The pumping station has 1 - 250 hp and 6 - 500 hp pumps. From the river pumping station the water will be pumped through a buried 30" diameter steel mainline in a southeasterly direction approximately 4800 feet to the northerly

boundary of the farm. From this point the 30" pipeline continues southeasterly approximately 700 feet where a 20" pipeline branches off to the southwest. The 20" branch pipelines extend in a southwesterly direction and reduces to an 18 inch Pipe line. The 18" Hawman Farm mainline just north of Hwy 37 connect to the Royal Columbia 30 inch

Pipe line. From the cross tie conection point between the Royal Columbia Farms and Hawmanfarm distribution system the Royale Columbia Farms Extends in a south direction 5080 ft. ± to a connection point, CL-A, near the NE Corner Section 30. At this point parallel 20" and 16" pipelines connect and extend in a southeast direction 3690 ft.+/- to cluster CL-4 and the location of a booster pumping station which is the start of the Cold Springs Canyon Farm system.

Royale Columbia Delivery System

The Royale Columbia Farms existing point of diversion is located in SW1/4 NW1/4, Section 8, T 5 N, R 30 E. W.M. Water for irrigation will be withdrawn at the point of diversion from the south bank of the Columbia River with a four pumps totaling 2800 hp. From the river pumping station a 30" mainline extends in a south direction 13,570 ft.+/- to a point near the NE corner of Section 30 where it crosses onto the main farm. Approximately 3070 ft. from the river station along the 30" mainline there is a 2800 hp inline main booster pumping station. It is located

in the NE corner of the NE1/4 NE1/4 of Section 18. From the main booster pumping station the 30" mainline continues south 5350 ft+/- to a point where it crosses an 18" Hawman Farm mainline just north of Hwy 37 near the SE corner of Section 18, T5N, R30E, W .M. From the cross tie connection point between the Royale Columbia Farms and Hawman Farm distribution systems the Royale Columbia Farms 30" mainline continues in a south direction 5080 ft+/- to a connection point, CL-A, near the NE corner of Section 30 At this point parallel 20" and 16" pipelines connect and extend in a southeast direction 3690 ft.+/- to cluster CL-4 and the location of a booster pumping station which is the start of the Cold Springs Canyon Farm system.

JB Land delivery systems

The distribution system consists of a river pumping station located on the south bank of the Columbia River. There are three river pumps, 1-250 hp, 1-500 hp, and 1-900 hp pump. From the river pumping station water is pumped southerly approximately 6100 feet through a 24" penstock to the northeasterly boundary line of the farm. From

this point the buried main pipe distribution system continues in a southwesterly direction approximately 15,000 feet± to the NW ¼ SE ¼ Section 24. At this point the 24" pipe turns southeasterly 5,280ft± passing under Walls Road to Royale Columbia Farm Cluster 1 near the center of Section 30. At this point the 24 inch pipeline continues in a northeasterly direction 2640 ft± to a connection point, CL-A, near the NE corner of Section 30. At this point parallel 20" and 16" pipelines connect and extend in a southeast direction 3690 ft.+/- to cluster CL-4 and the location of a booster pumping station which is the start of the Cold Springs Canyon Farm system.

Cold Springs Canyon, LLC System

The Cold Spring Canyon Farm system starts at CL-4, the location of a booster pumping station. This booster

pumping station consists of three pumps totaling 350 hp and is referred to as the Cluster 4 Booster Station. This

pumping station boost the pressure and pumps water through a 20" pipeline that extends in a southeast 15340

ft.+/- to another booster pumping station. This booster station consists of four pumps totaling 660 hp and is referred to as the Bracher Booster Station. From Bracher Booster Station water is distributed through the delivery system to areas proposed to be irrigated under this application as shown on Application Map A.

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SECTION 3: SOURCE OF WATER

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A. Proposed Source of Water

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

Source 1: Columbia River	Tributary to: Pacific Ocean
Existing JB Land POD: Located T5N, R30E, WM Sec 7, SE ¼ SW ¼ 460 ft N& 1680 ft E from SW Cor Sec 7	
Existing Royal Columbia POD: Located T5N, R30E, WM Sec 8, SW ¼ NW ¼ 2860 ft N& 70 ft E from SW Cor Sec 8	
Existing Hawman Farms POD: T5N, R30E, WM Sec 8, NE ¼ NW ¼ 9360 ft N& 3530 ft W from SE Cor Sec 17	

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 N/A

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/

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

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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:

We currently use a third party to monitor and report to us the amount of water apply to the crops weekly and with the knowledge of how much water each crop is using weekly we properly apply enough water to replace the amount used by the crops.

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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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
Columbia River	Irrigation*on <u>2899.4 Acres</u> (which includes raising the soil moisture to its water holding capacity to be utilized by plant growth in the subsequent growing season).	November 1 st -April 15 th	23.0 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

*Propose or Use: Primary Irrigation of 2899.4 acres for a total of 4349.1 acre-feet, from the Columbia River during the period November 1st thru April 14th (which includes raising soil moisture to field capacity to be utilized by plants in the subsequent growing season.

Acres that are described in this application that are also describe in Permit S-55127 will not be claimed irrigated under Permit S-55127 at the time of Claim of Beneficial Use for this Permit. At the time of approving this application we request these acres to be cancelled from Permit S-55127

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2899.4 X 1.5 Acre-ft/Acre = 4349.1 acre-ft

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): _____

<u>Columbia River's Pump Station Name</u>	<u>Number of Pumps</u>	<u>Individual Pump Size (hp)</u>	<u>Total Capacity (gpm)</u>
Existing Hawman Farms	6	500	13,200
Existing Hawman Farms	1	250	1,100
Existing Royal Columbia	3	800	19,650
Existing Royal Columba	1	400	3,300
Existing JB Land	3	500	8,100
Existing JB Land	1	250	1,300

Other means (describe): N/A

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

Please refer to the accompanying Delivery System Map for the description of the system that provides water to the Cold Spring Canyon Farm. A third party monitors water being used and crop requirement intending to help applicant to prevent waste.

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B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Center Pivots, wheel lines, hand lines, and solid sets and drip currently will be used to irrigate the areas described in this application

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.

We plan to use a third party to monitor, and apply enough water to raise the soil moisture to field holding capacity to be utilized by plants in the subsequent growing season and replacing the amount used by the crop each week during the growing season.

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: All existing Columbia River Pump Station on the Columbia River have approved fish screens River as per NMFS Requirements and the screens are consistent with current criteria of other regulating agencies
- 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: The systems already exist; thus, the applicant does not anticipate any construction or work in riparian or streamside areas.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: The applicant does not anticipate having to work in the Columbia River as the pumps and equipment already exist
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Applicant monitors and use the latest technology to prevent erosion, optimizing and the use of fertility and chemistry so erosion and run-off are prevented.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
We had secured easement and other right-a-ways required when we filled Application for Permit S-55127. All needed contract and easements are in place and no federal or state permits are expected to be required.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Started
- b) Date construction will be completed: Within five years of permit being issued
- c) Date beneficial water use will begin: Within five years of permit being issued

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name East Improvement District	Address 3750 SW Marshall Place	
City Pendleton	State OR	Zip 97801

SECTION 10: REMARKS

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

Acres* that are described in this application that are also describe in Permit S-55127 will not be claimed irrigated under Permit S-55127 at the time of Claim of Beneficial Use for this Permit. At the time of approving this application we request these acres to be cancelled from Permit S-55127. Irrigation water obtained from Oregon Water Resources Department Applications for Allocation and Use of Conserved Water, CW-63, CW64, CW 65, other permits secured through East Improvement District and other mitigations water will be use to finish the crops during the irrigation season after April 15th each year.

*** Below is the list of Acres to be cancelled from Permit S55127
Upon the approval of this application**

4N	30 E	WM	1	NE NW	25.30
4N	30 E	WM	1	NW NW	25.80
4N	30 E	WM	1	SW NW	8.40
4N	30 E	WM	1	SE NW	7.50
4N	30 E	WM	2	NE NE	23.10
4N	30 E	WM	2	NW NE	18.10
4N	30 E	WM	2	SW NE	1.20
4N	30 E	WM	2	SE NE	2.60
4N	30 E	WM	2	NE NW	17.90
4N	30 E	WM	2	NW NW	2.60
4N	30 E	WM	2	NE SW	5.90
4N	30 E	WM	2	NW SW	15.60
4N	30 E	WM	2	SW SW	38.90
4N	30 E	WM	2	SE SW	33.90
4N	30 E	WM	2	NW SE	1.30
4N	30 E	WM	2	SW SE	28.90
4N	30 E	WM	6	NE NE	28.80
4N	30 E	WM	6	NW NE	26.40
4N	30 E	WM	6	SW NE	35.20
4N	30 E	WM	6	SE NE	37.20

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4N	30 E	WM	6	NE NW	31.60
4N	30 E	WM	6	NW NW	22.80
4N	30 E	WM	6	SW NW	49.40
4N	30 E	WM	6	SE NW	37.20
					525.6
4N	30 E	WM	6	NE SW	25.20
4N	30 E	WM	6	NW SW	52.20
4N	30 E	WM	6	SW SW	40.80
4N	30 E	WM	6	SE SW	24.00
4N	30 E	WM	6	NE SE	22.80
4N	30 E	WM	6	NW SE	38.40
4N	30 E	WM	6	SWSE	36.40
4N	30 E	WM	6	SE SE	20.00
4N	30 E	WM	11	NE NE	30.95
4N	30 E	WM	11	NW NE	34.55
4N	30 E	WM	11	SW NE	36.00
4N	30 E	WM	11	SE NE	30.95
4N	30 E	WM	11	NE NW	32.35
4N	30 E	WM	11	NWNW	36.65
4N	30 E	WM	11	SW NW	36.05
4N	30 E	WM	11	SE NW	36.00
4N	30 E	WM	11	NE SW	36.00
4N	30 E	WM	11	NW SW	36.05
4N	30 E	WM	11	SW SW	30.95
4N	30 E	WM	11	SE SW	30.95
4N	30 E	WM	11	NE SE	30.95
4N	30 E	WM	11	NW SE	36.00
4N	30 E	WM	11	SW SE	30.95
4N	30 E	WM	11	SE SE	30.95
5N	30 E	WM	35	NW NE	37.30
5N	30 E	WM	35	SW NE	11.10
5N	30 E	WM	35	NE NW	30.10
5N	30 E	WM	35	NW NW	23.80
5N	30 E	WM	35	SW NW	26.00
5N	30 E	WM	35	SE NW	14.40
5N	30 E	WM	35	NE SW	10.20
5N	30 E	WM	35	NW SW	0.10
5N	30 E	WM	35	SW SW	12.50
5N	30 E	WM	35	SE SW	40.00
5N	30 E	WM	35	NE SE	6.40
5N	30 E	WM	35	NW SE	40.00
5N	30 E	WM	35	SW SE	35.30
5N	30 E	WM	35	SE SE	27.10
5N	30 E	WM	36	SW SW	30.70
5N	30 E	WM	36	SE SW	29.80
					405.75
				Total	931.35

Land Use Information Form



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NAME COLD SPRING CANYON, LLC C/O GREG JUUL			PHONE (HM)		
PHONE (WK) (541) 567-8263		CELL (541) 571-1043		FAX	
ADDRESS 31056 E. WALLS ROAD					
CITY HERMISTON		STATE OR	ZIP 97838	E-MAIL* GENERATION2@EOTNET.NET	

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	Sections	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
4N	30E	1, 2, 11, 12, 13, & 14		100, 300, 800, 1100, 1200, 1400 & 1601	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
4N	31E	7		1801 & 1802	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
5N	30E	25, 26, 35 & 36		1305, 1315 & 1800,	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation

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

Umatilla

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Groundwater Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

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

Estimated quantity of water needed: 23 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

We propose to Primary Irrigation of 2899.4 acres for a total of 4349.1 acre-feet, from the Columbia River during the period November 1st thru April 14th (which includes raising soil moisture to field capacity to be utilized by plants in the subsequent growing season. We will use existing pump stations on the Columbia River and delivery systems owned and operated by Royal Columbia Farm, JB Lands and Hawman Farm to deliver water to the areas described in the attached application and maps

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

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC 152-056(A).
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	DEC 09 2019	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Farm Use

NAME <u>CAROL JOHNSON</u>	TITLE <u>Planner</u>
SIGNATURE <u>Carol Johnson</u>	PHONE: <u>541-278-6053</u>
GOVERNMENT ENTITY <u>Umatilla County</u>	DATE: <u>9/16/2019</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: _____

2019

Water Right Application for Winter Water from the Columbia River

The Department encourages applicants to coordinate with districts during the planning and preparation of applications involving water rights application requiring the use of an irrigation district system for delivery

1. APPLICANT INFORMATION

NAME COLD SPRING CANYON, LLC C/O GREG JUUL		PHONE (541) 567-8263	FAX
ADDRESS 31056 E. WALLS ROAD			CELL (571) 571-1043
CITY HERMISTON	STATE OR	ZIP 97838	E-MAIL * GENERATION2@EOTNET.NET

2. DISTRICT INFORMATION

District Name: East Improvement District

Address: 3750 SW Marshall Place

City: Pendleton, OR 97801

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Home Phone: N/A Work Phone: (541) 571-1043 Other Phone (541) 567-3704

Fax (541) 567-1899 E-Mail address: GENERATION2@EOTNET.NET

3. DISTRICT CONCURRENCE WITH PROPOSED WATER RIGHT APPICAION

The district certifies the following:

- (1) The applicant has conferred with the district about the proposed water right application;
- (2) The district has reviewed the applicant's proposed water right application and maps; and
- (3) The district concurs with the proposed water right application.


Greg Juul Chairman _____ Date
 District-Board Chairman Signature Name (print)

2019

Water Right Application for Winter Water from the Columbia River

The Department encourages applicants to coordinate with effected **land owners** during the planning and preparation of the applications including their land in the proposed project.

1. APPLICANT INFORMATION

2.

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<u>We, Cold Spring Canyon, LLC c/o Greg Juul</u>			
NAME of Applicants			
<u>31056 Walls Road, Hermiston, OR 97838</u>			
ADDRESS	CITY	STATE	ZIP
<u>(541)571-1043</u>		<u>generation2@eotnet.net</u>	
PHONE	E-MAIL ADDRESS		

2. Land Owners INFORMATION

Harry W. Markgraf

81276 S. Cold Spring RD, Pendleton , OR 97801

ADDRESS CITY STATE ZIP

(541)276-3039

PHONE E-MAIL ADDRESS

Other Phone: _____

S-00785

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DEC 09 2019

OWRD

3. WE CONCURRENCE WITH PROPOSED WATER RIGHT APPICAION

The Applicant certifies the following:

- (1) The applicant has conferred with the **Harry W. Markgraf** about the proposed water right application;
- (2) **Harry W. Markgraf** has reviewed the applicant's proposed water right application and maps; and
- (3) They concur with the proposed water right application.

Harry W. Markgraf
Harry W. Markgraf Signature

Harry W. Markgraf
Name (print)

11-14-19
Date

R187 PAGE 653

BARGAIN AND SALE DEED

151167

WALDE MARKGRAF, Grantor, conveys to HARRY W. MARKGRAF and JONI MARKGRAF, husband and wife, Grantee, the following described real property:

North Half of Northeast Quarter; North Half of South Half of Northeast Quarter; all in Section 1, Township 4 North, Range 30;

Northwest Quarter of Northwest Quarter; North Half of Southwest Quarter of Northwest Quarter; all in Section 6, Township 4 North, Range 31;

East Half of Northeast Quarter; West Half of Northeast Quarter lying Southerly of U. S. Highway No. 395; South Half of Northwest Quarter lying Southerly of U. S. Highway No. 395; South One-Half; all in Section 25; East Half of Southeast Quarter lying Southerly of U.S. Highway No. 395, Section 26; East Half of Northeast Quarter, Section 35; North One-Half; North Half of Southwest Quarter; Southeast Quarter; all in Section 36; all being in Township 5 North, Range 30;

West One-Half, Section 30; West One-Half; West Half of Southeast Quarter; all in Section 31; all being in Township 5 North, Range 31,

EXCEPTING any and all roads and highways.

All being East of the Willamette Meridian, Umatilla County, Oregon.

The true and actual consideration of this conveyance is \$351,547.55.

This instrument will 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 approved uses.

///

1 - BARGAIN AND SALE DEED

RECEIVED
DEC 09 2019
OWRD

P-44089

R187 PAGE 654

Until a change is requested, all statements are to be sent to the following address: Harry W. Markgraf

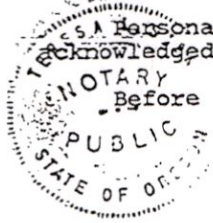
4303 S. W. Sheridan Avenue
Pendleton, Oregon 97801
December

DATED this 13th day of ~~November~~, 1989.

RECEIVED
DEC 09 2019
OWRD

Walde Markgraf
Walde Markgraf

STATE OF OREGON)
County of Umatilla) ss.
December
~~November~~, 13, 1989.



Personally appeared the within named Walde Markgraf and acknowledged the foregoing to be his voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My Commission Expires: 8-27-93

2 - BARGAIN AND SALE DEED

64089

FILED
J. DEAN FOUQUETTE, SR.
UMATILLA COUNTY CLERK

1989 DEC 14 A 11:19

RECEIVED

DEC 09 2019

OWRD

R 187 PAGE 655

STATE OF OREGON. } ss
COUNTY OF UMATILLA. }

I, J. Dean Fouquette, Sr., County Clerk,
certify that this instrument was received and
recorded

ON DEC 14, 1989

at 11:19 o'clock A.M. in the record
of DEEDS of said County in

Book	Page
R 187	653

J. DEAN FOUQUETTE, SR.
County Clerk

By Bethy Browning Deputy
Fees \$ 20.00 No. 151167

PIONEER TITLE COMPANY 7

DEC 09 2019

William Porfily

OWRD

From: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Sent: Friday, September 13, 2019 3:49 PM
To: William Porfily
Cc: generation2@eotnet.net; BJORK Mary F * WRD
Subject: RE: Cold Springs Canyon Winter Application Map waver
Attachments: COLD SPRINGS DEL TO FARM-Model.pdf

Good Afternoon Bill,

Your request for a map scale waiver of 1 inch = 4,000 ft, for Map C, depicting the delivery system, is **approved as requested**. Please be aware that this waiver only applies to the map scale. All other mapping requirements contained in the rules (OAR 690-310-0050(1)(C), remain in effect.

Please attach a copy of this email to the map when you submit the application.

Best Regards,

Mary

Mary F Bjork | Water Rights Program Analyst

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0804/503.986.0817 | Fax: 503.986.0901
Email: mary.f.bjork@oregon.gov | Web: <http://www.oregon.gov/owrd>

From: William Porfily <wporfily@gmail.com>
Sent: Friday, September 13, 2019 2:35 PM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Cc: generation2@eotnet.net
Subject: Cold Springs Canyon Winter Application Map Map waver

Afternoon Mary

I have been assisting Cold Spring Canyon Farm preparing an application for the irrigation of their Farm Nov 1st to April 15th from the Columbia River. I have attached two Maps that we propose to submit with the application. Map C shows the delivery system from the Columbia River to Cold Spring Canyon Farm. the second, Map A & B Map, describes the place of use.

We are requesting a waiver on the Map C, the delivery system from the Columbia River to the Farm. The propose scale is 1 inch = 4,000 ft. The Second Map A & B, the propose place of use, we propose it to be at the required scale of 1 inch = 1320 ft.

Thanks for your consideration in this issue

William Porfily
PO Box 643
Stanfield , OR 97875

Cel (541)561-7259

E-Mail: wporfily@gmail.com

Please excuse any misspellings, bad grammar or other typing errors.

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RECEIVED

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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: 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: **\$ 10,200**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 16, 2019

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-88785**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Kim French, Water Rights Specialist	Phone: 503-986-0816
	Email: kim.r.french@oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

COPY

Judy Ferrell
Customer Service Representative
Oregon Water Resources Department

cc:
File

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Process for a Surface Water Application:

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 (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.

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.oregon.gov/owrd. 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, 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.

4. Public Notice & Protest Opportunity

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. A 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.

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 will specify the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

Expedited Process for a Surface Water Application:

Note: The expedited process only applies to an applications using stored water only under ORS 537.147.

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment periods begins. Following the public comment period, the Department can issue the Final Order.