

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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

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Applicant

NAME RODNEY CUBIC		PHONE (HM) 541-483-2337	
PHONE (WK)	CELL 541-980-7542		FAX
ADDRESS PO BOX 151			
CITY TYGH VALLEY	STATE OR	ZIP 97063	E-MAIL*

Organization

NAME		PHONE		FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL* FORRESTRNACH@ORTELCO.NET	

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

AGENT / BUSINESS NAME JOSH THOMPSON / WASCO COUNTY SWCD		PHONE 541-296-6178 x116		FAX 541-296-7868
ADDRESS 2325 RIVER RD. STE. 3			CELL 541-993-3419	
CITY THE DALLES	STATE OR	ZIP 97063	E-MAIL* JOSH.THOMPSON@OR.NACDNET.NET	

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

Rodney Cubic
Applicant Signature

Rodney Cubic
Print Name and Title if applicable

12/5/19
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.

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- 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).*

NOT APPLICABLE

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 attached in Map and current Deed

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
RC1	TYGH CREEK	1,900	+45FT PER LiDAR SURVEY

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).*

The proposed new well and water right is part of the Highline Ditch and Diversion Elimination project. The project is funded through USDA NRCS, Oregon Watershed Enhancement Board and Wasco County Soil and Water Conservation District. The project will eliminate a 9-mile-long open ditch serving 7 users. Mr. Cubic is one of four users proposing to transfer their surface water rights instream and convert to groundwater rights. Their transfer of surface water may be considered mitigation if needed under division 9 review. Three other users are applying concurrently for ground water right under with like scenarios. The major user of the Highline Ditch will be applying for a Point of Diversion Transfer downstream. The proposed point of diversion transfer will involve 5 CFS and be taken out of White River. Which is currently a not overallocated and requiring regulation by the local water master. Tygh Creek Is Highly overallocated, regulated, and frequently dewatered by irrigation withdraws. The Cumulative effect of the projects is expected to maintain perennial flow throughout Tygh Creek in the Lower Tygh Valley Basin.

The project will also remove 3 out of 4 fish passage barriers with plans to address the 4th as funding becomes available.

Rodney Cubic's Surface Water Right is included in Certificates 3733, 5491 & 8545

Well Inspector will be consulted on all aspect of well construction.

Legal Description of the Property is NE¼ of NE¼, Section 4, Township 4 South, Range 13 East, Willamette Meridian.

Wasco County Taxlot: 4S 13E 4 200, Account # 10526

Property Address: 82701 HWY 216, Tygh Valley, OR 97063

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 22.4GPM (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
RC1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	6"	TBD	TBD	TBD		TYGH VALLEY FORMATION	TBD	22.4	12 AF

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

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

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

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For Department Use: App. Number: G-10089

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

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

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

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

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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

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

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

Yes No

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If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

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

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as

appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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

If yes, you will be required to provide the following information, if applicable.

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

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

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Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	April 15 th to October 15 th	12 Acre Feet

For irrigation use only:

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

Primary: 4.0 Acres Supplemental: Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 12.0 Acre Feet

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: (**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): 5hp, Submerged turbine.
 Other means (describe): _____

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

Well will be constructed to Oregon Standards, conveyance System will be designed by Wasco SWCD and Meet USDA NRCS Quality criteria. Conveyance System will be a pressurized, on demand system. Pipes will be properly sized to minimize friction loss.

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*)

Application System will be POD style utilizing rotator sprinklers.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The amount of water requested is 5gpm / acre, and is needed to maintain adequate soil moisture during peak evapotranspiration rates. The pressurized, on demand system will have 100% conveyance efficiency compared to the open ditch system that is estimated at 40% efficient. The in-stream transfers and POD changes associated with this project will have a profound beneficial impact on aquatic life and riparian habitat. Tygh Creek will be converted from a seasonally dewatered stream, back to perennial flow. The decommissioning of the highline ditch will also eliminate blowouts that frequently flood out adjacent crop fields. The additional water in Tygh Creek will have a beneficial impact on the recreational uses in and around Tygh Creek. Benefits include the potential for a robust healthy natural fishery for native redband trout. Surface water rights associated with this property to be converted in-stream is Certificates 3733, 5491 and 8545.

SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: Pending Approval
- b) Date construction will be completed: 6 months from approval
- c) Date beneficial water use will begin: Spring following completion

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: _____

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

Describe planned actions and additional permits required for project implementation: _____

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

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	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*).

Funding for this project is provided by OWEB GRANT #214-4008, USDA NRCS via White River RCPP funding Pool and Wasco County Soil and Water Conservation District.

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Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 2,210
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)

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.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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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 ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Wasco County SWCD
First _____

Last _____

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Mailing Address: 2325 River Rd.

OWRD

The Dalles City OR 97058 Daytime Phone: 541-296-6178
State Zip

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:
4S	13E	4	NE NE	200	TV-R	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	AG
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Wasco County near Tygh Valley

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B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 20 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:



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. **See bottom of Page 3.** →

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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 (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

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.

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Name: _____ Title: _____

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Signature: _____ Phone: _____ Date: _____

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Government Entity: _____

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Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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."**

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		<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

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.

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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: Wasco County SWCD

City or County: Wasco County Staff contact: Brant Bybee

Signature: [Signature] Phone: (541) 506-2544 Date: 7/23/19

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): Section 3.012, Wasco County Ludo
- 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."**

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		<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

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: ^{Brent} Bybee Title: Associate Planner Phone: (541) 506-0560 Date: 7/09/2019

Signature: [Signature]

Government Entity: Wasco County Planning

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: Wasco County SWCD

City or County: Wasco County Staff contact: Brent Bybee

Signature: [Signature] Phone: (541) 506-2544 Date: 7/23/19

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

Melorie A. Timken
402 Hwy 142
Leke, WA 98635

Wasco County Official Records **2013-004304**

DEED-D 11/26/2013 11:16 AM

Cnt=1 Stn=1 WASCO COUNTY \$25.00 \$11.00 \$15.00 \$10.00 \$15.00 **\$76.00**



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



1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Warranty Deed

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Edwin R & Sylvia H Merrell

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Rodney C. Cubic & Tammy Cubic

4) TRUE AND ACTUAL CONSIDERATION ORS 93.030(5) - Amount in dollars or other

\$ 67,642.64 Other

5) SEND TAX STATEMENTS TO: *

Rodney C. Cubic
82701 Hwy 216
746A Valley, OR 97063
*mailing address P.O. Box 151
746A Valley, OR 97063

6) SATISFACTION of ORDER or WARRANT ORS 205.125(1)(e)

CHECK ONE: FULL
(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ _____

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____ TO CORRECT _____"

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that EDWIN R. MERRELL and SYLVIA H. MERRELL, husband and wife, hereinafter called the grantors, for the consideration hereinafter stated, to grantors paid by RODNEY C. CUBIC and TAMMY CUBIC, husband and wife, hereinafter called the grantees, do hereby grant, bargain, sell and convey unto the said grantees and grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Wasco and State of Oregon, described as follows, to-wit:

A tract of land located in the Northeast quarter of Section 4 and the Northwest quarter of Section 3, Township 4 South, Range 13 East of the Willamette Meridian, County of Wasco and State of Oregon, being more particularly described as follows:

Beginning at the North quarter corner of Section 3, Township 4 South, Range 13 East of the Willamette Meridian; thence North 89° 30' 22" West along the North line of said Section 3 to the Northwest corner of said Section 3; thence South 12° 15' 00" East a distance of 1437.94 feet to the true point of beginning of the parcel herein described; thence North 82° 28' 47" West a distance of 154.32 feet; thence North 48° 25' 28" West a distance of 63.32 feet; thence North 6° 48' 26" East a distance of 83.32 feet; thence North 82° 47' 28" West a distance of 370.17 feet; thence Southwesterly a distance of 85 feet more or less to a point being 3.87 chains West of the Northeast corner of the Southeast quarter of the Northeast quarter of Section 4, Township 4 South, Range 13 East of the Willamette Meridian; thence South 1.67 chains to a rock crib; thence East 3.87 chains to the East line of said Section 4; thence East to the Northerly right of way line of State Highway No. 216; thence Easterly along said right of way line to a point due South of the true point of beginning; thence North to the true point of beginning.

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TOGETHER WITH the following described real property:

Beginning at the North quarter corner of Section 3, Township 4 South, Range 13 East of the Willamette Meridian; thence North 89° 30' 22" West along the North line of said section 3 to the Northwest corner of said Section 3; thence South 12° 15' 00" East a distance of 1,437.94 feet; thence North 82° 28' 47" West a distance of 154.32 feet; thence North 48° 25' 28" West a distance of 63.32 feet; thence North 6° 48' 26" East a distance of 83.32 feet to the true point of beginning of the parcel herein described; thence Northwesterly 496 feet, more or less to the center of High Line Ditch in a straight line from the true point of beginning herein to the Northwest corner of Section 3, Township 4 South, Range 13 East of the Willamette Meridian; thence along the center line of the High Line Ditch Westerly in an arc to the left to a point where said High Line Ditch intersects a point North 82° 47' 28" West a distance of 370.17 feet from the true point of beginning of this parcel; thence South 82° 47' 28" East a distance of 370.17 feet to the true point of beginning of this parcel.

RESERVING unto the grantors and appurtenant to their property retained to the North and East, a non-exclusive easement for ingress and egress over and across the Easterly 217.65 feet of the above described property.

SUBJECT TO:

1. The usual reservations as contained in patent issued by the United State of America.
2. The rights of the public in and to the portions thereof included within the boundaries of roads and highways.
3. Public utility easements, if any shall be found to exist on the premises.
4. Pipeline Easement, including the terms and provisions thereof, J.W. Dodd, et ux., to Tygh Valley Water District, recorded May 4, 1948 in Book 113, Page 349. (Affects SW1/4 NW1/4 of Sec. 3, exact location unknown)
5. Pipeline Easement, including the terms and provisions thereof, Thelma Roberts to Tygh Valley Water District, recorded May 4, 1948 in Book 113, Page 351. (Affects NW1/4 NW1/4 of Sec. 3, exact location unknown)

6. Easement Deed, including the terms and provisions thereof, M.L. Sauers and Opal M. Sauers, husband and wife, to Tygh Valley Water District, a corporation, dated September 1958, recorded October 2, 1958 in Deed Book 138, Page 51.

7. Right-of-Way Easement, including the terms and provisions thereof, Edwin R. Merrell and Sylvia H. Merrell, grantors, to Pacific Power & Light Company, a corporation, dated October 27, 1971, recorded November 2, 1971, Wasco County, Oregon, Micro-Film No. 71-2026

8. Telephone Line Right-of-Way Easement, including the terms and provisions thereof, Edwin R. Merrell and Sylvia H. Merrell, to Telephone Utilities, an Oregon corporation, dated January 21, 1980, recorded February 20, 1980, Wasco County, Oregon, Micro-Film No. 80-0456.

9. The above premises is included in and subject to the statutory powers, including power of assessment, pipelines, easements, ditches and facilities of the Tygh Valley Water District.

10. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest, which grantees herein agree to pay.

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.

To Have and to Hold the same unto the said grantees and grantees' heirs, successors and assigns forever.

And said grantors hereby covenants to and with said grantees and grantees' heirs, successors and assigns, that grantors are lawfully seized in fee simple of the above granted premises, free from all encumbrances, and that grantors will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all

persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$67,642.64.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the grantors have executed this instrument this 12 day of August, 1988.

Edwin R. Merrell

Sylvia H. Merrell

STATE OF OREGON)

County of Wasco)

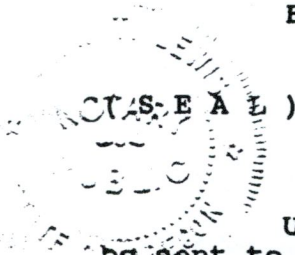
ss.

Aug 12, 1988.

Personally appeared the above named Edwin R. Merrell and Sylvia H. Merrell and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

John D. Lewis
Notary Public for Oregon
My commission expires: 2/10/89



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

Rodney C. and Tammy Cubic
Route 1
Tygh Valley, OR 97063

After recording return to:

Lewis, Foster & Peachey
508 Washington Street
The Dalles, OR 97058

BB

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Rodney C Cubic
83703 Hwy 216
Yosh Valley, Ore
 Owner's Name and Address
Karen J. Forrest
79271 Wolf Run Rd
Dufur, OR 97021
 Beneficiary's Name and Address

Wasco County Official Records **2017-002939**
 DEED-D
 Cnt=1 Stn=1 WASCO COUNTY **07/28/2017 02:08 PM**
 \$10.00 \$11.00 \$20.00 \$10.00 \$19.00 **\$70.00**



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



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After recording, return to (Name and Address):
Rodney C Cubic
PO Box 151
Yosh Valley, OR 97063
 Until requested otherwise, send all tax statements to (Name and Address):

*ORS 295 requires the first page of a recorded document to show the names and addresses of all parties. Use Stevens-Ness Form No. 1256, Cover Sheet for Instrument to be Recorded, if you need additional space.

NOTICE TO OWNER: You should carefully read all information on this form. You may want to consult a lawyer before using this form. This form must be recorded before your death or it will not be effective. (Type or legibly print all information.)

TRANSFER ON DEATH DEED

KNOW ALL BY THESE PRESENTS that I, Rodney C Cubic

, owner of the real property described below, whose address is 83703 Hwy 216 Yosh Valley, Ore 97063

upon my death, do hereby transfer to the beneficiary designated below, all of my right, interest and title in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Wasco County, State of Oregon, described as follows (legal description of the property):

See Attached

I designate Karen J. Forrest (IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE) whose mailing address, if available, is 79271 Wolf Run Rd Dufur, OR 97021

as my primary beneficiary* if that person survives me. (Optional) I designate _____

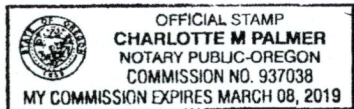
whose mailing address, if available, is _____

as my alternate beneficiary** if that person survives me. Before my death, I have the right to revoke this deed. (Optional) SPECIAL TERMS: _____

In construing this instrument, where the context so requires, the singular includes the plural. IN WITNESS WHEREOF, the undersigned has executed this instrument on July 28, 2017

Rodney C Cubic
Karen J Forrest

STATE OF OREGON, County of Wasco ss. This instrument was acknowledged before me on July 28, 2017 by Rodney Cubic and Karen Forrest



Charlotte M Palmer
 Notary Public for Oregon
 My commission expires March 8, 2019

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*OR Laws 2011, Ch. 212, Sec. 9 states that a designated beneficiary must be identified by name; "a beneficiary designation that identifies beneficiaries only as members of a class is void."
 **OR Laws 2011, Ch. 212, Sec. 5(2)(b) states that an individual may designate one or more "Alternate beneficiaries who take the property only if none of the primary beneficiaries is qualified or survives the transferor."
 NOTE: OR Laws 2011, Ch. 212, provides that Transfer on Death deeds: (a) Transfer only property that the transferor owns at time of death, may not transfer property to designated beneficiaries with right of survivorship, but may designate shares of ownership (Sec. 13); (b) Are always revocable (Sec. 6); (c) Must be recorded before death to be effective (Sec. 9(1)(d)), but need not be delivered to designated beneficiaries (Sec. 10(1)); (d) Transfer property without any warranties or covenants of title (Sec. 13(4)), and subject to all debts of the decedent, as well as to all liens, mortgages and conveyances to which the property may be subject (Sec. 13(2)).

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EXHIBIT A - LEGAL DESCRIPTION

A tract of land located in the Northeast quarter of section 4 and the Northwest quarter of Section 3, Township 4 South, Range 13 East of the Willamette Meridian, County of Wasco and State of Oregon, being more particularly described as follows:

Beginning at the North quarter corner of Section 3, Township 4 South, Range 13 East of the Willamette Meridian; thence North 89° 30' 22" West along the North line of said Section 3 to the Northwest corner of said Section 3; thence South 12° 15' 00" East a distance of 1437.94 feet to the true point of beginning of the parcel herein described; thence North 82° 28' 47" West a distance of 154.32 feet; thence North 48° 25' 28" West a distance of 63.32 feet; thence North 6° 48' 26" East a distance of 83.32 feet; thence North 82° 47' 28" West a distance of 370.17 feet; thence Southwesterly a distance of 85 feet more or less to a point being 3.87 chains West of the Northeast corner of the Southeast quarter of the Northeast quarter of Section 4, Township 4 South, Range 13 East of the Willamette Meridian; thence South 1.67 chains to a rock crib; thence East 3.87 chains to the East line of said Section 4; thence East to the Northerly right of way line of State Highway No. 216; thence Easterly along said right of way line to a point due South of the true point of beginning; thence North to the true point of beginning.

TOGETHER WITH the following described real property:

Beginning at the North quarter corner of Section 3, Township 4 South, Range 13 East of the Willamette Meridian: thence North 89° 30' 22" West along the North line of said section 3 to the Northwest corner of said Section 3; thence South 12° 15' 00" East a distance of 1,437.94 feet; thence North 82° 28' 47" West a distance of 154.32 feet; thence North 48° 25' 28" West a distance of 63.32 feet; thence North 6° 48' 26" East a distance of 83.32 feet to the true point of beginning of the parcel herein described; thence Northwesterly 496 feet, more or less to the center of High Line Ditch in a straight line from the true point of beginning herein to the Northwest corner of section 3, Township 4 south, Range 13 East of the Willamette Meridian; thence along the center line of the High Line Ditch Westerly in an arc to the left to a point where said High Line Ditch intersects a point North 82° 47' 28" West a distance of 370.17 feet from the true point of beginning of this parcel; thence South 82° 47' 28" East a distance of 370.17 feet to the true point of beginning of this parcel.

RESERVING unto the grantors and appurtenant to their property retained to the North and East, a non-exclusive easement for ingress and egress over and across the Easterly 217.65 feet of the above described property.

SUBJECT TO: Matters of record

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Wasco County Planning Department

2705 East 2nd Street

The Dalles, OR 97058

541-506-2560

Fax: 541-506-2651

wcplanning@co.wasco.or.us

Invoice: 63735

921-19-000113-PLNG

www.co.wasco.or.us/departments/planning/index.php

Invoice Date: 7/23/19 10:53 am

Project Name: MINISTERIAL NONSTRUCTURAL

Worksite address: 82701 HIGHWAY 216, DUFUR, OR 97021

Parcel: 4S 13E 4 200

Owner: CUBIC RODNEY C, PO BOX 151, TYGH VALLEY, Oregon 97063

Units	Description	Fee Amount	Balance Due
1.00 Ea	Type I - Ministerial - Non-Structural sign-off - MNN	\$90.00	\$90.00
		<hr/>	<hr/>
		\$90.00	\$90.00

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6-10009



Today's Date: Tuesday, July 23, 2019

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	0.1	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	0	
Permit Recording Fee. ***		\$520.00
<p>* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.</p>	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,210.00

OWRD Fee Schedule

Fee Calculator Version B20170117

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