

SECTION 2: PROPERTY OWNERSHIP

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

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

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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).*

NA

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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.

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SECTION 3: SOURCE OF WATER

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A. Proposed Source of Water

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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):

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Source 1: <u>Watson Reservoir (Merwin #3)</u>	Tributary to: <u>Watson Cr.</u>
TRSQQ of POD: <u>T.16S, R.22E, W.M., Section 28, NW 1/4 NW 1/4</u>	
Source 2: <u>Merwin Res. # 2</u>	Tributary to: <u>Watson Cr.</u>
TRSQQ of POD: <u>T. 16S, R.22E, W.M., Section 32, NE 1/4 SW 1/4</u>	

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).

Merwin #3, certificate 48786; Merwin #2, cert. 48788

B. Applications to Use Stored Water

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

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

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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:

NA

- 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.

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

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

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.

For Department Use: App. Number: S-00014

- 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.

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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:

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Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

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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
Watson Res. (Merwin #3)	Supp. irrigation	July 1 - Nov 1	200 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Merwin Res. #2	" "	" "	47 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" 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

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

Primary: _____ Acres Supplemental: 1237 Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):
C-83298, C-83299 & T-10243

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2474

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

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SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 50 HP Turbine
- Other means (describe): _____

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

Merwin Res #3 into Watson Cr. to Merwin #2 into Watson Creek into Crooked River. Pump from Crooked River to pivot with existing irrigation delivery system

B. Application Method

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

existing center pivot

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.

potential shortage of primary water rights. This use will benefit a reach of Crooked River. We can measure the usage.

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For Department Use: App. Number: S-00014

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SECTION 7: RESOURCE PROTECTION

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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: _____

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- NA 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. MAR 02 2020

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

NA all the delivery system is in place

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- NA 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: _____

Existing pump station

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: _____

The irrigated land is monitored to determine need for irrigation. We do not irrigated more than necessary.

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

SECTION 8: PROJECT SCHEDULE

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- a) Date construction will begin: System is in place
- b) Date construction will be completed: Oct 1, 2019
- c) Date beneficial water use will begin: Oct 1, 2020

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SECTION 9: WITHIN A DISTRICT

- NA 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	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).

Land Use Information Form

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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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Applicant: Hamilton Ranch LLC by Don McNabb
First Last

Mailing Address: HC 68 Box 3310

Post
City

OR 97752
State Zip

Daytime Phone: 541 589-0863

503-967-8508

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:
16S	22E	28	NWNW	1200		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
"	"	32	NESW	1400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	
17S	22E	2	5½ SW	100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation
"	"	11	N½NW	100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	"

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

Crook County

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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 217.5 4948 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:

Release water from reservoirs down Watson Creek to Crooked River to pump station

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. →
Surface Water/9

WR

Revised 7/1/2017

S-000014

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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.

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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): 00

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
	FEB 03 2020	<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
		<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.

CROOK COUNTY CODE 18.16.010

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Name: Katie McDonald Title: Planner
Signature: Katie McDonald Phone: 541-447-3211 Date: January 14, 2020
Government Entity: CROOK COUNTY COMMUNITY DEVELOPMENT

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: _____

EXHIBIT "A"

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TRACT I:

IN TOWNSHIP 15 SOUTH OF RANGE 22 EAST OF THE WILLAMETTE MERIDIAN:
 Section 21: The West half of the Northwest quarter.
 Section 25: All.
 Section 29: The East half.
 Section 31: The Southeast quarter.
 Section 34: The Southeast quarter of the Southeast quarter.
 Section 35: The Southwest quarter of the Southwest quarter.
 Section 36: All.

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IN TOWNSHIP 15 SOUTH OF RANGE 23 EAST OF THE WILLAMETTE MERIDIAN:
 Section 31: The West half, and the West half of the East half.

IN TOWNSHIP 16 SOUTH OF RANGE 22 EAST OF THE WILLAMETTE MERIDIAN:

Section 2: The West half of the West half.
 Section 3: The East half of the East half.
 Section 9: All.
 Section 11: All.
 Section 12: The East half of the West half, and the East half.
 Section 14: The West half of the Northwest quarter, the East half of the Northeast quarter, and the South half.

Section 15: All.
 Section 16: All.
 Section 17: All.
 Section 19: All.
 Section 20: All.
 Section 21: All.

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Section 22: The South half of the Northwest quarter, the Northeast quarter, and the South half.

Section 23: All.
 Section 25: All.

Section 26: The Northwest quarter, the West half of the Northeast quarter, the Southeast quarter of the Northeast quarter, and the South half.

Section 27: All.
 Section 29: All.

Section 30: The Southwest quarter of the Northwest quarter, the West half of the Southwest quarter, and the Northeast quarter of the Southwest quarter.

Section 33: All.
 Section 35: All.

Section 36: The West half.

IN TOWNSHIP 16 SOUTH OF RANGE 23 EAST OF THE WILLAMETTE MERIDIAN:

Section 18: The Northwest quarter, the East half of the Southwest quarter, and the West half of the Southeast quarter.

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Page 2 of 2
Legal Description
C-02999

TRACT II:

IN TOWNSHIP 16 SOUTH OF RANGE 21 EAST OF THE WILLAMETTE MERIDIAN:

- Section 23: All.
- Section 25: All.
- Section 27: All.
- Section 35: All.
- Section 36: All.

IN TOWNSHIP 16 SOUTH OF RANGE 22 EAST OF THE WILLAMETTE MERIDIAN:

- Section 31: Lots 1, 2, 3, and 4, the East half of the West half, and the East half.
- Section 32: The Northeast quarter of the Southwest quarter, the South half of the Southwest quarter, and the Southwest quarter of the Southeast quarter.

IN TOWNSHIP 17 SOUTH OF RANGE 21 EAST OF THE WILLAMETTE MERIDIAN:

- Section 1: Lots 1, 2, 3, and 4, the South half of the North half, and the South half. (all)
- Section 2: The South half of the South half.
- Section 3: Lots 1, 2, 3 and 4, the South half of the North half, and the South half.
- Section 11: The North half of the North half.

IN TOWNSHIP 17 SOUTH OF RANGE 22 EAST OF THE WILLAMETTE MERIDIAN:

- Section 5: All.
- Section 6: Lots 5 and 6, the Southeast quarter of the Northwest quarter, the Northeast quarter of the Southwest quarter, the West half of the Northeast quarter, and the North half of the Southeast quarter.

KEY PUNCHED
JUL 18 1988

MICROFILM

STATE OF OREGON }
COUNTY OF CROOK } SS 88037

I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 15th DAY OF
July 19 88 AT 3:45 P.M.
AND RECORDED IN DEEDS

RECORDS OF SAID COUNTY. MF No. 88037
DELLA M. HARRISON, CROOK COUNTY CLERK

BY: *[Signature]* DEPUTY

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Application Completeness Checklist

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

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Division 33

The application form submitted is outdated and does not contain the current Division 33 requirement. Please use the current fillable application on our website, or the copy I have provided.

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

This information was not included with the application materials.

- For a SW Application: **Source of water** must be indicated.

The sources listed on the application form submitted are for stored water under your ownership. Please attach or list the water right permit, certificate, or decree that the stored water is authorized under.

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Proposed water use

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

The sources listed on the application form submitted are for stored water. Under Section 4: WATER USE; please provide the amount of water you propose to use from each storage source in acre-feet (af).

Fees:

No fees were submitted with the application. For a fee estimate, please see the attached Fee Calculator sheet. Please note that the rate used for calculation was based on the requested source of stored water, and the volume of water in acre-feet that is indicated on the submitted Land Use Form.

123.7 AC

175 21E 21 11

✓ 2 5 1/2 of SW

✓ 11 - N 1/2 of NW

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October 25, 2019

Hamilton Ranch LLC
c/o Don McNab
HC 68 Box 3310
Post, OR 97752

Dear Hamilton Ranch LLC:

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

We are therefore returning the incomplete application. You may resubmit the application with the required fees, the required information, and the attached checklist so the Department may begin processing your application in a timely manner.

The application form you have submitted is outdated and does not contain the current Division 33 requirement. Please use the current fillable application on our website, or the copy I have provided.

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

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0804 or 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: System is in place

Date construction will be completed: Oct 1, 2018

Date beneficial water use will begin: Oct 1, 2019

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SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

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