



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

April 24, 2007

Lani R. Hickey  
P.O. Box 785  
Merrill, Oregon 97633

Dear Lani R. Hickey:

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

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner.

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 Herb Mosgar at the address above or by telephone at 503-986-0804.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Cc: OWRD Fiscal

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## Application Checklist

- Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report.  
*This must be filled completely. Your application cannot be reviewed without this information.*
- Proposed use of water. If supplemental, list primary water right acreage if applicable.
- Enclosed Supplemental Form for each proposed use.
  - Form I (Irrigation) *Must indicate primary right*
- The map must meet all the minimum requirements of OAR 690-310-0050.
  - Place of use, 1/4, 1/4's and tax lot clearly identified
  - Location of each diversion point well or dam by reference to a recognized public land survey corner
  
  - Reference corner on map
- Fees: Amount of water requested 514 gpm = 1.1 cfs

Base Fee \$ 300

1st CFS/AF \$ 200

1 Addtn'l @ \$100 = \$100

Reviewed by: JK Sauter

Total Exam Fee \$ 600

Total Paid \$ 500

Date: April 24, 2007

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

# Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

### A. Individuals

Applicant: Kari B Hickey  
First Last

Mailing address: P.O. Box 785  
Merrill Oregon 97633  
City State Zip

Phone: 541-798-5469 541-883-4696 541-591-0211  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: khickey@co.clatsop.or.us

### B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: \_\_\_\_\_

Name and title of person applying: \_\_\_\_\_

Mailing address of organization: \_\_\_\_\_

\_\_\_\_\_  
City Zip

Phone: \_\_\_\_\_  
Day

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

\* Optional information

For Department Use		
App. No. _____	Permit No. _____	Date _____

**2. PROPERTY OWNERSHIP**

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Ground water Development.")

No (Please check the appropriate box below.)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

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 irrigated and/or domestic use only (ORS 274.040).

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.

List the names and mailing addresses of all affected landowners.

T405 R12E Sec 31 T10N12W 200

No other properties will be affected

**3. GROUND WATER DEVELOPMENT**

**A. Well Information**

Number of well(s): 4

Name of nearest surface water body: Tarigatun Canal 1.33 miles

Distance from well(s) to nearest stream or lake: 1) Lost River 5.12 miles

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) \_\_\_\_\_

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

**B. Well Characteristics**

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Van Meter & Duplain

Address: 3114 Boardman Ave  
Klamath Falls, OR 97603

Completion date: 10/1/2012

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Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
<i>Not Determined until drilled</i>									

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

**C. Artesian Flows**

If your water well is flowing artesian, describe your water control and conservation works:

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**4. WATER USE**

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

**A. Type(s) of Use(s)**

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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**B. Amount of Water**

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Basalt	irrigation	514	2.102044E	
2	Basalt	irrigation	514	2.102044E	
3	Basalt	irrigation	514	2.102044E	
4	Basalt	irrigation	514	2.102044E	

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 514  
(The fees for your application will be based on this amount.)

**D. Period of Use**

Indicate the time of year you propose to use the water: April 1 -> October 15  
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

**E. Acreage**

If you will be applying water to land, please give the total number of acres where water will be applied or used: 91.8  
(This number should be consistent with your application map.)

**5. WATER MANAGEMENT**

**A. Diversion**

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

Pump (give horsepower and pump type): 20 Horse Submersible

Other means (describe): \_\_\_\_\_

**B. Transport**

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width \_\_\_\_\_ Depth \_\_\_\_\_

Is the ditch or canal to be lined?  Yes  No

Pipe (give diameter and total length):

Diameter 6-8" Length 2640 feet

Other (describe) \_\_\_\_\_

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**C. Application/Distribution Method**

What equipment will you use to apply water to your place of use? \_\_\_\_\_

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe \_\_\_\_\_

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

**D. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

*We will use only the amount of water necessary to mature the crop planted without negligent use of any ground water.*

**6. PROJECT SCHEDULE**

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: 10/1/2008

Proposed date construction will be completed: 10/1/2010

Proposed date beneficial water use will begin: 10/1/2012

**7. REMARKS**

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

*This well is in the proposed stage. Once permit approved we will move into the implementation stage.*

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## 8. MAP REQUIREMENTS

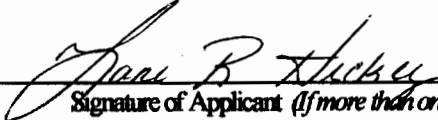
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

## 9. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

  
Signature of Applicant (If more than one applicant, all must sign.)

4/19/2007  
Date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.





# Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Denis & Lani Hickey  
Mailing Address: P.O. Box 785  
City: Merrell State: OR Zip: 97633 Day Phone: 541-591-0211

This application is related to a Measure 37 claim.  Yes  No

### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
40	12	31	E½S31	200	FR	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
			E½W½			<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, or used. Klamath County

### B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 275.4  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: Proposing to drill Supplemental Agricultural well

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Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local representative sign the receipt below 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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ARTICLE 55.230 of KCLDC

Land uses to be served by 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
		<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: Eliza Elizabeth Humblin Title: Planner  
 Signature: Eliza Elizabeth Humblin Phone: 883-5721 Date: 4-13-07  
 Government Entity: Klamath County

**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.

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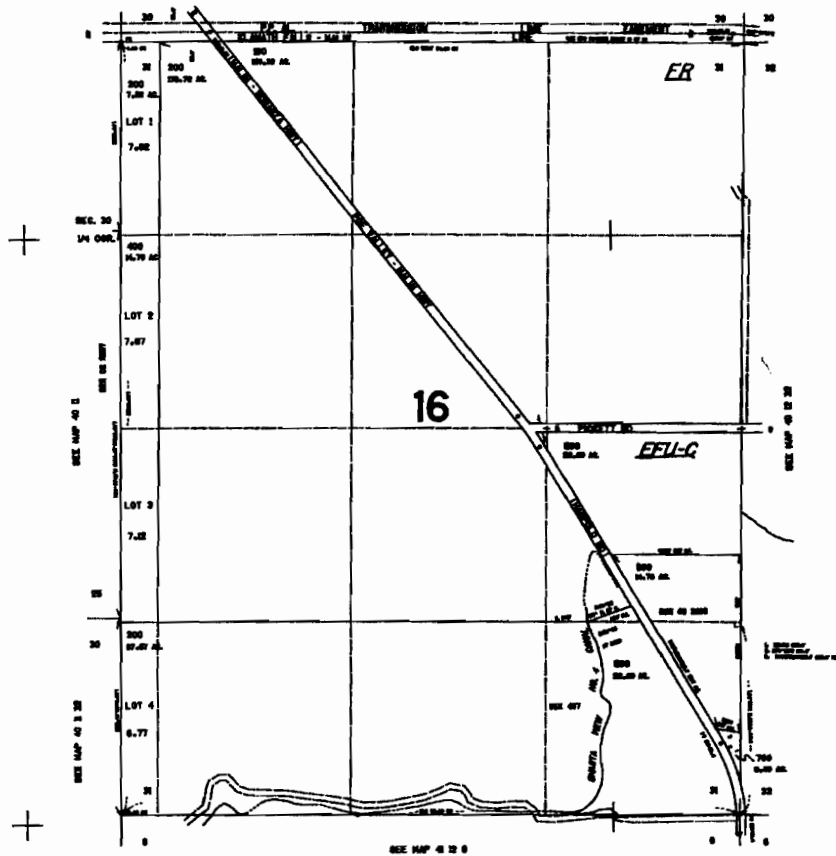
SECTION 31 T.40S. R.12E. W.M.  
KLAMATH COUNTY

40 12 31

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

SEE MAP 40 12 30

SCALE 1" = 1320'



40 12 31

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THIS SPACE RES

2007-004088  
Klamath County, Oregon



03/12/2007 02:34:54 PM

Fee: \$26.00



MT78290-KR

After recording return to:  
Denis P. Hickey Jr.  
PO Box 812  
Merrill, OR 97633

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

Denis P. Hickey Jr.  
PO Box 812  
Merrill, OR 97633

Escrow No. MT78290-KR  
Title No. 0078290

SWD

STATUTORY WARRANTY DEED

Gerald Herman and Nelda Herman, as tenants by the entirety, Grantor(s) hereby convey and warrant to Denis P. Hickey Jr. and Lani R. Hickey, as tenants by the entirety, Grantee(s) the following described real property in the County of Klamath and State of Oregon free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$355,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 7th day of March, 07.

Gerald Herman  
Nelda Herman

State of Oregon  
County of KLAMATH

This instrument was acknowledged before me on 3-7-2007 by Gerald Herman and Nelda Herman.

Notary Public for Oregon

My commission expires 9-8-09



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Int Long

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1**

Beginning at the SW corner of NE1/4 SE1/4 of Section 31, Township 40 South, Range 12 East of the Willamette Meridian; thence East 280 feet; thence 20° North of East a distance of 330 feet to the West side of Poe Valley Market Road; thence Northerly along the West side of said Poe Valley Market Road to the West line of said NE1/4 SE1/4, Section 31, Township 40 South, Range 12 East, Willamette Meridian; thence Southerly along the West line of said NE1/4 SE1/4 in said Section, Township and Range to the point of beginning.

**PARCEL 2**

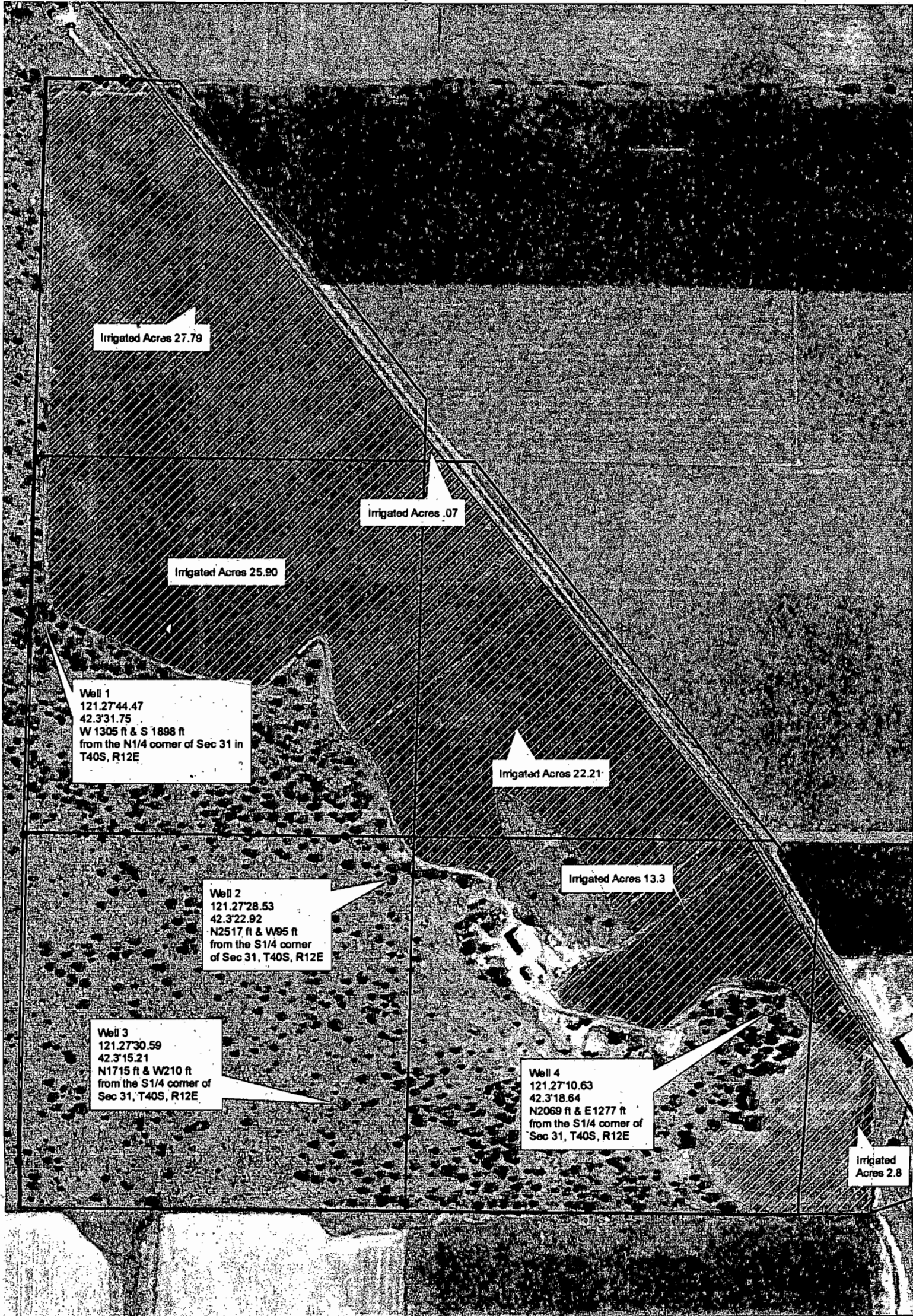
The SE1/4 NW1/4, NE1/4 SW1/4, and those portions of the NE1/4 NW1/4, SW1/4 NE1/4 and NW1/4 SE1/4 lying Southwesterly of the County Road. All in Section 31, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

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Lani R. Hickey  
 18808 Harpold Road  
 Malin, Oregon 97632

T.40S R.12E Sec.31 Taxlot 200

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1 inch equals 400 feet