

# Application for a Permit to Use Groundwater

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

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE****Applicant**

|                                                         |             |              |                                                                           |
|---------------------------------------------------------|-------------|--------------|---------------------------------------------------------------------------|
| NAME<br>RICHARD W. TODD, MANAGING MEMBER, DE TERRA, LLC |             |              | PHONE (HM)<br>(503) 232-2600                                              |
| PHONE (WK)<br>(503) 232-2600                            | CELL        |              | FAX                                                                       |
| ADDRESS<br>1300 N.E. LINDEN AVE. #8                     |             |              |                                                                           |
| CITY<br>GRESHAM                                         | STATE<br>OR | ZIP<br>97030 | E-MAIL*<br><a href="mailto:rick.tslaw@gmail.com">rick.tslaw@gmail.com</a> |

**Organization**

|                              |             |                         |                                                                           |
|------------------------------|-------------|-------------------------|---------------------------------------------------------------------------|
| NAME<br>DE TERRA, LLC        |             | PHONE<br>(503) 232-2600 | FAX                                                                       |
| ADDRESS<br>23254 S. RIDGE RD |             |                         | CELL                                                                      |
| CITY<br>BEAVER CREEK         | STATE<br>OR | ZIP<br>97004            | E-MAIL*<br><a href="mailto:rick.tslaw@gmail.com">rick.tslaw@gmail.com</a> |

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

|                                                           |             |                       |                                                                         |
|-----------------------------------------------------------|-------------|-----------------------|-------------------------------------------------------------------------|
| AGENT / BUSINESS NAME<br>ROBERT LONG, CWRE / CWM H2O, LLC |             | PHONE<br>503 799 0304 | FAX                                                                     |
| ADDRESS<br>1319 SE MLK JR. BLVD, SUITE 204                |             |                       | CELL<br>(503) 954-1326                                                  |
| CITY<br>PORTLAND                                          | STATE<br>OR | ZIP<br>97214          | E-MAIL*<br><a href="mailto:BOB.LONG@CWMH2O.COM">BOB.LONG@CWMH2O.COM</a> |

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.**

Applicant Signature

RICHARD TODD - MANAGING MEMBER

Print Name and Title if applicable

10/16/20

Date

Applicant Signature

Print Name and Title if applicable

Date

## SECTION 2: PROPERTY OWNERSHIP

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

- ☐ YES, there are no encumbrances.
- ☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☒ NO, 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*).

Lesley Langan and Lee Langan  
3930 SE Glenwood Street  
Portland, OR 97202

**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.

### PARCEL I - (Clackamas)

Part of Section 32, Township 3 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at a point on the East line of the Northeast one-quarter of Section 32, Township 3 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, which is 755.75 feet North of the Southeast corner of said Northeast one-quarter, said point of beginning being also the Southeast corner of a tract of land conveyed to Del M. Scribner, et ux, by Contract of Sale in Deed Book 578, Page 397, Records of Clackamas County; thence North 0°10'06" West along the East line of said Northeast one-quarter 908.20 feet; thence South 89°24'30" West, 666.84 feet, more or less, to a point on the center line of County Road No. 1705; thence Southerly tracing the center line of said road, 920.89 feet, more or less, to the Southwest corner of said Scribner Tract, said point being 755.75 feet North of the South line of said one-quarter section when measured at right angles; thence North 89°24'30" East, 812.57 feet to the point of beginning.

## 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 |
| Well 2<br>(proposed well) | Mosier Creek (to the southeast) | ~995 ft                           | ~85 - 360 ft                                                 |
|                           | Martin Creek (to the west)      | ~1225 ft                          | ~130 - 335 ft                                                |
|                           | Abernethy Creek (to the west)   | ~3,590 ft                         | ~275 - 530 ft                                                |

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 well is intended to access groundwater while avoiding interactions with Mosier Creek and Martin Creek, which are located to the east and west of the proposed location. This well will be drilled into the Columbia River Basalts (CRBG) below the Troutdale Aquifer and Sandy River Mudstones. None of the stream valleys in the vicinity of this property are incised into the CRBG, so this well will avoid any hydraulic connection with surface water. Logs of nearby deep wells indicate that the CRBG material should be encountered at roughly 600 – 700 ft bgs, with potentially productive water-bearing zones between 750 – 950 ft.

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### SECTION 3: WELL DEVELOPMENT, continued

**Total maximum rate requested: 0.25 CFS (112 GPM)** (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<br>WELL NAME<br>OR<br>NO. | PROPOSED                            | EXISTING                 | WELL ID<br>(WELL TAG)<br>NO.<br>WELL LOG<br>ID | FLOWING<br>ARTESIAN      | CASING<br>DIAMETER | CASING<br>INTERVALS<br>(IN FEET) | PERFORATED<br>OR SCREENED<br>INTERVALS<br>(IN FEET) | SEAL<br>INTERVALS<br>(IN FEET) | MOST RECENT<br>STATIC WATER<br>LEVEL & DATE<br>(IN FEET) | PROPOSED USE                   |                        |                                    |                                 |
|-----------------------------------|-------------------------------------|--------------------------|------------------------------------------------|--------------------------|--------------------|----------------------------------|-----------------------------------------------------|--------------------------------|----------------------------------------------------------|--------------------------------|------------------------|------------------------------------|---------------------------------|
|                                   |                                     |                          |                                                |                          |                    |                                  |                                                     |                                |                                                          | SOURCE AQUIFER                 | TOTAL<br>WELL<br>DEPTH | WELL-<br>SPECIFIC<br>RATE<br>(GPM) | ANNUAL<br>VOLUME<br>(ACRE-FOOT) |
| Well 2<br>(proposed)              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Proposed                                       | <input type="checkbox"/> | 6 – 8"             | ~0-750 ft <sup>1</sup>           | NA                                                  | ~0-750 ft                      | ~350-400 ft <sup>1</sup>                                 | Columbia River<br>Basalt Group | ~950 ft <sup>1</sup>   | 112 <sup>1</sup>                   | 48.5 <sup>†</sup>               |

1. Estimated well construction based on conditions in nearby deep CRBG wells.

† The annual volume is based on the maximum nursery volume per year for the area of use (5.0 acre-feet per acre year over 14.5 acres) split between this application and the amended application G-18717, which requests nursery use of 24.0 acre-feet per year. The proposed rate in application G-18717 is based on the maximum allowable pumping rate established in the initial groundwater review. This application proposes the use of Well 2 to bring the overall use between the two permit applications to 72.5 acre-feet per year. Because application G-18717 is limited to November – June, this application also proposes to the use of Well 2 to provide nursery supply during the July – October period.

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

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\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_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**

Is the well or proposed well 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, 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:

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

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

☒ Yes ☐ No

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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) |
|----------------------|---------------|---------------------------|
| Nursery (container)  | Year-round    | 48.5                      |
| Nursery (greenhouse) | Year-round    | Included in above         |
| Nursery (in-ground)  | Year-round    | Included in above         |

### For irrigation use only:

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

Primary: 14.5 ac

Supplemental: 0 ac

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

**\*This application does not contain any supplemental use. However, the nursery use proposed here is complementary to the nursery use requested in application G-18717, which is limited to an annual volume of 24.0 acre-feet. The two proposed permits together total to the maximum allowed nursery use of 73.5 acre-feet per year based on the place of use.**

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 48.5

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **NA** (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*): **NA**

## SECTION 6: WATER MANAGEMENT

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### A. Diversion and Conveyance

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

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- ☒ Pump (give horsepower and type): **TBD**  
☐ Other means (describe):

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

The proposed groundwater well (Well 2) will pump directly into the property distribution system that includes green houses, fields, and indoor facilities.

### 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*)

Drip line, wheel line and hard-set 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*).

Drip irrigation will be maximized to limit total water use. A flow meter will be used to monitor water use from the source. Irrigation will be monitored to prevent over application and runoff.

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: **Spring 2021**
- Date construction will be completed: **Fall 2021**
- Date beneficial water use will begin: **Winter 2021**

## 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.

For Department Use: App. Number: \_\_\_\_\_

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Describe:

Irrigation will be scheduled and managed to prevent excess use of and therefore runoff of water.

- ☐ 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<br>NA | Address<br>NA |           |
| City<br>NA                     | State<br>NA   | Zip<br>NA |

**SECTION 10: REMARKS**

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

## 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: \$ 2210.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- ☒ Map that includes the following items:
  - ☒ Permanent quality and drawn in ink
  - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - ☒ North Directional Symbol
  - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
  - ☒ Reference corner on map
  - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

# Land Use Information Form



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

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**Applicant**

|                                         |  |                              |              |
|-----------------------------------------|--|------------------------------|--------------|
| NAME<br>RICHARD W. TODD (DE TERRA, LLC) |  | PHONE (HM)<br>(503) 232-2600 |              |
| PHONE (WK)<br>(503) 232-2600            |  | CELL<br>FAX                  |              |
| ADDRESS<br>1300 N.E. LINDEN AVE. #8     |  |                              |              |
| CITY<br>GRESHAM                         |  | STATE<br>OR                  | ZIP<br>97030 |
| E-MAIL*<br>rick.tslaw@gmail.com         |  |                              |              |

**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: |
|----------|-------|---------|------|-----------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------|
| 3S       | 3E    | 32      | NENE | 0202      | TBR                                             | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Nursery            |
| 3S       | 3E    | 32      | SENE | 0202      | TBR                                             | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Nursery            |

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

Clackamas County

**B. Description of Proposed Use**

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

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

Source of water:   
 ☐ Reservoir/Pond   
 ☒ Groundwater   
 ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: **48.5**   
 ☐ 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 **Nursery**

Briefly describe:

Water for watering containerized, greenhouse, and in-ground nursery stock.

**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.

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Attachment 2: Land Use Information Form

## OWRD 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): CC Zoning and Development Ordinance Section 406
- ☐ 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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land Use Approval:                                                   |                                                                                      |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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<br>Andrew Yaden                                               |                        | TITLE:<br>Planner I |
| SIGNATURE                                                          | PHONE:<br>503-742-4578 | DATE:<br>10/27/2020 |
| GOVERNMENT ENTITY<br>Clackamas County Planning and Zoning Division |                        |                     |

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

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# Water-Use Permit Application Processing

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## 1. Completeness Determination

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

## 2. Initial Review

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

## 3. Public Notice

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

## 4. Proposed Final Order Issued

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

## 5. Public Notice

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

## 6. Final Order Issued

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



RECEIVED

JAN 07 2021

OWRD

November 4, 2020

Kim French  
Water Rights Services Division  
Oregon Water Resources Department  
725 Summer St. NE Ste A  
Salem, Oregon 97301

**RE: DE TERRA, INC – APPLICATION FOR PERMIT TO USE GROUNDWATER**

Dear Kim,

Please find enclosed with this letter a copy of an application for a permit to use groundwater for a proposed well on the property of De Terra Inc in Beavercreek, OR. This application follows correspondence regarding changes made to another De Terra application (G-18717) in early September and seeks to access deeper groundwater in the Columbia River Basalts. Accompanying the packet are the fees for the included application. A check for the new groundwater review for amended application G-18717 was mailed separately on November 5, 2020 (Check #395).

Please let us know if any additional information or clarification is needed regarding either application.

Thank you for your assistance.

Sincerely,

**CwM H2O, L.L.C.**

A handwritten signature in blue ink, appearing to read "RL2", written over a light blue circular stamp.

Robert Long, CWRE

Enclosed:  
Application for Permit to Use Groundwater