

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME David Hamel		PHONE (HM) 541-798-1910	
PHONE (WK)	CELL 541-891-7688		FAX
ADDRESS 18181 Chin Rd			
CITY Klamath Falls	STATE OR	ZIP 97603	E-MAIL* DHTRK@aol.com

Organization

NAME		PHONE	FAX	RECEIVED SEP 30 2021
ADDRESS		CELL		
CITY	STATE	ZIP	E-MAIL*	OWRD

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

AGENT / BUSINESS NAME		PHONE	FAX	RECEIVED AUG 11 2021
ADDRESS		CELL		
CITY	STATE	ZIP	E-MAIL*	OWRD

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.



	David Hamel	9-25-21
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

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SECTION 2: PROPERTY OWNERSHIP

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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).*

Ryan Hamel 18181 Chin Rd Klamath Falls, OR 97603
 Tangie Price 18444 Chin Rd Klamath Falls, OR 97603 (Leased)

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.

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
1	LOST RIVER	2 miles	

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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).*

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 5.14 cfs (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)
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	20"	140'	NA	130' 0- 130'	70' April 2021	Fractured Black Rock	1150	2500 gpm	3721.21
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>			RECEIVED	Cement-Bentonite					
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>			SEP 30 2021						
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>			OWRD						
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* 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: _____

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.

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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.

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SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
irrigation	March 15 - Oct 31 ST	3721.21

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For irrigation use only:

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

Primary: _____ Acres Supplemental: 410.95 Acres

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

KA1000, KID, KBID, Warren Act, Vanbremor

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2.5AF

- 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)?

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- Pump (give horsepower and type): 100 HP
- 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. _____

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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*) wheel lines, linear irrigation

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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*). Only use when needed

SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: Feb 2022
 - b) Date construction will be completed: March 2022
 - c) Date beneficial water use will begin: April 2022
- } estimate
March 15,

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: by use of Sprinkler Irrigation and No Flood Irrigation
- 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*).

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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: \$ 3440.00
 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.

Water-Use Permit Application Processing

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1. Completeness Determination

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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. 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

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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.oregon.gov/OWRD

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Applicant

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NAME David Hamel		PHONE (HM) 541-798-1910
PHONE (WK)	CELL	FAX
ADDRESS 18181 Chin Rd		
CITY Klamath Falls	STATE OR	ZIP 97603 E-MAIL* DHTRK@Gol.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:
40S	10E	28		1000, 1501, 1401		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
40S	10E	29		703		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
40S	10E	33		300, 400		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<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:

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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
- 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: _____ 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.



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): KCDLCA 54.
- 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
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OWRD	OWRD	OWRD	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

NAME <u>Libby Gallagher</u>	TITLE: <u>Planner 2</u>
SIGNATURE <u>Libby Gallagher</u>	PHONE: <u>541-851-3674</u>
GOVERNMENT ENTITY <u>Klamath County Planning Dept.</u>	DATE: <u>8-9-21</u>

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

Receipt for Request for Land Use Information



Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Oregon Water Resources Department Groundwater Application

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Today's Date: Monday, May 3, 2021

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	5.14	\$2,100.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed groundwater points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	1	
Subtotal:		\$3,440.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st groundwater 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.	Recalculate	
Estimated cost of Permit Application		\$3,960.00

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2520.00

3440.00

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Oregon
Kate Brown, Governor

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

August 26, 2021

David Hamel
18181 Chin Road
Klamath Falls, OR 97603

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Dear Applicant:

On August 11, 2021, the Oregon Water Resources Department received your application for a permit to use Groundwater. At this time, however, the Department is unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 0050.

The Department cannot accept the application due to a recent change in water right application fees. On July 19, 2021, the Governor signed House Bill 2142, increasing the fees for several water-related transactions. The bill includes a provision that all fee increases are retroactive to July 1st of this year.

Therefore, the Department is returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact me at cory.m.middleton@oregon.gov or 503-986-0801

Sincerely,

Cory Middleton
Water Rights Customer Service

Cc: OWRD Fiscal (Check #3006),

Enclosures:

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

Application Completeness | Summary of Needed Items:

Application Fees: The application was submitted with check number 3006 in the amount of \$3440.00. In order to accept the application, the Department must receive at least \$4030.00 in fees upon submittal of application. The Governor signed a new fee bill for water right applications on July 19, 2021. The new fees are retroactive to July 1, 2021. To deem the application complete, you will need to submit a check in the amount of \$4030.00 to cover at least the exam fees, the permit recording fee of \$610.00 can be paid for down the road before we actually issue a permit.

Please see the attached fee calculator for a summary of how those fees are calculated.

Today's Date: Thursday, August 26, 2021

Base Application Fee.		\$1,570.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	5.14	\$2,460.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed groundwater points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	1	
	Subtotal:	\$4,030.00
Permit Recording Fee. ***		\$610.00
* the 1st Water Use is included in the base cost. ** the 1st groundwater 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.	Recalculate	
Estimated cost of Permit Application		\$4,640.00

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Figure 1: Map of Division 33 Areas

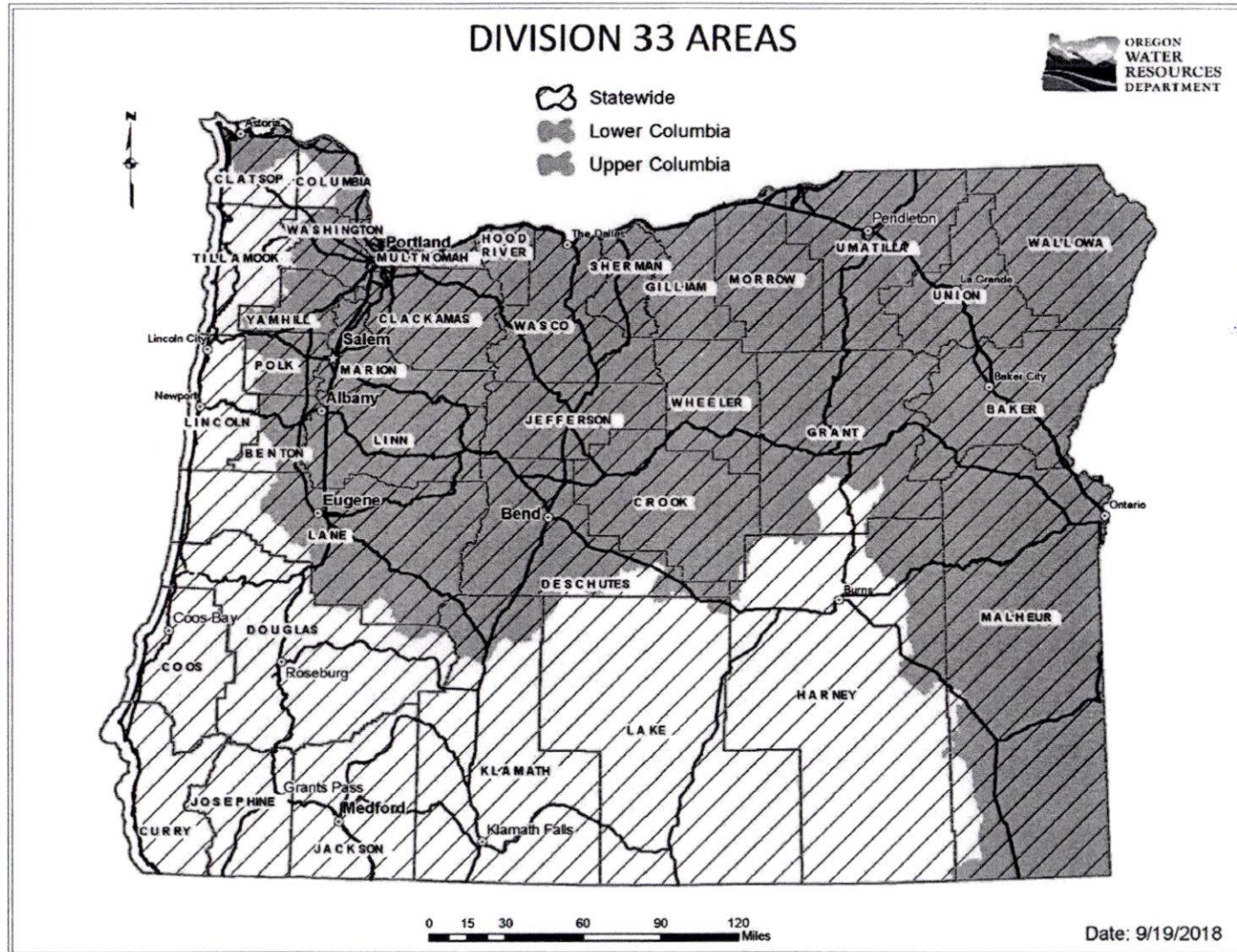
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For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/



RECORDED ELECTRONICALLY
 ID: 2016-012374 County: Klamath
 Date: 11/18/16 Time: 9:17AM
 simplifile www.simplifile.com 800.460.5657

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

David A. Hamel and Cynthia L. Hamel

18181 Chin Rd

Klamath Falls, OR 97603

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

David A. Hamel and Cynthia L. Hamel

18181 Chin Rd

Klamath Falls, OR 97603

File No. 132502AM

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SEP 30 2021

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STATUTORY WARRANTY DEED

Dennis R. Hynes, Trustee of the J & J Family Trust,

Grantor(s), hereby convey and warrant to

David A. Hamel and Cynthia L. Hamel, 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:

Parcel 2 of Land Partition 9-12 being a replat of Parcel 3 of Land Partition 15-94 as adjusted by property line adjustment 17-01² situated in the S1/2² and NW1/4 of Section 29²⁸, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, recorded May 2, 2013 in Volume 2013-004677, microfilm records of Klamath County, Oregon.

The true and actual consideration for this conveyance is \$320,000.00.

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:



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THIS SPACE RESE

2016-012324
Klamath County, Oregon
11/18/2016 09:17:01 AM
Fee: \$47.00

After recording return to:

David A. Hamel and Cynthia L. Hamel

18181 Chin Rd

Klamath Falls, OR 97603

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

David A. Hamel and Cynthia L. Hamel

18181 Chin Rd

Klamath Falls, OR 97603

File No. 132502AM

RECORDED FILED
2016-012324 County Klamath
Date 12/25/16 Time 3:43 PM
simplifile www.simplifile.com 800.460.5657

This document is being re-recorded to correct scrivener error on document recorded as 2016-012324 at the request of

STATUTORY WARRANTY DEED

Amerititle

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The true and actual consideration for this conveyance is \$320,000.00.

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:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 25th day of October, 2016

J&J Family Trust

By: Dennis R. Hynes
Dennis R. Hynes, Trustee

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State of Oregon } ss
County of Klamath }

On this 25th day of October, 2016, before me, Heather Sciorba a Notary Public in and for said state, personally appeared Dennis R. Hynes as Trustee of the J&J Family Trust known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Heather Sciorba
Notary Public for the State of Oregon
Residing at: Klamath Falls OR
Commission Expires: January 9, 2018



SCHEDULE A

File No.: 0093314-LW
Policy No.: 73306-86270992

Amount of Insurance: \$399,000.00
Premium: \$1,148.00
Date of Policy: JUNE 11, 2012 AT 11:32 A.M.

Address Reference:

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1. Name of Insured:

DAVID A. HAMEL AND CYNTHIA L. HAMEL,
AS TENANTS BY THE ENTIRETY

2. The estate or interest in the Land that is insured by this policy is:

ESTATE IN FEE SIMPLE

3. Title is vested in:

DAVID A. HAMEL AND CYNTHIA L. HAMEL,
AS TENANTS BY THE ENTIRETY

4. The Land referred to in the Policy is described as follows:

Parcel 2 of Land Partition 15-94 situated in the SW1/4 and NW1/4 SE1/4 of Section 28 and the NW1/4 of Section 33, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

48142

THOMAS L. PETERSON and SUSAN K. PETERSON, as tenants by the entirety,
Grantor(s) hereby grant, bargain, sell and convey to:
DAVID A. HAMEL and CYNTHIA L. HAMEL, husband and wife,
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of KLAMATH and State of Oregon, to wit:

ALL THAT PORTION OF THE NW1/4 OF SECTION 28, TOWNSHIP 40 SOUTH, RANGE 10
EAST OF THE WILLAMETE MERIDIAN, KLAMATH COUNTY, OREGON, WHICH LIES
SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD,
RIGHT OF WAY.

97 M. -5 All.36

SUBJECT TO: all those items of record and those apparent upon the land, if
any, as of the date of this deed and those shown below, if any:
and the grantor 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.

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SEP 30 2021

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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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$ 260,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the
following address: 18181 CHIN ROAD, KLAMATH FALLS, OR 97603

Dated this 4th day of November, 19 97

Thomas L. Peterson
THOMAS L. PETERSON

BY: *S. Peterson* HER ATTORNEY IN FAC
SUSAN PETERSON

S. Peterson
SUSAN K. PETERSON

STATE OF Oregon, County of Klamath) ss.

This instrument was acknowledged before me on November 4, 1997

by Susan K. Peterson, individually and

as attorney in fact

of Thomas L. Peterson

Marjorie A. Stuart
Notary Public of Oregon

My commission expires 12-20-98



ESCROW NO. MT42910-MS

Return to:

DAVID A. HAMEL
18181 CHIN ROAD
KLAMATH FALLS, OR . 97603

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Amerititle

on this 5th day of November A.D., 1997
at 11:36 o'clock A. M. and duly recorded
in Vol. M97 of Deeds Page 36605

INDEXED

Bernetha G. Letsch, County Clerk

D. L. Rosa
By Deputy

Fee, \$30.00

Deputy

Order No.: 282263AM
Policy No.: 73306-46814713

SCHEDULE A

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Address Reference: **NKA NNA Rd., Klamath Falls, OR 97603**

Amount of Insurance: **\$285,000.00**

Premium: **\$913.00**

Date of Policy: **April 1, 2019 1:43PM**

1. Name of Insured:

Ryan A. Hamel

2. The estate or interest in the Land that is insured by this policy is:

FEE SIMPLE

3. Title is vested in:

Ryan A. Hamel

4. The Land referred to in this policy is described as follows:

That portion of the E1/2 of the NW1/4 of Section 33, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, lying North and East of the East line of the U.S.B.R. "C" Canal.

Lease

This lease is made this 6 day of January, 2020, at *Klamath Falls, Oregon* by and between *Tangie Price*, herein after called the Lessor, and *David Hamel Ranches*, herein after called the Lessee.

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Article I

Lessor hereby leases to Lessee and Lessee hereby hires from Lessor that certain property, herein after called the leased premises, situated in *Klamath County, Oregon* and described in Exhibit A attached hereto and made a part hereof.

Article II

The period of this lease shall be for a period of 5 year(s), commencing on Jan - 2020 and ending on Jan - 2025.

Article III

For and during the term of the lease, Lessee shall pay to Lessor as rent for the lease premises the total rent of \$ exhibit C, payable as follows: after crop is sold.

Article IV

The leased premises are leased to Lessee for use as and for the purpose of general farming and raising of crops in connection therewith and uses normally incident thereto and for no other purpose.

Article V

Lessee covenants and agrees to pay the rent herein reserved, use the premises for the purpose herein above stated, and to operate the premises herein demised in an efficient and husbandry-like manner, and will perform the operations of plowing, seeding, cultivating, irrigating, and harvesting in a manner that will conserve the Lessor's property and further, Lessee will use his best efforts to keep the farm free from crop and livestock pests, and disease spreading organisms. Lessor shall have the right at all times to enter the property for the

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purpose of examining or inspecting the same.

Article VI

In the event that a water well and/or pumping plant is present upon the leased premises then the conditions of use and the responsibility therefor shall be as more particularly set forth in *Exhibit B* attached hereto and made a part hereof.

Water for farm irrigation purposes obtained by Lessee under Lessor's water rights (however acquired by Lessor) shall be used only on the premises and in the pursuit and performance of the Lessee's operations and obligations under this Lease. No water shall be used upon or be exported to other lands without the written consent of the Lessor first had and obtained. Lessor assumes no responsibility to Lessee for any water shortage from the source or sources of water under Lessor's water rights, or from any source whatsoever; nor does Lessor warrant the quality or quantity of water obtained from any source or sources. In the event, Lessee uses the well and pump; Lessee shall lubricate the pump. Lessor shall maintain pipeline and shall make any and all repairs on the pump and pipeline, including replacement if necessary, at its expense. Lessee shall pay for all electricity and other public service convinces delivered to or used upon the property. Lessor shall pay all taxes and assessments properly levied on the premises.

Article VII

In the event that Lessee's leasehold interest is terminated for any reason in advance of the termination date herein above described, then, in that event, Lessor agrees to credit or pay over to Lessee or otherwise compensate Lessee, a sum equal to the value of the husbandry efforts conducted as of the termination date, including the value of the crops planted and growing as of the termination.

With respect to the foregoing paragraph, the value shall be arrived at by mutual agreement by and between Lessor and Lessee, or, in the event agreement cannot be reached thereon, the Lessor and the Lessee agree to submit the controversy to binding arbitration, pursuant to the rules and regulation of the American Arbitration Association.

Sale of the premises demised herein by Lessor shall not terminate this lease.

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Article VIII

Lessor shall not be liable for any loss, damage, or injury of any kind or character to any person or property arising from any use of the leased premises, or any part thereof, by Lessee, or caused by a defect in any building, structure, or other improvement thereon or in any equipment or other facility therein, or caused by or arising from any act of omission of Lessee, or of any of its agents, employees, licensees, or invitees, or by or from any accident of the leased premises or any fire or other casualty thereon, or occasioned by the failure of Lessee to maintain the premises in safe condition, or arising from any other cause whatsoever, including Lessor's liability in tort; and Lessee, as a material part of the consideration of this lease, hereby waives on its behalf, all claims and demands against Lessor for any such loss, damages, or injury of Lessee, and hereby agrees to indemnify and hold Lessor entirely free and harmless from all liability for any such loss, damages or injury of other persons, and from all cost and expense arising there from.

In this connection Lessee agrees, at its sole cost and expense, and at all times during the terms of the lease, to carry with a responsible insurance company licensed to do business in the *State of Oregon*, public liability insurance, insuring Lessor against all such liabilities, claims and demands with bodily injury and property damage insurance with combined single limits of \$2,000,000.

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SEP 30 2021

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Article IX

This lease shall be subject and subordinate to existing and future oil and gas and other mineral leases covering all or any portion of the property and shall cease and terminate as to any portion of the property actually utilized for exploration or drilling pursuant to such oil and gas lease. Lessee shall be compensated for any crop losses that occur as a result of such activity.

Article X

In the event either Lessor or Lessee shall bring any action or proceeding for damages for an alleged breach of any provision of this lease, to recover rents or to enforce, protect, or establish any right or remedy of either party, the prevailing party shall be entitled to recover as a part of such action or proceedings reasonable attorney's fees and court cost.

Article XI

All notices, demands or request from Lessor to Lessee shall be given to Lessee at:

18181 Chin Rd., Klamath Falls, OR 97603. All notices, demands, or requests from Lessee to Lessor shall be given to Lessor at: *18444 Chin Rd., Klamath Falls, OR 97603.*

Article XII

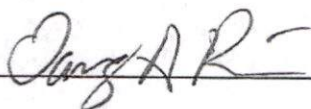
This Lease, including the conditions set forth in the following exhibits: *A, B, and C*, contain the entire agreement of the parties with respect to the matters covered by this lease, and no other agreement, statement, or promise made by any party, or to any employee, officer or agent of any party, which is not contained in this lease shall be binding or valid.

It is agreed by and between the parties hereto that Lessee shall have the right to sublease all or any portion of the premises demised herein upon the written consent of Lessor first had and obtained. Lessor shall not unreasonably withhold consent.

This lease agreement shall be binding upon and shall inure to the benefits of the heirs, successors, administrators and assignees of the parties herein.

The parties have executed this lease herein on the day and year first written above, at *Klamath Falls, Oregon*.

Lessor:



Lessor's Tax I.D. No.: 543 908133


Lessor's Telephone No.: 543 908133

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Lessee:



Lessee's Tax I.D. No.: 554-35-1195

Lessee's Telephone No.: 541 891-7688

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Exhibit A

The real property demised herein is described as follows:

Section 29 T.40S. R.10E. TL 703.

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Exhibit B

It is understood and agreed by the parties hereto that there is a pumping plant on the leased premises and that the plant now produces sufficient water for the irrigation of said premises. Should the pumping plant fail to operate and pump properly, without any fault on the part of the Lessee, his agents or employees, Lessor agrees to and shall, on written request from Lessee, remedy the situation, repair, as may be necessary to increase the supply of water that can be produced by said pumping plant. This covenant shall be construed only as requiring Lessor to use his best efforts to see that there is sufficient water to irrigate the leased premises and is not intended to, nor does it, constitute a guaranty by Lessor that Lessee shall at all times have sufficient water for the purpose of irrigation, and, provided Lessor uses his best efforts to restore the water supply on a failure thereof, he shall not be liable to Lessee for any damages resulting to crops from the temporary failure of the water supply.



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 15, 2021

DAVID HAMEL
18181 CHIN RD
KLAMATH FALLS, OR 97603

Re: Application for a Permit to use Groundwater

Dear David:

The Water Resources Department has received your application for a permit to use groundwater. 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 690-310-0040 and 690-310-0050.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact me at alyssa.m.mucken@oregon.gov or 503-871-6964.

Sincerely,

Alyssa Mucken Digitally signed by Alyssa Mucken
Date: 2021.09.14 12:31:34 -07'00'

Alyssa Mucken
Water Rights Section Manager

cc:
OWRD Fiscal (Check # 10798)
Michelle Angel, Klamath Falls Office (via email)

Encl.
Application
Check

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin program rules, or any other water-related issues has not been made. Fees are subject to change.

Groundwater Application Completeness Checklist | Summary of Needed Items:

Application:

1. Section 1 – Applicant Information and Signature
 - a. Please sign and date the application on Page. 1
2. Section 2 – Property Ownership
 - a. List the names and mailing addresses of all affected landowners. The application currently indicates that you do **not** own all of the land, which means the Department must have the names and mailing addresses of all owners.
3. Section 3 – Well Development
 - a. Well Development. Please complete **all fields** (casing diameter, casing intervals, perforated or screened intervals, and seal intervals) in the Table on Pg. 3. If an existing well is being proposed, 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 the well has not been constructed yet, or the well is being modified, you are encouraged to contact a licensed well driller, geologist, or certified water right examiner to complete this table.
4. Section 7- Project Schedule
 - a. Please fill out this section
5. Section 8 – Resource Protection Section
 - a. Please fill out this section

Attachments:

1. Provide a Legal Description of all the property involved with this application. You may include a copy of your deed, land sales contract or title insurance to meet this requirement.

E-2 App

- Yes
- No

Standard Application Completeness Checklist

Groundwater and Surface Water Applications Only

Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:		Receipt #:	RTS
Applicant Name:	David Hamel Ranches	Amount Requested:	5.14 CFS
Priority Date:		Proposed Use:	supplemental irrigation
County:	Klamath	POD's TRS &TL:	
WM #:		Caseworker:	<input checked="" type="checkbox"/> KF <input type="checkbox"/> LG
Reviewed by:	Alyssa	Reviewed Date:	9/14/2021

Applicant/Organization Name and Mailing Address

NEED Signature of **all** applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.

Property Ownership: Does the applicant own all the land for the proposed project? Yes No
If No:

NEED The affected landowner's name(s) and mailing address(s) must be listed.

A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

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

If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

If for stored water, is the source authorized under a permit, certificate, or decree?

Permit or Certificate issued: Y N Permit or Certificate #: [REDACTED]

NOTE: An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.

For a GW Application: Well development table completed and a well log report included (if existing)

Division 33 (Sensitive, Threatened, Endangered, Fish Species) **NEED**

Proposed Water Use:

Amount of water from *each* source in GPM, CFS, or AF 5.14 CFS

Period of use indicated *March 15 - Oct 31*

If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.
(Note: Primary and Supplemental Irrigation counts as 2 uses)

Water Management Section

NEED Resource Protection Section

NEED Project schedule. (Note: If system is already completed, indicates "existing.", (Note: Estimates are okay if the water system has not been designed))

wla Supplemental data sheets enclosed (if needed)

Form M (Municipal or Quasi-Municipal)

A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department. Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.

NEED A **Legal Description** of all the properties involved where water is diverted, conveyed, 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

wla The proposed source IS IS NOT restricted or withdrawn from further appropriation. **NOTE:** If it is withdrawn under ORS 538, reject/return application and fees.

The **map** must meet all the minimum requirements of OAR 690-310-0050.

Township, Range, Section

Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

Place of use, ¼-¼'s and tax lot clearly identified

Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.

Location of **each** diversion point or well by reference to a recognized public land survey corner.

Multiple wells shall be uniquely labeled, and identified on well logs, if existing.

Reference corner on map

North directional symbol

Number of acres per ¼ ¼ if for irrigation, nursery, or agriculture

Fees: Amount of Water Requested: 5.14 CFS Name on Check: David Hamel Ranches

paid \$ 4440.00 ✓

Exam Fee Due:	\$	4030
Exam Fee Submitted:	\$	4030
Difference:	\$	0
Recording Fee Paid?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 610
Total:	\$	4440

Fees ok!

Hi Alyssa, I believe I got all of the areas filled out.

My only question is the ground I have leased from Tangie Price. I included the lease agreement.

Please let me know if the works ok.

call with any questions.

Thanks Dave 541-891-7688



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 15, 2021

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DAVID HAMEL
18181 CHIN RD
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Sincerely,

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Date: 2021.09.14 12:31:34 -07'00'

Alyssa Mucken
Water Rights Section Manager

cc:
OWRD Fiscal (Check # 10798)
Michelle Angel, Klamath Falls Office (via email)

Encl.
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