

# Application for a Permit to Use Surface Water



**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 BRIAN & DUANE, LLC		PHONE (HM)	
PHONE (WK)	CELL (503) 932-9851		FAX
ADDRESS 7385 HOWELL PRAIRIE RD NE			
CITY SILVERTON	STATE OR	ZIP 97381	E-MAIL * DEAN@GVFUSA.COM

### Organization

NAME SAME AS ABOVE		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME LOLLY ANDERSON, ANDERSON SCHULTZ LLP		PHONE (619) 995-1057	FAX
ADDRESS PO BOX 42427			CELL
CITY PORTLAND	STATE OR	ZIP 97242	E-MAIL * LOLLY.ANDERSON@ANDERSONSCHULTZ.COM

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.)

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### 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 legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive 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 receive water to which they are entitled.

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

  
 Applicant Signature

Darrin Ditcher, member  
 Print Name and Title if applicable

9/29/2021  
 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.

**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).*

Please see Exhibit A.

**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: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Columbia River	Tributary to: Pacific Ocean
TRSQQ of POD: T5N R30E W.M. S8 SWNW, located 2,910 feet North and 120 feet East from the SW corner of Section 8.	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

**B. Applications to Use Stored Water**

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

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

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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

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

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

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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

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

Is the POD located in an area where the Upper Columbia Rules apply?

Yes  No

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

**If yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

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

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- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

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

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

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

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

Yes  No

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

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**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Columbia River	Primary - Out of season application to raise soil moisture content	Oct 1- April 14	.80 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

Primary: 156.1 Acres                      Supplemental: \_\_\_\_\_ Acres

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

\_\_\_\_\_

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

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

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): See Exhibit C  
 Other means (describe): \_\_\_\_\_

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

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
Center pivots with handlines for corners.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

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The right to apply a 2 af duty would allow applicant to build the soil water profile outside of the irrigation season, thereby offsetting the total crop demand for irrigation water during the irrigation season. The offset would benefit the applicant by increasing the amount of water available to crops and benefit other users by decreasing demand during the irrigation season. Damage to surface waters will be prevented by diverting during the winter season when water is available and by recording and reporting use data from the flow meters.

## SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: The East Improvement District controls the point of diversion and, as required by its water right permits, has installed and maintains fish screens.
  
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: The East Improvement District has constructed the facilities at the point of diversion in accordance with state and federal requirements.
  
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: The East Improvement District controls the point of diversion and is responsible for all maintenance at that point. All other facilities for conveying water are piped.
  
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: The East Improvement District controls the point of diversion and is responsible for all maintenance at that point. All other facilities for conveying water are piped.
  
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
The applicant will not be required to obtain any additional state or federal permits to use or convey water under this permit.

## SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: \_\_\_\_\_
- b) Date construction will be completed: Construction is completed.
- c) Date beneficial water use will begin: Applicant will use water as soon as the permit is issued.

## SECTION 9: WITHIN A DISTRICT

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

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

Irrigation District Name See Exhibit E	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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# 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 BRIAN & DUANE, LLC			PHONE (HM)		
PHONE (WK)		CELL 503) 932-9851		FAX	
ADDRESS 7385 HOWELL PRAIRIE RD NE					
CITY SILVERTON		STATE OR	ZIP 97381	E-MAIL* DEAN@GVFUSA.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:
The water will be diverted and conveyed entirely within the service area for the East Improvement District.					EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
					EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
4N	29E	34	All of the SE quarter east of the Stanfield irrigation ditch	800	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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

Umatilla 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) Columbia River

Estimated quantity of water needed: .8 cfs  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:

Applicant is requesting out of season irrigation water to raise soil moisture for crops. East Improvement District (EID) will convey the water from the EID POD through EID conveyance system to the farm's conveyance system.



## 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): UCDC 152-054(A)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

NAME <u>CAROL JOHNSON</u>	TITLE: <u>Planner</u>
SIGNATURE <u><i>Carol Johnson</i></u>	PHONE: <u>541-278-6252</u> DATE: <u>09/28/2021</u>
GOVERNMENT ENTITY <u>Umatilla County</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: \_\_\_\_\_

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**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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BRIAN & DUANE, LLC (GEHRKE)  
SURFACE WATER APPLICATION

**EXHIBIT A – Landowners**

The names and mailing addresses of all affected landowners are as follows:

1. Point of Diversion. The East Improvement District, 84186 Highway 37, Hermiston, OR 97838, will hold the easement for the pump station on the Columbia River.
2. Delivery System. The East Improvement District will deliver Applicant's water from the Point of Diversion to the EID delivery points. The affected landowners from the EID delivery points to the Applicant's places of use are:
  - a. Applicant (Brian & Duane, LLC), 7385 Howell Prairie Road NE, Silverton, OR 97381
3. Places of Use. The affected landowners are:
  - a. Merle A. Gehrke & Patsy M. Gehrke, Trustees of the Merle And Pat Gehrke Trust, 34718 Old Hwy 320, Echo OR 97826-9614.

**BRIAN & DUANE, LLC (GEHRKE)  
SURFACE WATER APPLICATION**

**EXHIBIT B - Legal Descriptions**

1. Point of Diversion: T5N R30E W.M. S8 SW NW, Located 2,910 feet North and 120 feet East from the SW Corner of Section 8.
2. Conveyance System: The East Improvement District will deliver Applicant's water from the Point of Diversion to the delivery point on Applicant's farm. Applicant's delivery system will then transport the water to the Places of Use.
  - a. The conveyance system from the EID point of delivery to the Places of Use impacts the following lands:
    - i. Landowner: Applicant (Brian & Duane, LLC)

T	R	S	Tax Lot
4N	29E	25	200
4N	29E	36	4800

- ii. Landowner: Merle A. Gehrke & Patsy M. Gehrke, Trustees of the Merle And Pat Gehrke Trust

T	R	S	Tax Lot
4N	29E	35	5000
4N	29E	35	5192

3. Places of Use.

- i. Landowner: Merle A. Gehrke & Patsy M. Gehrke, Trustees of the Merle And Pat Gehrke Trust

Township Range Section	QQ	ACRES
4N 29E 34	NWSE	35.5
	NESE	40.6
	SESE	39.3
	SWSE	40.7

BRIAN & DUANE, LLC (GEHRKE)  
SURFACE WATER APPLICATION

EXHIBIT C - Pumps

A. Point of Diversion Pumps:

The East Improvement District's Columbia River pump station utilizes eight (8) 2,000 horsepower pumps. A ninth 2,000 horsepower pump serves as a standby in the event one of the eight needs to be serviced during peak operation. Each 2,000 horsepower pump has a capacity of 11,220 GPM at a TDH of 600 feet. The pumps are 1,180 RPM and the motors are rated for 4,160 Volts. The motors are high-efficiency and two are inverter duty rated.

B. Applicant System Pumps:

The Applicant System will utilize existing pumps to move water from the East Improvement District's points of delivery to the places of use.

a. EID Booster station to CL-25-3

6RB 100 HP Pump  
10RB 125 HP Pump  
10 RB 200 HP Pump

b. At Cluster CL-25-3 to Gehrke Farm

5RB 75 HP Pump  
6RB 125 HP Pump  
6RB 125 HP Pump

BRIAN & DUANE, LLC (GEHRKE)  
SURFACE WATER APPLICATION

EXHIBIT D – System Design

A. Summary.

The point of diversion is a Columbia River pump station. The East Improvement District has constructed the pump station, main pipeline, and delivery take offs (“EID System”).

Applicant will utilize existing pipeline joined to the EID System to the places of use (“Applicant System”).

B. EID System.

The EID pump station is located immediately adjacent to the existing St. Hilaire Brothers pump station at river mile 301.7 of the Columbia River (Lake Wallula).

The pipeline from the River Pump Station to the first Delivery Point is 78-inches in diameter, to the third Delivery Point is 72-inches in diameter, and to the fourth Delivery Points is 66-inches in diameter. There is approximately 3,600 feet of 78-inch pipe, 32,100 feet of 72-inch pipe, and 10,900 feet of 66-inch pipe. The pressure class of pipe used varies along the length of the pipeline based on elevation.

C. Applicant System Overview.

The Applicant System directly connects to the EID System and is detailed on the attached map.

**BRIAN & DUANE, LLC (GEHRKE)  
SURFACE WATER APPLICATION**

**EXHIBIT E – Irrigation Districts**

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Section 9: Within an Irrigation District

1. East Improvement District, 84186 HWY 37, Hermiston, OR 97838
2. Echo Irrigation District, 73120 Hwy 207, Echo, OR 97826

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October 12, 2021

Via U.S. Mail

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

**RE: Application for Surface Water Right**

Enclosed please find Brian & Duane, LLC's application for a surface water right.

Enclosed please find the following application documents:

1. Signed Application with Signed Land Use Form;
2. Application Fee of \$2,110.00;
3. Application Exhibits;
4. Application Map.

Please feel free to contact me directly if you have any questions or need additional information or documentation. Thank you for your assistance in this matter.

Sincerely,



Lolly Anderson



## 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: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

#### 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: \$ 2110.00  
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)

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# Water-Use Permit Application Processing

## 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.

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OCT 14 2021

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