

# 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 ELIZABETH B. FIFER TRUST		PHONE (HM) 503-510-2811	
PHONE (WK)	CELL		FAX
ADDRESS 215 46 <sup>TH</sup> AVENUE SE			
CITY SALEM	STATE OREG	ZIP 97317	E-MAIL*

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### Organization

NAME		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 JEFFREY S. HSU		PHONE 541-963-6092		FAX
ADDRESS 2006 ADAMS AVENUE				CELL
CITY LA GRANDE	STATE ORE	ZIP 97850	E-MAIL JEFF@BGBSURVEYORS.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.)

### 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

Elizabeth B Fifer, Owner

Print Name and Title if applicable

Date

12/30/21

Applicant Signature

Print Name and Title if applicable

Date

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

**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).*

**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
WELL #1	GRANDE RONDE RIVER	1.0 MILE	-60'
WELL #2	GRANDE RONDE RIVER	4200'	-58'
WELL #3	GRANDE RONDE RIVER	1.25 MILES	-65'

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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).*

THE WELL WILL BE A DEEP BASALT WELL SEALED CONTINUOUSLY INTO THE BASALT LAYER. THE PURPOSE IS TO SEAL OFF THE AQUAFER AT THE BASALT LAYER WILL BE SEALED TO SEPARATE THE ALUVIAL WATER FROM THE BASALT AQUAFER.

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**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested:** 4.9 cfs based on 1/60<sup>th</sup> instead of 1/80<sup>th</sup>

(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)
WELL #1	X	<input type="checkbox"/>	PROPOSED	<input type="checkbox"/>	18"	UNKNOWN	UNKNOWN	INTO BASALT		BASALT	2-3000'	2200	3 AC. FT
WELL #2	X	<input type="checkbox"/>	PROPOSED	<input type="checkbox"/>	18"	UNKNOWN	UNKNOWN	INTO BASALT		BASALT	2-3000'	2200	3 AC. FT.
WELL #3	X	<input type="checkbox"/>	PROPOSED	<input type="checkbox"/>	18"	UNKNOWN	UNKNOWN	INTO BASALT		BASALT	2-3000'	2200	3 AC FT
	<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"/>									
	<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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**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\\_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.

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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?

X 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 X 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:

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**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)
Irrigation	March through October 1	3 Ac. ft

**For irrigation use only:**

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

Primary: 298.0 Acres                      Supplemental:              Acres                      Nursery Use:              Acres

If you listed supplemental acres, list 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: 3 ac. ft.

- 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*):

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## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

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

X Pump (give horsepower and type): Probably a variable speed turbine pump, with horsepower enough to supply sprinklers enough to operate efficiently. Size of pump could vary if well is artesian.

Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The well will be sealed into the basalt layer at least 5 ft, to separate the alluvial aquifer from the Basalt aquifer. Method will depend on water resource evaluation of the well.

### 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*)

The water will be applied via pivots, or linear wheel lines, and probably low pressure nozzles will be used in conjunction of a variable speed motor. The low pressure and variable speed pumps are the most efficient.

### 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*).

We are requesting a rate of 1/60 th cfs instead of the standard 1/80<sup>th</sup> cfs due to the arid climate of the Grande Ronde Valley.

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: June of 2022
- Date construction will be completed: October 1, 2026
- Date beneficial water use will begin: May of 2027

## 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.

- X Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: The irrigation will be from ground water, and the nearest stream would be at least a mile away, so we will not be operating near a stream.



- X Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. There will be no excavation or clearing of banks of streams.

**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:

- NA 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.

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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*).

This project will be a deep basalt well, continuously sealed into the basalt layer, separating water that is not within the basalt aquifer. The seal will be constructed according to any special instructions from water resources as stated on a valid permit. We are requesting a rate of 1/60<sup>th</sup> instead of the standard 1/80<sup>th</sup> cfs as is the normal case. We request the 1/60<sup>th</sup> rate due to the fact that the Eastern Oregon climate is so dry. The water master, Shad Hatton has supported this change in the past, and in fact has encouraged farmers to request the rate. We have estimated the most probable depth of the well using existing wells UNIO 50833, which is the well most near the proposed well, as well as wells UNIO 50687 and UNIO 50684. We anticipate the proposed well will be between 2 and 3000' in depth. Hopefully with the nearest well being around 2000' in depth, we are hoping that we will be nearer to the 2000' level.



# 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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## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

# 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 ELIZABETH B. FIFER TRUST		PHONE (HM) 503-510-2811	
PHONE (WK)	CELL	FAX	
ADDRESS 215 46 <sup>TH</sup> AVENUE SE			
CITY SALEM	STATE ORE	ZIP 97317	E-MAIL*

**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:
1S	39E	31	NE,NE	10200	UC-A1	X Diverted	X Conveyed	X Used	
1S	39E	31	NE, NW	10200	UC-A1	<input type="checkbox"/> Diverted	X Conveyed	X Used	
1S	39E	31	SW,NE	10200	UC-A1	<input type="checkbox"/> Diverted	X Conveyed	X Used	
1S	39E	31	SE,NE	10200	UCA-1	<input type="checkbox"/> Diverted	X Conveyed	X Used	
1S	39E	29	NE,SW	1000	UCA-1		X Conveyed	X Used	
1S	39E	29	NW,SW	1000	UCA-1		X Conveyed	X Used	
1S	39E	29	SW,SW	1000	UCA-1		X Conveyed	X Used	
1S	39E	29	SE,SW	1000	UCA-1		X Conveyed	X Used	

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

UNION 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: 4.9    X 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:

Owner is intending to drill a deep Basalt Well to irrigate lands that currently are dry land farmed.





## 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): \_\_\_\_\_.
- 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:	
Ministerial	UCRPSO Section 24.11	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

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NAME <i>Scott Hartell</i>	TITLE: <i>Director</i>
SIGNATURE <i>Scott Hartell</i>	PHONE: <i>541-963-1014</i>
GOVERNMENT ENTITY <i>Union County</i>	DATE: <i>12-8-2021</i>

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

**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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0153929

#1090

01539 F# 10200

UNION COUNTY, OR

20203287

Pgs=4

Total:\$105.00

09/30/2020 01:36 PM



I Certify that this instrument was received and recorded in the records of said county.

ROBIN A. CHURCH  
Union County Clerk



by Margo Stuebben Deputy

AFTER RECORDING, RETURN TO:

Barbara Jo Smith  
Heltzel Williams PC  
PO Box 1048  
Salem, OR 97308-1048

Consideration: \$0.00

Send Tax Statements To:  
Elizabeth B. Fifer, Trustee  
215 46th Ave. SE,  
Salem, Oregon 97317

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ELIZABETH B. FIFER, Trustee of THE MARY BENNETT LIVING TRUST  
under Restated Agreement dated October 29, 2002, as Grantor,

conveys to

ELIZABETH B. FIFER, as Trustee of THE ELIZABETH B. FIFER TRUST, dated  
Sept 24, 2020 as Grantee, 215 46th Ave. SE, Salem, Oregon 97317,

the following described real property located in Union County, Oregon:

SEE ATTACHED EXHIBIT A

Mary R. Bennett died on March 16, 2020, and Elizabeth B. Fifer became Trustee.  
This is a distribution pursuant to the terms of the Trust.

**WARNING. 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.

The true consideration for this conveyance is \$0.00.

Duly executed Sept 24, 2020.

THE MARY BENNETT LIVING TRUST  
under Restated Agreement dated October  
29, 2002

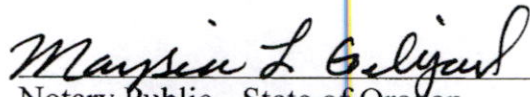
  
ELIZABETH B. FIFER, Trustee

GRANTOR

Marion County, Oregon – ss.

On September 24, 2020, personally appeared ELIZABETH B. FIFER, Trustee and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

  
Notary Public - State of Oregon  
My Commission Expires: 10-01-2022

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## EXHIBIT A

TRACT "A":IN TOWNSHIP 1 SOUTH RANGE 39 EAST OF THE WILLAMETTE MERIDIAN

Section 29: The southwest quarter, EXCEPTING THEREFROM THE FOLLOWING:

- 16  
1000
- (a) The right of way of the Oregon-Washington Railroad and Navigation Company;
  - (b) That portion conveyed to Union County, Oregon, for road purposes by Deed recorded in Book 77, page 240, Deed records of Union County, Oregon.
  - (c) That portion conveyed to the State of Oregon by and through its State Highway Commission for the relocated Wallowa Lake Highway, recorded March 22, 1966 in Book 154, page 544, deeds;

ALSO INCLUDING all that portion of the southeast quarter of the northwest quarter of said Section 29 described as follows:

Beginning at a point on the west line of the County Road approximately 30 feet west of the southeast corner of the northwest quarter of said Section 29; thence North along the west line of said County Road, 485 feet; thence West 100 feet, more or less, to the Easterly line of the right of way of the Joseph Branch of the Oregon-Washington Railroad & Navigation Company Railroad, thence Southwesterly along the easterly line of said Railroad right of way to its intersection with the south line of the southeast quarter of the northwest quarter of said Section 29; thence East 225 feet, more or less, to the point of beginning.

SITUATE IN the County of Union, State of Oregon

TRACT "B": An Undivided 1/2 interest in and to the following:

Commencing at the quarter section corner on the section line between Sections 10 and 15, Township 2 South, Range 39 East of the Willamette Meridian;

Thence East 15.67 chains, more or less, to the center of the channel of the Grande Ronde River;

Thence along and down the center of the channel of said Grande Ronde River to a point therein where the same flowing northeasterly crosses the line dividing the northeast quarter from the northwest quarter of Section 10 (which point is approximately 7 chains south of the northeast corner of the southeast quarter of the northwest quarter of said Section 10);

Thence North along the east line of the southeast quarter of the northwest quarter of Section 10, 7 chains, more or less, to the northeast corner of said subdivision;

Thence West on the north line of said southeast quarter of northwest quarter of said Section 10, 20 chains to the northwest corner thereof;

Thence South 20 chains to the southwest corner of said southeast quarter of northwest quarter of said Section 10;

Thence West 20 chains to the northwest corner of the southwest quarter of Section 10;

Thence South 20 chains to the southwest corner of the northwest quarter of the southwest quarter of said Section 10;

Thence East 40 chains to the southeast corner of the northeast quarter of southwest quarter of section;

Thence South 20 chains to the point of beginning.

EXCEPTING THEREFROM all that portion of the southeast quarter of the northwest quarter of said Section 10 lying northerly of the centerline of the old channel of Grande Ronde River. ALSO EXCEPTING all that portion of the northwest quarter of southwest quarter of said Section 10 lying west of the center line of the State Ditch.

ALSO all that portion of the west half of southwest quarter of northwest quarter of Section 10, Township 2 South, Range 39 East of the Willamette Meridian, lying east of the State Ditch (now the Grande Ronde River) and south of the old arm of Grande Ronde River which is now the channel of Catherine Creek.

ALSO all that portion of the east half of the southwest quarter of northwest quarter of said Section 10 that lies southerly of the centerline of the old channel of the Grande Ronde River.

ALSO beginning at a point 51.75 rods north of the center of section 15, Township 2 South, Range 39 East of the Willamette Meridian; thence East 120 rods; thence North to the center of the Grande Ronde River; thence along and down the center of said river to a point on the section line between sections 10 and 15 of said township and range; thence West 62.5 rods, more or less, to the quarter section corner between sections 10 and 15; thence South 108.25 rods to the place of beginning.

SITUATE IN Union County, Oregon

TRACT "C":

TL-10200

IN TOWNSHIP 1 SOUTH, RANGE 39 EAST OF THE WILLAMETTE MERIDIAN

Section 31: The entire northeast quarter.

SITUATE IN the County of Union, State of Oregon.

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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.

- x SECTION 1: Applicant Information and Signature
- x SECTION 2: Property Ownership
- x SECTION 3: Well Development
- x SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- x SECTION 5: Water Use
- x SECTION 6: Water Management
- x SECTION 7: Project Schedule
- x SECTION 8: Resource Protection
- NA SECTION 9: Within a District
- x SECTION 10: Remarks

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#### Include the following additional items:

- x Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- x 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.
- x Fees - Amount enclosed: \$  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- x Map that includes the following items:
  - x Permanent quality and drawn in ink
  - x Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - x
  - x North Directional Symbol
  - x Township, Range, Section, Quarter/Quarter, Tax Lots
  - x Reference corner on map
  - x Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - x Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - x Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - x 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 \$310. 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 \$480.00 for the applicant and \$950.00 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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