

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

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JAN 12 2022

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Ellen W. Wilt		PHONE (HM) (907) 351-8352	
PHONE (WK) (907) 351-8352	CELL (907) 351-8352	FAX	
ADDRESS 7908 Boedigheimer Road SE			
CITY Sublimity	STATE OR	ZIP 97385	E-MAIL* organics.sublime@gmail.com

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Organization

NAME Sublime Organics LLC		PHONE (907) 306-4342		FAX
ADDRESS 7908 Boedigheimer Road SE			CELL (907) 306-4342	
CITY Sublimity	STATE OR	ZIP 97385	E-MAIL* organics.sublime@gmail.com	

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

AGENT / BUSINESS NAME Gregory J. Wilt		PHONE (907) 306-4342		FAX
ADDRESS 7908 Boedigheimer Road SE			CELL (907) 306-4342	
CITY Sublimity	STATE OR	ZIP 97385	E-MAIL* organics.sublime@gmail.com	

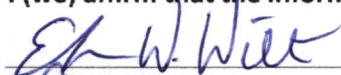
Note: Attach multiple copies as needed

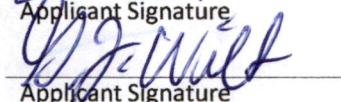
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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


Applicant Signature

Ellen W. Wilt, General Manager/owner 1/7/22
Print Name and Title if applicable Date

Gregory J. Wilt, owner 1/7/22
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.

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YES, there are no encumbrances.

YES, the land is encumbered by easements, rights of way, roads or other encumbrances.

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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).*

Jeremiah and Karen Samek, 8088 Bodenheimer Rd, Sublimity, Oregon, 97385

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.

Please see Figures 1 & 2 *24*

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
MARI 8868	tributary to Beaver Creek (ephemeral)	1086 ft	approx. 55 feet

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.

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

4D rules

Division 33 ruleset: Statewide; Lower Columbia

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)
pasture irrigation	March-October	37.5 acre feet

- 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)?

Pump (give horsepower and type): *Horse power + type is unknown*
 Other means (describe):

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

Water from well will be conveyed by pipe via perpetual easement (Figure 3)

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*)

impact sprinkler

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*).

Impact sprinklers used on pastureland will be utilized on an as needed basis indicated by soil moisture testing

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: **Re-piping will commence as soon as proposed water right is certified.**
- Date construction will be completed: **Construction will be completed 3 months after initiation.**
- Date beneficial water use will begin: **Water use will begin during March-October, as soon as piping is completed.**

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: **Established buffers and hedgerows will aid in preventing runoff to Beaver Creek tributary. As well, the established riparian buffer along the Creek will protect stream bank stability. Our farm is**

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certified organic. We are operating under the philosophy of biodynamic principals and using only OMRI certified chemicals, and we are certified Salmon Safe.

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:

No excavation or clearing will occur near Beaver Creek stream banks.

Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:

List: NA

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 Watermaster District 16 – Marion County	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*).

A warranty deed granting a perpetual easement from taxlot 1200 to MARI 8868 also establishes the perpetual right to irrigate 15 acres from same well (Figure 3). In 2018, the applicants were denied access to the irrigation well after using it for 3 consecutive years. At that time, we applied to change the point of appropriation, for the purpose of irrigation, to the domestic well on taxlot 1200 and on October 13, 2020, were granted a permit from OWRD (GR 881 (Groundwater Registration GR-855)). The transferred registration permits 51.68 acres of irrigation. This request for a groundwater certificate would allow irrigation of 15 acres from MARI 8868. Irrigation of an additional 15 acres would ensure the entirety of this property, zoned as EFU, will be productive all year round and the devastating losses from a future summer heat wave may be averted.

Land Use Information Form

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

Applicant

NAME <u>Ellen + Gregory Witt</u>		PHONE (HM) <u>907-351-8352</u>	
PHONE (WK) <u>907-351-8352</u>	CELL <u>907-351-8352</u>	FAX <u>NA</u>	
ADDRESS <u>7908 Boedighheimer Rd SE</u>			
CITY <u>Sublimity</u>	STATE <u>OR</u>	ZIP <u>97385</u>	E-MAIL* <u>organics.sublime@gmail.com</u>

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	¼¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:		Proposed Land Use:
<u>85</u>	<u>1W</u>	<u>26</u>	<u>NW,SE</u>	<u>1200</u>	<u>EFU</u>	Diverted	Conveyed <u>Used</u>	<u>Irrigation</u>
<u>85</u>	<u>1W</u>	<u>26</u>	<u>SW,SE</u>	<u>300</u>	<u>EFU</u>	Diverted	Conveyed <u>Used</u>	<u>Irrigation</u>
						Diverted	Conveyed <u>Used</u>	
						Diverted	Conveyed <u>Used</u>	

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

Marion 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: 37.5 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

Water from MARI 8868, accessed via a deeded, perpetual easement, used for irrigation of 15 acres on taxlot 1200

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): MCC 17.136.020(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:	
		Obtained Denied	Being Pursued Not Being Pursued
	RECEIVED	Obtained Denied	Being Pursued Not Being Pursued
	JAN 12 2022	Obtained Denied	Being Pursued Not Being Pursued
	OWRD	Obtained Denied	Being Pursued Not Being Pursued
		Obtained Denied	Being Pursued 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>Alyssa Schrems</u>	TITLE: <u>Associate Planner</u>
SIGNATURE <u>Alyssa Schrems</u>	PHONE: <u>503-588-5038</u>
GOVERNMENT ENTITY <u>Marion County Planning</u>	DATE: <u>1/7/22</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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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Marion, State of Oregon, described as follows:

BEGINNING ON THE SOUTH LINE OF THE JOHN COY DONATION LAND CLAIM IN TOWNSHIP 8 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, AT A POINT WHICH IS 3617.36 FEET NORTH 89° 56' WEST FROM THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 1801.80 FEET TO AN IRON ROD; THENCE NORTH 89° 56' WEST 1692.34 FEET TO A POINT IN THE CENTER OF COUNTY ROAD NO. 878; THENCE NORTH, ALONG THE CENTER OF SAID COUNTY ROAD, 1801.80 FEET TO THE SOUTHWEST CORNER OF SAID COY CLAIM; THENCE SOUTH 89° 56' EAST 1692.34 FEET TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

Together With :

- 1. The perpetual right to irrigate 15 acres of the herein described property from the existing irrigation well on the property described in deed from Peter J. Etzel to Neil Boyce and Dorothy M. Boyce, recorded August 30, 1971 in Volume 711, Page 26, Deed Records, Marion County, Oregon.**
- 2. The perpetual right to obtain water and use water, in conjunction with Grantor in the above deed, for domestic purposes from the existing domestic well on the property described in said deed.**
- 3. Perpetual easements to maintain, repair and use the existing underground pipelines on the property in deed recorded in Volume 711, Page 26, Deed Records, Marion County, Oregon, for the conveyance of water from the irrigation well and domestic well described in numbers 1 and 2 hereinabove from said wells in a northerly direction to the real property described herein.**


Figure 3. Statutory Warranty Deed for the perpetual rights granted to the property owners of 7908 Boedigheimer Road, SE, Sublimity, Oregon (the applicants)

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STATE ENGINEER
Salem, Oregon

MI


Well Record

STATE WELL NO. 8/1W-26Q
COUNTY Marion
APPLICATION NO.

OWNER: Edward J. Miotke

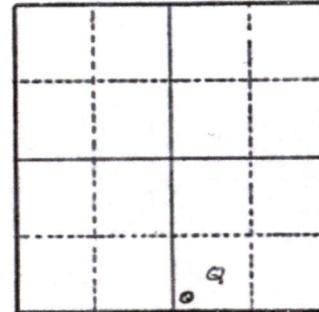
MAILING ADDRESS: Route 1, Box 29

LOCATION OF WELL: Owner's No.

CITY AND STATE: Sublimity

SW 1/4 SE 1/4 Sec. 26 T. 8 N. S. R. 1 W., W.M.

Bearing and distance from section or subdivision corner 350 feet East and 100 feet North from the South 1/4 corner, Section 26



Altitude at well 580 feet

TYPE OF WELL: Drilled Date Constructed May, 1951

Depth drilled 380 Depth cased 100

Section 26

CASING RECORD:

8" steel 0 to 100 feet

FINISH:

open end casing

AQUIFERS:

WATER LEVEL:

77

PUMPING EQUIPMENT: Type Turbine 6" H.P. 20 Elec.
Capacity 600 G.P.M.

WELL TESTS:
Drawdown ft. after hours 500 G.P.M.
Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19
SOURCE OF INFORMATION owner

DRILLER or DIGGER

ADDITIONAL DATA:
Log NA Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

Oregon Water Resources Department Groundwater Application

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Today's Date: Friday, January 14, 2022

Base Application Fee.		\$1,570.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	0.19	\$410.00
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:		\$1,980.00
Permit Recording Fee. ***		\$610.00
<p>* 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.</p>	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,590.00

Withdrawn Authority
OAR 690-502-0050

Restricted
OAR 690-502-0180
Does not effect
this application.