

# 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			PHONE (HM)		
PHONE (WK)		CELL		FAX	
ADDRESS					<b>RECEIVED</b>
					<b>AUG 29 2022</b>
CITY	STATE	ZIP	E-MAIL*		
					<b>OWRD</b>

### Organization

NAME Milton-Freewater Cemetery Maint. Dist. #3			PHONE 509-200-1417		FAX
ADDRESS 512 N. Main Street				CELL	
CITY Milton-Freewater	STATE Or	ZIP 97862	E-MAIL* piefertrp@gmail.com		

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

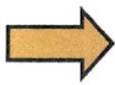
AGENT / BUSINESS NAME			PHONE		FAX
ADDRESS				CELL	
CITY	STATE	ZIP	E-MAIL*		

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.**

*Vern Rodigiero*  
Applicant Signature

Vern Rodigiero  
Print Name and Title if applicable

05-15-2022  
Date

*Steve Timmons*  
Applicant Signature

Steve Timmons  
Print Name and Title if applicable

05-15-2022  
Date

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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
G-15367	Walla Walla River	1/8 of a mile	100 feet
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Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested:** (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)
G-15367	<input type="checkbox"/>	<input checked="" type="checkbox"/>	G-15367	<input type="checkbox"/>	4 inch					BASALT	2000	150 mpg	1/51
	<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"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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\* 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.

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

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

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

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

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

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

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

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Yes  No

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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.

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**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

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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, by reviewing

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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

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	1 April---1 November	1/51

**For irrigation use only:**

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

Primary: 17 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:

- 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

### A. Diversion and Conveyance

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

- Pump (give horsepower and type): 25 Hp  
 Other means (describe):

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

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### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*) Low Pressure Sprinklers

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

Cemetery, Milton-Freewater Cemetery Maintenance District #3

## SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin:  
 b) Date construction will be completed: July 21, 2000  
 c) Date beneficial water use will begin: July 21, 2000

## 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:

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.**  
 Describe planned actions and additional permits required for project implementation:

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

**SECTION 9: WITHIN A DISTRICT**

Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

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

Note 1, Our Water Right Certification #4887, Date to IOOF Trustees of Milton Lodge #61, March 8, 1922., for use of .15 cubic foot per second of water from the Walla Walla River for the purpose of irrigation for the Milton-Freewater Cemetery Maintenance District #3.

Note 2, This is a follow up to the notification of February 16, 2017, "In the Matter of the Cancellation of certain permit to Appropriate Water under the provisions of ORS 537.260.

We, the elected members of the Milton-Freewater Cemetery Maintenance District #3 had this brought to our attention that our prior board members failed to follow through on the Well Application #G-15276, Permit # G-15367. Those members are no longer in the community or unable to be contacted at this time. The past board failed to certify the well within the time period requested by the letter dated February 16, 2017.

We would like this Well Application and Permit reissued in a timely manner to maintain the cemetery for the loved ones that are interned, and there as well as future generations. The current board members were unaware that this was a problem until approached by residents of the community to expand the cemetery by 5 acres. Only then were aware of the lack of Application to update the Well status.

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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.wrd.state.or.us

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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 ground water 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 503-986-0801.



# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

Applicant(s): Milton-Freewater Cemetery Dist. 3  
 Mailing Address: 512 N. Main Street, Milton-Freewater, Or. 97862  
 City: Milton Freewater State: Or. Zip Code: 97862 Daytime Phone: 509 200 1417

## 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:
<u>5N</u>	<u>35E</u>	<u>12</u>	_____	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

\_\_\_\_\_ Milton-Freewater, Umatilla County

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## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) Walla Walla River

Estimated quantity of water needed: 51     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:

\_\_\_\_\_ Irrigation of cemetery and trees

**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.

See bottom of Page 3. →

# 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>AUG 29 2022</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<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: Robert T Waldher Title: Director  
 Signature: Robert T Waldher Phone: 541-278-6251 Date: 08/24/22  
 Government Entity: Umatilla County

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

STATE OF WASHINGTON, )  
County of Witman ) ss.

August 6, 1992.

Personally appeared the above named CELESTE A. MILLS and acknowledged the foregoing instrument to be her voluntary act and deed. Before me.



Donna L. Garrett  
NOTARY PUBLIC FOR WASHINGTON  
Residing at: Laurens, WA.  
My Commission Expires: April, 1995

STATE OF OREGON, )  
County of Umatilla.) ss.

August 10, 1992.

Personally appeared Richard Meier and Clarence W. York, who, being duly sworn, did say that they are the Chairman and Board Member of MILTON-FREEWATER CEMETERY DISTRICT, a municipal corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and they acknowledged said instrument to be their voluntary act. Before me.



Dolores I. Olsen  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 4-22-96

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AFTER RECORDING  
RETURN TO:  
PIONEER TITLE CO.  
126 S.E. COURT ST.  
PENDLETON, OR 97801

STATE OF OREGON, COUNTY OF UMATILLA  
I Thomas L. Groat, County Clerk, certify that this  
instrument was received and recorded on 10-27-92  
at 11:09 in the record of document code type DE-MEMO

Location R227-0192  
Document number 92-176527  
Fee 45.00

Thomas L. Groat  
Umatilla County Clerk

received by [Signature] Deputy

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OWRD

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AUG 29 2022  
OWRD

1992 OCT 27 A 11:09

AFTER RECORDING  
RETURN TO:  
PIONEER TITLE CO.  
126 S.E. COURT ST.  
PENDLETON, OR 97301

MEMORANDUM OF LAND SALE CONTRACT

By written contract dated Aug. 6, 1992, CELESTE A. MILLS, as Seller, and MILTON-FREEWATER CEMETERY DISTRICT, a municipal corporation, as Purchaser, hereby acknowledges the existence of a Contract for Sale of Real Property, to convey real property located in Umatilla County, described as follows:

Beginning at Northeast corner of Section 12, Township 5 North, Range 35; thence South along East line of said Section 12, a distance of 451 feet, more or less, to Southeast corner of that tract conveyed to Milton Lodge No. 61, Independent Order of Odd Fellows, by Deed recorded in Book 15, Page 628, Deed Records, and the true point of beginning for this description; thence West along South line of said Odd Fellows Tract and along South line of that tract conveyed to said Odd Fellows by Deed recorded in Book 115, Page 88, Deed Records to Southwest corner of said Odd Fellows Book 115, Page 88 Tract; thence South 2° 19' West a distance of 166 feet; thence East, parallel to North line of said Section 12 to East line of said Section 12; thence North along said North line to the point of beginning;

SUBJECT to any and all water rights of way;

All being East of the Willamette Meridian, Umatilla County, Oregon.

## SUBJECT TO:

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
2. Right of Way Easement, including the terms and provision thereof, granted by S. W. Shields, et ux, to Northwestern Gas & Electric Company, recorded May 4, 1908, Book 56, Page 567, Deed Records.
3. Right of Way Easement, including the terms and provisions thereof, granted by J. L. Frazier, et ux, to Northwestern Gas & Electric Company, recorded May 4, 1908, Book 56, Page 569, Deed Records.

1 - MEMORANDUM OF LAND SALE CONTRACT

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4. Right of Way Easement, including the terms and provisions thereof, granted by J. L. Frazier, et ux, to Pacific Power & Light Company, recorded March 30, 1929, Book 137, Page 496, Deed Records.

5. Also subject to any other easements, restrictions or reservations of record.

The true and actual consideration for this conveyance stated in dollars is \$25,000.

The property described in this instrument may not be within the fire protection district protecting structures. The property is subject to land use laws and regulations which, in farm or forest zones, may not authorize construction or siting of a residence. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county Planning Department to verify approved uses and existence of fire protection for structures.

Until a change is requested, all tax statements are to be sent to the following address: Milton-Freewater Cemetery District, c/o Richard Meier, P. O. Box 50, Milton-Freewater, Oregon 97862.

DATED this 6 day of Aug, 1992.

*Celeste A. Mills*  
CELESTE A. MILLS, Seller

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MILTON-FREEWATER CEMETERY DISTRICT,  
A Municipal Corporation, Purchaser

BY \_\_\_\_\_  
BY *Clarence K. [Signature]*

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7/7/2022

THIS PER

MILTON FR  
101 W BRO  
MILTON FRE

(541) 938-5678

The specifi

sted below.

APPLICATION

SOURCE OF WAL

PURPOSE OR USE

MAXIMUM RATE: C

PERIOD OF USE: A

DATE OF PRIORITY:

POINT OF DIVERSION  
W.M.; 470 FEET SOU

T, R35E,  
12

The amount of water right, together with the amount secured by existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 17.0 ACRES  
SECTION 12  
TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is



stopped, the Director may restart it at any time.

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All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

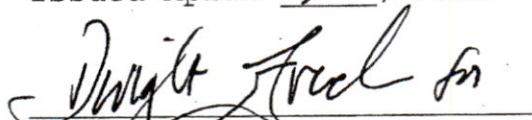
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Complete application of the water to the use shall be made on or before October 1, 2007. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued April 3, 2003

  
Paul R. Cleary, Director  
Water Resources Department

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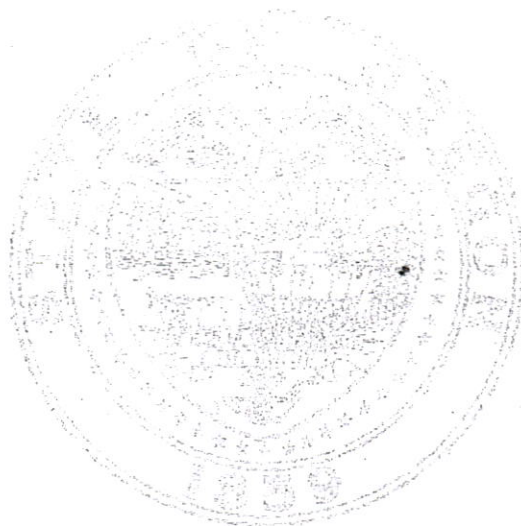
Application G-15276  
Basin 07  
JWG

Water Resources Department  
Volume 1 WALLA WALLA R MISC

PERMIT G-15367  
District 5

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



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Application G-15276 Water Resources Department  
Basin 07 Volume 1 WALLA WALLA R MISC  
JWG

PERMIT G-15367  
District 5

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AFFIDAVIT FOR THE CANCELLATION OF AN ENTIRE WATER RIGHT CERTIFICATE

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JUN 26 2000

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State of Oregon )  
County of UMATILLA ) ss

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WATER RESOURCES DEPT  
SALEM, OREGON

AUG 29 2022

I/We, COMETARY MAINTAINANCE DIST 3, residing at MILLON FROEWATER  
OR., phone 938,  
being first duly sworn depose and say:

- I/We are the legal owner(s) of the property described as tax lot number 100, within the NE 1/4 NE 1/4, Section 12, Township 5 N Range 35 E of the Willamette Meridian, in UMATILLA County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
- Water right certificate number 4887 issued to Trustees Millon Lodge 61 with a date of priority of MAR 8 1922 for use of .15 cubic foot per second of water from WALLA WALLA RIVER (sources) for the purpose of IRRIGATION (uses) is appurtenant to my/our property; and
- I/We have abandoned any and all interest in this water right and request that said right be canceled.
- My/Our property is / NOT is not within an irrigation district. If within, the name of the district is \_\_\_\_\_.
- There are / X are not encumbrance holders for my/our property. If there are, a list of encumbrance holders with their addresses is attached.

Subject To well water Right APPROVAL

X Behind King \_\_\_\_\_ Date 6-20-2000  
Signature of Legal Owner

John Clark \_\_\_\_\_ Date 6-20-2000  
Signature of Co-Owner

Subscribed and Sworn to Before Me this 20<sup>th</sup> day of June, 2000

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JUL 21 2000



Charlotte Birdwell  
Notary Public for Oregon

My Commission Expires 8-9-2002

WATER RESOURCES DEPT.  
SALEM, OREGON  
9/7/99

PLEASE ATTACH MAP AND DEED WITH LEGAL DESCRIPTION

Application No. J 15276  
Permit No.

ORIGINAL GIVEN TO GREG NELSON, 11 APR 2007  
- CG

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JUN 26 2000

MILTON-FREEWATER CEMETERY MAINT DIST #3  
83765 Eastside Rd  
Milton-Freewater, Oregon  
(541) 938-5137 - (541) 938-5224

WATER RESOURCES DEPT.  
SALEM, OREGON

June 16, 2000

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Watermaster  
Umatilla County  
16 SE Dorion  
Pendleton, OR 97801

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AUG 29 2022

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Dear Sir,

After we, the Milton-Freewater Cemetery Maint Dist #3, receive a well permit to irrigate the seventeen (17) acres of our Cemetery, our intent is to cancel our water rights for the pump in the Walla Walla River.

Sincerely,



John Ehart  
Sec/Treas  
Board of Directors  
Milton-Freewater Cemetery Maint Dist #3

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JUL 21 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. 9 15276  
Permit No.

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON

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IN THE MATTER OF THE CANCELLATION OF )  
CERTAIN PERMIT(S) TO APPROPRIATE WATER ) ORDER  
UNDER THE PROVISIONS OF ORS 537.260 )

**Findings of Fact**

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
MILTON FREEWATER CEMETERY MAINTENANCE DISTRICT 3	7	5	G-15276	G-15367

**Conclusions of Law**

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

**Order**

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on FEBRUARY 16, 2017.

E. Timothy Wallin, Water Rights Program Manager  
for Thomas Byler, Director

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PLACED IN U.S. MAIL FEB 17 2017  
BY OREGON WATER RESOURCES DEPARTMENT

**This is a final order in other than contested case.** This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

7/13/2022

Milton-Freewater Cemetery Maint. Dist. 3  
512 N Main St  
Milton-Freewater, OR 97862

Re: Application for an Emergency Permit to use Groundwater

Dear Applicant:

The Water Resources Department has received your application for a permit to use groundwater. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 690-310-0050.

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

Should you have any questions, please contact Water Right Customer Service at 503-986-0810.

Sincerely,

Dante Luongo  
Water Rights Customer Service Representative

cc: OWRD Fiscal (Check # 1012)

WM District #23

**Enclosures**

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

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**Groundwater Application Completeness Checklist | Summary of Needed Items:**

**Attachments:**

- Completed Land-Use Form** or receipt signed by the appropriate planning department official. The form must be completed within 12 months of submitted your application.
- Provide a Legal Description** of all the property involved with this application. You may include a copy of your deed, land sales contract or title insurance to meet this requirement.

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SSOS 0 5 2022

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June 29, 2022

Cover Sheet to the State of Ore

Renewal: Well Rights, Well App

To: Oregon Water Resources D

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

From: Milton-Freewater Cemet

512 N. Main Street

Milton-Freewater, Oregon 9786

We, (The Cemetery Maintenan

granted in July of 2000. Due to

forward the original paperwork

time. The original paperwork w

address for the board at that ti

board was approached by an in

Cemetery to meet an increasin

Milton-Freewater. As we researched the possibility to meet this need within our community, we found that the prior board failed to forward or to act upon the paper work to meet the state standards for our current and approved well at that time. Our request is to renew the current water needs for our cemetery.

Thank You

Milton-Freewater Cemetery Maintenance District

*Vern Rodigiero*  
Vern Rodigiero

Steve Timmons *Steve Timmons*

Tom Piefer *Tom Piefer*

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*My Contact:*

*Tom Piefer*

*phone: 509-200-1417*

*email: piefertrp@gmail.com*

*text: 509-200-4417*

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