

*Handwritten scribbles at the top of the page.*

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE



### Applicant

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

### Organization

NAME <b>NANTUCKET SHORES WATER COMPANY</b>		PHONE <b>503-939-0260</b>	FAX
ADDRESS <b>PO BOX 999</b>			CELL <b>503-965-7420</b>
CITY <b>PACIFIC CITY</b>	STATE <b>OR</b>	ZIP <b>97135</b>	E-MAIL * <b>WILDFLOWERDON@AOL.COM</b>

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

AGENT / BUSINESS NAME <b>JOHN A. SHORT / WATER RIGHT SERVICES, LLC</b>		PHONE <b>541-389-2837</b>	FAX
ADDRESS <b>PO BOX 1830</b>			CELL
CITY <b>BEND</b>	STATE <b>OR</b>	ZIP <b>97709</b>	E-MAIL * <b>JOHNSHORT@USA.COM</b>

Note: Attach multiple copies as needed


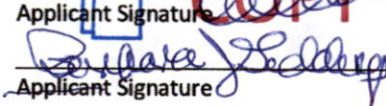
\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

### 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 legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.



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

	<i>Barbara J. Sudders</i> President	August 21 2022
Applicant Signature	Print Name and Title if applicable	Date
	Nantucket Shores Water Comp	8-21-22
Applicant Signature	Print Name and Title if applicable	Date

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

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**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. N/A QUASI-MUNICIPAL SYSTEM RIGHT-OF-WAYS FOR WATER SYSTEM DELIVERY ETC.
- 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: SOURCE OF WATER**

**A. Proposed Source of Water**

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

Source 1: <b>MILES CREEK</b>	Tributary to: <b>PACIFIC OCEAN</b>
TRSQQ of POD: <b>T4S R10, SECTION 7, NWSW</b>	
Source 2:	Tributary to:
TRSQQ of POD:	

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

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## B. Applications to Use Stored Water

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

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

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

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

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

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

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

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

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

- Yes  No

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

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If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes  No

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

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

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

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

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

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

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

Yes  No

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

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**SECTION 5: WATER USE**

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

SOURCE	USE	PERIOD OF USE	AMOUNT
MILES CREEK	QM	YEAR-ROUND	0.50 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.  
 Primary: \_\_\_\_\_ Acres      Supplemental: \_\_\_\_\_ Acres      Nursery Use: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: \_\_\_\_\_

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

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): **TBD**
- Other means (describe):

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

**WATER WILL BE PUMPED FROM MILES CREEK AND PIPED TO RESERVOIR.**

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

**SPRINKLERS FOR IRRIGATION OF COMMON AREAS, WATER TRUCKS, FIRE HYDRANTS, HOSES, AND TRUCKS FOR FIRE PROTECTION.**

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**C. Conservation**

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

**THE AMOUNT OF WATER USED WILL BE KEPT TO A MINIMUM AND ONLY USED IF NEEDED AS AN ADDITIONAL SOURCE OF WATER FOR THE COMMUNITY SYSTEM AS A BACKUP TO EXISTING GROUNDWATER PERMIT G-18131, MAINLY TO SERVE AS A SOURCE OF FIRE PROTECTION WATER AND SOME IRRIGATION OF COMMON AREAS.**

**SECTION 7: RESOURCE PROTECTION**

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: **DIVERSION WILL BE SCREENED PER ANY RECOMMENDATION BY OWRD/ODFW UPON REVIEW.**
  
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.**  
Describe planned actions and additional permits required for project implementation: **IT IS ANTICIPATED THAT THE WORK COMPLETED IN THE RIPARIAN AREA FOR THE DIVERSION WILL BE KEPT TO A MINIMUM AND APPLICANT WILL CONSULT WITH GOVERNING AUTHORITIES ON ANY PERMITTING NEEDED.**
  
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe planned actions and additional permits required for project implementation: N/A
  
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: **NOT ANTICIPATED.**
  
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
N/A

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: **UPON PERMIT ISSUANCE**
- b) Date construction will be completed: **WITHIN 5 YEARS OF PERMIT ISSUANCE**
- c) Date beneficial water use will begin: **WITHIN 5 YEARS OF PERMIT ISSUANCE**

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**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name n/a	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).*

**The purpose of this application is to replace surface water permit S-53237 (not developed) with a more compatible QM surface permit using a point of diversion on-site, downstream from the permitted off-site Miles Creek diversion. If approved, the water will be used in a separate system to primarily provide water for fire protection within the service area boundary and some irrigation of common areas. The existing surface water permit was applied for as Quasi-municipal uses by the previous owner, but was ultimately issued as Group Domestic (because the applicant had not formed a water company/corporation), which is incompatible with the needed use of surface water in the community. The community system, including the partially developed Nantucket Shores subdivision, is currently being served solely by a groundwater system. The existing quasi-municipal groundwater permit G-18131 needs to have a backup surface water permit in order to safely provide additional water for fire flows. The applicant is willing to cancel existing permit S-53237 in order to allow approval of this application. Permit S-53237 allows for the diversion of 1.0 cfs total, including 0.5 cfs from Miles Creek for a population of up to 2350.**

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## Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

### Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

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

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: **\$2,110**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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# Water-Use Permit Application Processing

## 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

## 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$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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Oregon Water Resources Department  
Surface Water Application

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Today's Date: Tuesday, July 5, 2022

Base Application Fee.		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.5	\$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 Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Subtotal:		\$1,500.00
Permit Recording Fee. ***		\$610.00
<p>* the 1st Water Use is included in the base cost.  ** the 1st Surface Water point of diversion 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		\$2,110.00

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# Land Use Information Form



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

## 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.

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# Land Use Information Form

Applicant(s): **NANTUCKET SHORES WATER COMPANY**

Mailing Address: **PO BOX 999**

City: **PACIFIC CITY**

State: **OR**

Zip Code: **97135**

Daytime Phone: \_\_\_\_\_

## 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.

T	R	S	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4S</u>	<u>10</u> <u>W</u>	<u>7</u>	<u>NWNW</u>	4S10W07B: 200, 201, 202, 203, 204, 300	<u>RR-2</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	QUASI-MUNICIPAL
<u>4S</u>	<u>10</u> <u>W</u>	<u>7</u>	<u>SWNW</u>	4S10W07B: 300, 302, 303, 500. 4S10W07BB: 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500. 4S11W12AD: 100, 500, 1200, 1300, 1400, 1500, 1600. 4S11W12: 100	<u>RR-2</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	QUASI-MUNICIPAL
<u>4S</u>	<u>10</u> <u>W</u>	<u>7</u>	<u>SENW</u>	4S10W07B: 300	<u>RR-2</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	QUASI-MUNICIPAL
<u>4S</u>	<u>10</u> <u>W</u>	<u>7</u>	<u>NWSW</u>	04S10W07BB: 1100, 4100, 4200, 4300, 4400, 4500, 4600. 4S11W12AD: 500, 2900. 4S10W: 701 (point of diversion tax lot).	<u>RR-2</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	QUASI-MUNICIPAL
<u>4S</u>	<u>11</u> <u>W</u>	<u>12</u>	<u>NENE</u>	04S11W12: 102, 103	<u>RR-2</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	QUASI-MUNICIPAL
<u>4S</u>	<u>11</u> <u>W</u>	<u>12</u>	<u>SENE</u>	04S11W12: 100, 102, 103, 104, 106. 04S11W12AD: 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1600, 1700, 1800, 2100, 2200, 2300, 3600, 3700, 3800, 3900, 4000	<u>RR-2</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	QUASI-MUNICIPAL
<u>4S</u>	<u>11</u> <u>W</u>	<u>12</u>	<u>NESE</u>	04S11W12AD: 500, 1800, 1900, 2000, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3300, 3400, 3600. 04S11W12: 107, 202.	<u>RR-2</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	QUASI-MUNICIPAL

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

**TILLAMOOK 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 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) Miles Creek

Estimated quantity of water needed: 0.50     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:

**Quasi-municipal Surface Water Application to replace existing Permit S-53237.**



**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 4. →**

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## For Local Government Use Only

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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
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Government Entity: \_\_\_\_\_

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



Tillamook County

# Transaction Receipt

Record ID: 851-22-000289-PLNG

1510 - B Third Street  
Tillamook, OR 97141  
(503) 842-3408  
Fax: 503-842-1819  
sabsher@co.tillamook.or.us

IVR Number: 851068891696

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Receipt Number: 127582

SEP 15 2022

Receipt Date: 7/21/22

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<https://www.co.tillamook.or.us/planning>

Parcel: 4S10 0000 00701

## Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
7/21/22	1.00 Ea	Land use compatibility statement (LUCS)	010-01152-4317	\$75.00	\$75.00

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Payment Method: Credit card authorization: 793624	Payer: John A. Short	Payment Amount:	\$75.00
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Paid through ePermitting website

**Receipt Total: \$75.00**

Oregon Water Resources Department



FORM M

FOR MUNICIPAL AND QUASI-MUNICIPAL WATER SUPPLIES

[Information needed to make findings related to ORS 537.153(3)(c)]

- Please supply the required information in the spaces provided below. If any section of this form is not applicable, please write N/A and provide an explanation why it does not apply.
- Do not attach reference documents. If there is a need, the Department will request them.
- Your signature is certification that identified information is contained in the reference document(s).
- If adequate space is not available on this form to describe and justify your request for additional water, attach additional pages as necessary.

**Water Supplier Information**

Please provide the following information related to the water supplier requesting additional water. It should be noted that the name of a water supplier is often different than the service area (e.g., *City of ABC and XYZ Urban Growth Boundary*).

Cities are not the only municipal corporation; many kinds of special districts are also allowed to purvey water. Applications requesting to use water for Quasi-Municipal use may be submitted by entities including, but not limited to, the following types of governance: a water association; private water company; or (if under the articles of incorporation) a broader corporation such as a destination resort. Please attach a copy of the article of incorporation related to your distribution of water.

Name of Water Supplier/Entity	Name of Service Area	Governance	Contact Person
Nantucket Shores Water Company	Nantucket Shores	Domestic Business Corporation	Barbara Giddings 503-939-0260
<b>List any water suppliers within the same service area and/or any self-supplied industrial user.</b> (Attach an extra sheet, if necessary.)			

**Request for Additional Water**

Briefly explain the reason(s) for your request for additional water (e.g. *loss of current supply, backup, emergency supply, peak demand, growth, or other*). Much of the information needed may be contained in your Water Management and Conservation Plan, Water System Master Plan, or Capital Improvement Plan (as applicable).

Reason(s) for the Request for Additional Water	Time Table for Development of the Additional Water	Justification for Water Source & Amount Requested
Backup supply, fire flow supply	5 years	Redundancy in supply and public safety for fire flows



**Water Management and Conservation**

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- Do you have an approved Water Management and Conservation Plan?  Yes  No
- List the "In-Effect" date of your most recently approved Water Management and Conservation Plan: n/a
- Is your system fully metered?  Yes  No
- Do you perform annual water audits?  Yes  No
- Annual amount of water produced (MG): 2.5  
(diverted or appropriated)
- Annual amount of water billed for (MG): 2.5  
(metered consumption)
- Identify your system's current annual water loss: unknown% Water has not yet been appropriated  
(difference between the amount of water produced and the water billed for)
- Describe your rate structure and billing schedule: An increasing block rate structure is expected, currently uniform.  
[e.g., commodity rate (uniform rate, declining or inverted block rate); fixed charge with a commodity rate; or a fixed charge and commodity rate using a seasonal differential.]

**Population**

A supplier's population includes both permanent residential and transient populations. Residential population should be from census data or, if estimated, the method of estimation must be documented. Adopted comprehensive land use plans, water system master plans, or water management and conservation plans are examples of acceptable documentation. Transient populations are routine users of water by employers (*such as manufacturing or call center type facilities*) that increase the demand within a supplier's service area. Resort areas, regional airports, sea ports, areas with seasonally variable populations, and colleges/universities are also subject to this transient population test. Special events which are rare occasions (*such as parades, rodeos, festivals, etc.*) are not reasons to apply the transient population test.

Below, please indicate the current population to which you serve water, and cite the source of that information. Please also provide the historic population growth rate over the past 10 years and the projected population you anticipate serving in 20 years.

<b>Present Population being Served:</b>	<b>Source of Information</b>
63	Personal knowledge
<b>Historic population growth rate over the past 10 years:</b>	<b>Source of Information</b>
61	Personal knowledge
<b>Projected Population to be Served in 20 Years:</b>	<b>Source of Estimate/Method Used</b>
300	2.5 ppl / EDU estimated for 125 EDU's

**Current Water Supply**

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In the table below, please describe all of the sources of your current water supply inventory (*both active and inactive*). Identify those sources and associated water rights that are currently in use. Additionally, please identify any water sources/water rights that are not currently used, or used only on a seasonal or emergency basis, and describe the reason(s) why. If any portion of your water supply is being purchased, identify the supplying entity and, if possible, indicate the water source.

Water Source (Include any wholesale purchases of water)	Water Right Numbers (Permit and/or Certificate)	Priority Date	Amount of Water Allowed	Actively Used? (Yes or No) If "No," explain.
WELLS	PERMIT G-18131	3-30-1995	0.58 CFS	YES
SURFACE WATER – Miles Creek	PERMIT S-53237	4-30-1992	1.0 CFS	NO

Is this application for a new water use permit intended to be used as a primary or backup source? Explain how this right will be used to meet current demand and/or how it will be used to increase reliability and resiliency?

The purpose of this application is to replace surface water permit S-53237 (not developed) with a more compatible QM surface permit using a point of diversion on-site. If approved, the water will be used in a separate system to primarily provide water for fire protection within the service area boundary and some irrigation of common areas. The existing surface water permit was applied for as Quasi-municipal uses, but was ultimately issued as Group Domestic (because the applicant had not formed a water company/corporation), which is incompatible with the needed use of surface water in the community. The existing quasi-municipal groundwater permit G-18131 needs to have a backup surface water permit in order to safely provide additional water for fire flows.

**Current Water Use**

Describe the nature of your current demands for water, as well as the water sources used to meet those needs.

**Current Demands for Water (Year: 2022)**

Water Source (Including wholesale water purchases)	Water Right Numbers (Permit and/or Certificate)	Peak or Maximum Demand		Average Demand	
		Maximum Instantaneous Rate (in cfs or gpm)	Maximum Daily Demand (MG)	Average Daily Demand (MG)	Average Annual Demand (MG)
Wells	G-18131	0.58 cfs	0.016	0.007	2.5

- Per-capita daily demand (in gallons): 108 gpd / person (estimated)  
*(Divide average annual water sales by population to arrive at consumption, and then divide by 365 to get daily values.)*
- Peak season (by month/day): July 1 to September 1
- Peak Season number of hours diverted/pumped (if available): n/a

- Peak season per-capita daily consumption (in gallons): n/a  
*(Divide total peak season demand by population and the number of days during the peak.)*
- Peaking Factor (ratio between max day demand and average day demand): n/a

### **Projected Water Use**

Describe your anticipated water demands for the next 20 years, and identify the sources of water (*existing and/or new*) that will be used to meet those demands. Please also describe the methodology and/or information source used to make the projected water demand estimates.

#### **Projected Demands for Water in 20 Years (Year: 2042)**

- Current average per capita demand (in gallons): 108 gallons per person per day
- Projected population served in year (**2042**): 300 permanent
- Projected average annual demand (MG): 11.8 MG
- Projected average daily demand (MG): 0.032 MG (32,000 gpd)
- Current peaking value: n/a
- Projected maximum daily demand (MG): 0.81 MG

Water Source (Including wholesale water purchases)	Water Right Numbers (Permit and/or Certificate) If a new water source, indicate so.	Projected Peak Daily Demand		Projected Average Daily Demand	
		Maximum Instantaneous Rate (in cfs or gpm)	Maximum Daily Demand (MG)	Average Daily Demand (MG)	Average Annual Demand (MG)
Groundwater	G-18131	0.58 cfs	0.81 MG	0.032 MG	11.8 MG
Surface Water- Miles Creek		0.50 cfs	0.81 MG	0.032 MG	11.8 MG

**Source or Methodology Used for Demand Projections:**

Estimated based on preliminary planning.

Describe any issues, deficiencies or limitations associated with your current water supply inventory contributing to the need to acquire additional water in order to satisfy your current and/or projected 20-year demands:

**THE CURRENT SYSTEM IS LIMITED BY THE SINGLE GROUNDWATER SYSTEM SOURCE. A BACKUP SURFACE WATER SOURCE FOR FIRE PROTECTION IS NEEDED TO ENSURE THE SAFETY OF THE COMMUNITY.**

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## Annual Water Use by Type

In the table below, list the quantity of water diverted for each type of water use and the percentage of the total diversion associated with that use type:

Type	Current Use		Use In 20 Years	
	Quantity Diverted:	Percentage of Total Diversion:	Projected Quantity to be Diverted:	Percentage of Total Diversion:
<b>Residential:</b>	0			
<b>Commercial:</b>	0		4	
<b>Institutional<sup>1</sup>:</b>	0			
<b>Agricultural<sup>2</sup>:</b>	0.05 cfs	10%	15 AF	50%
<b>Industrial:</b>				
<b>Other: FIRE FLOWS</b>	0.45 cfs	90%	21 AF	50%
<b>System Water Loss:</b>	0			
<b>Total Diverted:</b>	0		36 AF	100%

<sup>1</sup>: Institution use includes water served to hospitals, federal, state, or municipal connections, and school districts.

<sup>2</sup>: Agricultural use includes any type of customer with a service connection dedicated for the raising of livestock or edible or non-edible crops.

Last revision: May 1, 2018/WRSD

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