

RECEIVED

OCT 04 2022

Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)

OREGON



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Deethorn Creek Ranch LLC		PHONE (HM)	RECEIVED JUN 03 2022
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY LLKIAH	STATE ORE	ZIP	E-MAIL * TRAILS END RANCH mte@gmail.com

Organization

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

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

AGENT / BUSINESS NAME Kenneth L NASH / NASH RANCH		PHONE 541 263 0749	FAX
ADDRESS 80971 Homan Ln			CELL SAME
CITY Enterprise	STATE ORE	ZIP 97828	E-MAIL * centralcopy@con1.com

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the 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 store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

Alternate Reservoir Application — Page 1

Rev. 07/2021

RECEIVED

OCT 04 2022

Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



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

OWRD

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

RECEIVED

Applicant

NAME Deerhorn Creek Ranch LLC		PHONE (HM)	
PHONE (WK) 406-596-0797	CELL	FAX	
ADDRESS 36863 FS Rd 5320			
CITY LLKIAH	STATE ORE	ZIP 97880	E-MAIL* TRAILSENCRANCH@GMAIL.COM

JUN 03 2022

OWRD

Organization

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

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

AGENT / BUSINESS NAME KENNETH L NASH / NASH RANCH		PHONE 541 263 0749	FAX
ADDRESS 80971 HOMAN LN		CELL SAME	
CITY Enterprise	STATE ORE	ZIP 97828	E-MAIL* CentralCopy@EONi.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the 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 store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

Alternate Reservoir Application — Page 1

Rev. 07/2021

RECEIVED

OCT 04 2022

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	EIK track				
Source*: **	Tributary:		NA		
County: Umatilla					
Quantity:	9.2 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	6 S	30 E	15	SWSW	2491
Maximum Height of Dam:	9.5 feet. If excavated write "zero feet."				

OWRD

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

This structure is totally dependent on snow melt & RAIN
NO live stream or year round spring dry swale

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multi-Purpose

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

RECEIVED

JUN 03 2022

OWRD

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ 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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

** Source: Rainfall, Snow, ~~Springs~~ + runoff
* Diffuse runoff

* ~~Springs are wet weather Springs arising in SE 1/4 of Sec 16 T6S R30E~~

* Location very close to Ridge top Flat Line

OCT 04 2022

OWRD

RECEIVED

SECTION 5: ENVIRONMENTAL IMPACT

JUN 03 2022

Channel: Is the Reservoir: ☐ in-stream or ☒ off channel?Wetland: Is the project in a wetland? ☐ YES ☒ NO ☐ unknownExisting: Is this an existing reservoir? ☐ YES ☒ NO

If YES, how long has it been in place? _____ years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? ☐ YES ☒ NO ☒ unknown

If YES, how much? _____ miles.

Existing: Have you been working with other agencies? ☐ YES ☒ NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SECTION 6: WITHIN A DISTRICT

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

Irrigation District Name:		Address:	
City:	State:	Zip:	

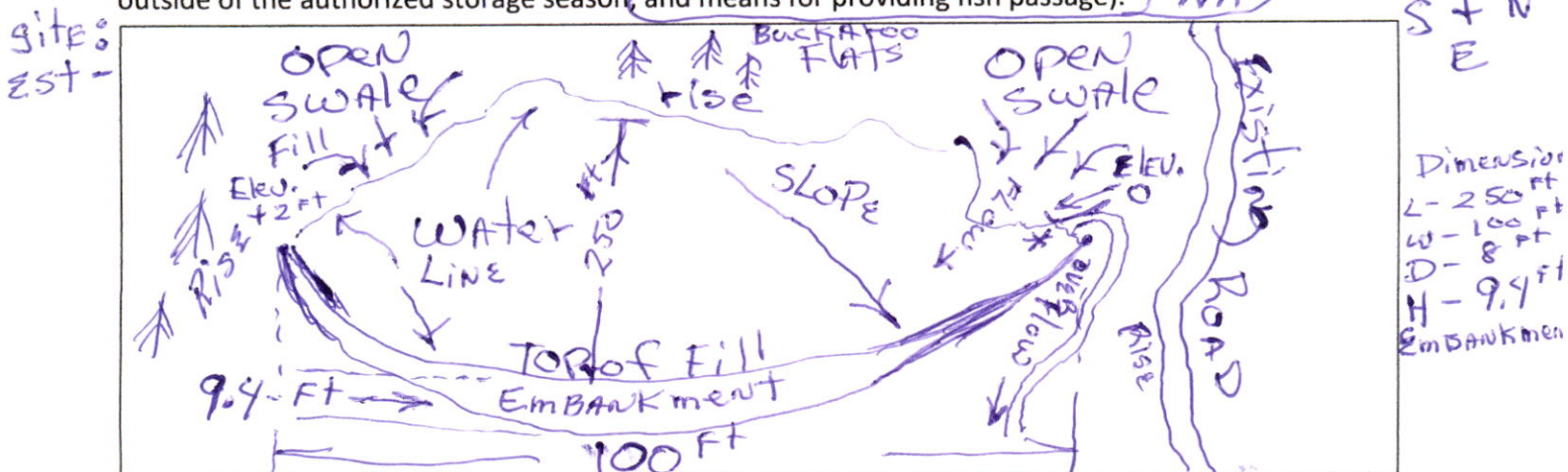
SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

This is on top Between Drainages the slope
~~of drainage to the south~~
 EXCAVATE for embankment materials as needed
 Embankment materials maybe transported in

* Fill compacted Geotextile - with Reservoir Liner -
 RES. to be designed + engineered -

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage). NA



* Out Flow same as inlet elevation.
 Grade 0 ZERO as much water runs in as by passes -
 when full all water Bypasses - NO diversion - 50-50 in out -

Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name		
1. Does the proposed reservoir have the potential to injure existing water rights? ☐ YES ☒ NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☒ YES ☐ NO Explain: <i>Limit Fill Period to Water Availability</i>		
3. Is water available for the proposed reservoir? ☒ YES ☐ NO		
4. If yes, during what period? Beginning: Feb End: Feb Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? ☐ YES ☒ NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: Eric W. Julsrud

Watermaster
Signature:



Date: 12/8/2021

RECEIVED

JUN 03 2022

OWRD

RECEIVED

OCT 04 2022

OWRD

NOTE: This completed form must be returned to the applicant

Location UTAH CO
Deerhorn Creek RANCH
BUCKAROO FLATTS

This page left intentionally blank.

Reservoir Name ELK track

6S 30E 15 SWSW 2491
Township Range Section 1/4 1/4 Tax Lot

W N
+ S E

Embankment Height 9.5ft

Capacity Less than 9.2 Acre ft

Water Source Snow melt Diffuse Runoff Jan Feb - Mar?

Note: Several Rock Pits in this Area have ground water
static 6ft Depth.
No Live water - Dry Swale
Wildlife Habitat

RECEIVED

OCT 04 2022

RECEIVED

JUN 03 2022

OWRD

OWRD

Existing Road

Open Swale

Overflow

Timber Rise

250 ft
width
Depth 8ft

Embankment
Less than
9.5 ft H
100 ft Length

Jericho Basin

Compacted Geo text
Designed + Engineered

22.5. Liner to be
Installed

timber
Rise
BUCKAROO
FLATTS

Flow
Snow melt
Diffuse
Runoff
Open Swale

Note:
* ELEV.
Existing
Grade

RECEIVED

OCT 04 2022

RECEIVED

JUN 03 2022

Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name <u>DEERHORN CREEK BARCH / KENNETH C. NASH AGENT</u>		
1. Does the proposed reservoir have the potential to injure existing water rights? ☐ YES ☐ NO Explain: <u>NA</u>		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☐ YES ☐ NO Explain: <u>NA</u>		
3. Is water available for the proposed reservoir? ☒ YES ☐ NO		
4. If yes, during what period? Beginning: <u>JAN</u> End: <u>FEB - MAR</u> Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? ☐ YES ☒ NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

BIO: JAMES NASH - Enterprise ORE 406-925-2108
Consulting: David Bates w.m. - Enterprise Eric Jalsrud w.m.
 Watermaster Name: John Day

Watermaster
Signature: _____

Date: _____

NOTE: This completed form must be returned to the applicant

* Consulting - Kyle Brachter - Enterprise ODFW
 * W.M. - Water Master David Bates * Eric Jalsrud J.D.
 * Consulting - telephone calls * Kamilla Planning Dept
 * Karishner - Reddleton ODFW

ODFW Alternate Reservoir Application Review Sheet – See Attached ODFW Review

This portion to be completed by the Applicant					
Applicant: AGENT-KENNETH NASH DEERHORN CREEK RANCH LLC		Phone No.: 541-263-0749		Email: CentralCopy@comcast.com	
Address: 80971 HOMAN LN		City: Enterprise	State: ORE	Zip: 97828	
Reservoir Name: ELK TRACK		Source: snowmelt ^{Diffuse} Runoff		Volume (AF):	
Township (N or S): 6S	Range (E or W): 30E	Section: 15	Quarter/Quarter: SW SW	Basin Name: Jerico	☐ in-channel ☒ off-channel

Back to top of page

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District Staff	
1) Is the proposed project and AO ¹ off channel? (* See Attached ODFW Review *) (If yes then proceed to #4; if no then proceed to #2)	☐ YES ☐ NO
2) Is the proposed project or AO located where NMF ² are or were historically present? (If yes then proceed to #3; if no then proceed to #4)	☐ YES ☐ NO
3) If NMF are or were historically present: a. Is there an ODFW – approved fish passage plan? ☐ YES ☐ NO b. Is there an ODFW-approved fish-passage waiver or exemption? ☐ YES ☐ NO	
If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be “Yes” to move forward with the application. If responses to 3(a) and 3(b) are “No”, then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.	
4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream: ☐ YES ☐ NO <i>Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)</i>	
☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.	
☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.	
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?	
☐ YES (Select from Menu of Conditions on next page) ☐ NO (explain)	

ODFW Signature: _____

Printed Name: _____

ODFW Title: _____

Date: _____

NOTE: This completed form must be returned to the applicant

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to through .

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 1.0 cubic feet per second per 1000 head of livestock.

RECEIVED

JUN 08 2022

OWRD

RECEIVED

OCT 04 2022

OWRD

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Deerhorn Creek Ranch/Kenneth NashAddress: 80971 Homan Ln, Enterprise, OR 97828Phone/Email: 541-263-0749/centralcopy@eoni.comReservoir Name: Elk TrackSource: snow/rain/runoffBasin Name: North Fork John DayTwp Rng Sec QQ: 6S30E15SWSWVolume (AF): 9.2☐ in-channel☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

RECEIVED

JUN 03 2022

OWRD

RECEIVED

OCT 04 2022

OWRD

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

- 1) Is the proposed project and AO¹ off channel?.....☒ YES* ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

- 2) Is the proposed project or AO located where NMF² are or were historically present?.....☐ YES ☐ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan?.....☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption?.....☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?.....☒ YES ☐ NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- ☒ Any diversion or appropriation of water for storage during the period April 15 through January poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☒ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (spring Chinook, bull trout, summer steelhead), sensitive species (redband trout and Pacific lamprey), and other game fish are present in Jericho Creek and/or the North Fork John Day River during the period of impact. In addition to existing instream water rights and any pending instream water right applications, ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit fishery resources at the Point of Diversion or downstream.

Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during January and April 15th – December 31. In addition, ODFW reviewed available information

(<https://www.oregon.gov/deq/wq/Documents/ir2022AssessMethodDraftPublicComment.pdf>) regarding water quality impairment and determined that the proposed use could impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion during July - September.

Diminished flows from Jericho Creek could exacerbate current water quality impairments for temperature in the North Fork John Day River. Temperature impairments related to flow modifications and water withdrawals, when combined with reduced streamflows, can increase stress on aquatic life. Reservoir releases can affect stream temperature through the delivery of heat stored within the system. ODFW's primary concern is temperature loading that may occur from any releases during low-flow summer months, particularly the critical period of July - September.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Impairment to Fishery Resource		Jan	Feb	Mar	Apr 1-14	Apr 15-30	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity														
Water Quality														

RECEIVED

JUN 03 2022

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- ☐ NO (explain) ☒ YES (select from Menu of Conditions on next page)

- ☒ See applicable conditions selected from "Menu of Conditions" on next page

OWRD

RECEIVED

OCT 04 2022

- ☒ Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during February – April 14th. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use during type months here will result in a significant

OWRD

Applicant Name: Deerhorn Creek Ranch/Kenneth Nash ODFW Review
detrimental impact to an existing fishery resource. Mitigation is often complicated, time consuming, and
expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water
through purchasing or transferring an existing water right. If the applicant chooses to pursue mitigation
after application submittal to WRD, ODFW will provide appropriate conditions and a Mitigation
Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation
Recommendations) to compensate for any potential impact from the proposed use. Upon request, the
WRD caseworker can schedule a consultation with ODFW for more information.

Danette
Faucera

Digitally signed by
Danette Faucera
Date: 2022.05.06
15:21:07 -07'00'

ODFW Signature: _____

Print Name: Danette Faucera

ODFW Title: Water Policy Coordinator

Date: 3/24/22

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12; reformatted 5/12/20

RECEIVED

JUN 03 2022

OWRD

RECEIVED

OCT 04 2022

OWRD

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

RECEIVED**JUN 03 2022**

Use this menu to identify appropriate conditions to be included in the permit:

OWRD

- ☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.

- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

RECEIVED

- ☒ **b51a** The period of use has been limited to February through April 14.

OCT 04 2022

- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

OWRD

- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

- ☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

- ☒ **Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

- ☐ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

- ☐ **fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

- ☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-pass facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-pass plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- ☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- ☒ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☐ **In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- ☐ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☒ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☐ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☒ **wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

RECEIVED

OCT 04 2022

OWRD

RECEIVED

JUN 03 2022

OWRD

RECEIVED

OCT 04 2022

Land Use Information Form

OWRD



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

NAME <u>Deerhorn Creek Ranch / Agent Kenneth L. Nash</u>		PHONE (HM) <u>541-263-0749</u>
PHONE (WK) <u>SAME</u>	CELL <u>SAME</u>	FAX
ADDRESS <u>809 N Homay Ln</u>		
CITY <u>Enterprise</u>	STATE <u>ORE</u>	ZIP <u>97828</u>
E-MAIL* <u>centralcopy@econic.com</u>		

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>6S</u>	<u>30E</u>	<u>15</u>	<u>SWSW</u>	<u>2491</u>	<u>Rural</u>	☐ Diverted	☐ Conveyed	☒ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

_____ Umatilla - CLKIAH AREA Remote

RECEIVED

JUN 03 2022

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) SNOW + RAIN + Diffuse

Estimated quantity of water needed: _____ ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet less THAN 9 acre-ft

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other WILDLIFE RES. Pond

Briefly describe:

_____ Livestock-wildLife * Site Location Buckaroo Flats

ON TOP OF Ridge

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.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC 152.080
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
RECEIVED	RECEIVED	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
OCT 04 2022	JUN 03 2022	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
OWRD	OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Conserve And protect watersheds And wildlife habitats Also is A purpose of the County's GF zone.

Name: CAROL JOHNSON Title: Planner

Signature: Carol Johnson Phone: 541-278-1252 Date: 11-10-2021

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: _____

RECEIVED

OCT 04 2022

OWRD

State of Oregon
County of Umatilla

Instrument received
and recorded on
11/22/2017 01:10 PM

in the record of instrument
code type DE



RECORD Instrument number 2017-6650480
Fee \$81.00

Office of County Records

John Churchill

Records Officer

1073000 P6

Until a change is requested, all tax
statements shall be sent to:
Deerhorn Creek Ranch, LLC
c/o Brian DiFonzo
Yturri Rose, LLP
PO Box "S"
Ontario, OR 97914

After recording return to:
AmeriTitle
112 SE Court Street
Pendleton, OR 97801

WARRANTY DEED

Riggs Land and Cattle Company, LLC, an Oregon Limited Liability Company, Grantor, conveys
and warrants to Deerhorn Creek Ranch, LLC, an Oregon Limited Liability Company, Grantee,
the following described real property free of encumbrances except as specifically set forth
herein:

**SEE EXHIBIT A ATTACHED HERETO AND
BY THIS REFERENCE INCORPORATED HEREIN**

SUBJECT TO AND TOGETHER WITH:

**SEE EXHIBIT B ATTACHED HERETO AND
BY THIS REFERENCE INCORPORATED HEREIN**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF
ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO
11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855,
OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.
THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE
PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE
UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR
PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED
USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS
AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO
INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,
UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11,
CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855,
OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is other property or value was either part or
the whole consideration.

AmeriTitle
Yturri Rose LLP
ATTORNEYS AT LAW
P.O. BOX "S"
ONTARIO, OREGON 97914
(541) 889-3388
(541) 889-3432 - fax
law@yrr.com

WARRANTY DEED - Page 1 of 6
515015.0/d1/21-Nov-17/mc

RECEIVED

OCT 04 2022

OWRD

Dated this 22ND day of November, 2017.

RIGGS LAND AND CATTLE COMPANY, LLC

Michael Riggs
By: Michael Riggs, Manager

State of Idaho)
County of Ada) ss.

The foregoing instrument was acknowledged before me this 22ND day of November, 2017, by Michael Riggs, as Manager for Riggs Land and Cattle Company, LLC, an Oregon limited liability company.



[Signature]
Notary Public for State of Idaho
My commission expires: 4.18.22

RECEIVED

OCT 04 2022

OWRD

EXHIBIT A

TRACT ONE:

The South half of the South half of Section 36, Township 5 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 1, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 2, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 3, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 4, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 5, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 8, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 9, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 10, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 11, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 12, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the West half of the West half, the Southeast quarter of the Southwest quarter, the South half of the Southeast quarter, and the Northeast quarter of the Southeast quarter of Section 13, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 14, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 15, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 16, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

RECEIVED

OCT 04 2022

OWRD

ALSO all of Section 17, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 20, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 21, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 22, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the North half of the North half, and the South half of the Southwest quarter of Section 23, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the Northwest quarter of the Northwest quarter of Section 24, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the Northwest quarter of the Northwest quarter of Section 26, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the North half, and the Northwest quarter of the Southwest quarter of Section 27, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the East half, the North half of the Northwest quarter, and the Southwest quarter of the Northwest quarter of Section 28, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 29, Township 6 South, Range 30 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the South half of the North half, the Southwest quarter, the West half of the Southeast quarter, and Government Lots 1, 2, 3 and 4 of Section 5, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO all of Section 6, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the North half, the Southwest quarter, the West half of the Southeast quarter, and the Northeast quarter of the Southeast quarter of Section 7, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the West half of the Northeast quarter, the Northwest quarter, the North half of the Southwest quarter, the Southeast quarter of the Southwest quarter, and the West half of the Southeast quarter of Section 8, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the South half of the Southeast quarter of Section 9, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

YTURNER ROSE LLP
ATTORNEYS AT LAW
P.O. BOX 157
ONTARIO, OREGON 97146
(503) 883-5348
(503) 883-5322 - fax
luc@turnerrose.com

WARRANTY DEED - Page 4 of 6
515015.0/d1/21-Nov-17/mc

RECEIVED

OCT 04 2022

OWRD

ALSO the North half, the Southwest quarter, and the West half of the Southeast quarter of Section 16, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the East half of the East half of Section 17, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

ALSO the North half of the Northeast quarter, and Government Lot 4 of Section 18, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

TRACT TWO:

The Southeast quarter of the Northeast quarter, the North half of the Southeast quarter, and the Southeast quarter of the Southeast quarter of Section 18, Township 6 South, Range 31 East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

YVONNE ROSE LLP
ATTORNEYS AT LAW
P.O. BOX 751
ONTARIO, OREGON 97141
(541) 889-1568
(541) 889-9122 - fax
yrose@yvonnerose.com

WARRANTY DEED – Page 5 of 6
515015.0/d1/21-Nov-17/mc

RECEIVED

OCT 04 2022

OWRD

EXHIBIT B

1. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land use assessment.
3. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
4. Lease for an easement, including the terms and provisions thereof,
Dated: February 21, 1958
Recorded: May 18, 1960
Book: 258, Page: 535
Between: Pilot Rock Lumber Co., an Oregon Corporation
And: Finis Kirkpatrick, B.F. Bowman, Roy Hobby, William T. Woerner, C. Edwin Francis and Duane Autzen
5. Easement or easements, including the terms and provisions thereof, as contained in instrument,
Recorded: November 28, 1979
Reel: 58, Page: 1508
6. Reservation of all oil, gas and other minerals, including the terms and provisions contained therein, in deed from Gallatin Northeast Oregon Land & Timber LLC, a Delaware limited liability company.
Recorded: October 6, 2005
Instrument No.: 2005-4900069

YTURN ROSE LLP
ATTORNEYS AT LAW
P.O. BOX 781
ONTARIO, OREGON 97146
(503) 885-6368
(503) 889-5125 - fax
info@yturnrose.com

WARRANTY DEED - Page 6 of 6
515015.0/d1/21-Nov-17/mc



Welcome to
Umatilla County

Carol Johnson <carol.johnson@umatillacounty.net>

Umatilla County Dept. of Land Use Planning

1 message

Intellipay <noreply@intellipay.com>

Mon, Nov 15, 2021 at 9:20 AM

To: "Umatilla County Dept. of Land Use Planning" <carol.johnson@umatillacounty.net>

Umatilla County Dept. of Land Use Planning

Payment Receipt

Kenneth Nash
80971 homan ln
enterprise OR 97828
541-263-0749
djharker1313@gmail.com

Your payment was successfully processed.

Thank you. Your payment has been received.

Resident Account:	owrd
Invoice:	C30569759
Payment Amount:	\$25.00
Service Fee:	\$1.50
Payment Total:	\$26.50
Payment Date:	11/15/2021
Card Number:	4..5542
Name on Card:	kenneth I nash
Card Type:	Visa Card
Authorization Code:	197628
Reference Number	C30569759P44193841
Comments:	
Payment Origin:	Online Payment Terminal

LUC

LUC Type: owrd

Thank you,
Umatilla County Dept. of Land Use Planning
Support: 541-278-6248

* The service fee is non-refundable.

RECEIVED

JUN 03 2022

OWRD

RECEIVED

OCT 04 2022

OWRD

Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

RECEIVED

JUN 08 2022

OWRD

1. ☒ Landowner name, mailing address and telephone number provided
2. ☒ Application signed – All parties noted as applicants must sign the application
3. ☒ Source and tributary listed.
4. ☒ Reservoir Location. TRSQQ and tax lot provided.
5. ☒ Dam height indicated, if applicable
6. ☒ Property ownership completed
7. ☒ If applicant does not own all the land, is the affected landowner's name and mailing address listed? NA
8. ☒ Environmental impact section completed?
9. ☒ **Completed Watermaster review sheet**, signed and dated. Note: Must be completed within last 6 months.
 - Will the reservoir injure an existing water right? ☐ YES ☐ NO
 - If YES, can conditions be applied to mitigate injury? ☐ YES ☐ NO
 - If NO, return the application.
10. ☒ **Completed ODFW review sheet**, signed and dated. Note: Must be completed within last 6 months. NA
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☐ YES ☒ NO
 - If YES, can conditions be applied to mitigate the impact? ☐ YES ☐ NO ☐ N/A
 - If NO, return the application.
11. ☒ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months.
12. ☒ **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance to meet this requirement.
13. ☒ **Acceptable Map**. Note: Requirements set forth by the Commission; causes fatal flaw if not provided by the applicant.
 - ☒ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
 - ☒ Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
 - ☐ Reference corner on map
 - ☒ North directional symbol
 - ☒ 1/4's clearly identified
 - ☒ Reservoir clearly identified **
 - ☒ Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
 - ☒ If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner NA
14. ☒ **Fees**: Are the appropriate fees included? Use this fee calculator to determine the application fees:

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

RECEIVED

OCT 04 2022

OWRD

Original Permit Application
Dated 12-10-2021

Deerhorn Creek Ranch 3-7-2022

Res. Permit Application

Please Add these Additional/
Documents to Permit Application.

RECEIVED

JUN 03 2022

OCT 04 2022

OWRD

Update Notes: Snow Pack Est.
90 percent of Normal
Cold weather held snow melt
thru. Feb., Mar 1st Began
Snow melt. Ranch report

Project scheduling would
be set for June - Completion
Early July 2022

Ground water is found in
sites on Ridge (Rock pit)
Est. Ground water at 5'
Depth

Thank You KEN NASH

Project manager Ken Nash

541-263-0749

e-mail CentralCopy@EONI.COM

AUG	105.00	7.48	97.50	0.00	235.00	-137.00
SEP	90.70	5.90	84.80	0.00	235.00	-150.00
OCT	108.00	3.52	104.00	0.00	235.00	-131.00
NOV	146.00	2.44	144.00	0.00	380.00	-236.00
DEC	304.00	2.51	301.00	0.00	380.00	-78.50
ANN	512,000.00	7,230.00	505,000.00	0.00	431,000.00	140,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.16	0.00	1.01	0.00	0.47	0.87	0.04	0.00	2.55
FEB	0.30	0.00	1.01	0.00	0.47	0.87	0.04	0.00	2.69
MAR	0.36	3.74	1.01	0.00	0.47	0.87	0.04	0.00	6.49
APR	0.84	16.70	1.01	0.00	0.47	0.87	0.04	0.00	19.90
MAY	1.08	37.20	1.01	0.00	0.47	0.87	0.04	0.00	40.70
JUN	0.48	12.10	1.32	0.00	0.47	0.87	0.04	0.00	15.30
JUL	0.09	7.00	1.32	0.00	0.47	0.87	0.04	0.00	9.79
AUG	0.04	4.74	1.32	0.00	0.47	0.87	0.04	0.00	7.48
SEP	0.03	3.17	1.32	0.00	0.47	0.87	0.04	0.00	5.90
OCT	0.04	1.09	1.01	0.00	0.47	0.87	0.04	0.00	3.52
NOV	0.05	0.00	1.01	0.00	0.47	0.87	0.04	0.00	2.44
DEC	0.12	0.00	1.01	0.00	0.47	0.87	0.04	0.00	2.51

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

RECEIVED

JUN 03 2022

OWRD

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY90602B	SWW	157.00	600.00	1,300.00	1,300.00	1,300.00	800.00	235.00	235.00	235.00	235.00	380.00	380.00
Maximum		157.00	600.00	1,300.00	1,300.00	1,300.00	800.00	235.00	235.00	235.00	235.00	380.00	380.00

RECEIVED

OCT 04 2022

OWRD

Additional Documents

for permit

Deerhorn Creek Ranch
permit application

ATTN: Steph

RECEIVED

JUN 03 2022

OWRD

RECEIVED

OCT 04 2022

OWRD

OWRD
Water Availability Analysis

RECEIVED

JUN 03 2022

OWRD

N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R
JOHN DAY BASIN

Water Availability as of 12/8/2021

Watershed ID #: 30620204 ([Map](#))

Exceedance Level: 50% ▼

Date: 12/8/2021

Time: 11:15 AM

[Download Data](#)

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	209	JOHN DAY R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
2	210	JOHN DAY R> COLUMBIA R- AB HEIDTMANN CAN	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	69960	N FK JOHN DAY R> JOHN DAY R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
4	30620221	N FK JOHN DAY R> JOHN DAY R- AB UNN STR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
5	30620204	N FK JOHN DAY R> JOHN DAY R- AB M FK JOHN DAY R	Yes	Yes	No	Yes	Yes	Yes	No	No	No	No	No	No	Yes

Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	Yes	221.00
FEB	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	Yes	84.30
MAR	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	No	-360.00
APR	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	Yes	560.00
MAY	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	Yes	1,090.00
JUN	210	JOHN DAY R > COLUMBIA R - AB HEIDTMANN CAN	Yes	168.00
JUL	210	JOHN DAY R > COLUMBIA R - AB HEIDTMANN CAN	No	-88.00
AUG	210	JOHN DAY R > COLUMBIA R - AB HEIDTMANN CAN	No	-374.00
SEP	210	JOHN DAY R > COLUMBIA R - AB HEIDTMANN CAN	No	-367.00
OCT	209	JOHN DAY R > COLUMBIA R - AT MOUTH	No	-180.00
NOV	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	No	-236.00
DEC	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	No	-78.50
ANN	30620204	N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R	Yes	129,000.00

Detailed Reports for Watershed ID #209

JOHN DAY R > COLUMBIA R - AT MOUTH
JOHN DAY BASIN

Water Availability as of 12/8/2021

Watershed ID #: 209 ([Map](#))

Exceedance Level: 50% ▼

Date: 12/8/2021

Time: 11:15 AM

SY90605A

SWW 500.00 1,000.00 2,000.00 2,000.00 2,000.00 2,000.00 500.00 500.00 500.00 500.00 500.00 500.00
 500.00 1,000.00 2,000.00 2,000.00 2,000.00 2,000.00 500.00 500.00 500.00 500.00 500.00 500.00

RECEIVED**OCT 04 2022****OWRD****Detailed Reports for Watershed ID #210**

JOHN DAY R > COLUMBIA R - AB HEIDTMANN CAN
 JOHN DAY BASIN

Water Availability as of 12/8/2021

Watershed ID #: 210 ([Map](#))

Exceedance Level: 50% ▾

Date: 12/8/2021

Time: 11:15 AM

RECEIVED**JUN 03 2022****OWRD****Water Availability Calculation**

Monthly Streamflow in Cubic Feet per Second
 Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,130.00	18.10	1,110.00	35.50	500.00	576.00
FEB	2,060.00	24.40	2,040.00	68.30	1,000.00	967.00
MAR	2,860.00	35.80	2,820.00	118.00	2,000.00	707.00
APR	4,610.00	113.00	4,500.00	297.00	2,000.00	2,200.00
MAY	4,770.00	198.00	4,570.00	281.00	2,000.00	2,290.00
JUN	2,410.00	198.00	2,210.00	43.30	2,000.00	168.00
JUL	652.00	240.00	412.00	0.00	500.00	-88.00
AUG	312.00	186.00	126.00	0.00	500.00	-374.00
SEP	260.00	127.00	133.00	0.00	500.00	-367.00
OCT	385.00	54.50	331.00	0.00	500.00	-169.00
NOV	508.00	13.30	495.00	0.00	500.00	-5.26
DEC	859.00	15.60	843.00	22.30	500.00	321.00
ANN	1,250,000.00	74,200.00	1,180,000.00	52,200.00	753,000.00	435,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	6.19	0.87	5.02	0.72	0.57	2.36	2.38	0.03	18.10
FEB	12.40	0.89	5.02	0.72	0.57	2.36	2.38	0.03	24.40
MAR	18.40	6.32	5.02	0.72	0.57	2.36	2.38	0.03	35.80
APR	29.30	72.90	5.02	0.72	0.57	2.36	2.38	0.03	113.00
MAY	20.10	167.00	5.02	0.72	0.57	2.36	2.38	0.03	198.00
JUN	9.99	173.00	9.34	0.72	0.57	2.36	2.38	0.03	198.00
JUL	2.64	223.00	9.34	0.72	0.57	2.36	1.63	0.03	240.00
AUG	1.26	170.00	9.34	0.72	0.57	2.36	1.63	0.03	186.00
SEP	1.05	111.00	9.34	0.72	0.57	2.36	1.63	0.03	127.00
OCT	1.56	42.60	5.02	0.72	0.57	2.36	1.63	0.03	54.50
NOV	2.05	0.87	5.02	0.72	0.57	2.36	1.63	0.03	13.30
DEC	3.81	0.74	5.02	0.72	0.57	2.36	2.38	0.03	15.60

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

Application # Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

RN80601A	9.94	17.10	25.70	37.30	30.80	7.10	0.00	0.00	0.00	0.00	0.00	6.97
RN80602A	5.27	8.88	7.02	21.50	22.10	1.81	0.00	0.00	0.00	0.00	0.00	2.94
RN80603A	0.00	0.00	47.80	122.00	109.00	25.40	0.00	0.00	0.00	0.00	0.00	0.00
RN80604A	20.30	42.30	37.20	116.00	120.00	8.97	0.00	0.00	0.00	0.00	0.00	12.40
Total	35.51	68.28	117.72	296.80	281.90	43.28	0.00	0.00	0.00	0.00	0.00	22.31

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF210A	CERTIFICATE	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00	30.00
SY90604A	SWW	500.00	1,000.00	2,000.00	2,000.00	2,000.00	2,000.00	500.00	500.00	500.00	500.00	500.00	500.00
Maximum		500.00	1,000.00	2,000.00	2,000.00	2,000.00	2,000.00	500.00	500.00	500.00	500.00	500.00	500.00

Detailed Reports for Watershed ID #69960

N FK JOHN DAY R > JOHN DAY R - AT MOUTH

JOHN DAY BASIN

Water Availability as of 12/8/2021

Watershed ID #: 69960 ([Map](#))

Date: 12/8/2021

RECEIVED

Exceedance Level: 50% ▼

Time: 11:15 AM

OCT 04 2022

RECEIVED

Water Availability Calculation

OWRD

JUN 03 2022

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

OWRD

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	649.00	5.65	643.00	20.30	235.00	388.00
FEB	1,240.00	6.90	1,230.00	42.30	380.00	811.00
MAR	1,820.00	12.30	1,810.00	85.00	380.00	1,340.00
APR	3,170.00	39.40	3,130.00	238.00	380.00	2,510.00
MAY	3,500.00	72.80	3,430.00	228.00	380.00	2,820.00
JUN	1,650.00	54.20	1,600.00	34.40	235.00	1,330.00
JUL	353.00	62.40	291.00	0.00	175.00	116.00
AUG	159.00	48.50	111.00	0.00	157.00	-46.50
SEP	141.00	33.40	108.00	0.00	140.00	-32.40
OCT	169.00	14.80	154.00	0.00	168.00	-13.80
NOV	243.00	4.12	239.00	0.00	235.00	3.88
DEC	490.00	5.20	485.00	12.40	235.00	237.00
ANN	818,000.00	21,800.00	796,000.00	39,900.00	187,000.00	576,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1.09	0.00	1.33	0.22	0.47	1.40	1.11	0.03	5.65
FEB	2.33	0.00	1.33	0.22	0.47	1.40	1.11	0.03	6.90
MAR	4.01	3.74	1.33	0.22	0.47	1.40	1.11	0.03	12.30
APR	6.62	28.20	1.33	0.22	0.47	1.40	1.11	0.03	39.40
MAY	4.83	63.40	1.33	0.22	0.47	1.40	1.11	0.03	72.80
JUN	2.20	46.80	1.97	0.22	0.47	1.40	1.11	0.03	54.20

JUL	0.45	57.50	1.97	0.22	0.47	1.40	0.36	0.03	62.40
AUG	0.20	43.80	1.97	0.22	0.47	1.40	0.36	0.03	48.50
SEP	0.18	28.80	1.97	0.22	0.47	1.40	0.36	0.03	33.40
OCT	0.22	10.80	1.33	0.22	0.47	1.40	0.36	0.03	14.80
NOV	0.31	0.00	1.33	0.22	0.47	1.40	0.36	0.03	4.12
DEC	0.64	0.00	1.33	0.22	0.47	1.40	1.11	0.03	5.20

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

Application #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
RN80603A	0.00	0.00	47.80	122.00	109.00	25.40	0.00	0.00	0.00	0.00	0.00	0.00
RN80604A	20.30	42.30	37.20	116.00	120.00	8.97	0.00	0.00	0.00	0.00	0.00	12.40
Total	20.30	42.30	85.00	238.00	229.00	34.37	0.00	0.00	0.00	0.00	0.00	12.40

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF216A	CERTIFICATE	55.00	55.00	55.00	55.00	55.00	55.00	55.00	55.00	55.00	55.00	55.00	55.00
IS69960A	CERTIFICATE	235.00	380.00	380.00	380.00	380.00	235.00	175.00	157.00	140.00	168.00	235.00	235.00
Maximum		235.00	380.00	380.00	380.00	380.00	235.00	175.00	157.00	140.00	168.00	235.00	235.00

Detailed Reports for Watershed ID #30620221

N FK JOHN DAY R > JOHN DAY R - AB UNN STR
JOHN DAY BASIN

Water Availability as of 12/8/2021

Watershed ID #: 30620221 ([Map](#))

Date: 12/8/2021

 Exceedance Level: 50% ▾

Time: 11:15 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	590.00	4.50	585.00	0.00	157.00	428.00
FEB	1,110.00	4.77	1,110.00	0.00	600.00	505.00
MAR	1,640.00	9.20	1,630.00	47.80	1,300.00	283.00
APR	2,950.00	26.70	2,920.00	122.00	1,300.00	1,500.00
MAY	3,330.00	51.20	3,280.00	109.00	1,300.00	1,870.00
JUN	1,580.00	28.30	1,550.00	25.40	800.00	726.00
JUL	337.00	26.20	311.00	0.00	235.00	75.80
AUG	153.00	20.50	132.00	0.00	235.00	-103.00
SEP	136.00	14.90	121.00	0.00	235.00	-114.00
OCT	164.00	7.53	156.00	0.00	235.00	-78.50
NOV	230.00	3.61	226.00	0.00	380.00	-154.00
DEC	459.00	4.44	455.00	0.00	380.00	74.60
ANN	764,000.00	12,200.00	752,000.00	18,400.00	431,000.00	329,000.00

RECEIVED

JUN 03 2022

OWRD

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.24	0.00	1.33	0.22	0.47	1.20	1.04	0.00	4.50
FEB	0.50	0.00	1.33	0.22	0.47	1.20	1.04	0.00	4.77
MAR	1.19	3.74	1.33	0.22	0.47	1.20	1.04	0.00	9.20
APR	2.16	20.30	1.33	0.22	0.47	1.21	1.04	0.00	26.70
MAY	1.46	45.40	1.33	0.22	0.47	1.21	1.04	0.00	51.20
JUN	0.65	22.80	1.97	0.22	0.47	1.21	1.04	0.00	28.30
JUL	0.13	21.90	1.97	0.22	0.47	1.21	0.29	0.00	26.20
AUG	0.06	16.30	1.97	0.22	0.47	1.21	0.29	0.00	20.50
SEP	0.05	10.70	1.97	0.22	0.47	1.21	0.29	0.00	14.90
OCT	0.06	3.95	1.33	0.22	0.47	1.20	0.29	0.00	7.53
NOV	0.09	0.00	1.33	0.22	0.47	1.20	0.29	0.00	3.61
DEC	0.17	0.00	1.33	0.22	0.47	1.20	1.04	0.00	4.44

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

Application #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
RN80603A	0.00	0.00	47.80	122.00	109.00	25.40	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	47.80	122.00	109.00	25.40	0.00	0.00	0.00	0.00	0.00	0.00

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY90602A	SWW	157.00	600.00	1,300.00	1,300.00	1,300.00	800.00	235.00	235.00	235.00	235.00	380.00	380.00
Maximum		157.00	600.00	1,300.00	1,300.00	1,300.00	800.00	235.00	235.00	235.00	235.00	380.00	380.00

Detailed Reports for Watershed ID #30620204

N FK JOHN DAY R > JOHN DAY R - AB M FK JOHN DAY R
JOHN DAY BASIN

Water Availability as of 12/8/2021

Watershed ID #: 30620204 ([Map](#))

Date: 12/8/2021

Exceedance Level: 50% ▼

Time: 11:15 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	381.00	2.55	378.00	0.00	157.00	221.00
FEB	687.00	2.69	684.00	0.00	600.00	84.30
MAR	946.00	6.49	940.00	0.00	1,300.00	-360.00
APR	1,880.00	19.90	1,860.00	0.00	1,300.00	560.00
MAY	2,430.00	40.70	2,390.00	0.00	1,300.00	1,090.00
JUN	1,170.00	15.30	1,150.00	0.00	800.00	355.00
JUL	244.00	9.79	234.00	0.00	235.00	-0.79

RECEIVED

JUN 03 2022

OWRD

RECEIVED

OCT 04 2022

OWRD

RECEIVED

JUN 03 2022

OWRD

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Wednesday, May 25, 2022

Base Application Fee.		\$480.00
Proposed Dam Height in feet.	9.5	
Proposed Reservoir volume in Acre Feet.	9.2	\$410.00
Subtotal:		\$890.00
Permit Recording Fee. ***		\$610.00
*** 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.	Recalculate	
Estimated cost of Permit Application		\$1,500.00

RECEIVED
OCT 04 2022
OWRD

RECEIVED
JUN 03 2022
OWRD



Oregon

Kate Brown, Governor

RECEIVED

OCT 04 2022

OWRD

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 27, 2022

Deerhorn Creek Ranch, LLC

36863 FS Rd 5320

Ukiah, OR 97880

Re: Application for a Permit to Store Water in a Reservoir (Alternate Review)

Dear Applicant:

The Oregon Water Resources Department recently received your application for a permit to store water in a reservoir. 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.

The Department is returning the incomplete application and fees. You may re-submit the application with the required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801 or 503-986-0810.

Sincerely,

Water Rights Customer Service

cc: OWRD Fiscal Check (#2553)

Enclosures: Application and Check.

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.

RECEIVED

Alternate Reservoir Application Completeness Checklist | Summary of Needed Items:

☒ Section 2 – Location and Source.

✓ Fixed 10/3/2022

☒ Quantity: Please indicate the amount of water to be stored in the reservoir, at its maximum capacity.

✓ 10/3/2022

☒ *Was included, still is, Signed by Eric Julsrud 12/8/2021 (was at back of application)*
Completed Watermaster review sheet, signed and dated by the Water Resources Department's Watermaster.

The review must be completed within 6 months of submitting the application. To locate the Watermaster, visit the "Contact Us" page: <https://www.oregon.gov/OWRD/aboutus/contactus/Pages/default.aspx>.

✓ 10/3/2022

☒ 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.

10/3/2022 still valid.

**Your ODFW review form will expire 11/6/22 and your Land Use form will expire 11/10/22, so you'll want to return this application prior to those dates or secure new forms.