

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

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 MARK CRISSMAN		PHONE (HM) 541-421-3300	
PHONE (WK)	CELL 970-946-1564		FAX
ADDRESS 30483 HWY 395 N			
CITY LONG CREEK	STATE OR	ZIP 97856	E-MAIL *

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

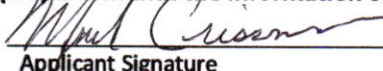
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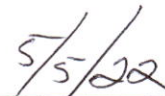
I (we) affirm that the information contained in this application is true and accurate.



Applicant Signature

MARK CRISSMAN

Print Name and Title if applicable



Date

Applicant Signature

Print Name and Title if applicable

Date

Alternate Reservoir Application — Page 1

Rev. 07/2020

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	RESERVOIR #1 – HOUSE RESERVOIR				
Source*:	SPRINGS/RUNOFF	Tributary:	FOX CREEK		
County:	GRANT COUNTY				
Quantity:	3.0 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	11S	30E	8	NWSE	303
Maximum Height of Dam:	12.0 feet				

* 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.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: **MULTIPLE 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

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:

APPLICANT IS CURRENT LAND TENANT, OWNERSHIP WILL TRANSFER TO APPLICANT IN COMING MONTHS FROM CURRENT OWNER MGN, LLC 5256 S. MISSION RD STE. 703-462 Bonsall, CA 92003

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SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: ☐ in-stream or ☒ off channel?

Wetland: Is the project in a wetland? ☐ YES ☒ NO ☐ unknown

Existing: Is this an existing reservoir? ☒ YES ☐ NO

If YES, how long has it been in place? **10 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.

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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.

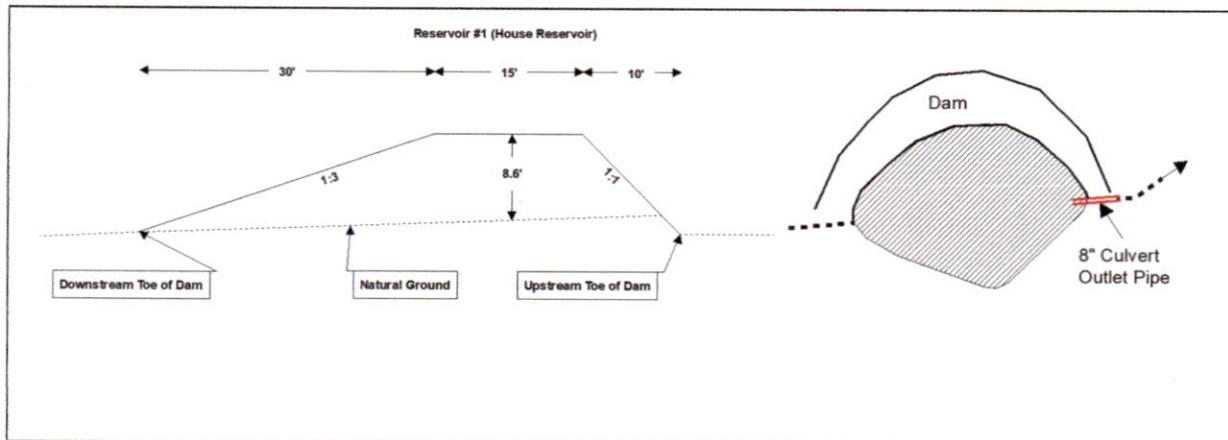
Irrigation District Name: n/a		Address:	
City:	State:	Zip:	

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.

An earthen dam stores runoff and water from springs flowing down a natural drainage. Live flow is passed through an 8" diameter culvert outlet pipe on East end of Reservoir.

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).



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: <i>see question #2</i>		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☒ YES ☐ NO Explain: <i>Limit Reservoir Fill period to water availability to avoid injury</i>		
3. Is water available for the proposed reservoir? ☒ YES ☐ NO		
4. If yes, during what period? Beginning: <i>JAN</i> End: <i>April 14th</i> 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:

[Signature]

Date:

4/26/2022

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NOTE: This completed form must be returned to the applicant

Water Availability Analysis

FOX CR > COTTONWOOD CR - AT MOUTH
JOHN DAY BASIN

Water Availability as of 4/26/2022

Watershed ID #: 30620218 ([Map](#))

Date: 4/26/2022

Exceedance Level: 50% ▼

Time: 3:20 PM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

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
Select	1	209	JOHN DAY R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
Select	2	210	JOHN DAY R> COLUMBIA R- AB HEIDTMANN CAN	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	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
Select	4	69946	COTTONWOOD CR> N FK JOHN DAY R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes
Select	5	30620218	FOX CR> COTTONWOOD CR- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: MARK CRISSMANAddress: 30483 HWY 395 NPhone/Email: 541-421-3300Reservoir Name: RESERVOIR #1 – HOUSE RESERVOIRSource: SPRINGS/RUNOFFBasin Name: John DayTwp Rng Sec QQ: 11S 30E 8 NWSE

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Volume (AF): 3

☐ 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.

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 15th through February 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 (Steelhead), sensitive species (Redband Trout), are present in Fox Creek and downstream during the period of impact. 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.

In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available at the mouth of Cottonwood Creek to protect public uses:

JAN	28.1 cfs	APR	49 cfs	JUL	12.7 cfs	OCT	11.1 cfs
FEB	49 cfs	MAY	49 cfs	AUG	9.7 cfs	NOV	11.8 cfs
MAR	49 cfs	JUN	33 cfs	SEP	8.7 cfs	DEC	16.9 cfs

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Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during April 15th through February. In addition, ODFW reviewed available information (<https://www.oregon.gov/deq/FilterDocs/jdTMDLwqmp.pdf>) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion during the critical period for temperature in July and August.

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													

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

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during March – April 14th. ODFW recommends the storage season 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 (including the impairment of water quality during July and August) from the proposed water use during April 15th - February will result in a significant 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

Applicant Name: MARK CRISSMAN
for more information.

ODFW Review

Janna L
Stevens

Digitally signed by
Janna L Stevens
Date: 2022.11.03
13:47:35 -07'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 11/03/2022

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

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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

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

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- ☐ **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.

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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

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 503-986-0900.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
www.oregon.gov/OWRD

NAME MARK CRISSMAN		PHONE (HM)	
PHONE (WK)	CELL 970-946-1564	FAX	
ADDRESS 30483 HWY 395 N			
CITY LONG CREEK	STATE OR	ZIP 97856	E-MAIL *

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>11S</u>	<u>30E</u>	<u>8</u>	—	<u>303</u>	<u>EFU</u> <u>MUR</u>	☒ Diverted	☒ Conveyed	☒ Used	<u>MP</u>
11S	30E	9	—	402	EFU	☒ Diverted	☒ Conveyed	☒ Used	MP

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

GRANT 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) MURPHY CREEK & SPRINGS/RUNOFF

Estimated quantity of water needed: 3.0 AF RES#1 + 3.3 AF RES#2 = 6.3 AF ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other MP – MULTIPLE PURPOSE

Briefly describe:

APPLICATION TO STORE WATER IN TWO EXISTING RESERVOIRS. RESERVOIR #1 IS OFF-CHANNEL AND SOURCED FROM RUNOFF AND SPRINGS. RESERVOIR #2 IS IN-CHANNEL AND SOURCED FROM MURPHY CREEK.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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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): Grant County Land Development code Art 64
- ☐ 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
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ 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.

Stock water and irrigation are allowed uses in EFU + mnr zones

Name: Shannon Springer Title: Planning Director
 Signature: Shannon Springer Phone: 541-575-1519 Date: 4/22/2022
 Government Entity: Grant County Planning Department

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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Oregon Water Resources Department
Alternate Reservoir Application

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

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

Today's Date: Friday, November 4, 2022

Base Application Fee.		\$480.00
Proposed Dam Height in feet.	12	
Proposed Reservoir volume in Acre Feet.	3	\$123.00
Subtotal:		\$603.00
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		\$1,213.00

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Until a change is requested, all tax statements shall be sent to the following address:

MGN, LLC c/o SLR Farms
5965 Camino Del Rey
Boncell CA 92003

After recording return to:

(This space) I certify that this instrument was received and recorded in the book of records of said county.

KATHY MCKINNON

Grant County Clerk

by Kathy McKinnon Deputy,

DOC# 200902740 PG 6
 RCPT: 90274 48.50
 2/12/2009 11:32 AM

WARRANTY DEED - STATUTORY FL

Five Springs Ranch, LLC, Grantor, conveys and warrants to MGN LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Grant County, Oregon, to-wit:

See Exhibit "A" attached hereto and made a part hereof

Subject to and excepting those matters set forth in Exhibit "B" attached hereto and made a part hereof.

The true consideration for this conveyance is \$2,900,700.00.

21285 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 195.303 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 TO THE LOT, 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, 105.301 AND 195.303 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

IN WITNESS WHEREOF, Grantor has executed this instrument this 11th day of FEBRUARY, 2009.

Five Springs Ranch, LLC, Grantor

By: Ridgeline Properties, LLC, its member

By: Kimberly D. Wirth, member
 Kimberly D. Wirth, Member

STATE OF OREGON)
) ss.
 County of Grant.)

This deed was acknowledged before me on February 11, 2009, by Kimberly D. Wirth, as the member of Ridgeline Properties, LLC, who is the member of Five Springs Ranch, LLC.

Before me:

Tami A. Kowing
 Notary Public for Oregon

My Commission Expires: 11/20/11



EXHIBIT "A"

PAGE 1 of 7 - WARRANTY DEED

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TRACT I:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 3: SW 1/4SW 1/4; W 1/2SE 1/4SW 1/4.

Section 4: SE 1/4SE 1/4.

Section 9: That portion of the NE 1/4NE 1/4 described as follows: Beginning at the Northeast corner of Section 9; thence South along the Section line, 250.0 feet to a point where the North right of way line of the old county road intersects said Section line; thence S89°43'W, along the North right of way line of the old county road, 1290.0 feet to the East line of said county road; thence North, along the East line of said old county road, 250.0 feet to the North section line of said Section 9; thence N89°43'E, along the section line, 1290.0 feet to the point of beginning.

(Tax Acct. 17-3 11-30 401; Ref. 7842)

TRACT II:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 4: SW 1/4SE 1/4.

Section 9: All that portion of the NE 1/4 lying North of the center of Fox Creek as presently located as said center is referenced in Memorandum of Contract of Sale recorded December 5, 1984 in Deed Book 131, page 104. SAVE & EXCEPT a tract of land in the NE 1/4NE 1/4 described as follows: Beginning at the Northeast corner of Section 9; thence South along the Section line, 250.0 feet to a point where the North right of way line of the old county road intersects said Section line; thence S89°43'W, along the North right of way line of the old county road, 1290.0 feet to the East line of said county road; thence North, along the East line of said old county road, 250.0 feet to the North section line of said Section 9; thence N89°43'E, along the section line, 1290.0 feet to the point of beginning.

(Tax Acct. 17-3 11-30 403; Ref. 39422)

TRACT III:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 9: All that portion of the East half (E 1/2) lying South of the center of Fox Creek as presently located as said center is referenced in Memorandum of Contract of Sale recorded December 5, 1984 in Deed Book 131, page 104.

(Tax Acct. 17-3 11-30 400; Ref. 6858)

TRACT IV:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 4: S 1/2SW 1/4.

Section 9: NE 1/4NW 1/4; S 1/2NW 1/4; SW 1/4.

(Tax Acct. 17-3 11-30 402; Ref. 8027)

TRACT V:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 10: SW 1/4; SW 1/4SE 1/4.

Section 15: NW 1/4.

(Tax Acct. 17-3 11-30 302; Ref. 6857)

TRACT VI:

Township 11 South, Range 30 East of the Willamette Meridian, Grant County, Oregon:

Section 5: SE 1/4.

Section 8: S 1/2; S 1/2N 1/2; N 1/2NE 1/4.

Section 9: NW 1/4NW 1/4.

Section 17: NE 1/4.

(Tax Acct. 17-3 11-30 303; Ref. 7124)

TRACT VII:

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Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

Section 7: SE1/4NE1/4; E1/2SE1/4.

Section 17: NW1/4.

Section 18: NE1/4NE1/4 and all that portion of the SE1/4NE1/4 lying Easterly of the Pendleton-John Day Highway.

SAVE & EXCEPT the following parcels:

- (a) That portion of the E1/2SE1/4; SE1/4NE1/4 of Sec. 7, and the E1/2NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., conveyed to Grant County, Oregon, by deed dated April 20, 1926, recorded April 21, 1926 in Book 37, page 395, Deed Records of Grant County, Oregon, for road right of way.
- (b) That portion of the E1/2SE1/4, SE1/4NE1/4 of Sec. 7, and SE1/4NE1/4, N1/2NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Sept. 9, 1938, recorded Oct. 11, 1938 in Book 42, pages 618-19, Deed Records of Grant County, Oregon, for highway right of way.
- (c) A tract of land in the NE1/4NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., as follows:
Beginning at the Northwest corner of the NE1/4NE1/4 of said Sec. 18; thence South 500.0 feet; thence East 355.0 feet; thence North 500.0 feet; thence West 355.0 feet to the point of beginning.
(Tax Acct. 17-3 11-30 1301; Ref. 38406)

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

Section 17: N1/2SW1/4; N1/2SE1/4.

Section 18: All that portion of the NE1/4SE1/4 lying Easterly of the Pendleton-John Day Highway.

SAVE & EXCEPT the following parcels:

- (a) That portion of the NE1/4NE1/4 of Sec. 18 conveyed to Grant County, Oregon, by deed dated April 20, 1926, recorded April 21, 1926, in Book 37, page 395, Deed Records of Grant County, Oregon, for highway right of way.
- (b) That portion of the NE1/4NE1/4 of Sec. 18, conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Sept. 9, 1938, recorded Oct. 11, 1938 in Book 42, page 618, Deed Records of Grant County, Oregon, for highway right of way.
- (c) That portion of the NE1/4SE1/4 of Sec. 18, conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated June 29, 1938, recorded July 9, 1938, in Book 42, page 532, Deed Records of Grant County, Oregon, for highway right of way.
(Tax Acct. 17-3 11-30 1300, Ref. 6868)

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

Section 18: A tract of land in the NE1/4NE1/4 described as follows:

Beginning at the Northwest corner of the NE1/4NE1/4 of said Sec. 18; thence South 500.0 feet; thence East 355.0 feet; thence North 500.0 feet; thence West 355.0 feet to the point of beginning.

SAVE & EXCEPT the following parcels:

- (a) That portion conveyed to Grant County, Oregon, by deed dated April 20, 1926, recorded April 21, 1926, in Book 37, page 395, Deed Records of Grant County, Oregon, for highway right of way.
- (b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Sept. 9, 1938, recorded Oct. 11, 1938 in Book 42, page 618, Deed Records of Grant County, Oregon, for highway right of way.

(Tax Acct. 17-3 11-30 2100; Ref. 6871)

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Exhibit "B"

1. Unpatented mining claims, if any.
2. 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 may be subject to additional taxes or penalties and interest.
3. This report does not include a search for financing statements or agricultural services liens which are filed with the Secretary of State and any matters which would be disclosed thereby are expressly excluded from coverage herein.
4. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
5. Subject to any and all matter pertaining to irrigation ditches that may traverse subject property, including, but not limited to, easements and assessments, if any.
6. Easements, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with
all appurtenances thereto as more particularly described therein.
Granted to : California Pacific Utilities Company
Recorded : August 14, 1968
Book : 99
Pages : 421 and 422
Affects : Tract VI
7. Easement, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with
all appurtenances thereto as more particularly described therein.
Granted to : Blue Mountain Telephone, Inc.
Recorded : October 9, 1970
Book : 104
Page : 329
Affects : Tract VI
8. Easement, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with
all appurtenances thereto as more particularly described therein.
Granted to : C P National Corporation
Recorded : September 26, 1982
Book : 126
Page : 905
Affects : that portion of subject premises as more particularly described therein
9. Easement, including the terms and provisions thereof:
For : location of a power transmission line, together with all appurtenances thereto as
more particularly described therein
Granted to : Fred E. Moore, et ux
Recorded : June 12, 1985
Book : 131
Page : 957
Affects : that portion of subject premises as more particularly described therein

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10. Easement, including the terms and provisions thereof:
For : the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein
Granted to : Telephone Utilities of Eastern Oregon
Recorded : August 1, 1986
Book : 133
Page : 877
Affects : that portion of subject premises as more particularly described therein
11. Easement, including the terms and provisions thereof:
For : the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein
Granted to : Telephone Utilities of Eastern Oregon
Recorded : August 1, 1986
Book : 133
Page : 879
Affects : that portion of subject premises as more particularly described therein
12. Easement, including the terms and provisions thereof:
For : the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein
Granted to : Telephone Utilities of Eastern Oregon
Recorded : August 1, 1986
Book : 133
Page : 880
Affects : that portion of subject premises as more particularly described therein
13. Easement, including the terms and provisions thereof:
For : the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein.
Granted to : Telephone Utilities of Eastern Oregon
Recorded : December 7, 1987
Book : 136
Page : 90
Affects : Tract VI
14. Easement, including the terms and provisions thereof:
For : the construction and maintenance of underground telephone facilities, together with all appurtenances thereto as more particularly described therein.
Granted to : Telephone Utilities of Eastern Oregon
Recorded : February 5, 1988
Book : 136
Page : 350
Affects : that portion of subject premises as more particularly described therein
15. Easement, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein.
Granted to : Telephone Utilities of Eastern Oregon
Recorded : February 5, 1988
Book : 136
Page : 351
Affects : that portion of subject premises as more particularly described therein

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16. Easement, including the terms and provisions thereof, in deed:
For : A perpetual, non-exclusive easement and right of way upon over and through an existing road as more particularly described therein, for ingress and egress.
Granted to : Fred E. Moore
Recorded : August 2, 1996
Instr. No. : 961521
Re-recorded : January 30, 2006
Instr. No. : 20060192
Affects : Sec. 5, S1/2 of Sec. 4, NE1/4 of Sec. 9, NW 1/4 of Sec. 10, Twp. 11 S., R. 30 E., W.M.
17. Easement, including the terms and provisions thereof:
For : the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein.
Granted to : Telephone Utilities of Eastern Oregon
Recorded : May 29, 1997
Instr. No. : 970963
Affects : that portion of subject premises as more particularly described therein
18. Agreement, including the terms and provision thereof, as disclosed in deed:
Regarding : Easements, fence lines and boundaries between the N1/2 of Sec. 10, Twp. 11 S., R. 30 E., W.M. (Grantee's Property) and the SE1/4, E1/2E1/2SW 1/4, W1/2S1/2SW 1/4 of Sec. 3, SW 1/4 SW 1/4SE1/4 of Sec. 10, Twp. 11 S., R. 30 E., W.M. (Grantor's property)
Between : Phillip L. Gerstner, Grantor
And : Fred E. Moore, Grantee
Recorded : October 12, 2001
Instr. No. : 212635
Re-recorded : January 30, 2006
Instr. No. : 20060193
19. Agreement, including the terms and provision thereof:
Regarding : License for roadway use
Between : Fred E. Moore
And : Phillip L. Gerstner
Recorded : October 12, 2001
Instr. No. : 212636
20. Reservations, including the terms and provisions thereof, in deed:
For : a perpetual, non-exclusive easement and right of way for access and utility purposes over, along and through an existing road as described therein
Grantor : Phillip L. Gerstner
Grantee : Five Springs Ranch, LLC
Recorded : February 15, 2006
Instr. No. : 20060339
21. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto.
Granted to : California-Pacific Utilities Company, a corp.
Recorded : August 28, 1951
Book : 63
Page : 484
Affects : the E1/2SE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M. and additional lands

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22. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto.
Granted to : California-Pacific Utilities Company, a corp.
Recorded : December 19, 1951
Book : 64
Page : 318
Affects : E1/2NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M.
23. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto.
Granted to : California-Pacific Utilities Company, a corp.
Recorded : December 19, 1951
Book : 64
Page : 320
Affects : SE1/4NE1/4 of Sec. 7, Twp. 11 S., R. 30 E., W.M.
24. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto.
Granted to : Telephone Utilities of Eastern Oregon, Inc., an Oregon corp.,
Recorded : March 17, 1986
Book : 133
Page : 26
Affects : SE1/4NE1/4 of Sec. 7, Twp. 11 S., R. 30 E., W.M.
25. Easement, including the terms and provisions thereof:
For : Right of way easement for utility and incidental purposes thereto.
Granted to : Telephone Utilities of Eastern Oregon, Inc., an Oregon corp.,
Recorded : March 17, 1986
Book : 133
Page : 27
Affects : N1/2N1/2 of Sec. 18, Twp. 11 S., R. 30 E.,
26. Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of Fox Creek, including any ownership rights which may be claimed by the State of Oregon below the high water mark.
27. Such rights and easements for navigation and fishing as may exist over that portion of the property lying beneath the waters of Fox Creek.
28. Any adverse claim based upon the assertion that:
(a) Said land or any part thereof is now or at any time has been below the ordinary HIGH water mark of Fox Creek.
(b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
(c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Fox Creek, or has been formed by accretion to any such portion.

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