

Application for a Permit to
Store Water in a Reservoir
(Standard Review)



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

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Nickel Bush Enterprises, LLC		PHONE (HM) 509-386-4940	
PHONE (WK)	CELL 509-386-4940	FAX	
ADDRESS 142 Valley Chapel Road			
CITY Walla Walla	STATE WA	ZIP 99362	E-MAIL * vpropnw@gmail.com

Organization

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

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

AGENT / BUSINESS NAME Danny E. Reich		PHONE	FAX
ADDRESS 142 Valley Chapel Road		CELL	
CITY Walla Walla	STATE WA	ZIP 99362	E-MAIL * vpronw@gmail.com

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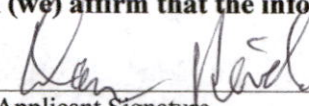
Note: Attach multiple copies as needed

* 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 packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I 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

Dan Reich member
Print Name and Title if applicable

12-5-23
Date

Applicant Signature

Print Name and Title if applicable

Date

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SECTION 2: PROPERTY OWNERSHIP

Indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- ☐ YES, there are no encumbrances.
- ☒ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☐ NO, I have a recorded easement or written authorization permitting access.
- ☐ NO, I do not currently have written authorization or easement permitting access.
- ☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all the owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

NA

Legal Description: You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Reservoir Name: WCR POND

B. Source: 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, or an unnamed stream or spring.

Source 1: Spring 1	Tributary to: Camp Creek
TRSQQ of POD: T10S., R27E, Section 26, SW1/4NW1/4	
Source 2: Spring 2	Tributary to: Camp Creek
TRSQQ of POD: T10S., R27E, Section 26, SW1/4NW1/4	

- Is the proposed reservoir in a wetland (as determined by DSL)? ☐ Yes ☐ No ☒ Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? ☐ Yes ☒ No
- Is the proposed reservoir in-channel of a stream or off-channel: ☒ In-channel ☐ Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: ☒ Perennial ☐ Intermittent ☐ Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
☐ Yes ☐ No ☒ Don't know
- Is the reservoir in the 100-year floodplain? ☐ Yes ☒ No ☐ Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled:

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

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

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

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

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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

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

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

☒ Yes ☐ No

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

If yes,

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

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

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

☐ Yes ☒ No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

☒ Yes ☐ No

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

SECTION 5: WATER USE

- a) The use of the impounded water will be: Irrigation, Domestic and Stock, Fire Protection, Aesthetics, Fish Habitat, Wildlife, Recreation.
- b) The amount of water to be stored is: 7.3 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 0.73 acres.

SECTION 6: DAM HEIGHT AND COMPOSITION

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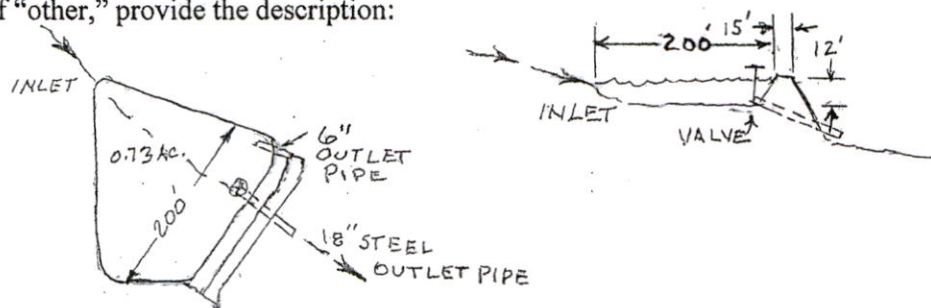
The maximum height of the structure will be 12 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department's Dam Safety Section prior to storage of water.

The dam will be (check one): ☒ Earthfill ☐ Concrete ☐ Flash board ☐ Other

If "other," provide the description:



SECTION 7: PRIMARY OUTLET WORKS

- a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

The exiting outlet pipe is a 18"x 67' smooth steel pipe buried in the stream channel beneath the dam.

- b) How and when will the outlet be operated?

The wheel gate operating the cut off valve is within the reservoir, 17 feet from the top of the dam.

The wheel gate can be accessed from the wooden deck between the dam and the wheel gate.

- c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

Defer to ODFW on fish passage concerns if needed.

SECTION 8: EMERGENCY SPILLWAY

- a) Describe the location and the dimensions of the spillway channel.

None exist, 6" steel conduit pipe on left abutment for emergency overflow.

- b) How will the emergency spillway be designed to prevent erosion?

In a pipe.

- c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

No Spillway

SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream. Reservoir valve operated as needed for maintenance. Source of water to reservoir is two springs, reservoir water quality is constant.
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. Trees, manicured lawns, shrubs surround reservoir, these features are to remain.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.
Cleaning and maintenance of vegetation in the reservoir are addressed by hand from a small boat on site.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: Existing dam constructed in 1967+/-.
- b) (Fish passage approval is necessary prior to construction.)
- c) Proposed date construction work will be completed: Existing
- d) Proposed date water use will be completed: Existing

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SECTION 11: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.

WCR POND is an existing reservoir. The earthfill dam was constructed in 1967 +/- . The reservoir is filled from two springs located approximately 2500 feet northwest of the reservoir. Spring water flows naturally down an existing gulch to the reservoir.

The top of the dam averages 15 feet in width, is 150 feet long with a height of 12 feet above the stream channel.

Land Use Information Form

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Attachment 2: 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 groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

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

Applicant

NAME Nickel Bush Enterprises, LLC		PHONE (HM) 509-386-4940	
PHONE (WK)	CELL 509-386-4940	FAX	
ADDRESS 142 Chapel Road			
CITY Wall Walla	STATE WA	ZIP 99362	E-MAIL* vpropnw@gmail.com

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:
10S	27E	26	SWN W	220 0	mur/PF	☒ Diverted	☒ Conveyed	☐ Used	
10S	27E	26	SEN W	220 0	mur/PF	☒ 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:

Grant County, Oregon

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Groundwater ☒ Surface Water (name) Unnamed Springs

Estimated quantity of water needed: 7.30 acre feet ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☒ Domestic for 2 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other stock

Briefly describe:

WCR POND is an existing reservoir, constructed in 1967+/- and is served by two springs.

Water will be used for irrigation, domestic & stock, fire protection, aesthetics, fish habitat, wildlife ,recreation.

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		☐ 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.

NAME <u>Shana Joslin</u>		TITLE: <u>Asst. Planner</u>
SIGNATURE <u>Shana Joslin</u>	PHONE: <u>575-1519</u>	DATE: <u>11-27-23</u>
GOVERNMENT ENTITY <u>Grant County Planning Dept</u>		

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Attachment 2: Land Use Information Form

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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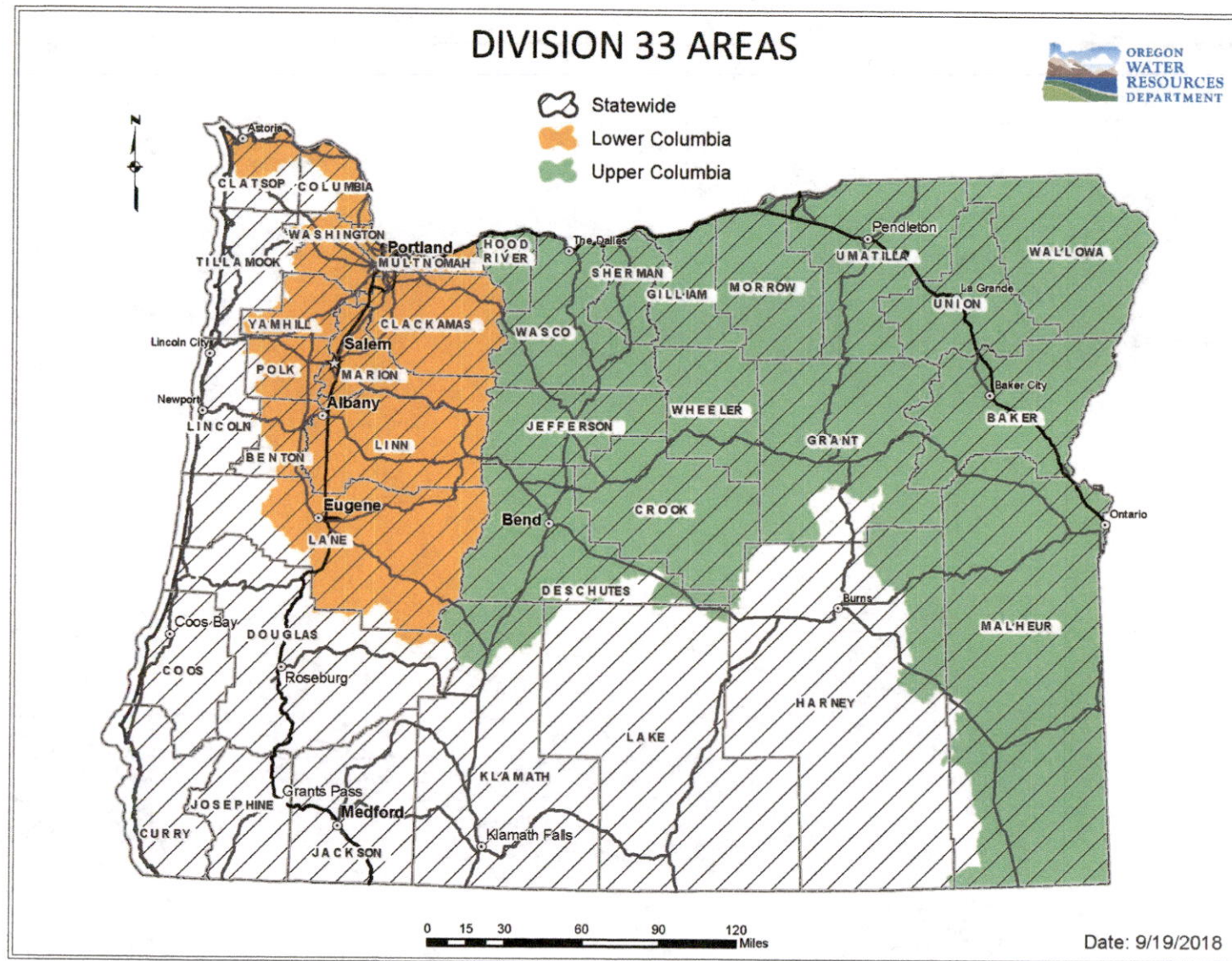
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Figure 1: Map of Division 33 Areas



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

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RECORDING COVER SHEET (Please print or type) **OWRD**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

After recording return to:

ORS 205.234(1)(c)

Danny E. Reich

Teresa G. Reich

142 Valley Chapel Rd.

Walla Walla, WA 99362

I, BRENDA J. PERCY, COUNTY
CLERK FOR GRANT COUNTY, OR
CERTIFY THAT THE INSTRUMENT
IDENTIFIED HEREIN WAS
RECORDED IN THE COUNTY
CLERK'S RECORDS.

BRENDA J PERCY, GRANT COUNTY
CLERK

DOC#: 20222313

PG: 4

\$98.50

12/28/2022

1:27 PM


1. Title(s) of the transaction(s)

ORS 205.234(1)(a)

Quitclaim Deed

2. Direct party(ies) / grantor(s)

Name(s) & Address(es)

ORS 205.234(1)(b)

Danny E. Reich, aka Dan E. Reich, 142 Valley Chapel Rd., Walla Walla, WA 99362

Teresa G. Reich, 142 Valley Chapel Rd., Walla Walla, WA 99362

3. Indirect party(ies) / grantee(s)

Name(s) & Address(es)

ORS 205.234(1)(b)

Nickel Bush Enterprises, LLC, an Oregon limited liability company, 142 Valley Chapel Rd., Walla Walla, WA 99362

4. True and actual consideration:

ORS 205.234(1) Amount in dollars or other

\$.00

Other:

5. Send tax statements to:

ORS 205.234(1)(e)

Nickel Bush Enterprises, LLC

142 Valley Chapel Rd.

Walla Walla, WA 99362

6. Satisfaction of lien, order, or warrant:

ORS 205.234(1)(f)

☐

FULL

☐

PARTIAL

7. The amount of the monetary obligation imposed by the lien, order, or warrant:

ORS 205.234(1)(f)

\$

8. Previously recorded document reference:**9. If this instrument is being re-recorded complete the following statement:**

ORS 205.244(2)

"Rerecorded at the request of

to correct

previously recorded in book _____ and page _____, or as fee number _____."

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After Recording Return to:
Nickel Bush Enterprises, LLC
142 Valley Chapel Rd.
Walla Walla, WA 99362

Until a change is requested, send tax statements to:
Nickel Bush Enterprises, LLC
142 Valley Chapel Rd.
Walla Walla, WA 99362

QUITCLAIM DEED

The true consideration for this conveyance is \$0.00.

THE GRANTORS, Danny E. Reich, who also took title as Dan E. Reich, and Teresa G. Reich, husband and wife, convey and quitclaim to Nickel Bush Enterprises, LLC, an Oregon limited liability company, GRANTEE, any and all interest the Grantors may have in and to the following-described real property located in Grant County, Oregon, including any after-acquired title:

Township 10 South, Range 27 East of the Willamette Meridian, Grant County,
Oregon:
Section 26: NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

In township 10 South, Range 27 East, Willamette Meridian, in Grant County,
Oregon, the following:

Section 22: Southeast quarter of the Southeast quarter
Section 23: Southwest quarter of the Southwest quarter
Section 26: Northwest quarter, Northeast quarter of the Southwest quarter

ALSO, all the right, title and interest of the Grantors in and to the following easements:

(a) Right of way easement between Charles Mattox and Elouise Mattox, and Johnny E. Shaw and Linda A. Shaw, dated March 7, 1973, recorded March 19, 1973 in Book 109, Page 640, Deed Records of Grant County.

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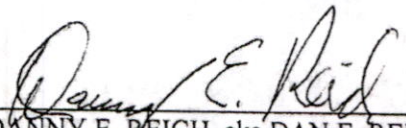
(b) Right of way easement agreement between Roger E. Nance and Helen Z. Nance, and Johnny E. Shaw and Linda A. Shaw, dated March 14, 1973, recorded March 19, 1973 in Book 109, Page 642, Deed Records of Grant County.

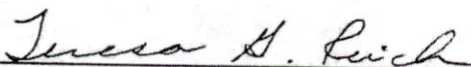
(c) Right of way easement agreement between Monument Grazing Association, and Johnny E. Shaw and Linda A. Shaw, dated March 13, 1973, recorded March 19, 1973, in Book 109, Page 644, Deed Records of Grant County.

Subject to roadways, easements, servitudes of record.

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.

DATED this 23rd day of December, 2022.


DANNY E. REICH, aka DAN E. REICH


TERESA G. REICH

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STATE OF WASHINGTON

)

ss:

County of Walla Walla

)

On this day personally appeared before me Danny E. Reich, aka Dan E. Reich, and Teresa G. Reich, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this 23 day of December, 2022.

Shellie Hansen

Notary Public in and for the State of Washington

Residing at: Walla Walla, WA



Business Name Search

[New Search](#)

[Printer Friendly](#)

Business Entity Data

12-08-2023

13:10

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
214716-93	DLLC	ACT	OREGON	04-20-2004	04-20-2024	
Entity Name	NICKEL BUSH ENTERPRISES, LLC					
Foreign Name						

[New Search](#)

[Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	142 VALLEY CHAPEL RD				
Addr 2					
CSZ	WALLA WALLA	WA	99362	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	03-14-2022	Resign Date	
Name	DAN	G	REICH				
Addr 1	36585 LOST HUBCAP RD						
Addr 2							
CSZ	MONUMENT	OR	97864	Country	UNITED STATES OF AMERICA		

Type	MALMAILING ADDRESS				
Addr 1	PO BOX 292				
Addr 2					
CSZ	WALLA WALLA	WA	99362	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Name	DAN		REICH			
Addr 1	142 VALLEY CHAPEL RD					
Addr 2						
CSZ	WALLA WALLA	WA	99362	Country	UNITED STATES OF AMERICA	

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Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
NICKEL BUSH ENTERPRISES, LLC	EN	CUR	04-20-2004	

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	03-13-2023		FI		
	AMENDED ANNUAL REPORT	03-14-2022		FI	Agent	
	AMENDED ANNUAL REPORT	04-01-2021		FI	Agent	
	AMENDED ANNUAL REPORT	03-25-2020		FI	Agent	
	ANNUAL REPORT	03-27-2019		FI		
	ANNUAL REPORT PAYMENT	03-21-2018		SYS		
	AMENDED ANNUAL REPORT	05-01-2017		FI		
	AMENDED ANNUAL REPORT	05-11-2016		FI	Agent	
	AMENDED ANNUAL REPORT	03-13-2015		FI		
	AMENDED ANNUAL REPORT	03-31-2014		FI		
	AMENDED ANNUAL REPORT	05-02-2013		FI		
	AMENDED ANNUAL REPORT	03-11-2012		FI	Agent	
	ANNUAL REPORT PAYMENT	03-21-2011		SYS		
	ANNUAL REPORT PAYMENT	04-28-2010	04-26-2010	SYS		
	ANNUAL REPORT PAYMENT	03-16-2009		SYS		
	ANNUAL REPORT PAYMENT	03-21-2008		SYS		
	ANNUAL REPORT PAYMENT	04-12-2007	04-11-2007	SYS		
	ANNUAL REPORT PAYMENT	03-17-2006		SYS		
	AMENDED ANNUAL REPORT	03-17-2005		FI		
	ARTICLES OF ORGANIZATION	04-20-2004		FI	Agent	

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Minimum Requirements Checklist

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

Include this checklist with the application

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

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

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Source of Water
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Dam Height and Composition
- ☒ SECTION 7: Primary Outlet Works
- ☒ SECTION 8: Emergency Spillway
- ☒ SECTION 9: Water Quality
- ☒ SECTION 10: Project Schedule
- ☐ SECTION 11: Within a District
- ☒ SECTION 12: Remarks

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Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☒ Fees - Amount enclosed: \$ 2,028.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- ☒ Map that includes the following items:
 - ☒ Map must be prepared by a Certified Water Rights Examiner
 - ☒ Permanent quality and drawn in ink
 - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - ☒ North directional symbol
 - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☒ Reference public-land survey corner on map
 - ☒ Location of each dam by reference to a recognized public land survey corner (distances north/south and east/west)
 - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly
 - ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Please note that a secondary application is required if there are out-of-reservoir uses associated with this application.

Water-Use Permit Application Processing

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1. Completeness Determination

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

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.