

Application for a Permit to Store Water in a Reservoir

(Standard Review)

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



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Driscoll and Gearin Family Trust			PHONE (HM) 541-934-2429
PHONE (WK)	CELL 971-470-4043	FAX	
MAILING ADDRESS 42972 Dick Creek Ln			Received AUG 29 2024
CITY Kimberly	STATE OR	ZIP 97848	E-MAIL * jim.driscoll3@gmail.com OWRD

Organization

NAME			PHONE	FAX
MAILING 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 James Driscoll			PHONE 541-934-2429	FAX
MAILING ADDRESS 42972 Dick Creek Ln				CELL 971-470-4043
CITY Kimberly	STATE OR	ZIP 97848	E-MAIL * jim.driscoll3@gmail.com	

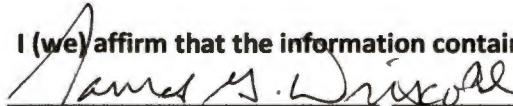
Note: Attach multiple copies as needed

* 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 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.


James G. DRISCOLL
August 26, 2024

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: _____

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).*

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: Driscoll 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: Dick Creek	Tributary to: John Day River
TRSQQ of POD: T11S., R26E., Sec. 20- SE1/4NW14	
Source 2: NA	Tributary to:
TRSQQ of POD:	

Received
AUG 29 2024

- 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: y ditch from Dick Creek

OWRD

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) 986-0900.

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

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

Yes No

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

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.

Received
AUG 29 2024
OWRD

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, Stock, Fire Protection, Fish Habitat, Wildlife, Recreation.
- b) The amount of water to be stored is: 9.0 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 1.0 acres.

Received
AUG 29 2024
OWRD

SECTION 6: DAM HEIGHT AND COMPOSITION

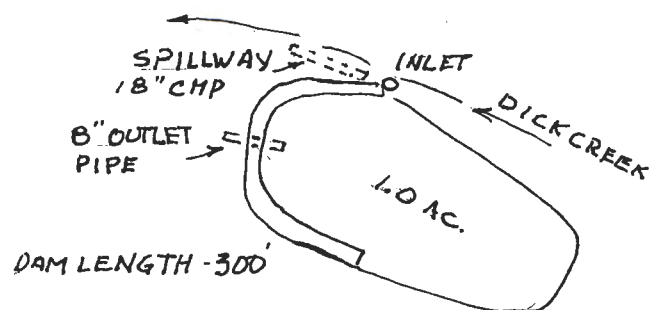
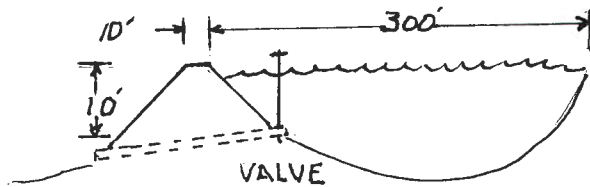
The maximum height of the structure will be 10 feet above streambed or ground surface at the centerline of the crest of the dam.

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' 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

- 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.
8" pipe buried beneath the dam.
- How and when will the outlet be operated?
Wheel gate operating a cutoff valve within the reservoir. Will be operated as needed.
- 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

- Describe the location and the dimensions of the spillway channel.
Overflow: 18" CMP at north end of dam.
- How will the emergency spillway be designed to prevent erosion?
In a pipe and roughened cobble channel.
- 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?)
- 3.8 cfs with 18" cmp at -0.4 % grade. See attached calculations.

Received
AUG 29 2024
OWRD

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 is Dick Creek, reservoir water quality is constant.
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. Trees, natural shrubs around reservoir 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 will be addressed by hand from a small boat.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: Existing dam constructed prior to 1994. We plan to deepen the reservoir to increase the volume. Construction to begin upon receiving permit. (Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: Within 2 years of receiving permit.
- c) Proposed date water use will be completed: Within 3 years of receiving permit.

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. This is an existing reservoir. The earthfill dam was constructed in prior to 1994. Source of water is Dick Creek.

Our goal is to increase the capacity of the reservoir.

Our plan is to deepen the reservoir, line the bottom with bentonite, then apply a layer of earth over the bentonite to prevent seepage.

Received
AUG 29 2024

OWRD

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

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: \$ _____
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)

Received
AUG 29 2024
OWRD

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

Water-Use Permit Application Processing

Received
AUG 29 2024

OWRD

1. Completeness Determination

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

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

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

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

Received
AUG 29 2024
OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

This page intentionally left blank.

Received
AUG 29 2024
OWRD

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

Received
 AUG 29 2024

NAME Driscoll and Gearin Family Trust			PHONE 971-470-4043	
MAILING ADDRESS 42972 Dick Creek Ln				
CITY Kimberly	STATE OR	ZIP 87848	EMAIL jim.driscoll3@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:
11S	26E	20	SENW	2107	EF4	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Grant County.

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water:
 Reservoir/Pond
 Ground Water
 Surface Water (name) Dick Creek

Estimated quantity of water needed: 9.0
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water:
 Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

This is an existing reservoir, constructed prior to 1994 and is served by Dick Creek. Water will be used for irrigation, stock, fire protection, fish habitat, wildlife and recreation.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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.

Received

AUG 29 2024

OWRD

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Grant County Land Development Code Article 104
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Irrigation allowed use

Name: Shannon Springer Title: Planning Director
 Signature: [Signature] Date: 8/26/24
 Governmental Entity: Grant County Planning Phone: 541-575-1519

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:
 Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

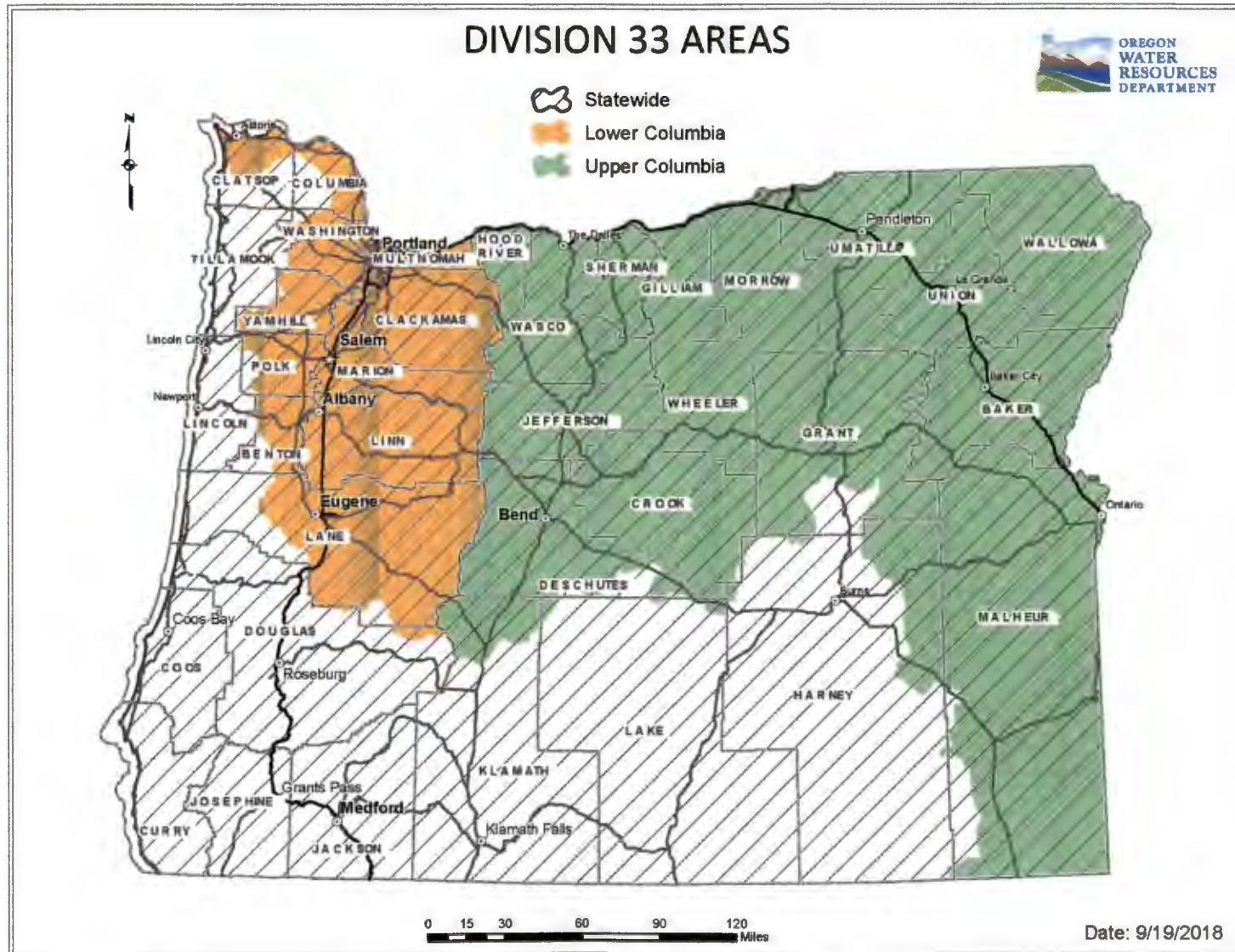
Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Figure 1: Map of Division 33 Areas



Received
AUG 29 2024
OWRD

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

Pipe Capacity Calculator

for pipes flowing full, using the Hazen-Williams Formula

Data Entry (fill in underlined blanks)

Interior Diameter = 18 inches, or 1.5 feet
Roughness Coefficient (C) = 60
Fall = 0.04 feet per 10 feet of distance
Grade = 0.004, or 0.4%

Results calculated

Area of cross-section = 1.76715 square feet
Wetted Perimeter = 4.71239 feet
Hydraulic Radius = 0.375
Velocity = 2.16182 feet per second

Pipe Capacity = 3.820 cubic feet per second

Received
AUG 29 2024
OWRD

Oregon Water Resources Department
Standard Reservoir Application

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

Today's Date: Monday, August 26, 2024

Base Application Fee.		\$1,090.00
Number of acre feet to be diverted for Storage.	9.0	\$369.00
Number of reservoirs.	1	
Subtotal:		\$1,459.00
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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,069.00

Received
 AUG 29 2024
 OWRD

06/11/06

After recording, return to:
James G. Driscoll and Gail E. Gearin
4825 S.W. Dosch Park Lane
Portland, OR 97239

Until a change is requested, all tax
statements shall be sent to:
James G. Driscoll and Gail E. Gearin
4825 S.W. Dosch Park Lane
Portland, OR 97239

STATE OF OREGON }
County of Grant } ss

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

KATHY MCKTNNON
Grant County Clerk
by [Signature] Deputy,
DOCH: 200611610 PAGES: 1
RCPT: 61161 23.50
5/25/2006 11:51 AM

BARGAIN AND SALE DEED

James Glynn Driscoll and Gail Elizabeth Gearin, Grantors, convey to James G. Driscoll and Gail E. Gearin, Trustees, or any successor trustee, of the Driscoll and Gearin Family Trust dated May 23, 2005, Grantees, all of Grantors' right title and interest in the following described real property located in Grant County, Oregon:

Township 11 South, Range 26 East of the Willamette Meridian, Grant County, Oregon: Sections 19, 20, and 30: Parcel NO. 1 OF LAND PARTITION PLAT NO. 98-19, as shown on the plat thereof on file and of record in the Office of the County Clerk of said county and state, recorded May 26, 1998. (Tax Acct. 16 11-26 2107; Ref. 39017)

The true and actual consideration for this conveyance is nil. The purpose of this transfer is to convey all of Grantors' interest in the property to Grantors' revocable trust.

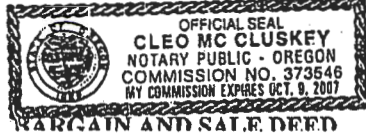
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 25th day of May, 2006.

[Signature]
James Glynn Driscoll
[Signature]
Gail Elizabeth Gearin

STATE OF OREGON }
County of Multnomah } ss.

This instrument was acknowledged before me on this 25 day of May, 2006, by James Glynn Driscoll and Gail Elizabeth Gearin.



[Signature]
Notary Public for the State of Oregon
EXPIRES 10/9/07

Received
AUG 29 2024
OWRD

BARGAIN AND SALE DEED

JAMES G. DRISCOLL and GAIL E. GEARIN, TRUSTEES of the Driscoll and Gearin Family Trust dated May 23, 2005, Grantor, for the true and actual consideration of \$2500.00 does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the property described on Exhibit "A" dated Jan 21, 2008 attached hereto and by this reference made a part hereof.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

RETURN TO AND TAX STATEMENT TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Map and Tax Lot #: 11S-26-2107

Property Address: 42972 Highway 19
Kimberly, OR 97848

STATE OF OREGON }
County of Grant } ss

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#: 20081359D PG 3
RCPT: 81359 .00
6/05/2008 2:32 PM

3919: 31

QUA

FW

Received
AUG 29 2024

QUAD

20081359

File 7336 001
Drawing 11B-2-7

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. 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.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (8) (d) or (e).

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 15th day of May, 2008.

DRISCOLL and GEARIN FAMILY TRUST dated May 23, 2005

James G. Driscoll
James G. Driscoll, Trustee

Gail E. Gearin
Gail E. Gearin, Trustee

STATE OF OREGON, County of Grant

Dated May 15, 2008. Personally appeared the above named James G. Driscoll and Gail E. Gearin, Trustees, and acknowledged the foregoing instrument to be their voluntary act. Before me:



Kari A. Lowe
Notary Public for Oregon
My Commission expires 9/12/2011

Accepted on behalf of the Oregon Department of Transportation

[Signature] 5/27/08

Received
AUG 29 2024
OWRD

20081359

Fee

A parcel of land lying in the NW¼NE¼ and SW¼NE¼ of Section 30, T11S, R26E, W.M. and being a portion of that property described in that Bargain & Sale Deed to the Driscoll and Gearin Family Trust recorded May 25, 2006 as Document No. 20061161D of Grant County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the westerly side of the center line of the relocated John Day Highway, which center line is described as follows:

Beginning at Engineer's center line Station 798+73.71, said station being South 50°02'52" West 2059.22 feet of the Northwest corner of Section 30, T11S, R26E, W.M.; thence South 35°44'58" West 326.94 feet; thence on a 1128.18 foot radius curve left, (the long chord of which bears South 27°23'54" West 327.72 feet) 328.89 feet to a point of compound curvature; thence on a 1918.25 foot radius left, (the long chord of which bears South 7°09'55" West 789.92 feet) 795.60 feet; thence South 4°43'00" East 19.67 feet to Engineer's center line Station 813+44.81 Back equals 897+00.00 Ahead; thence South 4°43'00" East 262.38 feet to Engineer's center line Station 899+62.38.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
799+00		802+00.65	30.00 in a straight line to 60.00
802+00.65		803+82.39	60.00

Bearings are based upon the Oregon Coordinate System of 1983 (CORS 1996, epoch 2002), north zone.

This parcel of land contains 16,390 square feet, more or less, outside the existing right of way.

Received
AUG 29 2024
OWRD

Standard Reservoir Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040) (ORS 537.400) For use by WRD staff only

Application #:		Receipt #:	
Applicant Name:		Amount Requested:	
Priority Date:		Proposed Use:	
County:		POD's TRS &TL:	
WM #:		Caseworker:	<input type="checkbox"/> KF <input type="checkbox"/> LG
Reviewed by:		Reviewed Date:	

- Applicant/Organization Name, Mailing Address. [Sec. 1]
- Signature of all applicants (include title or authority of representative if applicant is an organization or corporation). *Applicant's agent may NOT sign application. [Sec. 1]
- Property Ownership [Sec. 2]: Does the applicant own all the land for the proposed project? Y N

If No:

- The affected landowner's name(s) and mailing address must be listed.
- A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

- Division 33, Public Interest Information (Sensitive, Threatened, Endangered Fish Species). [Sec. 4]
- Proposed use of stored water. [Sec. 5]
- Amount of water to be stored in acre-feet (AF). [Sec. 5]
- Dam height, width, crest width and surface area, and description of primary outlet works and emergency spillway for each reservoir. [Sec. 6,7,8]
- Project Schedule (If system is already completed, indicate "existing"). [Sec. 10]
- A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. Note: Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.
- A **Legal description** of all the properties involved where water is diverted, crossed, and used **MUST** be included. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

The proposed source is or is not **withdrawn** from further appropriation. If it is withdrawn under ORS 538, then return application and fees.

Multiple reservoirs **MUST** be on a single, contiguous property.

A **Map** prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet **and** having a dam height of more than 10 feet (statutory). If not statutory, map does not need to be prepared by a CWRE. The map must meet all the minimum requirements of OAR 690-310-0050.

Township, Range, Section

Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

Place of use, 1/4, 1/4s and tax lot clearly identified

Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

Location of **each** diversion point (if applicable) or dam by reference to a recognized public land survey corner. *(If no dam exists, e.g., if the reservoirs are excavated, coordinates to center of reservoir are required).*

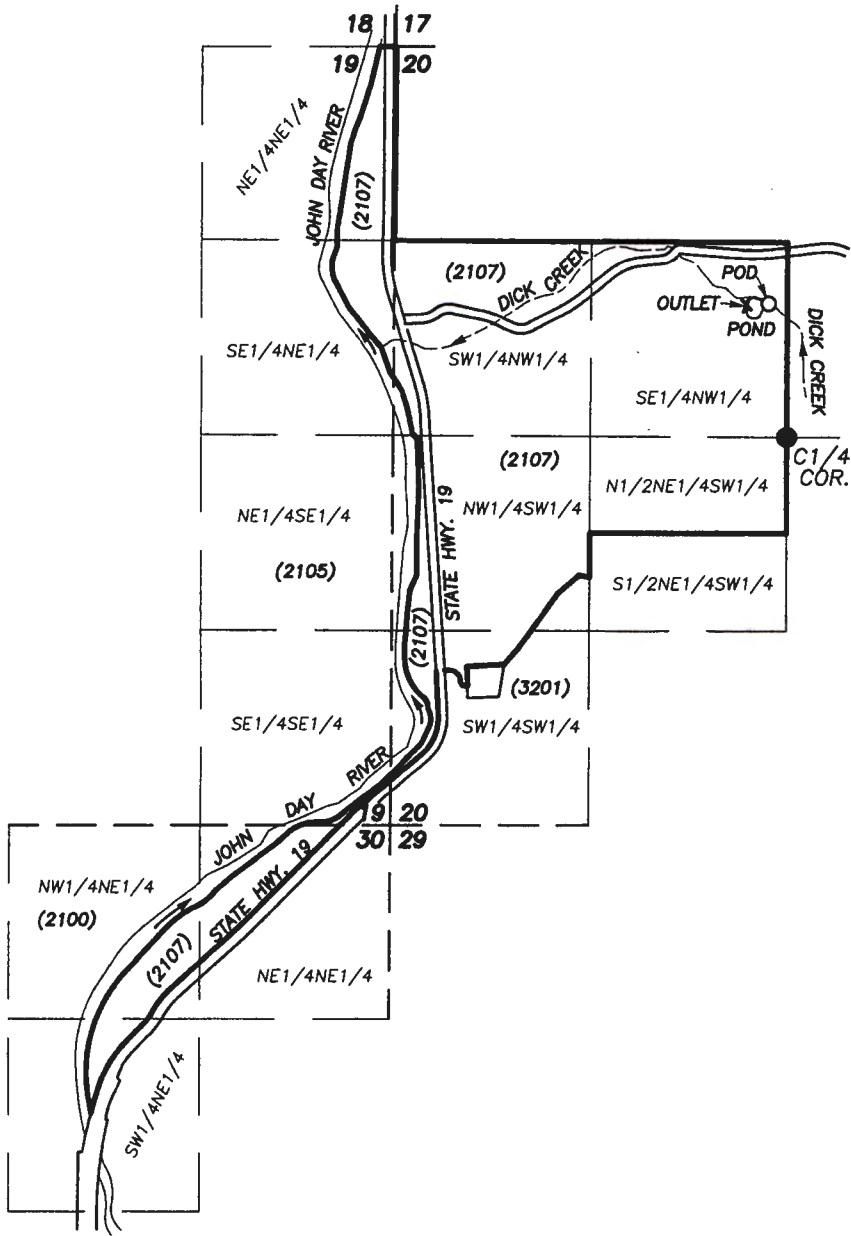
Reference corner on map

North Directional Symbol

Fees: AF of water requested: _____ Name on check: _____

Exam Fee Due:	\$	_____
Exam Fee Submitted:	\$	_____
Difference:	\$	_____
Recording Fee Paid?	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$ _____
Total:	\$	_____

SECTION 20, T.11S., R.26E., W.M.
 APPLICATION MAP TO STORE WATER IN A RESERVOIR
 FOR
 DRISCOLL AND GEARIN FAMILY TRUST

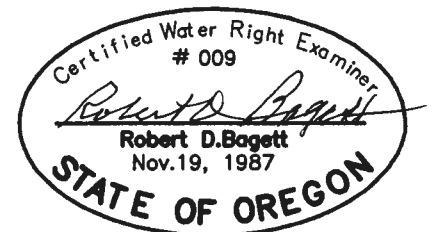


SCALE: 1" = 1320'

Received
 AUG 29 2024
 OWRD

PREPARED BY:
 ROBERT D. BAGETT, PLS, CWRE
 217 N. CANYON BLVD.
 JOHN DAY, OREGON
 (541) 575-1251
 AUGUST 24, 2024

- X CENTERLINE DAM AT OUTLET PIPE IS 910 FT. NORTH & 280 FT. WEST FROM C1/4 CORNER SECTION 20, T.11S., R.26E.,
- DICK CREEK POD: 915 FT. NORTH & 125 FT. WEST FROM C1/4 CORNER SECTION 20, T.11S., R.26E.
- FOUND ALUMINUM CAP MONUMENT AT C1/4 CORNER SECTION 20, T.11S., R.26E.
- () TAX LOT NO.



DISCLAIMER: THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

RENEWS 12/31/2025