

N S-89448
 City of Banks
 A 13680 NW Main Street
 Banks, OR 97106

Priority 3-7-2024
 County Washington WM# 18

RELATED FILES

DEVELOPMENT

Date
 Completion _____
 Extended to _____
 Final Proof received _____
 Proposed Cert. Mailed _____

Application No. S-89448
 Permit No. _____
 Certificate No. _____

Date
DENIED _____
MISFILED _____
WITHDRAWN _____
CANCELLED _____

Volume | Page

FEEES PAID

Date	Amount	Receipt No.
<u>3-7-24</u>	<u>2,520.00</u>	<u>142524</u>

FEEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS

MAP LOCATION

Mailing List for IR Copies

Application S-89448

IR Date: April 19, 2024

Original and map mailed to applicant:

CITY OF BANKS
ATTN: JOLYNN BECKER
13680 NW MAIN ST
BANKS OR 97106

Sent via auto email:

1. Applicant – jbecker@cityofbanks.org
2. Agent – bob.long@cwmh2o.com
3. WRD – Watermaster District #18, Jacob W. Constans
4. WRD – Mike McCord, NWR
5. WRD – SW Section
6. ODFW
7. DEQ

Copies sent to:

1. WRD – File S-89448
2. Washington County Planning Department (by email)

Application Specialist: Lucinda Vranizan

Copies Mailed

By: TM
(SUPPORT STAFF)

On: 4-19-2024
(DATE)



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

Water Right Application Initial Review

April 19, 2024

CITY OF BANKS
ATTN: JOLYNN BECKER
13680 NW MAIN ST
BANKS OR 97106

Reference: Application S-89448

This document is to inform you of the preliminary analysis of the water-use permit application and to describe your options. In determining whether an application may be approved, the Water Resources Department (Department) must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information supplied, the Department has made the following preliminary determinations:

Preliminary Determinations under Oregon Administrative Rule (OAR) 690-310-0080:

1. The application proposes the diversion of 0.25 cubic foot per second (CFS) of water, being 0.125 CFS from each of two unnamed streams, tributary to West Fork Dairy Creek, for municipal use from December 1 through April 30 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. Municipal use is allowable under the Willamette Basin Program (OAR 690-502-0130(1)(b)).
4. An assessment of water availability at 80% exceedance for the proposed use was completed using the Department's Water Availability Reporting System. A copy of this assessment is in the application file. This review is done consistent with OAR 690-410-0070(2)(a). The assessment established, during the period of use requested, surface water is available from December 1 through April 30 of each year.
5. The proposed use is not located within or above any state scenic waterway.
6. Documentation has been submitted from the relevant land-use planning jurisdictions that indicates the proposed use is allowed outright.

Summary of Preliminary Determinations
The diversion of 0.25 CFS of water, being 0.125 CFS from each of two unnamed streams, tributary to West Fork Dairy Creek, for municipal use from December 1 through April 30 of each year may be allowable.

Public Comment & Further Review:

Public interest issues and/or public comments will be addressed as the Department prepares a Proposed Final Order. If significant public interest issues are identified, they could have an impact on the eventual outcome of the application.

Division 33 Review – The Department's Division 33 administrative rules (OAR 690-033) establish additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered (STE) fish species. This Initial Review does not address the potential impact that your proposed use may have on these species.

Your application will now undergo an additional review from numerous federal, state, local, and tribal governmental entities. This review may cause your application to be limited, conditioned, or denied. Depending on the proposed use, you may be required to mitigate for potential impacts identified in the review.

Mitigation for impacts to STE Species – 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 within the impacted reach through purchasing or transferring an existing water right. Following the Initial Review, you will be notified if mitigation is required, due to impacts to STE fish species.

If you choose to pursue mitigation, you will likely need to place your application on administrative hold in order to explore options. There will be an additional fee of \$790 required with any mitigation proposal submitted.

At this time, you must decide whether to proceed or to withdraw the application.

- To Proceed - If you choose to proceed with the application, you do not have to notify the Department. The application will be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a Proposed Final Order.
- To Withdraw - You may withdraw the application and receive a refund (minus a \$310 processing fee). You must notify the Department **in writing by May 3, 2024**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If a permit is issued, it will likely include the following conditions:

1. Construction of the water system shall begin within 20 years of the date of permit issuance. The deadline to begin construction may not be extended. A permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. **Water Use Measurement, Recording, and Reporting:**
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of diversion. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water source identified in the application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program website at www.oregon.gov/ODA to learn more about the plans and how they may affect the proposed water use.

For Further Information:

Feel free to contact me at Lucinda.R.Vranizan@water.oregon.gov or 971-375-2256 if you have any questions regarding the contents of this letter or the application. Please include the application number in all correspondence. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0900. When corresponding by mail, please use this address: Lucinda Vranizan, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Lucinda Vranizan

Lucinda Vranizan
Water Right Application Specialist
Oregon Water Resources Department

Enclosures: Application Process Description
Stop Processing Request Form

S-89448
WAB: 178
Proposed to Approve

APPLICATION FACT SHEET

Application File Number: S-89448

Applicant: CITY OF BANKS

County: WASHINGTON

Watermaster: JAKE CONSTANS, #18, NWR

Priority Date: MARCH 7, 2024

Source: TWO UNNAMED STREAMS, TRIBUTARY TO WEST FORK DAIRY CREEK

Purpose or Use: MUNICIPAL USE

Rate: 0.25 CUBIC FOOT PER SECOND (CFS), BEING 0.125 CFS FROM EACH STREAM

Period of Use: DECEMBER 1 THROUGH APRIL 30

Basin Name & Number: WILLAMETTE, #2

WAB: W FK DAIRY CR > DAIRY CR - AT MOUTH

Points of Diversion:

POD	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	2 N	3 W	WM	7	NW SW	290 FEET SOUTH AND 1090 FEET EAST FROM W1/4 CORNER, SECTION 7
2	2 N	3 W	WM	7	NW SW	280 FEET SOUTH AND 1140 FEET EAST FROM W1/4 CORNER, SECTION 7

Place of Use: WITHIN CITY OF BANKS MUNICIPAL SERVICE BOUNDARY

PUBLIC NOTICE DATE: April 23, 2024

14 DAY STOP PROCESSING DEADLINE DATE: May 3, 2024

30 DAY COMMENT DEADLINE DATE: May 23, 2024

**APPLICATION PROCESS DESCRIPTION FOR
GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS**

In order to use the waters of Oregon, an application must be submitted and a permit obtained from the Water Resources Department. The water must be used for beneficial purpose without waste. For more information about water right topics, weekly public notice, forms and fees please visit our website at: www.oregon.gov/owrd

1. Pre-application considerations

- Follow instructions in the application packet.
- If you have questions about completing an application or would like to arrange a pre-application conference, contact the Department's Water Rights Customer Service Group at (503) 986-0900.

2. Application filing

- Application with fee is received by the Department.
- Department determines completeness of application.
- If use is not allowed by statute (ORS 538), the application and fees are returned to the applicant.
- An incomplete application and fees are returned to the applicant.
- Only a complete application receives a tentative priority date, is assigned a caseworker, and moves forward for processing.

3. Initial Review (IR)

- Caseworker reviews application by considering basin plans, water availability, statutory restrictions, and all other appropriate factors.
- Caseworker sends IR report to Applicant.
- Four days after date of the IR, it is included in Department's weekly Public Notice.
- Public comments must be submitted within 30 days after the Public Notice.

4. Proposed Final Order (PFO)

- Caseworker evaluates application against required criteria and develops draft permit, if appropriate.
- PFO includes instructions for filing of protests.
- Caseworker considers public comments and mails PFO to Applicant.
- The PFO is included in Department's weekly Public Notice.
- Public protests to the PFO must be submitted within 45 days after the Public Notice.

5. Final Order (FO)

- If no protest is filed, Final Order is issued.

The protest process

If one or more protests are filed, the process consists of:

- settlement discussion;
- contested case hearing;
- Proposed Order;
- period of time to file exceptions; or
- possible hearing by Water Resources Commission.
- Final Order is issued.

Permit holder responsibilities

- Comply with all water use conditions of the permit.
- Advise Department of address change or assignment to new permit holder.
- If need arises, request extension of time or authorize cancellation of permit.
- Submit timely claim of beneficial use (COBU) to the Department.
- Most permits require COBU to be prepared by a Certified Water Right Examiner.
- Permits may be canceled by the permit holder or by the Department for failure to comply with or one or more permit conditions.

STOP PROCESSING REQUEST FORM

FOR GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

- Stop processing deadline is within 14 days of Initial Review.

Applicant notification to withdraw Water Right Application **S-89448**.

After reviewing the Initial Review for my application, I request that processing be stopped, and the fees be refunded (minus a \$310 processing fee.) I understand that without a valid permit, I may not legally use the water as requested in my application.

Signature _____ Date _____

Signature _____ Date _____

Under ORS 537.150 (5) and 537.620 (5) timely submission of this request authorizes that the water right application process be stopped, and all filing fees (except \$310 processing fee) be returned.

- This notice must be received at Water Resources Department by:

May 3, 2024

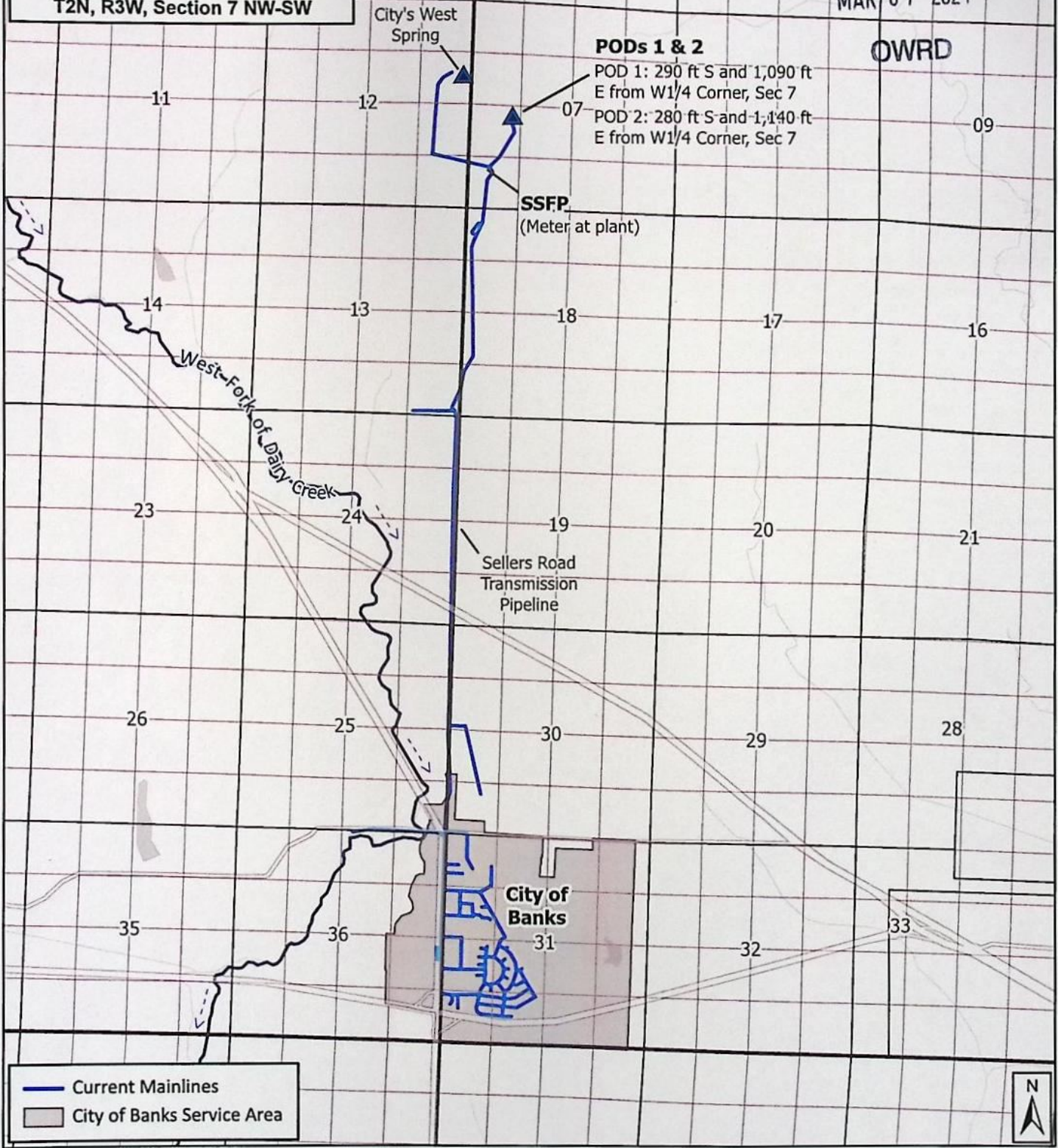
- Return the notice to:

OWRD, Water Right Services Division
STOP PROCESSING
725 Summer Street, NE - Suite A
Salem OR, 97301-1266

**Application for Water Use Permit
City of Banks - East Springs PODs
T2N, R3W, Section 7 NW-SW**

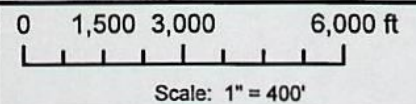
Received
MAR 07 2024

OWRD



1319 SE MLK, Jr. Blvd, Suite 204
Portland, Oregon 97214
(503) 954-1326

POD locations match those on Certificate 83138.
Proposed POU is the entire City of Banks
service area (not shown on map).

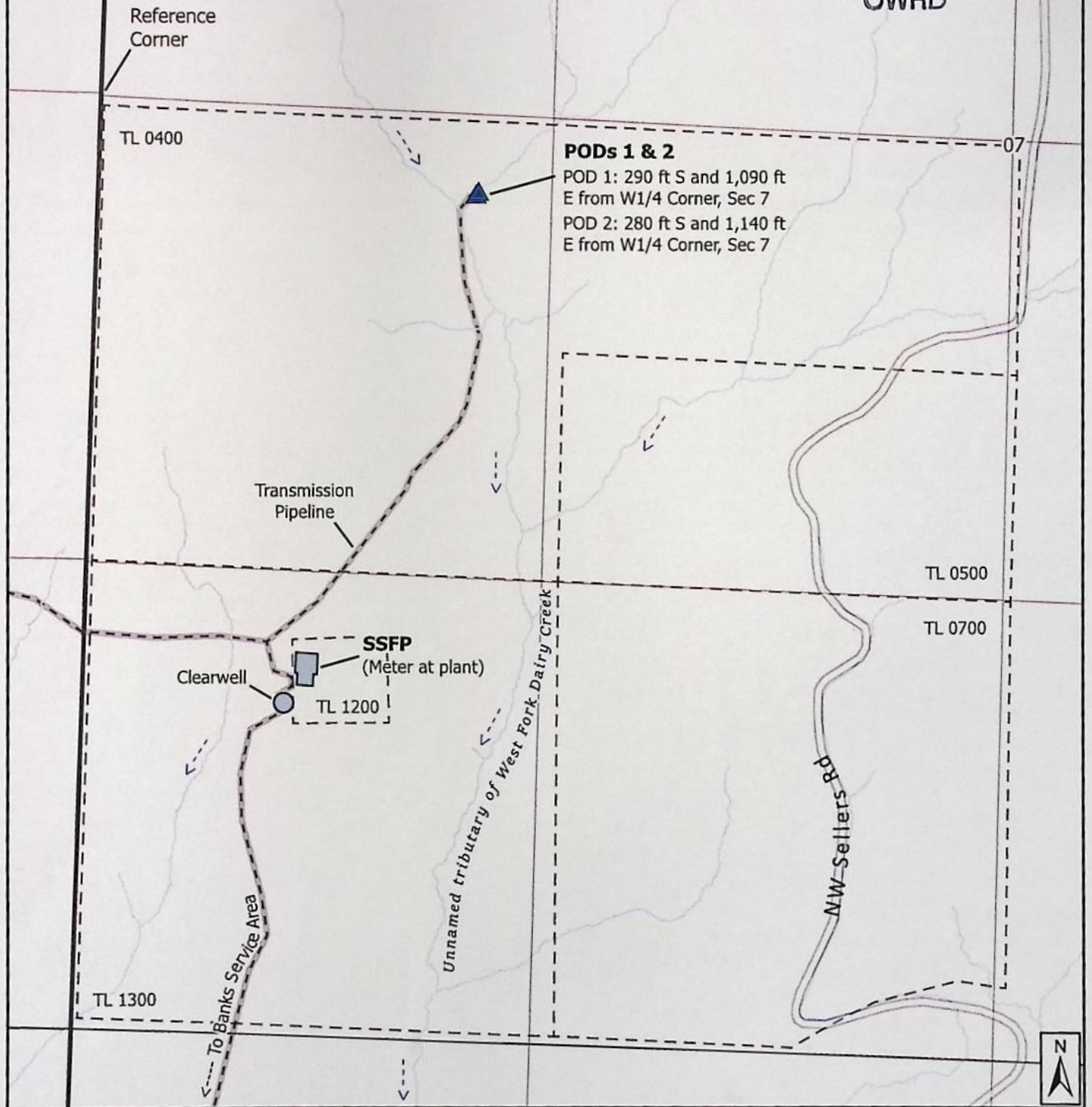


1	DATE	AUTH	DRAFT
No.	Date	By	Revisions

Proj#: 1501013
Banks Spring Assessment
City of Banks
13680 NW Main Street
Banks, OR 97106

**Application for Water Use Permit
City of Banks - East Springs PODs
T2N, R3W, Section 7 NW-SW**

Received
MAR 07 2024
OWRD



CwM-H2O

Complete Water Management

1319 SE MLK, Jr. Blvd, Suite 204
Portland, Oregon 97214
(503) 954-1326

POD locations match those on Certificate 83138.
Proposed POU is the entire City of Banks
service area (not shown on map).

1	DATE	AUTH	DRAFT
No.	Date	By	Revisions

0 200 400 800 ft

Scale: 1" = 400'

Proj#: 1501013
Banks Spring Assessment
City of Banks
13680 NW Main Street
Banks, OR 97106

Application for a Permit to Use
Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME CITY OF BANKS (JOLYNN BECKER, CITY MANAGER)			PHONE (HM)
PHONE (WK) (503) 324-5112	CELL		FAX
ADDRESS 13680 NW MAIN STREET			
CITY BANKS	STATE OR	ZIP 97106	E-MAIL * JBECKER@CITYOFBANKS.ORG

Organization

NAME SAME AS ABOVE		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 BOB LONG (CWRE, CWM-H2O, LLC)		PHONE (503) 954-1326	FAX
ADDRESS 311 B AVENUE, SUITE P			CELL (503) 799-0304
CITY LAKE OSWEGO	STATE OR	ZIP 97034	E-MAIL * BOB.LONG@CWMH2O.COM

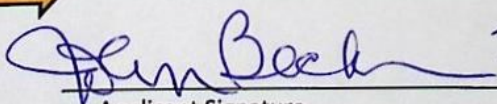
Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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

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

 John Becker City Manager 1-31-24
Applicant Signature Print Name and Title if applicable Date

For Department Use: App. Number: _____

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SECTION 2: PROPERTY OWNERSHIP

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

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

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

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.

TL 0400 (T2N, R3W, SECTION 7) – SEE ATTACHED

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: Stream 1 (see Attachment 1 - Map)	Tributary to: Unnamed stream that flows into the West Fork of Dairy Creek
TRSQQ of POD: T2N, R3W, Section 7, NW-SW	
Source 2: Stream 2 (see Attachment 1)	Tributary to: Unnamed stream that flows into the West Fork of Dairy Creek
TRSQQ of POD: T2N, R3W, Section 7, NW-SW	

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

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For Department Use: App. Number: _____

B. Applications to Use Stored Water N/A

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

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

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

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

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

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

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

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

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

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

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

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

☐ Yes ☒ No

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

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If yes,

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

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

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

☒ Yes ☐ No

If yes, you are notified that 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 description of the measures to be taken to assure reasonably efficient water use: **N/A**

Statewide - OAR 690-033-0330 thru -0340

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

☒ Yes ☐ No

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

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For Department Use: App. Number: _____

SECTION 5: WATER USE

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Stream 1 ¹	Municipal	Dec 1 – Apr 30 ²	0.125 ☒ cfs ☐ gpm ☐ af
Stream 2 ¹			0.125 ☒ cfs ☐ gpm ☐ af

- Streams 1 & 2 are the same two PODs as are listed on the City's east spring water right, Certificate 83138.
- The period of use is based on availability in the West Fork of Dairy Creek. Only excess winter flows at the City's current PODs are targeted for this proposed permit.

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated. **N/A**

Primary: _____ Acres

Supplemental: _____ Acres

Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is municipal or quasi-municipal, attach Form M (Attachment 2)
- If the use is domestic, indicate the number of households: **N/A**
- If the use is mining, describe what is being mined and the method(s) of extraction: **N/A**

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

☐ Pump (give horsepower and type):

☒ Other means (describe): Gravity flow from capture point to City of Banks Slow Sand Filter Plant

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

-The two proposed PODs are the same as the City's current East Springs PODs on Certificate 83138. The PODs consist of two small concrete impoundments on adjacent, steep drainage channels above the City's Slow Sand Filter Plant (SSFP). Pipelines emerging from the two impoundments converge at a main distribution line which gravity flows downhill a distance of approximately 1,500 ft to the SSFP. This line is metered. The elevation drops approximately 110 ft between the PODs and SSFP.

-The diversion under this proposed permit will utilize the same impoundments and pipelines for conveyance to the SSFP. Currently during the winter and spring, the City allows significant bypass flow below the POD impoundments, which reenters the unnamed stream channel adjacent to the SSFP. This proposed permit would capture a portion of the excess winter-spring bypass flow and divert it to the SSFP for treatment.

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B. Application Method

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

-The proposed use is municipal, not irrigation. Water will be treated and used for municipal purposes throughout the City service area.

C. Conservation

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

-The City is faced with the prospect of considerable growth within the next 5-10 years as development proposals are evaluated for the recent expansion of the Urban Growth Boundary (UGB). The City's current water sources include two basalt wells (Certificate 95849 and Permit G-7593) and two springs (Certificates 5353 and 83138). These water sources are not capable of producing enough water to support proposed growth, and often struggle to support current summer demands.

-The City is working on an Aquifer Storage and Recovery (ASR) program proposal to help address the issues of peak season supply. The ASR program would inject excess treated surface water from the SSFP in the winter and spring for storage and reuse during peak demands.

-Increasing the amount of water from the City's east springs that is available for diversion and treatment, as proposed in this application, would greatly increase the feasibility of the ASR program.

-The City has continuing efforts to identify and reduce leakage and loss within the system. The City recently completed a massive pipeline replacement program along Sellers Road which has reduced losses by approximately 1.3 MG per month. Additional pipeline replacement and related work has saved an additional 0.1-0.2 MG per month. Water conservation will also be a major part of any new development in the City.

SECTION 7: RESOURCE PROTECTION

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

- ☐ Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.

Describe planned actions: The proposed PODs are already in use under the City's Certificate 83138. The unnamed streams on which the POD impoundments are located are fed by springs a short distance up the hill from the PODs. The channels near the PODs are disconnected from lower portions of the watershed by large drops in elevation and old culverts that prevent fish from travelling up to the POD locations. A fish screen is not necessary for this proposed permit.

- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: No new construction or equipment is needed to divert the water proposed in this permit application.

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MAR 07 2024

OWRD

For Department Use: App. Number: _____

- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation: *No new construction or equipment is needed to divert the water proposed in this permit application.*
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: *No new construction or equipment is needed to divert the water proposed in this permit application. The proposed use is municipal, not irrigation, and therefore does not pose any risk of waste run-off or chemical run-off.*
- ☐ List other federal and state permits or contracts to be obtained, if a water right permit is granted. *N/A*

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: *No new construction proposed for this use.*
- b) Date construction will be completed: *No new construction proposed for this use.*
- c) Date beneficial water use will begin: *The December following issuance of the permit.*

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name _____	Address _____	
City _____	State _____	Zip _____

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

-The City of Banks City Engineer has determined that small modifications to the SSFP equipment and setup can expand the plant's treatment capacity to be able to accept higher diversion rates from the springs. The addition of a pre-filter to remove excess turbidity from the east spring PODs (same PODs proposed here) will also increase the treatment capacity of the SSFP.

-Certificate 83138 for the two PODs proposed in this application is limited to 0.09 cfs from each POD, or a total of 81 gpm. Measurements and observations from 2021-2023 revealed that the flow through the two POD impoundments regularly exceeds 140 gpm and can reach as high as 280 gpm during the winter-spring seasons. The excess flow is currently bypassed back to the unnamed stream channel.

-This application proposes allowing an additional 0.25 cfs (112 gpm) to be diverted from the existing PODs. The capture, transmission, flow management, and flow measurement infrastructure are already in place and are capable of handling the proposed maximum diversion (0.43 cfs or 193 gpm).

-The additional flow from the springs would be used to support a pilot ASR program and to improve recharge and recovery in the local basalt aquifer by reducing or replacing winter and spring groundwater withdrawals.

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For Department Use: App. Number: _____

Surface Water — Page 7

Rev. 07/21

Oregon Water Resources Department

FORM M

FOR MUNICIPAL AND QUASI-MUNICIPAL WATER SUPPLIES

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

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

Water Supplier Information

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

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

Name of Water Supplier/Entity	Name of Service Area	Governance	Contact Person
City of Banks	Banks' Service Area (Urban Growth Boundary)	City	Jolynn Becker (City Manager)
List any water suppliers within the same service area and/or any self-supplied industrial user. (Attach an extra sheet, if necessary.)			
N/A			

Request for Additional Water

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

Reason(s) for the Request for Additional Water	Time Table for Development of the Additional Water	Justification for Water Source & Amount Requested
Expected growth, difficulty meeting peak summer-season demands, winter-spring supply needed for proposed City of Banks ASR program.	2023-2043	Water moratorium, WMCP, ASR Feasibility Study and proposed pilot program, City's draft Water Master Plan Amendment and CIP

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The City of Banks operates a municipal water supply and utility system that serves all residential homes, businesses, and industries within the City limits and surrounding urban growth boundary (UGB). Over the last 10 years, peak demands in the summer months have exceeded the system's capacity and have stressed the City's groundwater sources (currently Wells 1 & 2). The City passed the Water Supply Development Moratorium Corrective Action Plan in 2018 and again in 2019. Since then, the City has developed and executed conservation programs to reduce high water losses due to aging pipes and infrastructure, improved water metering and tracking, and promoted water conservation within the City.

The City is planning to meet the increased demands through the more efficient operations of existing infrastructure at the Slow Sand Filter Plant (SSFP), expansion of treatment capacity at the SSFP to maximize beneficial use of Certificates 5353 and 83138, continued conservation measures via annual water audits and meter testing, and implementation of an Aquifer Storage and Recovery (ASR) pilot program to off-set anticipated increases in peak-season groundwater use. Major improvements have been observed in response to the City's efforts to date and the moratorium was lifted due to improved infrastructure and reduced losses. Substantial growth is now likely to occur in the City in the next 5 to 10 years. Additional water sources and water management strategies are needed to ensure reliable water supply to support this expected growth.

The City's operations staff and City engineer have made adjustments in the last few years to the City's slow sand filter plant (SSFP) to optimize its functionality and reduce overflow/bypass water at the plant. In doing so, the City determined that far more water is available to treat from the small springs (under Certificate 83138) than can be diverted under the City's existing rights. Flows are estimated to regularly exceed 140 gpm and reach up to 280 gpm in the winter, compared to the 81 gpm available under Cert. 83138 (City draft Water Master Plan Amendment). The City could treat and make use of additional diversions from these existing PODs with improved efficiency of the existing SSFP and by completing a small expansion of the filter system. This project is underway. Therefore, the City is submitting this application for diversions from the small spring PODs for the storage season on West Dairy Creek.

The additional surface water available in the winter and spring would be used for two purposes. In the short-term, the water would greatly reduce or eliminate the need to pump groundwater between December and May, leading to improved recharge in the local basalt aquifer. Treated water from the SSFP that is not needed to meet demands would be used for pilot testing the City's proposed Aquifer Storage and Recovery (ASR) system (2018 ASR Feasibility Study). The City's ASR system proposes to store treated surface water in the basalt aquifer to later be extracted to support high summer demands and therefore support growth in the City while maintaining the long-term viability of the local basalt aquifer resource (City draft Water Master Plan Amendment and CIP).

Water Management and Conservation

- Do you have an approved Water Management and Conservation Plan? ☒ Yes ☐ No
- List the "In-Effect" date of your most recently approved Water Management and Conservation Plan: 6/10/2031.
- Is your system fully metered? ☒ Yes ☐ No • Do you perform annual water audits? ☒ Yes ☐ No
- Annual amount of water produced (MG): 69.20 MG* • Annual amount of water billed for (MG): 56.72 MG*
(diverted or appropriated) (metered consumption)
- Identify your system's current annual water loss: 18.0%*
(difference between the amount of water produced and the water billed for)
- Describe your rate structure and billing schedule: City customers are billed for water deliveries based on metered water usage at each connection. Water customers are charged a flat rate for the first 400 ft³ per month, and a unit price for any water used above that base amount. Meters are read and bills are rendered on a bi-monthly schedule.

*The data above are average annual values calculated from available data from the 2022 and 2023 water years. The City completed a major pipeline replacement project in December 2021 that reduced leakage and loss along Sellers Road from the Slow Sand Filter Plant (SSFP) to the City's storage reservoirs. The City completed the Park Street pipeline replacement project in November 2020. The 2022 water year was the first water year after these projects were completed. Water production was calculated as Finished Water Production, or the total of Well-1 and Well-2 pumping volumes and the output of the City's Clearwell (chlorination contact reservoir after SSFP outflow),

which was approximately 69.20 MG annually for this period. The average monthly billing over this period was 4.73 MG, or an average annual consumption of 56.72 MG. This difference between finished water production and billed water usage amounts to an average annual loss of 18.0%. The City has an active WMCP and leak reduction and conservation plan in place with the goal of reducing system loss to below 10% (WMCP Progress Report, January 2024).

Population

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

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

Present Population being Served:	Source of Information
*Estimated: 2,160 (2020)	*Data from Oregon Population Research Center, March 2020 Proposed Population Forecast for Banks, OR
Historic population growth rate over the past 10 years:	Source of Information
1,740 (2007) to 2,080 (2017) – Growth rate: 1.95%	Calculated from decadal population data.
Projected Population to be Served in 20 Years:	Source of Estimate/Method Used
*Estimated based on historic rate: 3,436 (2043)	*Data from Oregon Population Research Center, March 2020 Proposed Population Forecast for Banks, OR
**Proposed development: ~7,270 (by 2042)	**Estimated based on development proposals submitted to the City of Banks for review (2022 WMPA)

The City of Banks expects a high degree of development and growth starting in the next 5-10 years, far beyond the historic growth rate of 1.95% per year observed in the last decade. Based on development proposals received by the City, the population of Banks could expand to more than 7,000 people (triple the current population) within the next 20 years. The City has submitted a Capital Improvement Plan that includes many projects aimed at optimizing water production and use and making full use of the City's current water rights. However, additional water will be needed in the near future. The proposed winter-spring permit at the City's existing surface water PODs will aid in supporting growth by relieving strain on the City's current groundwater sources in the near-term and allowing for the testing of an ASR system.

Current Water Supply

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

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Water Source (Include any wholesale purchases of water)	Water Right Numbers (Permit and/or Certificate)	Priority Date	Amount of Water Allowed	Actively Used? (Yes or No)
Well-1	Permit G-7593	09/29/1977	0.67 cfs	YES ¹
Well-2	Certificate 95849	12/05/2002	1.00 cfs	YES
West Spring POD (Large Spring)	Certificate 5353	10/03/1923	0.42 cfs	YES
East Spring POD-1 (Small Springs)	Certificate 83138	08/25/1983	0.09 cfs	YES ²
East Spring POD-2 (Small Springs)			0.09 cfs	
West Dairy Creek ³	Permit S-55497 ³	1/22/2021 ³	2.0 cfs ³	NO ³

1. Well-1 is used for City municipal supply. However, due to its proximity to Well-2 and similar construction, the wells are not able to operate at the same time. Well-1's use is limited to a fraction of the overall water right. The City is working on multiple approaches for increasing the beneficial use of Permit G-7593.
2. These two PODs are the same PODs as proposed in this application.
3. The City recently acquired this permit and does not yet have infrastructure in place to divert and treat water under this right.

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

The water use permit proposed in this application will be used as a primary source. The "east springs" or "small springs" PODs, as they are known, are already used consistently as a primary source under Certificate 83138. The additional diversions proposed at these PODs will also be used to support current AND future demands in the following ways:

-Additional surface water availability at the SSFP means that the frequency and duration of pumping at the City's two supply wells during the winter and spring seasons will be reduced or possibly eliminated. This will increase the amount of recovery and recharge in the basalt aquifer which, in turn, will decrease the impacts of heavy pumping during the summer months.

-Secondly, the City is proposing an ASR limited license and pilot study using a new injection well in the basalt aquifer. The ASR program aims to support future peak demands with greater groundwater withdrawals by storing treated surface water in the aquifers in the low-demand winter and spring months. Having the proposed additional flow available for diversion and treatment at the SSFP will allow the City to test the pilot ASR system at a range of injection rates and storage volumes.

-The additional flows at the east spring PODs will also increase redundancy in the near-term. This will reduce the risk of water curtailment events in the case of temporary closure of the west spring (which has a history of land slides and high-turbidity events) or maintenance at the City wells.

Current Water Use

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

Current Demands for Water (Oct 2021 – Sep 2023)

Water Source (Including wholesale water purchases)	Water Right Numbers (Permit and/or Certificate)	Peak or Maximum Demand		Average Demand	
		Maximum Instantaneous Rate (in cfs or gpm)	Maximum Daily Demand (MG)	Average Daily Demand (MG)	Average Annual Demand (MG)
Well-1	G-7593	~0.67 cfs	0.01 ¹	~0.00 ¹	0.03 ¹
Well-2	95849	~0.78 cfs	0.14	0.03	10.71
Large Spring (West)	5353	~0.42 cfs	0.24	0.17	62.61 ²
Small Springs (East)	83138	~0.18 cfs	0.09	0.07	25.48 ²
Springs Combined (Clearwell Outflow)	5353 + 83138	~0.60 cfs ³	0.33 ³	0.16 ³	58.46 ³

1. Note that Well-1 has been out of service for repairs since March 2023.
2. Note that these values represent the volume diverted at the spring source, much of which ends up as bypass flow back to the stream at the SSFP. Average annual finished water production during this period was 69.20 MG.

3. Finished water is measured as the outflow from the Clearwell at the SSFP, which is a combination of water diverted and treated from both spring sources. These values do not account for the bypass flow at the SSFP.

- Per-capita daily demand (in gallons): ~88 gpd per capita ADD (2022-2023 data)
- Peak season (by month/day): **July to September** (August is peak month)
- Peak Season number of hours diverted/pumped (if available): N/A
- Peak season per-capita daily (in gallons): **121 gpcpd demand** (2022-2023 data)
- Peaking Factor (ratio between max day demand and average day demand): ~1.98 (2021 WMCP)

Projected Water Use

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

Projected Demands for Water in 20 Years: 2042 (2022-2023 Water Data)

- Current average per capita demand (in gallons): **88 gpcpd**
- Projected population served in year (2042): **7,270 people** (*City of Banks Water Master Plan Amendment, 2023*)
- Projected average annual demand (MG): **233.5 MG**
- Projected average daily demand (MG): **0.64 MGD**
- Current peaking value: ~1.98 (Using 2021 WMCP value for conservative estimate)
- Projected maximum daily demand (MG): **1.27 MG**

Water Source (Including wholesale water purchases)	Water Right Numbers (Permit and/or Certificate) If a new, indicate so.	Projected Peak Daily Demand		Projected Average Daily Demand	
		Maximum Instantaneous Rate (in cfs or gpm)	Maximum Daily Demand (MG)	Average Daily Demand (MG)	Average Annual Demand (MG)
Well-1	G-7593	~0.67 cfs	~0.43 MG ¹	~0.14 MG ⁵	51.1 MG
Well-2	95849	~1.0 cfs	~0.64 MG ¹	~0.21 MG ⁵	76.7 MG
Large Spring (West)	5353	~0.42 cfs	~0.27 MG ²	~0.27 MG ²	98.6 MG
Small Springs (East)	83138	~0.18 cfs	~0.12 MG ²	~0.12 MG ²	43.8 MG
Dairy Creek (Winter)	S-55497 (<i>New</i>)	2.0 cfs ³	-	Unk. ⁶	Unk. ⁶
Springs (Winter)	<i>This proposed use</i>	~0.25 cfs ⁴	-	~0.16 MG ⁴	19.4 MG

Source or Methodology Used for Demand Projections:

1. Assuming full permit rate for 24-hr period. This is unrealistic for both groundwater rights given the limitations of well operation, drawdown, and interference between wells. Proposed City well developments may make this rate closer to being attainable through the additional of POAs to these rights.
2. This is assuming diversion at the full permitted rate for 24-hr period. Flow from the springs is more likely to be limited by environmental conditions during periods of high demand. This full rate is unlikely to be available during the peak demand season, though it is typically more reliable during other times of year.
3. Permit S-55497 was just issued in October 2023. The permitted rate is for 2.0 cfs, though this is only available from December to April. This source will therefore not be available during peak demand times. The City's proposed ASR system, which would support peak demands, would depend in part on this source for winter injection/recharge.
4. The use proposed in this application would not be available to support peak demands. Instead, this water would improve groundwater recharge during the winter through the ASR program and by reducing the need for winter-spring use of the wells.

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5. *It is assumed that wells will be operated no more than ~8-hr per day rotation during periods of average demand. This pumping schedule is used to rest the wells and allow for sufficient recharge before and after peak season.*
6. *It is unknown to what degree the proposed winter and spring water from Dairy Creek (S-55497) will support the City's ASR program versus supporting direct supply. This will depend largely on the design capacity of the treatment plant associated with this POD, the timeline of the proposed residential and mixed-use development agreements, and the schedule of development construction.*

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

- **Well-1 (Permit G-7593):** *Currently, Well-1 is the only POA on its water right (Permit G-7593). Due to its close proximity and hydraulic connection to Well-2, the City is unable to use Well-1 to more than a fraction of its overall water right. The City has plans to construct additional POAs under this permit to spread out production among multiple wells. The usage values projected in the table above assume that these additional wells are constructed.*
- **Well-2 (Cert. 95849):** *Long-term pumping from Well-2 is limited by overall drawdown within the aquifer. The additional winter surface water proposed in this application, and the water under Permit S-55497, will allow the City to rest Well-2 to a greater extent outside of the peak demand season, which may moderate this limitation. The City is proposing a transfer to add several additional POAs to Well-2's certificate to spread out production over a larger area of the aquifer.*
- **Springs (Certs. 5353 and 83138):** *Both the large and small springs, tributaries of West Dairy Creek, are occasionally impacted by high turbidity events. During these events, diversions to the filter plant must be reduced to avoid clogging. The City has proposed the installation of a pre-treatment system to remove sediment before the filter plant, which would minimize the impact of these events on overall diversions from the springs. The springs are also susceptible to effects from drought and climate factors, meaning flow from the springs in the summer might be less reliable than in the winter and spring.*
- **Dairy Creek (Permit S-55497):** *This water will only be available during the winter and spring and therefore cannot directly support peak demands. The City's proposed use would support peak demands through expansion of above-ground surface storage capacity and an ASR system, with this water as a potential recharge source.*
- **System Losses:** *The City's aging pipelines have led to very high loss values in the past. The City has invested significant funds in pipeline replacement programs, including the 2020-2021 replacement of the Sellers Road pipeline from the springs to the City service area. Other efforts, such as meter replacement and pipeline looping, have reduced the overall losses in the City from approximately 36% to about 18%. The conservation savings from this work, which amounts to approximately 15-16 MG per year, is not enough to support the anticipated growth in the City, which will increase annual demand from approximately 69 MG to 234 MG, a 239% increase (based on current demands from the 2024 WMCP Progress Report and population estimates from the 2023 Water Master Plan Amendment).*

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Annual Water Use by Type

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

Type	Current Use		Use In 20 Years	
	Quantity Diverted:	Percentage of Total Diversion:	Projected Quantity to be Diverted:	Percentage of Total Diversion:
Residential:	~37.5 MG	~54.3%	~170.6 MG	~73.1%
Commercial:	~19.1 MG	~27.7%	~39.2 MG	~16.8%
Institutional:	-	-	-	-
Agricultural:	-	-	-	-
Industrial:	-	-	-	-
Other: Bulk	~0.1 MG	~0.01%	~0.3 MG	~0.01%
System Water Loss:	~12.5 MG	~18.0%	~23.4 MG	~10%
Total Diverted:	69.2 MG	100%	233.5 MG	100%

**The City's billing data is limited to four customer classes (residential and commercial inside and outside of the UGB) and to bulk water uses (firefighting use, line flushing, etc.).*

**This estimate assumes that approximately 90% of the increase in demand is attributed to residential developments. It also assumes that the City of Banks will eventually achieve an average loss rate of 10% or less.*

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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 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 503-986-0900.

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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

Applicant

NAME CITY OF BANKS (JOLYNN BECKER, CITY MANAGER)			PHONE (HM)	
PHONE (WK) (503) 324-5112		CELL		FAX
ADDRESS 13680 NW MAIN STREET				
CITY BANKS	STATE OR	ZIP 97106	E-MAIL * JBECKER@CITYOFBANKS.ORG	

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:
2N	3W	7	NWSW	0400	EFC	☒ Diverted	☒ Conveyed	☐ Used	EFC
		7	SWSW		Various*	☐ Diverted	☒ Conveyed	☐ Used	No Change
		18	W 1/4			☐ Diverted	☒ Conveyed	☐ Used	
		13	SESE			☐ Diverted	☒ Conveyed	☐ Used	
		24	E 1/4			☐ Diverted	☒ Conveyed	☐ Used	
		25	E 1/4			☐ Diverted	☒ Conveyed	☐ Used	
2N	3W	25, 30, 31, and 36	City of Banks Municipal Service Area			☐ Diverted	☒ Conveyed	☒ Used	Various

*The water is to be conveyed through the City's existing Sellers Road transmission line.

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

-City of Banks (water use is limited to within the City of Banks UGB)

-Washington County (water is to be diverted and conveyed across County jurisdiction through existing infrastructure)

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 tributary of West Fork Dairy Creek

Estimated quantity of water needed: 0.25 ☒ 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:

-The City of Banks is proposing diversion of excess winter and spring flows at the existing City's east spring PODs. No new construction is required for this additional diversion. Monitoring since 2021 has demonstrated that additional flow is available at the spring PODs from December through April.

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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): _____.

☐ 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 Jolynn Becker		TITLE: City Manager
SIGNATURE 	PHONE: 503-324-5112	DATE: 02/20/2024
GOVERNMENT ENTITY City of Banks		

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Received

MAR 07 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

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:
 - e) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - f) The application involves a change in place of use only;
 - g) 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
 - h) 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.

Received

MAR 07 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

Applicant

NAME CITY OF BANKS (JOLYNN BECKER, CITY MANAGER)			PHONE (HM)		
PHONE (WK) (503) 324-5112		CELL		FAX	
ADDRESS 13680 NW MAIN STREET					
CITY BANKS		STATE OR	ZIP 97106	E-MAIL * JBECKER@CITYOFBANKS.ORG	

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:
2N	3W	7	NWSW	0400	EFC	☒ Diverted	☒ Conveyed	☐ Used	EFC
		7	SWSW		Various*	☐ Diverted	☒ Conveyed	☐ Used	No Change
		18	W 1/4			☐ Diverted	☒ Conveyed	☐ Used	
		13	SESE			☐ Diverted	☒ Conveyed	☐ Used	
		24	E 1/4			☐ Diverted	☒ Conveyed	☐ Used	
		25	E 1/4			☐ Diverted	☒ Conveyed	☐ Used	
2N	3W	25, 30, 31, and 36	City of Banks Municipal Service Area			☐ Diverted	☒ Conveyed	☒ Used	Various

*The water is to be conveyed through the City's existing Sellers Road transmission line.

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

-City of Banks (water use is limited to within the City of Banks UGB)

-Washington County (water is to be diverted and conveyed across County jurisdiction through existing infrastructure)

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 tributary of West Fork Dairy Creek

Estimated quantity of water needed: 0.25 ☒ 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:

-The City of Banks is proposing diversion of excess winter and spring flows at the existing City's east spring PODs. No new construction is required for this additional diversion. Monitoring since 2021 has demonstrated that additional flow is available at the spring PODs from December through April.

Received

MAR 07 2024

OWRD

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.

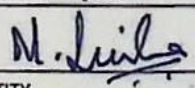
Please check the appropriate box below and provide the requested information

- ☒ 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): NO CHANGES TO EXISTING LC
- ☐ 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 MAITREYEE SINHA		TITLE: SENIOR PLANNER
SIGNATURE 	PHONE: 503-846-3835	DATE: 3.6.24
GOVERNMENT ENTITY WASHINGTON COUNTY		

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: **Received** Date: _____

MAR 07 2024

Legal Description of Taxlot 0400 (location of Small Springs)

FORM 1- WARRANTY DEED

225

KNOW ALL MEN BY THESE PRESENTS, That Rumsey Parry and Flossie Parry,
husband and wife

in consideration of Three Hundred and no/100 (\$300.00) Dollars,
and other valuable considerations
to them paid by City of Banks in the County of Washington, State of Oregon

do hereby grant, bargain, sell and convey unto City of Banks

its heirs, assigns and successors, all that certain real property, with the con-
veyments, accreditments and appurtenances thereto in anywise by law or equity
anywise, Washington

The northwest one quarter (NW 1/4) of the southwest one quarter (SW 1/4) of Section
seven (7) Township Two (2) North Range Three (3) West of the Willamette Meridian.
Also the north one half (N 1/2) of the southeast one quarter (SE 1/4) of the
southwest one quarter (SW 1/4) of the Township Two (2) North Range Three (3) West of the
Willamette Meridian.

The grantee
at or adjoint
property in
and

Received

MAR 07 2024

OWRD

6223
KNOW ALL MEN BY THESE PRESENTS, That Humphrey Perry and Florence Perry,
husband and wife

in consideration of Three Hundred and no/100 (\$300.00) Dollars,
and other valuable considerations
to them paid by City of Banks in the County of Washington, State of Oregon
do hereby grant, bargain, sell and convey unto said City of Banks

its heirs and assigns, all the following real property, with the ten-
ements, hereditaments and appurtenances situated in the
County of Washington and State of Oregon, bounded and described as follows, to-wit:

The northwest one quarter (NW 1/4) of the southwest one quarter (SW 1/4) of Section seven (7) Township Two (2) North, Range Three (3) West of the Willamette Meridian. Also the north one half (N 1/2) of the northeast one quarter (NE 1/4) of the southwest one quarter (SW 1/4) of Section 7, Township 2 North Range 3 West of the Willamette Meridian.

The grantee herein is hereby given the use of the logging road as it is now laid out on adjoining land. As part of the consideration for the above mentioned property the grantee agrees to keep the said logging road in a reasonable state of repair up to the point where it joins the county road.

To Have and to Hold, the above described and granted premises unto the said
City of Banks in the County of Washington, State of Oregon

its heirs and assigns forever

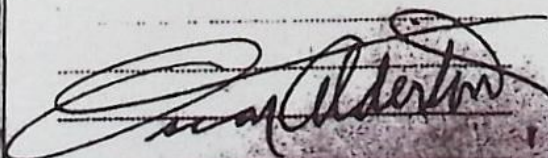
And Humphrey Perry and Florence Perry, husband and wife

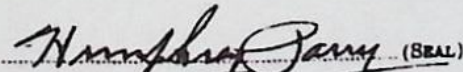
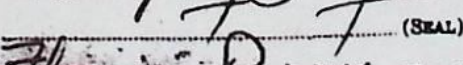
the grantor &
above named do covenant to and with the above named grantee its heirs and assigns
that they are lawfully seized in fee simple of the above granted premises that the above
granted premises are free from all encumbrances.

and that they will and their heirs, executors and administrators, shall warrant and forever
defend the above granted premises, and every part and parcel thereof, against the lawful claims and
demands of all persons whomsoever, except as above mentioned.

Witness our hands and seals this 15th day of July, 1922.

Executed in the Presence of



 (SEAL)
 (SEAL)
 (SEAL)

Received

MAR 07 2024

OWRD

INDEXED

6223

WARRANTY DEED

FORM No. 1

~~Ralph Perry and~~

~~Flores Perry~~

TO

~~City of Banks~~

STATE OF OREGON

County of Washington
I certify that the within instrument
was received for record on the
day of August
A. D. 1940, at 10 o'clock
A.M., and recorded in book 287
on page 1 Record

Deeds of said County

WITNESS my hand and seal
County affixed.

W. A. TUPPER

By

[Signature] Deputy

Record



County of Washington, State of Ore.
BEFORE ME, the undersigned, a Notary Public
in and for said County and State, personally appeared the within named Ralph Perry and
Flores Perry, husband and wife, who are known
to me to be the identical individual described in and who executed the within instrument and acknowl-
edged to me that they
IN TESTIMONY WHEREOF, I have hereunto set my hand and
official seal the day and year last above written.

My Commission expires Jan 1, 1941

[Signature]
Notary Public for Oregon

Received
MAR 07 2024
OWRD



March 7, 2024

Oregon Water Resources Department
Attn: *Water Rights Services Division*
725 Summer St. NE Ste A
Salem, Oregon 97301

RE: APPLICATION FOR A PERMIT TO USE SURFACE WATER – CITY OF BANKS EAST SPRINGS

Dear OWRD Staff,

Please find accompanying this letter an Application for a Permit to Use Surface Water from the City of Banks (City). The proposed permit is for up to 0.25 cfs from December through April from the City's east springs, also known as the small springs. The City has a year-round water right for the small springs points of diversion (PODs), Certificate 83138 for 0.18 cfs, and does not propose any new diversion or conveyance infrastructure. Flow data collected by the City over the last three years indicates that there is significant additional flow available from the springs beyond the permitted 0.18 cfs.

The additional flow appears to be available consistently year-round. However, the City proposes a permit to capture and treat the additional flow, up to 0.25 cfs, over the winter and spring. The additional water under the proposed permit would be used for the City's proposed ASR pilot program as an injection source and/or to replace groundwater production and increase groundwater recharge over the low-demand season. The City's Slow Sand Filter Plant (SSFP) can expand its capacity to treat the additional flows with minimal adjustments or improvements.

There are several attachments included in this new water right application package, including:

- Two maps of the proposed east spring PODs, SSFP, conveyance system, and place of use,
- Municipal Form M,
- A legal description of the City-owned property on which the PODs are located,
- Land Use Compatibility Statements from the City of Banks and Washington County,
- A check from the City for the application fee of \$2,520 (check #26727).

Please let us know if there are any issues with processing this application or questions regarding the information included therein. Thank you for your assistance.

Sincerely,

CwM H2O, L.L.C.

Robert Long, CWRE

Received

MAR 07 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 items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

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

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

Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Legal description of the POD property is attached.
- ☒ Fees - Amount enclosed: \$2,520
- ☒ Map that includes the following items:
 - ☒ Permanent quality and drawn in ink
 - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - ☒ North Directional Symbol
 - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☒ Reference corner on map (W1/4 Corner of Section 7)
 - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - ☐ Indicate the area of use by Quarter/Quarter and tax lot identified clearly. N/A
 - ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery N/A
 - ☒ Location of main canals, ditches, pipelines or flumes (transmission line to SSFP)

Received

MAR 01 / 2024

OWRD

For Department Use: App. Number: _____



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 11, 2024

City of Banks
Attn: Jolynn Becker
13680 NW Main Street
Banks, OR 97106

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-89448**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Adam Frederick, Water Rights Specialist	Phone: 971-707-8400
	Email: adam.m.frederick@water.oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Corie Lovrien
Customer Service Representative
Oregon Water Resources Department

cc: File S-89448

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Process for a Surface Water Application:

1. 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 \$310.00. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

2. 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.

3. 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 Initial Review, 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.

4. Public Notice & Protest Opportunity

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. A 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.

5. 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 will specify the details of the authorized use and any terms, limitations, or conditions that the Department deems appropriate.

Expedited Process for a Surface Water Application:

Note: The expedited process only applies to an application using stored water only under ORS 537.147.

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment period begins. Following the public comment period, the Department can issue the Final Order.

E-2 App☐ Yes☒ No**Standard Application Completeness Checklist****Groundwater and Surface Water Applications Only**

Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:	S-89448	Receipt #:	142527
Applicant Name:	City of Banks	Amount Requested:	.25 cfs
Priority Date:	3/7/2024	Proposed Use:	Municipal
County:	Washington	POD's TRS &TL:	2N 3W Several Sections; 400
WM #:	18	Caseworker:	Adam
Reviewed by:	Corie	Reviewed Date:	3/11/2024

☒ Applicant/Organization Name and Mailing Address☒ Signature of **all** applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.☒ Property Ownership: Does the applicant own all the land for the proposed project? ☒ Yes ☐ No

If No:

☐ The affected landowner's name(s) and mailing address(s) 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.☒ **For a SW Application:** Source of water must be indicated.☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)☐ If for stored water, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued: ☐ Y ☐ NPermit or Certificate #: **NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.☐ **For a GW Application:** Well development table completed and a well log report included (if existing)☒ Division 33 (Sensitive, Threatened, Endangered, Fish Species)☒ Proposed Water Use:☒ Amount of water from *each* source in GPM, CFS, or AF☒ Period of use indicated☐ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.

(Note: Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section☒ Resource Protection Section

- ☒ Project schedule. (Note: If system is already completed, indicates "existing.", (Note: Estimates are okay if the water system has not been designed))
- ☒ Supplemental data sheets enclosed (if needed)
- ☒ Form M (Municipal or Quasi-Municipal)
- ☒ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department. 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, conveyed, and used. 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 applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable
- ☒ The proposed source ☐ IS ☒ IS NOT restricted or withdrawn from further appropriation. **NOTE:** If it is withdrawn under ORS 538, reject/return application and fees.
- ☒ 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, 1/4-1/4's and tax lot clearly identified
 - ☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
 - ☒ Location of **each** diversion point or well by reference to a recognized public land survey corner.
 - ☒ Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
 - ☒ Reference corner on map
 - ☒ North directional symbol
 - ☒ Number of acres per 1/4 1/4 if for irrigation, supplemental irrigation, or nursery use
- ☒ **Fees:** Amount of Water Requested: .25 cfs Name on Check: City of Banks

Exam Fee Due:	\$1910		
Exam Fee Submitted:	\$2520		
Difference:	\$610		
Recording Fee Paid?	☒ Yes ☐ No	\$	610
Total:	\$2520		

Oregon Water Resources Department
Surface Water Application

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

Today's Date: Friday, March 8, 2024

Base Application Fee.		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.25	\$410.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	2	\$410.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Subtotal:		\$1,910.00
Permit Recording Fee. ***		\$610.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,520.00

CITY OF BANKS

26727

Oregon Water Resource Dept

Date	Type	Reference	Original Amt.	Balance Due	2/1/2024 Discount	Payment
2/1/2024	Bill		2,520.00	2,520.00		2,520.00
					Check Amount	2,520.00



Checking

Appl for Permit to Use Surface Water - COB Eas

2,520.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **142524**

INVOICE # _____

RECEIVED FROM: City of Banks
BY: _____

APPLICATION	S-89448
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 26727 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,520.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$
0243 I/S Lease _____	
0244 Muni Water Mgmt. Plan _____	
0245 Cons. Water _____	

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$
0240 EXTENSION OF TIME	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ <u>1910.00</u>	0202 RECORD FEE \$ <u>610.00</u>
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 \$
LANDOWNER'S PERMIT		0220 \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD#
0210 MONITORING WELLS	\$	CARD#
OTHER (IDENTIFY) _____		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)	\$
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **142524**

DATED: 3-7-24 BY: m-mills

S-89448

City of Banks

13680 NW Main Street

Banks, OR 97106

S-89448

City of Banks

13680 NW Main Street

Banks, OR 97106

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Bob Long

311 B Avenue, STE P

Lake Oswego, OR 97034

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