

Name R. Bruce Fleming S-87883
 By 7527 SW LaView Dr.
 Address Portland, OR 97219

Application No. 87883
 Permit No. S-54917
 Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
4/3/13	1600.00	108427
20/20/15	\$300.00	114975
	Cert. Fee	

C70

Priority April 3, 2013
 County Columbia WM# 1

Date _____
 DENIED _____
 MISFILED _____ Volume _____ Page _____
 WITHDRAWN _____
 CANCELLED _____

FEES REFUNDED

Date	Amount	Receipt No.

RELATED FILES

DEVELOPMENT Date

Completion 3/19/2020
 Extended to _____
 Final Proof received _____
 Proposed Cert. Mailed _____

ASSIGNMENTS

Date	To Whom	Address

REMARKS

MAP LOCATION _____

WS 4/22/2013

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number S-87883

Final Order

Appeal Rights

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

Findings of Fact

On April 3, 2013, R Bruce Fleming submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 4, 2014. The protest period closed March 21, 2014, and no protest was filed.

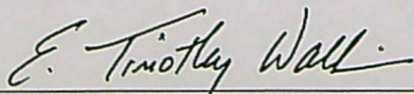
Conclusions of Law

The proposed use would not impair or be detrimental to the public interest pursuant to ORS 537.153(2).

Order

Application S-87883 is therefore approved as proposed by the Proposed Final Order, and Permit S-54917 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED March 19, 2015



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

This document was prepared by Kerri Cope. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0806.

If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF COLUMBIA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

R BRUCE FLEMING
7527 SW LA VIEW DR
PORTLAND, OR 97219

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-87883

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF NEHALEM RIVER, AND NEHALEM RIVER, A TRIBUTARY OF NEHALEM BAY

PURPOSE OR USE: WILDLIFE AND POND MAINTENANCE FOR FLEMING POND, CONSTRUCTED UNDER PERMIT R-13974

MAXIMUM RATE: 0.5 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.111 CFS FOR POND MAINTENANCE

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 30

DATE OF PRIORITY: APRIL 3, 2013

POINT OF DIVERSION LOCATIONS:

UNNAMED STREAM - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T6N, R5W, W.M.; 220 FEET NORTH AND 1060 FEET WEST FROM S1/4 CORNER, SECTION 9

NEHALEM RIVER - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T6N, R5W, W.M.; 603 FEET NORTH AND 234 FEET WEST FROM S1/4 CORNER, SECTION 9

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 9

TOWNSHIP 6 NORTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.

Application S-87883 Water Resources Department

PERMIT S-54917

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and 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 permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

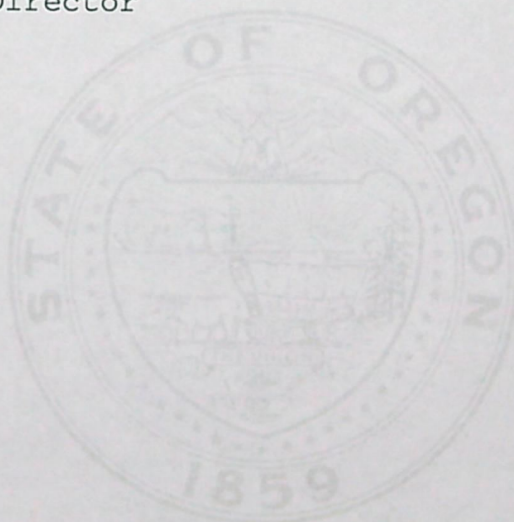
Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued *MARCH 19 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director



Revised Map 1-2-14

SECTION 9 T6N. R 5W W.M.
COLUMBIA COUNTY
1" = 400'

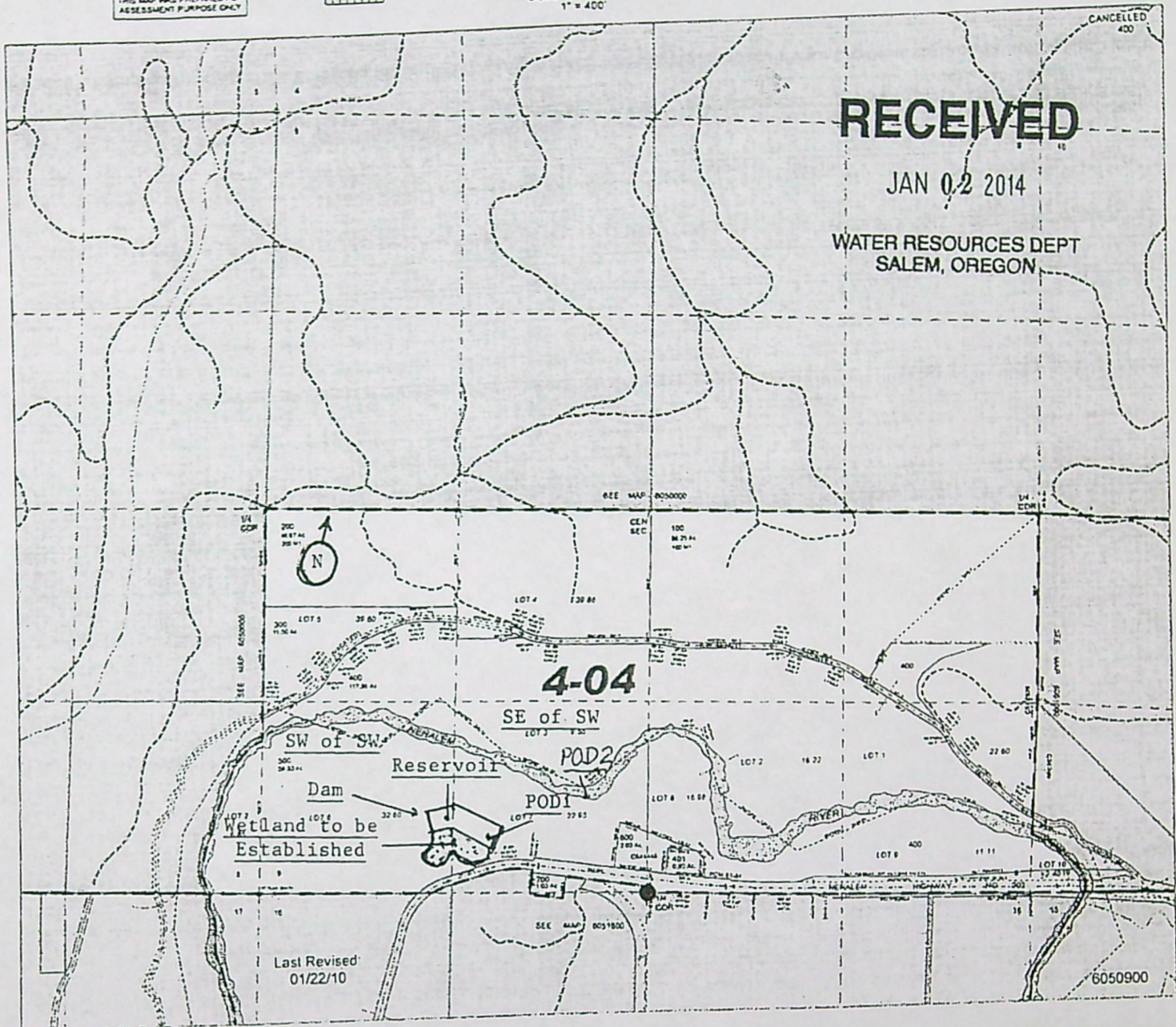
6050900

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

RECEIVED

JAN 02 2014

WATER RESOURCES DEPT
SALEM, OREGON



Location:
T6N/R5W/SECTION 9, Tax Lot 500
SW 1/4 of SW 1/4 & SE 1/4 of SW 1/4
Columbia County map # 4-04

POD Location:
250' North, 300' East
of SW Corner of
SE 1/4 of SW 1/4 Sect. 9

Map Scale: 1" to 500'

POD 1: 220 ft. north, 1060 ft. west of S 1/4 corner

POD 2: 603 ft. north, 234 ft. west of S 1/4 corner

S 87883

S-54917

Mailing List for FO Copies

Application #S-87883

Original mailed to applicant with claim of beneficial use form:

R BRUCE FLEMING
7527 SW LAVIEW DR
PORTLAND OR 97219

Copies Mailed By: <u>KF</u> (SUPPORT STAFF) on: <u>3/19/15</u> (DATE)
--

Copies sent to:

1. WRD - File # S-87883
2. WRD - Shawn Ortiz-Turner

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 1

Copies sent to Other Interested Persons (CWRE, Agent, Commenter, etc.)

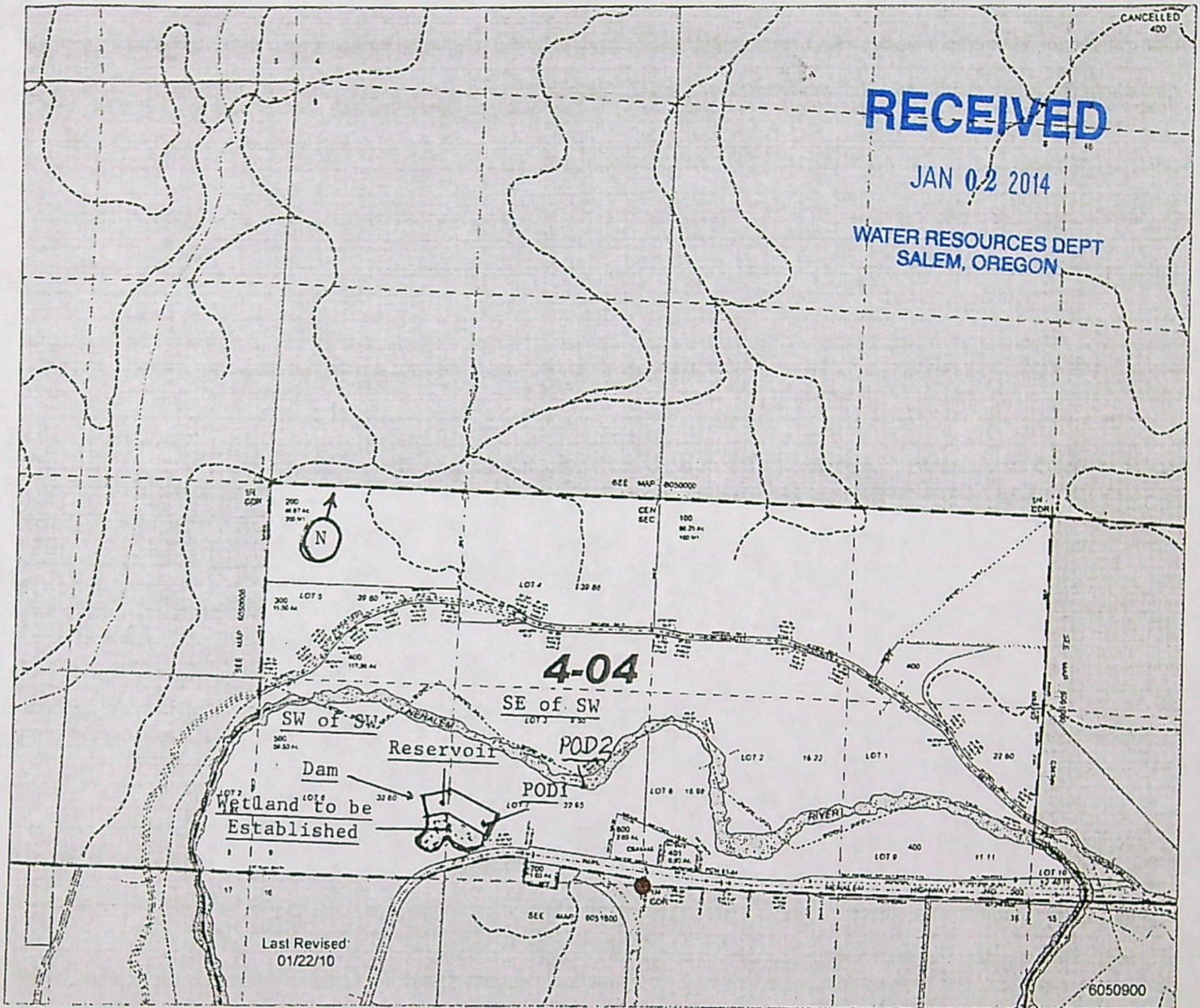
4. Agent - David Crawford, Mist-Birkenfeld Rural Fire Protection District -
12525 Hwy 202, Mist, OR 97016

CASEWORKER : Kerri H. Cope

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 9 T6N. R 5W WJM
COLUMBIA COUNTY
1" = 400'

6050900



Location:
T6N/R5W/SECTION 9, Tax Lot 500
SW 1/4 of SW 1/4 & SE 1/4 of SW 1/4
Columbia County map # 4-04

POD Location:
250' North, 300' East
of SW Corner of
SE 1/4 of SW 1/4 Sect. 9

Map Scale: 1" to 500'

POD 1: 220 ft. north, 1060 ft. west of S 1/4 corner

POD 2: 603 ft. north, 234 ft. west of S 1/4 corner

S-87883

S-54917

FO Checklist

Application #: S-87883 Applicant: R BRUCE FLEMING

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: _____

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A ☐ Yes

☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify **names/addresses** of affected landowners, and those who commented and/or paid \$25 fee. ☒ N/A ☐ Yes

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☒ No

If so: N/A

☒ If PFO requires modification, use **FO MOD appeal rights** ☒ N/A ☐ Yes

S:\groups\wr\Resource Center\language\fo\appeal rights - fo mod

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ **SWW** If GW and interference, cc: Shawn Ortiz-Turner. ☒ N/A

☒ **WMCP** required, cc: Lisa Jaramillo. ☒ N/A

☒ **Fees**

EXAM FEE REQUIRED	<u>1500</u>	RECORDING FEE REQUIRED	<u>\$400</u> / \$450
EXAM FEE PAID	<u>- 1200 + 300</u>	RECORDING FEE PAID	<u>- 400</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

___ FO w/ draft permit; still needed:

- ___ fees
- ___ easement
- ___ st water contract
- ___ approved dam plans & specs
- ___ land use approval
- ___ well construction approval

☒ FO w/ permit # 554917

___ FO to deny
refund \$ _____

Name: Kerri Cope

Date: 2/24/2015

Peer Reviewer: _____

FO Checklist

Application #: S-87883 Applicant: R BRUCE FLEMING

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: _____

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A ☐ Yes

☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A ☐ Yes

☐ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☐ No

If so: _____

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ SWW If GW and interference, copy form for Stahr. ☒ N/A

☒ WMCP required, cc: Lisa Jaramillo. ☒ N/A

☒ Fees

EXAM FEE REQUIRED	<u>1500</u>	RECORDING FEE REQUIRED	<u>\$400</u> / \$450 / \$900
EXAM FEE PAID	<u>-1200</u>	RECORDING FEE PAID	<u>- 400</u>
STILL OWED	<u>300</u>	STILL OWED	<u>—</u>

☒ FO w/ draft permit; still needed: ☐ FO w/ permit # _____ ☐ FO to deny
 ☒ fees refund \$ _____
 ☐ easement
 ☐ st water contract
 ☐ approved dam plans & specs
 ☐ land use approval
 ☐ well construction approval

Name: Mary ROHLING Date: 4/30/2014

Peer Reviewer: _____

PFO Checklist

Application #: S-87883 Applicant: R BRUCE FLEMING

☒ IR requested add'l info ☐ No ☒ Yes _____

☒ Have conflicts been addressed? ☒ NA ☐ No ☐ Yes _____

☒ IR date 7-12-13 Noticed on 7-16-13 Comment Deadline 8-15-13

☒ Electronic/written comments? ☒ No ☐ Yes _____ Comment eval? ☐ No ☐ Yes

☒ SW availability ☐ NA ☒ 80% ☐ 50% water avail. 11/1 - 7/31. WID 1-41 Nehalem R > Nehalem Bay

☒ Is second gw review necessary? ☒ NA ☐ No ☐ Yes Complete? ☐ No ☐ Yes Add'l fees ☐ necessary ☐ collected ☐ needed

☒ DIV 9 ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly conditioned...

well _____ has PSI with _____

GW conditions _____

☒ Conditions ODEW - fishdiv 33, b51a, riparian, wg / DEQ - wg 11/1 - 5/30
WM - agree w/ ODEW

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☒ Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF ☐ Large ≥ 0.5 CFS, ≥ 100 AF

☒ Allowed Use/Rate/Season PM 0.111 cfs + W 0.5 cfs 11/1 - 5/30 Limit _____ Duty _____

Make specific finding in PFO if ☐ Rate/Limit higher-than-standard ☐ Duty higher-than-standard

☐ Confirm POD/POU are correct per the map

☒ SWW ☒ NA ☐ above ☐ within _____ If GW and interference, copy form for Stahr.

☒ POD characteristics identifies as DEQ 303d? ☐ NA ☐ No ☒ Yes; confirm DEQ cc'd at IR, and if not, copy them on PFO

☒ Application was filed prior to 10/23/99 ☒ No ☐ Yes (If Yes, add A date requirement)

☒ Needed before permit ☒ NA ☐ fees ☐ evidence of well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract

☐ Changes from IR determinations

11/1 - 5/30 confirmation from Agent David Crawford
11/1/14 that intent is W 0.5 cfs +
PM 0.111 cfs

☐ Notes

Need \$300 for addtl use

✓ Copy to Reg Manager _____ WM #1 CWRE _____ Agent David Crawford

Agent - Crawford - df@yahoo.com / Applicant - rbruce11@juno.com

✓ Fees 0.5 CFS Base 700

_____ AF Up to 1 CFS 250

_____ Add'l CFS _____

Up to 20 AF _____

_____ Add'l AF @ \$1 _____

Add'l 1 POD/POA 1 use + 250 1 add'l use 300 *

Exam Fee Required = 1500 Rec Fee Req'd 400

Exam Fee Paid 1200 Red Fee Paid 400

Still Owed 300 * Owed before permit 0

EXAM FEE REQUIRED _____

RECORDING FEE REQUIRED \$400 \$450 / \$900

EXAM FEE PAID -1200

RECORDING FEE PAID -400

STILL OWED _____

STILL OWED 0

Name: Mary ROHLING

Date: 1/6/2014

Peer Reviewer: June 1/6/14

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: S 87883

Applicant's Name: Bruce Fleming

1) Does the affected surface water source flow above ground in a defined channel into another water body?

☒ YES ☐ NO ☐ SOMETIMES; between and

2) Does the affected surface water source ever go dry in the area of the proposed diversion? ☐ YES ☒ NO

3) To your knowledge, has the affected surface water source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights? ☒ YES ☐ NO

If YES, please explain: Since 1996 I have regulated the Nehalem R. and tributaries to protect instream water rights, regulation usually starts in August and goes through October.

4) Do you agree with the specified water availability, and the recommended period of use? ☒ YES ☐ NO ☐ I DON'T KNOW

If NO, please explain:

5) Did you discuss this application with staff from another agency? ☒ YES ☐ NO

Who: Chris Knutson Agency: ODFW Date: 7/17/2013

6) If the Initial Review is unfavorable, is mitigation an option? ☒ YES ☐ NO

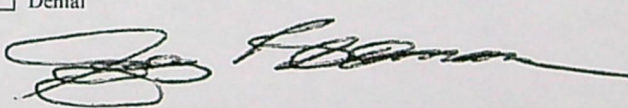
If YES, please explain: could offer shorter diversion season.

7) What conditions do you recommend? ODFW approved screens on PODs

8) Your recommendation under OAR 690-033-0330 (2):

- ☒ Approval with conditions
☐ Approval without conditions
☐ Denial

Watermaster Signature: Greg Beaman Date: 7/17/2013



WRD Contact: Caseworker: Kerry Kavanagh Water Rights Division, 503-986-0900 / Fax 503-986-0901

Kerry Kavanagh

From: Greg Beaman
Sent: Wednesday, July 17, 2013 5:00 PM
To: Bill Ferber
Cc: Kerry Kavanagh
Subject: S-87883
Attachments: Bruce Fleming-Dave Crawford Maint WR WM Rev 7-17-20130001.pdf

Bill and Kerry: Attached is the Watermaster Review for Bruce Fleming/Dave Crawford application S-87883.
Greg

*Greg Beaman
Watermaster, Dist. 1
Oregon Water Resources Department
4000 Blimp Blvd.
Tillamook, OR 97141
Phone: 503-815-1967
Fax: 503-815-1968
Email: Greg.Beaman@wrd.state.or.us*

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: S 87883 Applicant's Name: Bruce Fleming

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species?
[690-33-330(1)]

☐ NO ☒ YES Species: Status: ☐ Sensitive ☐ Threatened ☐ Endangered

If YES, continue to question (2). If NO, you may comment by completing the public interest review sheet on the back of this page.

2) Stage or value at risk (check all that apply): ☒ Spawning, ☒ Incubation ☒ Rearing ☒ Passage ☒ Habitat Value

3) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the essential habitat of a SENSITIVE SPECIES? ☐ NO ☒ YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(b)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(a)]

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

☐ NO; skip to question 6. ☒ YES


Which conditions are recommended? (select from Menu of Conditions) fishdiv33, b51a, riparian, wq

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species? ☐ NO ☒ YES [690-33-330(4)]

If YES, please explain: Fish presence year round in the Nehalem River, removing water will harm in water quantity and quality.

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions) fishdiv33, b51a, riparian, wq

7) Your recommendation under OAR 690-033-0330 (2): ☒ Approval with conditions
☐ Approval without conditions
☐ Denial

ODFW Representative signature:  Date: 7/31/2013

WRD Contact: Caseworker: Kerry Kavanagh Water Rights Division, 503-986-0900 / Fax 503-986-0901

Kerry Kavanagh

From: Amber M Johnson <amber.m.johnson@state.or.us>
Sent: Wednesday, July 31, 2013 11:54 AM
To: kerry.l.kavanagh@state.or.us
Subject: S-87883
Attachments: S-87883.pdf

Amber Johnson
Habitat Conservation Biologist
ODFW-North Coast Watershed District
4907 Third St.
Tillamook, OR 97141
t: (503) 842-2741 ext. 252
f: (503) 842-8385

DEQ DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: S 87883 Applicant's Name: R BRUCE FLEMING

- 1) Is there a connection to a 303(d) listed water quality limited water body? ☐ NO ☒ YES

Explain: The Nehalem River is water quality limited for dissolved oxygen, bacteria and temperature. The EPA approved the North Coast Basin TMDL that sets limits and requires actions that address water quality for temperature and bacteria during critical periods.

- 2) What is the potential for this use to impact a water quality limited water body: ☐ HIGH ☒ MEDIUM ☐ LOW

Explain: Diversion of water from the Nehalem River during the month of July will reduce flow, which has the potential to increase stream temperature. Flows in July are critical summer month flows that have the greatest influence on temperature. An increase in temperature is detrimental to fish use, and may also reduce dissolved oxygen concentrations during this critical period. The Nehalem River is also listed for dissolved oxygen in the proposed point of diversion. Any decrease in flow could also reduce available dissolved oxygen in the stream.

- 3) If the answer to question (2) is HIGH or MEDIUM, will the proposed use still result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species? ☐ NO ☒ YES

If YES, how? The proposed use could result in an increase in temperatures and a decrease in dissolved oxygen. The Nehalem River water quality for temperature and dissolved oxygen currently do not meet standards protective for threatened salmonid and steelhead species. Salmonid and steelhead species are vulnerable to elevated water temperature and low dissolved oxygen.

- 4) Can conditions be applied to mitigate the impact of the use?

☐ NO ☒ YES; recommend from Menu of Conditions and skip to question 7. wq

- 5) If conditions cannot be identified to offset impacts, would the proposed use affect the Habitat of Sensitive, Threatened, or Endangered Fish Species? ☐ NO ☒ YES

If YES, please explain: Given the limited amount of information contained in this application it is impossible to determine the level of affect this water withdrawal will have on the Nehalem River.

- 6) If a permit is issued, are there any conditions you would like to see included in the permit?
Limit water withdrawals to November 1st through May 30th.

- 7) Your recommendation under OAR 690-033-0330 (2): ☐ Approval with conditions
☒ Approval without conditions
☐ Denial

DEQ Representative signature: York Johnson Date: 10/7/13

WRD Contact: Caseworker: Kerry Kavanagh Water Rights Division, 503-986-0900 / Fax 503-986-0901

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

The following condition will be included in any permit issued unless ODFW explicitly requests that it be omitted:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver or exemption through the Oregon Department of Fish and Wildlife. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator before beginning construction of any in-channel obstruction.

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to _____ through _____.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgment the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Kerry Kavanagh

From: JOHNSON York <JOHNSON.York@deq.state.or.us>
Sent: Thursday, November 07, 2013 10:06 AM
To: Kerry Kavanagh
Subject: S-87883
Attachments: S-87883.doc

Attached is my review of application S-87883

York Johnson

Department of Environmental Quality
North Coast Basin Coordinator
2310 1st St, Suite 4
Tillamook, OR 97141
(503) 322-2222
(503) 801-5092
johnson.york@deq.state.or.us

IR CHECKLIST

Application #: S-87883 Applicant: R BRUCE FLEMING

Use(s): POND MAINTENANCE, FIRE PROTECTION, LIVESTOCK, AND WETLAND ENHANCEMENT Priority Date: April 3, 2013

☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☐ Fujii reviewed recommendations _____

☒ ORS 538 prohibits use ☒ No ☐ Yes If so, do not do an IR; return the application & fees to the applicant.

☒ DIV 9 ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly conditioned...

☐ classify as surface water well _____ has PSI with _____

(include basin map if true) well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____

GW conditions _____

☒ DIVISION 33 ☐ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☒ statewide

☒ SW Availability ☐ NA ☒ 80% live ☐ 50% storage water available Nov 1 - July 31 WID: 1-41

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoe Creek (including Mission & Case Creeks)

☒ POU conflict ☐ NA ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate

☐ Yes Permit R - 13974 (App R - 85899) - Fleming Pond - 11.1 AF

☒ Use is supplemental, checked for primary rights w/ diff source ☒ NA ☐ Yes limits _____

☒ App w/in a District boundary per http://apps.wrd.state.or.us/apps/gis/wr_irrigation/ ☒ No ☐ Yes, cc: _____

☒ Use is not restrictively classified ☒ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact 690-501-0005

* Requested Use/Rate/Season Pond Maintenance / 0.5 CFS / Nov 1 - July 31
under Permit R - 13974 - Fleming Pond is 11.1 AF
Allowed Use/Rate/Season → 0.01 CFS / AF → 11.0 AF 0.01 CFS / AF = 0.11 CFS / Nov 1 - July 31 Limit _____ Duty _____

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained _____

* Authorized agent specified ☐ NA ☐ needed ☒ Yes David Crawford / Mist - Birkenfeld Rural Fire District

☒ Conditions: _____

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF, ☒ Medium > 0.1 and < 0.5 CFS, > 9.2 and < 100 AF, ☐ Large ≥ 0.5 CFS, ≥ 100 AF
Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.
Use "Large" for temp control (including NU), Tenmile Lake, or if applicant is a government entity
Use "Large-7i" if GW recommends 7i
Use "Large with TFM" for HC exceptions, IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

☒ Stream is withdrawn ☐ NA ☒ No ☐ Yes, allows use/season _____

☒ SWW ☒ NA ☐ above ☐ within _____ (If GW and interference, copy form for Stahr.)

Application #: S-87883 Applicant: R BRUCE FLEMING

☒ Use is within a high priority area for streamflow restoration ☐ NA ☒ No ☐ Yes

☒ Letter format ☐ good ☒ limited ☐ bad ☐ bad w/ rate reduction opportunity ☐ bad w/ HC opportunity

☒ POD is within North Umpqua settlement reach and the spreadsheet was updated ☒ NA ☐ Yes

☒ Forms ☐ NA ☐ HC except ☐ spring description other _____

☒ Copy to ☐ SWR
☐ ER
☐ NCR

☒ WM # 1 ☐ a.l.o.
☒ agent Daniel Crawford ☐ DOA
☐ CWRE ☐ CTUIR

☐ NW Planning Council
☐ CRIFC
☒ US Fish & Wildlife
DMOAA

☒ ODTW
☒ DEO

☐ DOA Food Safety Division
(bottled water)

☐ city _____
(w/in 5-mile muni wells)

email: applicant & agent

☒ co-ords of both POD's
Req'd before permit ☐ NA ☐ evidence of well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract

☒ App and map meet min. requirements ☐ Yes ☒ No NEED: co-ords of POD
(If not, send IR certified)

☐ Scanned images exist for application form and map

<input checked="" type="checkbox"/> Fees <u>0.5</u> CFS	Base	<u>700</u>
_____ AF	Up to 1 CFS	<u>250</u>
_____ Add'l CFS		_____
_____ Up to 20 AF		_____
_____ Add'l AF @ \$1		_____
_____ Add'l (POD) POA _____ use	+	<u>250</u>
Exam Fee Required	=	<u>1200</u>
Exam Fee Paid		<u>1200</u>
Still Owed		<u>0</u>

one use -> Pond Maintenance
2 POD's
Fee for 3 add'l uses (fire protection, livestock, wetland enhancement) but only livestock is classified -> \$250

4d rules apply
limit PM rate to 0.01 CFS/AF -> 11.1 AF x 0.01 CFS/AF = 0.111 CFS
Paid \$400 permit recording fee

Name: Kerry Kavanagh

Date: 6/24/2013

Peer Reviewer: Mary Rohling

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Revised 09/05/12

App: S 87883 *																																								
Conflict Report POD Characteristics ▼ Water Availability ▼ NEHALEM R > NEHALEM BAY - AB DEEP CR ▶ POD: 1 IR Checklist Digital Map (Applications are not mapped, use POD Locations instead)	Contact Information				Documents View all scanned documents																																			
	▼ Current contact information				▼ Application: S 87883																																			
	AGENT: MIST-BIRKENFELD RURAL FIRE PROTECTION DISTRICT ▶ DAVID CRAWFORD 12525 HWY 202 MIST, OR 97016				▶ Received: 4/3/2013																																			
	APPLICANT: ▶ R BRUCE FLEMING 7527 SW LAVIEW DR PORTLAND, OR 97219				<table border="1"><thead><tr><th colspan="4">Application Workflow</th></tr><tr><th>Action</th><th>Date</th><th>Result</th><th>Completed By</th></tr></thead><tbody><tr><td>Application Filed</td><td>4/3/2013</td><td></td><td></td></tr></tbody></table>						Application Workflow				Action	Date	Result	Completed By	Application Filed	4/3/2013																				
	Application Workflow																																							
Action	Date	Result	Completed By																																					
Application Filed	4/3/2013																																							
				▶ Unable to view right in new web mapping because this water right is not currently mapped.																																				
Water Right Information																																								
Status: Non-Cancelled County: Columbia File Folder Location: Salem Watermaster District: 1																																								
Point(s) of Diversion																																								
▼ POD 1 - UNNAMED STREAM > NEHALEM RIVER																																								
▼ Description																																								
▶ T-R-S-QQ: 6.00N-5.00W-9-SE SW																																								
▶ Location Description: 250 FEET NORTH AND 300 FEET EAST FROM SW CORNER, SESW, SECTION 9																																								
▼ POD Rate																																								
<table border="1"><thead><tr><th>Max Rate (cfs)</th><th>Rate (cfs)</th><th>Max Volume (af)</th><th>Volume (af)</th></tr></thead><tbody><tr><td>▶ 0.5</td><td>0.5</td><td></td><td></td></tr></tbody></table>											Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	▶ 0.5	0.5																								
Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)																																					
▶ 0.5	0.5																																							
▼ POND MAINTENANCE (Primary)																																								
<table border="1"><thead><tr><th>Priority Date</th><th>Max Rate (cfs)</th><th>Rate (cfs)</th><th>Max Volume (af)</th><th>Volume (af)</th><th>Rate/Acre</th><th>Duty</th><th>Start Date</th><th>End Date</th><th>Remarks</th></tr></thead><tbody><tr><td>▶ 4/3/2013</td><td>0.5</td><td>0.5</td><td></td><td></td><td></td><td></td><td>1/1</td><td>7/31</td><td></td></tr><tr><td>4/3/2013</td><td>0.5</td><td>0.5</td><td></td><td></td><td></td><td></td><td>11/1</td><td>12/31</td><td></td></tr></tbody></table>											Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks	▶ 4/3/2013	0.5	0.5					1/1	7/31		4/3/2013	0.5	0.5					11/1	12/31	
Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks																															
▶ 4/3/2013	0.5	0.5					1/1	7/31																																
4/3/2013	0.5	0.5					11/1	12/31																																
Place(s) of Use Add TRS grouping																																								
▼ Use - POND MAINTENANCE (Primary); Priority Date: 4/3/2013																																								
<table border="1"><thead><tr><th>T-R-S</th><th>QQ</th><th>DLC</th><th>Gov't Lot</th><th>Taxlot</th><th>Acres</th><th>Status</th><th>Inchoate Info</th><th>Remarks</th></tr></thead><tbody><tr><td>▶ 6.00N-5.00W-9</td><td>SE SW</td><td></td><td></td><td></td><td></td><td>NC</td><td></td><td></td></tr><tr><td colspan="9">Sum of Acres: 0.0</td></tr></tbody></table>											T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks	▶ 6.00N-5.00W-9	SE SW					NC			Sum of Acres: 0.0											
T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks																																
▶ 6.00N-5.00W-9	SE SW					NC																																		
Sum of Acres: 0.0																																								
Water Right Genealogy																																								
— No genealogy records available for this water right, try the family link below instead.																																								

[View Water Rights in same Family](#)[Help understanding and working with the Water Rights Information System](#)[Report Errors with Water Right Data](#)[Return to WRIS Query](#)

DIVISION 501 NORTH COAST BASIN PROGRAM

690-501-0005 Classifications

(1) In accordance with ORS 536.220, 536.300, 536.310, and 536.340, the waters of the North Coast Basin are classified for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life, with the following exceptions:

NO EXCEPTIONS ARE APPLICABLE

690-500-0020 Definitions

Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504 - 512, and 515 - 520 to any classification adopted prior to January 1, 1993:

(2) "Fish Culture or Fish Life Use" means the use of water for aquatic life water uses as defined in OAR 690-011-0010 and public uses related to fish culture or fish life water uses as defined in OAR 690-077-0010.

(5) "Livestock Use" means the use of water for stockwater use as defined in OAR 690-011-0010.

(11) "Wildlife Use" means the use of water for wildlife use as defined in OAR 690-011-0010 and public uses related to wildlife uses as defined in OAR 690-077-0010.

Definitions 690-300-010

The following definitions apply in OAR Chapter 690, Divisions 15, 310, 320, 330, 340, and 350 and to any permits, certificates or transfers issued under these rules:

(60) "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(61) "Wetland Enhancement Water Use" means the use of water to restore, create, or enhance or maintain wetland resources.

(62) "Wildlife Water Use" means the use of water by or for sustaining wildlife species and their habitat.

690-500-0010 Basin Programs Preamble

(1) The Water Resources Commission is responsible for the establishment of policy and procedures for the use and control of the state's water resources. In executing this responsibility, the Commission develops, adopts and periodically modifies programs for the state's major drainage basins.

(2) Basin programs are administrative rules which establish water management policies and objectives and which govern the appropriation and use of the surface and ground water within each of the respective basins. The rules classify surface and ground waters according to the uses which are permitted, may establish preferences among uses, may withdraw surface and groundwaters from further appropriation, may reserve waters for specified future uses, and may establish minimum perennial streamflows. These rules are in addition to rules with statewide applicability which govern the allocation and use of water.

(3) The Commission has adopted programs for the following basins:

(a) North Coast Basin (Division 501);

690-500-0020 Definitions

Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504 - 512, and 515 - 520 to any classification adopted prior to January 1, 1993:

(1) "Domestic Use" means the use of water for domestic water use, group domestic water use, commercial water use of less than 5,000 gallons per day, or human consumption as defined in OAR 690-011-0010.

(2) "Fish Culture or Fish Life Use" means the use of water for aquatic life water uses as defined in OAR 690-011-0010 and public uses related to fish culture or fish life water uses as defined in OAR 690-077-0010.

(3) "Industrial Use" means the use of water for commercial water use or industrial water use as defined in OAR 690-011-0010.

(4) "Irrigation Use" means the use of water for agricultural water use, cranberry use, irrigation, nursery operations use, or temperature control as defined in OAR 690-011-0010.

(5) "Livestock Use" means the use of water for stockwater use as defined in OAR 690-011-0010.

(6) "Mining Use" means the use of water for mining water use or placer mining as defined in OAR 690-011-0010.

(7) "Municipal Use" means the use of water for commercial water use, municipal water uses, or quasi-municipal water uses as defined in OAR 690-011-0010.

(8) "Pollution Abatement Use" means the use of water for pollution abatement or prevention water use as defined in OAR 690-011-0010 and public uses related to pollution abatement as defined in OAR 690-077-0010.

(9) "Power or Power Development Use" means the use of water for power development water use as defined in OAR 690-011-0010.

(10) "Recreation Use" means the use of water for recreation water use as defined in OAR 690-011-0010 and public uses related to recreation uses as defined in OAR 690-077-0010.

(11) "Wildlife Use" means the use of water for wildlife use as defined in OAR 690-011-0010 and public uses related to wildlife uses as defined in OAR 690-077-0010.

Point of Diversion Characteristics

Right:	App: S 87883 *
Name:	R BRUCE FLEMING

TRSQQ: 06.00N-05.00W-09-SES

County: Columbia

Basin: North Coast

WM District: 1

WM Region: NW

Withdrawn Area:

WAB: [NEHALEM R > NEHALEM BAY - AB DEEP CR \(41\)](#)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited: Yes

Water Availability Analysis

NEHALEM R > NEHALEM BAY - AB DEEP CR
NORTH COAST BASIN

Water Availability as of 6/24/2013

Watershed ID #: 41

Date: 6/24/2013

Exceedance Level: 80%

Time: 12:20 PM

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	36	NEHALEM R > NEHALEM BAY- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
2	30120203	NEHALEM R > NEHALEM BAY- AB COOK CR AT GAGE 14301000	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
3	38	NEHALEM R > NEHALEM BAY- AB SALMONBERRY R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
4	39	NEHALEM R > NEHALEM BAY- AB HUMBUG CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
5	40	NEHALEM R > NEHALEM BAY- AB BENEKE CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
6	41	NEHALEM R > NEHALEM BAY- AB DEEP CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes

Limiting Watersheds

water avail. Nov 1 - July 31

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	515.00
FEB	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	660.00
MAR	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	516.00
APR	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	309.00
MAY	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	142.00
JUN	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	71.60
JUL	40	NEHALEM R > NEHALEM BAY - AB BENEKE CR	Yes	36.90
AUG	30120203	NEHALEM R > NEHALEM BAY - AB COOK CR AT GAGE 14301000	No	-10.70
SEP	30120203	NEHALEM R > NEHALEM BAY - AB COOK CR AT GAGE 14301000	No	-11.00
OCT	30120203	NEHALEM R > NEHALEM BAY - AB COOK CR AT GAGE 14301000	No	-144.00
NOV	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	96.80
DEC	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	518.00
ANN	41	NEHALEM R > NEHALEM BAY - AB DEEP CR	Yes	397,000.00

Detailed Reports for Watershed ID #36

NEHALEM R > NEHALEM BAY - AT MOUTH
NORTH COAST BASIN

Water Availability as of 6/24/2013

Watershed ID #: 36

Date: 6/24/2013

Exceedance Level: 80%

Time: 12:20 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	2,580.00	9.17	2,570.00	0.00	270.00	2,300.00
FEB	3,130.00	9.14	3,120.00	0.00	270.00	2,850.00
MAR	2,600.00	9.08	2,590.00	0.00	270.00	2,320.00
APR	1,820.00	9.03	1,810.00	0.00	270.00	1,540.00
MAY	936.00	9.86	926.00	0.00	200.00	726.00
JUN	465.00	12.10	453.00	0.00	150.00	303.00
JUL	224.00	16.90	207.00	0.00	100.00	107.00
AUG	126.00	14.70	111.00	0.00	100.00	11.30
SEP	121.00	9.47	112.00	0.00	100.00	11.50
OCT	174.00	8.52	165.00	0.00	270.00	-105.00
NOV	1,170.00	8.77	1,160.00	0.00	270.00	891.00
DEC	3,070.00	9.13	3,060.00	0.00	270.00	2,790.00
ANN	1,950,000.00	7,610.00	1,940,000.00	0.00	153,000.00	1,790,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.26	0.00	5.81	1.46	0.02	1.44	0.18	0.00	9.17
FEB	0.23	0.00	5.81	1.46	0.02	1.44	0.18	0.00	9.14
MAR	0.17	0.00	5.81	1.46	0.02	1.44	0.18	0.00	9.08
APR	0.08	0.23	5.81	1.28	0.02	1.44	0.18	0.00	9.03
MAY	0.03	0.89	5.81	1.51	0.02	1.43	0.18	0.00	9.86
JUN	0.01	2.98	6.22	1.28	0.02	1.43	0.18	0.00	12.10
JUL	0.01	7.77	6.22	1.23	0.02	1.43	0.18	0.00	16.90
AUG	0.00	5.99	6.22	0.87	0.02	1.43	0.18	0.00	14.70
SEP	0.00	0.77	6.22	0.86	0.02	1.43	0.18	0.00	9.47
OCT	0.00	0.20	5.81	0.89	0.02	1.43	0.18	0.00	8.52
NOV	0.05	0.00	5.81	1.28	0.02	1.43	0.18	0.00	8.77
DEC	0.23	0.00	5.81	1.46	0.02	1.44	0.18	0.00	9.13

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF36A	CERTIFICATE	270.00	270.00	270.00	270.00	200.00	150.00	100.00	100.00	100.00	270.00	270.00	270.00
Maximum		270.00	270.00	270.00	270.00	200.00	150.00	100.00	100.00	100.00	270.00	270.00	270.00

Detailed Reports for Watershed ID #30120203

NEHALEM R > NEHALEM BAY - AB COOK CR AT GAGE 14301000

NORTH COAST BASIN

Water Availability as of 6/24/2013

Watershed ID #: 30120203

Date: 6/24/2013

Exceedance Level: 80%

Time: 12:20 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,880.00	2.37	1,880.00	0.00	270.00	1,610.00
FEB	2,280.00	2.34	2,280.00	0.00	270.00	2,010.00
MAR	1,890.00	2.28	1,890.00	0.00	270.00	1,620.00
APR	1,320.00	2.20	1,320.00	0.00	270.00	1,050.00
MAY	685.00	2.68	682.00	0.00	200.00	482.00
JUN	342.00	4.48	338.00	0.00	150.00	188.00
JUL	166.00	8.31	158.00	0.00	100.00	57.70
AUG	95.80	6.54	89.30	0.00	100.00	-10.70
SEP	91.30	2.34	89.00	0.00	100.00	-11.00
OCT	128.00	1.76	126.00	0.00	270.00	-144.00
NOV	811.00	1.98	809.00	0.00	270.00	539.00
DEC	2,170.00	2.33	2,170.00	0.00	270.00	1,900.00
ANN	1,400,000.00	2,400.00	1,400,000.00	0.00	153,000.00	1,250,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.26	0.00	0.25	1.09	0.02	0.70	0.05	0.00	2.37
FEB	0.23	0.00	0.25	1.09	0.02	0.70	0.05	0.00	2.34
MAR	0.17	0.00	0.25	1.09	0.02	0.70	0.05	0.00	2.28
APR	0.08	0.19	0.25	0.92	0.02	0.70	0.05	0.00	2.20
MAY	0.03	0.72	0.25	0.92	0.02	0.70	0.05	0.00	2.68
JUN	0.01	2.41	0.38	0.92	0.02	0.69	0.05	0.00	4.48
JUL	0.01	6.25	0.38	0.92	0.02	0.69	0.05	0.00	8.31
AUG	0.00	4.82	0.38	0.58	0.02	0.69	0.05	0.00	6.54
SEP	0.00	0.62	0.38	0.58	0.02	0.69	0.05	0.00	2.34
OCT	0.00	0.17	0.25	0.58	0.02	0.69	0.05	0.00	1.76
NOV	0.05	0.00	0.25	0.92	0.02	0.70	0.05	0.00	1.98
DEC	0.23	0.00	0.25	1.09	0.02	0.70	0.05	0.00	2.33

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF35A	CERTIFICATE	270.00	270.00	270.00	270.00	200.00	150.00	100.00	100.00	100.00	270.00	270.00	270.00
MF37A	CERTIFICATE	270.00	270.00	270.00	270.00	200.00	150.00	90.00	90.00	90.00	270.00	270.00	270.00
Maximum		270.00	270.00	270.00	270.00	200.00	150.00	100.00	100.00	100.00	270.00	270.00	270.00

Detailed Reports for Watershed ID #38

NEHALEM R > NEHALEM BAY - AB SALMONBERRY R
NORTH COAST BASIN

Water Availability as of 6/24/2013

Watershed ID #: 38

Date: 6/24/2013

Exceedance Level: 80%

Time: 12:20 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,370.00	2.11	1,370.00	0.00	250.00	1,120.00
FEB	1,670.00	2.08	1,670.00	0.00	250.00	1,420.00
MAR	1,370.00	2.03	1,370.00	0.00	250.00	1,120.00
APR	939.00	1.94	937.00	0.00	250.00	687.00
MAY	485.00	2.42	483.00	0.00	200.00	283.00
JUN	244.00	4.22	240.00	0.00	130.00	110.00
JUL	124.00	8.06	116.00	0.00	70.00	45.90
AUG	75.30	6.27	69.00	0.00	70.00	-0.97
SEP	71.40	2.08	69.30	0.00	70.00	-0.68
OCT	93.60	1.49	92.10	0.00	200.00	-108.00
NOV	537.00	1.73	535.00	0.00	250.00	285.00
DEC	1,500.00	2.08	1,500.00	0.00	250.00	1,250.00
ANN	1,010,000.00	2,210.00	1,000,000.00	0.00	135,000.00	869,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.26	0.00	0.25	1.00	0.02	0.52	0.06	0.00	2.11
FEB	0.23	0.00	0.25	1.00	0.02	0.52	0.06	0.00	2.08
MAR	0.17	0.00	0.25	1.00	0.02	0.52	0.06	0.00	2.03
APR	0.08	0.19	0.25	0.83	0.02	0.52	0.06	0.00	1.94
MAY	0.03	0.72	0.25	0.83	0.02	0.51	0.06	0.00	2.42
JUN	0.01	2.41	0.38	0.83	0.02	0.51	0.06	0.00	4.22
JUL	0.01	6.25	0.38	0.83	0.02	0.51	0.06	0.00	8.06
AUG	0.00	4.81	0.38	0.49	0.02	0.51	0.06	0.00	6.27
SEP	0.00	0.62	0.38	0.49	0.02	0.51	0.06	0.00	2.08

OCT	0.00	0.16	0.25	0.49	0.02	0.51	0.06	0.00	1.49
NOV	0.05	0.00	0.25	0.83	0.02	0.51	0.06	0.00	1.73
DEC	0.23	0.00	0.25	1.00	0.02	0.52	0.06	0.00	2.08

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF38A	CERTIFICATE	250.00	250.00	250.00	250.00	200.00	130.00	70.00	70.00	70.00	200.00	250.00	250.00
Maximum		250.00	250.00	250.00	250.00	200.00	130.00	70.00	70.00	70.00	200.00	250.00	250.00

Detailed Reports for Watershed ID #39

NEHALEM R > NEHALEM BAY - AB HUMBUG CR
NORTH COAST BASIN

Water Availability as of 6/24/2013

Watershed ID #: 39

Date: 6/24/2013

Exceedance Level: 80%

Time: 12:20 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,090.00	1.67	1,090.00	0.00	200.00	888.00
FEB	1,330.00	1.64	1,330.00	0.00	200.00	1,130.00
MAR	1,090.00	1.58	1,090.00	0.00	200.00	888.00
APR	744.00	1.49	743.00	0.00	200.00	543.00
MAY	386.00	1.98	384.00	0.00	150.00	234.00
JUN	196.00	3.78	192.00	0.00	100.00	92.20
JUL	103.00	7.60	95.40	0.00	50.00	45.40
AUG	64.70	5.83	58.90	0.00	50.00	8.87
SEP	61.10	1.64	59.50	0.00	50.00	9.46
OCT	76.60	1.05	75.60	0.00	180.00	-104.00
NOV	407.00	1.28	406.00	0.00	200.00	206.00
DEC	1,150.00	1.63	1,150.00	0.00	200.00	948.00
ANN	795,000.00	1,890.00	793,000.00	0.00	107,000.00	686,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.26	0.00	0.25	1.00	0.02	0.07	0.06	0.00	1.67
FEB	0.23	0.00	0.25	1.00	0.02	0.07	0.06	0.00	1.64
MAR	0.17	0.00	0.25	1.00	0.02	0.07	0.06	0.00	1.58
APR	0.08	0.19	0.25	0.83	0.02	0.07	0.06	0.00	1.49
MAY	0.03	0.72	0.25	0.83	0.02	0.07	0.06	0.00	1.98
JUN	0.01	2.41	0.38	0.83	0.02	0.07	0.06	0.00	3.78
JUL	0.01	6.24	0.38	0.83	0.02	0.07	0.06	0.00	7.60
AUG	0.00	4.81	0.38	0.49	0.02	0.07	0.06	0.00	5.83
SEP	0.00	0.62	0.38	0.49	0.02	0.07	0.06	0.00	1.64
OCT	0.00	0.16	0.25	0.49	0.02	0.07	0.06	0.00	1.05
NOV	0.05	0.00	0.25	0.83	0.02	0.07	0.06	0.00	1.28
DEC	0.23	0.00	0.25	1.00	0.02	0.07	0.06	0.00	1.63

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF39A	CERTIFICATE	200.00	200.00	200.00	200.00	150.00	100.00	50.00	50.00	50.00	180.00	200.00	200.00
Maximum		200.00	200.00	200.00	200.00	150.00	100.00	50.00	50.00	50.00	180.00	200.00	200.00

Detailed Reports for Watershed ID #40

NEHALEM R > NEHALEM BAY - AB BENEKE CR
NORTH COAST BASIN

Water Availability as of 6/24/2013

Watershed ID #: 40

Date: 6/24/2013

Exceedance Level: 80%

Time: 12:20 PM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	764.00	1.65	762.00	0.00	160.00	602.00
FEB	936.00	1.62	934.00	0.00	160.00	774.00
MAR	762.00	1.56	760.00	0.00	160.00	600.00
APR	516.00	1.62	514.00	0.00	160.00	354.00
MAY	269.00	2.02	267.00	0.00	110.00	157.00
JUN	137.00	3.55	133.00	0.00	50.00	83.40
JUL	73.60	6.75	66.90	0.00	30.00	36.90
AUG	48.20	5.29	42.90	0.00	30.00	12.90

SEP	45.30	1.78	43.50	0.00	30.00	13.50
OCT	54.00	1.27	52.70	0.00	140.00	-87.30
NOV	262.00	1.44	261.00	0.00	160.00	101.00
DEC	768.00	1.61	766.00	0.00	160.00	606.00
ANN	550,000.00	1,830.00	548,000.00	0.00	81,300.00	469,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.26	0.00	0.25	0.74	0.02	0.33	0.04	0.00	1.65
FEB	0.23	0.00	0.25	0.74	0.02	0.33	0.04	0.00	1.62
MAR	0.17	0.00	0.25	0.74	0.02	0.33	0.04	0.00	1.56
APR	0.08	0.16	0.25	0.74	0.02	0.33	0.04	0.00	1.62
MAY	0.03	0.61	0.25	0.74	0.02	0.33	0.04	0.00	2.02
JUN	0.01	2.03	0.38	0.74	0.02	0.33	0.04	0.00	3.55
JUL	0.01	5.23	0.38	0.74	0.02	0.33	0.04	0.00	6.75
AUG	0.00	4.03	0.38	0.49	0.02	0.33	0.04	0.00	5.29
SEP	0.00	0.52	0.38	0.49	0.02	0.33	0.04	0.00	1.78
OCT	0.00	0.14	0.25	0.49	0.02	0.33	0.04	0.00	1.27
NOV	0.05	0.00	0.25	0.74	0.02	0.33	0.04	0.00	1.44
DEC	0.23	0.00	0.25	0.74	0.02	0.33	0.04	0.00	1.61

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF40A	CERTIFICATE	160.00	160.00	160.00	160.00	110.00	50.00	30.00	30.00	30.00	140.00	160.00	160.00
Maximum		160.00	160.00	160.00	160.00	110.00	50.00	30.00	30.00	30.00	140.00	160.00	160.00

Detailed Reports for Watershed ID #41

NEHALEM R > NEHALEM BAY - AB DEEP CR
NORTH COAST BASIN

Water Availability as of 6/24/2013

Watershed ID #: 41
Date: 6/24/2013

Exceedance Level: 80%
Time: 12:20 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	636.00	1.42	635.00	0.00	120.00	515.00
FEB	781.00	1.39	780.00	0.00	120.00	660.00
MAR	637.00	1.35	636.00	0.00	120.00	516.00
APR	431.00	1.74	429.00	0.00	120.00	309.00
MAY	225.00	2.83	222.00	0.00	80.00	142.00
JUN	115.00	3.37	112.00	0.00	40.00	71.60
JUL	61.20	4.16	57.00	0.00	20.00	37.00
AUG	39.90	3.64	36.30	0.00	20.00	16.30
SEP	37.40	2.42	35.00	0.00	20.00	15.00
OCT	44.80	1.14	43.70	0.00	120.00	-76.30
NOV	218.00	1.21	217.00	0.00	120.00	96.80
DEC	639.00	1.38	638.00	0.00	120.00	518.00
ANN	459,000.00	1,580.00	457,000.00	0.00	61,500.00	397,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.26	0.00	0.25	0.57	0.02	0.29	0.03	0.00	1.42
FEB	0.23	0.00	0.25	0.57	0.02	0.29	0.03	0.00	1.39
MAR	0.17	0.02	0.25	0.57	0.02	0.29	0.03	0.00	1.35
APR	0.08	0.51	0.25	0.57	0.02	0.29	0.03	0.00	1.74
MAY	0.03	1.64	0.25	0.57	0.02	0.29	0.03	0.00	2.83
JUN	0.01	2.07	0.38	0.57	0.02	0.28	0.03	0.00	3.37
JUL	0.01	2.87	0.38	0.57	0.02	0.28	0.03	0.00	4.16
AUG	0.00	2.44	0.38	0.49	0.02	0.28	0.03	0.00	3.64
SEP	0.00	1.22	0.38	0.49	0.02	0.28	0.03	0.00	2.42
OCT	0.00	0.07	0.25	0.49	0.02	0.28	0.03	0.00	1.14
NOV	0.05	0.00	0.25	0.57	0.02	0.29	0.03	0.00	1.21
DEC	0.23	0.00	0.25	0.57	0.02	0.29	0.03	0.00	1.38

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.



Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF41A	CERTIFICATE	120.00	120.00	120.00	120.00	80.00	40.00	20.00	20.00	20.00	120.00	120.00	120.00
Maximum		120.00	120.00	120.00	120.00	80.00	40.00	20.00	20.00	20.00	120.00	120.00	120.00

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: S 87883 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
PERMIT: R 13974 *	BRUCE FLEMING	R-85899	R-13974			12/12/2003	NC	MP	06.00N-05.00W-09-SESW			
CERT:31140 OR *	REED HOLDING	S-27226	S-21421	31140	5/23/1952	NC	IR	06.00N-05.00W-09-SESW		7		14.4000



Oregon Water Resources Department
Water Rights by Type

WM06.00N05.00W09

Map Date: May 21, 2013



Sources: Esri, DeLorme, NAVTEQ, USGS, INRCAN, METI, IPC, TomTom

0 1,000 Feet

Legend

Index Map

For more information:
<http://www.wrd.state.or.us> and
<http://apps.wrd.state.or.us/apps/wr/wrinfo/>

This map is for informal purposes only.
It is not intended for legal, engineering or
surveying purposes. Municipal rights are
not included on this map.

Points of Diversion Places of Use

● 75030

● 24883

● 24883

75030

24883

24883

Storage water

Surface water

Ground water

◆ Water Rights - Outline to be
determined. (Applies to all colors)

Water right labels indicate certificate
number or permit letter(s) and number.
Municipal uses excluded.



STATE OF OREGON
COUNTY OF CLATSOP

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BRUCE FLEMING
1129 SW 20TH
PORTLAND, OR 97205

(503)223-9513

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-85899

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF NEHALEM RIVER

STORAGE FACILITY: FLEMING POND

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 11.1 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1
THROUGH MARCH 31 AND JULY 1 THROUGH JULY 31 OF EACH YEAR

DATE OF PRIORITY: DECEMBER 12, 2003

DAM LOCATION: SE 1/4 SW 1/4 SECTION 9, T6N, R5W, W.M.; 396 FEET NORTH
& 1320 FEET EAST FROM SW CORNER, SECTION 9

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 SW 1/4
SECTION 9
TOWNSHIP 6 NORTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee shall pass all live flow outside the storage season described above.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2008.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

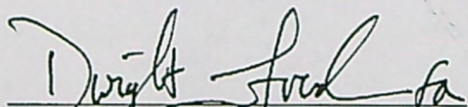
The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

This permit is issued to correctly identify the reservoir location. Permit R-13921, issued March 29, 2004, is superceded by this instrument and is of no further force or effect.

Issued June 11, 2004


Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the

Application R-85899 Water Resources Department
Basin 1 VOLUME 2 NEHALEM BAY & TRIB

PERMIT R-13974
1

purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Application 5-87883 County Columbia Priority Date 4-3-13

Township 6N Range 5W Section 9

Amount 0.5 cfs Use Maintenance WM Dist # 1

Applicant Name R Bruce Fleming

Receipt No. 108427

Caseworker Assigned ☐ Jeana Eastman ☒ Kerry Kavanagh

☒ Applicant/Organization Name, Mailing Address, and Telephone Number.

☒ All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) **NOTE:** A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Expedited Secondary(E2).

☐ If for stored water not under contract, is the source valid / Permit or Certificate issued Y / N List Permit or Certificate number _____

☒ The proposed source is or is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

☒ Property ownership indicated.

☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

☐ If applicant does not own all the land, 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.

☒ Well Development (pg. 4 & 5) or a well log report.

☒ Proposed use of water. If supplemental, list primary acreage. (*Irrigation and Supp. Irrigation together, is 2 uses*)

☐ Supplemental data sheets enclosed if needed ?

☐ Form M (Municipal or Quasi-Municipal)

☐ Spring Description Sheet

☒ Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

☒ Period of use

13974
R Des
Permit

- ☒ Water management section (Please estimate if the water system has not been designed).
- ☒ Resource Protection Section (N/A for Groundwater)
- ☒ Project schedule (If system is already completed, indicate "existing").
- ☒ Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir for all standard reservoir applications
- ☒ A map prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet and having a dam height of more than 10 feet
- ☒ ^{Request @ IR. JR} You must include a Legal description of all the properties involved where water is diverted, crossed, 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 you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.
- ☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *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. Signature must be an original "wet" signature. Copies cannot be accepted.*
- ☒ 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 (example: 1" = 100 ft, 1" = 200 ft, etc.)
 - ☒ Location of each diversion point, well or dam 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, nursery, or agriculture
 - ☒ Other _____

☒ Fees: Amount of water requested 0.5 cfs

OK JR

Base Fee \$ 700

1st CFS/AF \$ 250⁰⁰

Addnl CFS/ AF @ _____ = _____

Addnl POD/POA @ 250⁰⁰ = 250⁰⁰

Addnl Use @ _____ = _____

Total Exam Fees \$ ~~1200~~ 1200

Permit Recording Fees \$ 400

Mitigation Fee \$ _____

Total Paid \$ 1600

Amount Due \$ _____

Amount Returned \$ _____

Reviewed by: Laura W

Date: 4-3-13

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R. Bruce Fleming S-87883
7527 SW La View DR
Portland, OR 97219

2. Article Number
(Transfer from service label)

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

James D. Fleming

☐ Agent

☐ Addressee

B. Received by (Printed Name)

James D. Fleming

C. Date of Delivery

2-17-15

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

7012 2210 0002 6661 9339 WR

Domestic Return Receipt

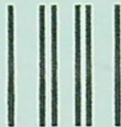
KF

UNITED STATES POSTAL SERVICE

PORTLAND
OR 970

17 FEB '15

PM 4 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

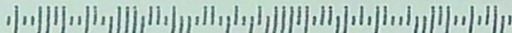
Oregon Water Resources Department
Attention: Kate Fitzgerald
725 Summer St. NE, Suite A
Salem, OR 97301

RECEIVED

FEB 19 2015

OWRD

01126673





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

CERTIFIED MAIL

Return Receipt Requested

R. BRUCE FLEMING
7527 SW LAVIEW DR
PORTLAND, OR 97219

February 11, 2015

Reference: File S-87883

Dear Applicant:

On May 15, 2014, the Department issued a Final Order approving the application contingent upon the payment of outstanding exam fees in the amount of \$300. The Final Order indicated that failure to pay the fees within 60 days may result in the proposed rejection of the application, and also gave an opportunity to request additional time.

As of the date of this letter, the Department has not yet received the requested fees, nor a request for additional time.

Please submit \$300 or a request for additional time no later than Tuesday, March 3, 2015, or the Department **will deny** the application. If the application is denied, the priority date associated with your application will be lost.

Feel free to contact me at kerri.h.cope@wrld.state.or.us or 503-986-0806 with questions.

Sincerely,

Kerri H. Cope
Water Rights Caseworker

cc: WM# 1
Agent
File

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number S-87883

Final Order

Appeal Rights

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

Application History

On April 3, 2013, R Bruce Fleming submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on February 4, 2014. The protest period closed March 21, 2014, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

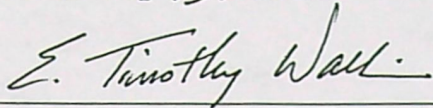
Order

Application S-87883 is therefore approved as proposed by the Proposed Final Order. **Upon payment of outstanding fees in the amount of \$300, a permit shall be issued authorizing the proposed water use.**

Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

DATED May 15, 2014



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Mary Rohling. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF COLUMBIA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

R BRUCE FLEMING
7527 SW LA VIEW DR
PORTLAND, OR 97219

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-87883

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF NEHALEM RIVER, AND NEHALEM RIVER, A TRIBUTARY OF NEHALEM BAY

PURPOSE OR USE: WILDLIFE AND POND MAINTENANCE FOR FLEMING POND, CONSTRUCTED UNDER PERMIT R-13974

MAXIMUM RATE: 0.5 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.111 CFS FOR POND MAINTENANCE

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 30

DATE OF PRIORITY: APRIL 3, 2013

POINT OF DIVERSION LOCATIONS:

UNNAMED STREAM - SE ¼ SW ¼ , SECTION 9, T6N, R5W, W.M.; 220 FEET NORTH AND 1060 FEET WEST FROM S1/4 CORNER, SECTION 9

NEHALEM RIVER - SE ¼ SW ¼ , SECTION 9, T6N, R5W, W.M.; 603 FEET NORTH AND 234 FEET WEST FROM S1/4 CORNER, SECTION 9

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW ¼ SW ¼
SE ¼ SW ¼
SECTION 9
TOWNSHIP 6 NORTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and 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 permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS **NOT** A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #S-87883

Original mailed to applicant with claim of beneficial use form:

R BRUCE FLEMING
7527 SW LAVIEW DR
PORTLAND OR 97219

Copies Mailed
By: <u>BW</u> (SUPPORT STAFF)
on: <u>5/15/14</u> (DATE)

Copies sent to:

1. WRD - File # S-87883
2. WRD - Shawn Turner

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 1

Copies sent to Other Interested Persons (CWRE, Agent, Commenter, etc.)

4. Agent - David Crawford, Mist-Birkenfeld Rural Fire Protection District -
12525 Hwy 202, Mist, OR 97016

CASEWORKER : Mary Rohling

Oregon Water Resources Department
Water Rights Services Division

Water Rights Application
Number S-87883

Prior to the issuance of a permit, the Department must receive \$300.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On April 3, 2013, R Bruce Fleming submitted an application to the Department for the following water use permit:

- Amount of Water: 0.5 CUBIC FOOT PER SECOND
- Use of Water: LIVESTOCK AND POND MAINTENANCE FOR FLEMING POND, CONSTRUCTED UNDER PERMIT R-13974
- Source of Water: UNNAMED STREAM, A TRIBUTARY OF NEHALEM RIVER, AND NEHALEM RIVER, A TRIBUTARY OF NEHALEM BAY
- Area of Proposed Use: COLUMBIA COUNTY WITHIN SECTION 9, TOWNSHIP 6 NORTH, RANGE 5 WEST, W.M.

On July 12, 2013, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.5 CFS, further limited to 0.111 CFS for pond maintenance, from an unnamed stream, a tributary of Nehalem River, and Nehalem River, a tributary of Nehalem Bay, for pond maintenance and livestock may be allowed during the full period requested, November 1 through July 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On July 16, 2013, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

On January 8, 2014, the Department received clarification from the authorized agent, indicating the intent of the application as being 0.5 CFS for wildlife, limited to 0.111 CFS for pond maintenance.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- any applicable basin program
- applicable statutes, administrative rules, and case law
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- any applicable comprehensive plan or zoning ordinance
- recommendations by other state agencies
- the Scenic Waterway requirements of ORS 390.835
- any comments received

Findings of Fact

The North Coast Basin Program allows wildlife and pond maintenance.

Senior water rights exist on unnamed stream, a tributary of Nehalem River and Nehalem River, a tributary of Nehalem Bay, or on downstream waters.

The unnamed stream, a tributary of Nehalem River, and Nehalem River, a tributary of Nehalem Bay are not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this calculation is in the file. This calculation determined that water is available for further appropriation (at an 80 percent exceedance probability) November 1 through July 31.

The Department finds that the amount of water requested, 0.5 CFS, is an acceptable amount, if further limited to 0.111 CFS for pond maintenance.

In accordance with OAR 690-033-0330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality (DEQ), Fish and Wildlife (ODFW), and Agriculture. WRD and ODFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and 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.

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

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

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

The period of use should be limited to November 1 through May 30.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS

536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the North Coast Basin Program.

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The application is in compliance with the State Agency Coordination Program regarding land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED February 4, 2014

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **March 21, 2014**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the Department's determination that the proposed use in this application will, or will not, impair or be detrimental to the public interest ORS 537.153(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) the specific public interest in ORS 537.170(8) that would be impaired or detrimentally affected, and specifically how the identified

public interest in ORS 537.170(8) would be impaired or be detrimentally affected;

- If you are the applicant, the protest fee of \$350 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$700 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **March 21, 2014**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$200. If a hearing is scheduled, an additional fee of \$500 must be submitted along with a request for intervention.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case

hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

This document was prepared by Mary Rohling. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF COLUMBIA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

R BRUCE FLEMING
7527 SW LA VIEW DR
PORTLAND, OR 97219

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-87883

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF NEHALEM RIVER, AND
NEHALEM RIVER, A TRIBUTARY OF NEHALEM BAY

PURPOSE OR USE: WILDLIFE AND POND MAINTENANCE FOR FLEMING POND,
CONSTRUCTED UNDER PERMIT R-13974

MAXIMUM RATE: 0.5 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.111
CFS FOR POND MAINTENANCE

PERIOD OF USE: NOVEMBER 1 THROUGH MAY 30

DATE OF PRIORITY: APRIL 3, 2013

POINT OF DIVERSION LOCATIONS:

UNNAMED STREAM - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T6N, R5W, W.M.; 220 FEET
NORTH AND 1060 FEET WEST FROM S1/4 CORNER, SECTION 9

NEHALEM RIVER - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 9, T6N, R5W, W.M.; 603 FEET
NORTH AND 234 FEET WEST FROM S1/4 CORNER, SECTION 9

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 9
TOWNSHIP 6 NORTH, RANGE 5 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and 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 permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS **NOT** A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department

Mailing List for P.O. Copies

Application #S-87883

P.O. Date February 4, 2014

Original emailed to applicant:

~~R-BRUCE FLEMING~~
~~7527 SW LA VIEW DR~~
~~PORTLAND, OR 97219~~

Copies Mailed By: <u>BW</u> (SUPPORT STAFF) on: <u>2/4/14</u> (DATE)
--

SENT VIA EMAIL:

1. WRD - Watermaster #1
2. Applicant - rbruce11@juno.com
3. Agent - crawford_df@yahoo.com

Copies sent to:

1. WRD - File # S-87883
2. Water Availability: Shawn Turner

CASEWORKER : MFR

Mary Rohling

From: David Crawford <crawford_df@yahoo.com>
Sent: Wednesday, January 08, 2014 1:57 PM
To: Mary Rohling
Subject: Re: S-87883 Revisions

Yes we do agree to the changes and with the correction you noted.

Thanks again for your assistance!
Dave

Dave Crawford, Administrative Chief
Mist-Birkenfeld Rural Fire Protection District
12525 Highway 202
Mist, Oregon 97016
Phone: (503)755-2710
Fax: (503)755-2556
Cell: (503)728-8112

On Wednesday, January 8, 2014 10:33 AM, Mary Rohling <mary.f.rohling@state.or.us> wrote:

Hi again, there is one error in the email below. It should read –

0.5 cubic foot per second (cfs) for the uses of Pond Maintenance and Wildlife, further limited to 0.111 cfs for **Pond Maintenance**.

M

From: Mary Rohling
Sent: Wednesday, January 08, 2014 10:26 AM
To: crawford_df@yahoo.com
Cc: Mary Rohling
Subject: S-87883 Revisions

Hi David,

Per our phone conversation this morning, we confirmed that your intent on the revisions for application S-87883 are as follows –

0.5 cubic foot per second (cfs) for the uses of Pond Maintenance and Wildlife, further limited to 0.111 cfs for Wildlife

If you agree with this revision statement, please acknowledge with an email response. It is not necessary to submit more revised application form pages, your email agreement will suffice.

Please let me know if you have any question and have a nice day.

Mary

Mary Rohling | Water Right Application Caseworker

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0859 | Fax: 503.986.0901

Email: mary.f.rohling@state.or.us | Web: <http://www.wrd.state.or.us>



Mist-Birkenfeld Rural Fire Protection District

12525 Highway 202, Mist, OR 97016 | (503) 755-2710 or (503) 755-0510 | Fax (503) 755-2556

December 29, 2013

Board Members

Chair
William DeJager

::

Vice Chair
Allen Tuck

::

Secretary
Patricia Wright

::

Treasurer
Scott Wilson

::

Member
Joanie Jones

::

Fire Chief
David Crawford

::

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Regarding Amendments to application Ref# S-87883

Hello,

The amendments to our application are included in the sheets attached. They follow closely the suggestions you gave in your letter dated 7/12/2013. The changes were incorporated on to completed application pages that replace those in the original document if that is appropriate. Having requested the extension offered we are now ready to proceed. *Hold off*

Thank you for your help on this project! To date it is a shining example of the importance of working together to the betterment of our State and the improvement to regional public safety that has emerged as a result.

Respectfully,

Administrative Chief Dave Crawford
Mist-Birkenfeld Rural Fire Protection District
12525 Highway 202
Mist, Oregon 97016
Phone: (503)755-2710
Fax: (503)755-2556
Cell: (503)728-8112

503-755-0510 Home

RECEIVED

JAN 02 2014

WATER RESOURCES DEPT
SALEM, OREGON

"Service Beyond The Call"

S-87883

☐ 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: 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
Unnamed Stream	Fire protection, other constitutionally allowed purposes, and wildland purposes	11/01 - 07/31 annually	0.111 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Nehalem River	Fire protection, other constitutionally allowed purposes, and wildland purposes when unnamed stream is dry	11/01 - 07/31 annually	0.111 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

List 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
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

RECEIVED

JAN 02 2014

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 02 2014

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 3 hp electric submersable

☒ Other means (describe): Diversion from unnamed stream is accomplished by natural gravity flow into the reservoir

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

Diversion from unnamed stream is accomplished by natural flow into the reservoir during permitted period. Normal stream flow is bypassed during non-permitted periods.

Diversion from the Nehalem River is accomplished by a 3 hp electric pump into a permanent 2" plastic and PVC pipe that is routed and constructed so as to provide for the uses permitted. Diversion point is identified on the map as POD #2. The pump is removable during those times when the unnamed stream is flowing adequately. Periods when either diversion will be active are restricted to 11/30 to July 31 annually, and restricted to the uses noted in section 4.

B. Application Method

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

Stockwater and Wildlife use: a 3 hp pump located at POD 1 or POD 2 provides flow through a series of pipes and valves to supply two strategically located watering tanks located in areas where three livestock can access without affecting streams or streambanks. The pump is temporarily installed at the POD2 location along with a short section of connecting pipe during periods when the unnamed stream is not flowing adequately during the permitted period.

Other Constitutionally Permitted Uses: Known uses include fire protection and use by Oregon Department of Transportation and Columbia County Road Department for building and repairing transportation routes locally. These purposes are served through the fire district access.

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 adverse impact to public uses of affected surface waters.

Water is stored and used only for the purposes noted in section 4 and is in all cases accessed by systems engineered to minimize erosion and to maximize the efficiency of the water used. In terms of conservation, studies consistently show that having large amounts of water available for fire suppression activities actually saves water by allowing fast, effective suppression of hostile fires. Additional conservation benefits are accrued to the diversity of water fowl that make the area their home and use the water as a way-point during migration. Deer and Elk use the stock water tanks and visit the pond area regularly to graze as well.

SECTION 6: 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 to prevent uptake of fish and other aquatic life.
Describe planned actions: The unnamed stream (POD 1) is listed as a non-fish bearing stream by ODFW, thereby limiting its impact on other natural aquatic life. However, the pumping system is screened appropriately to avoid damage to aquatic life that may develop. The Nehalem River diversion point (POD2) is fishbearing and will be protected by a ODFW approved screening device when in operation.
- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Construction of the pond is complete and a lush vegetation is growing that is conducive to both wetland development and non-wetland vegetation. Any excavation or clearing that must take place on the affected banks or streams will be done by hand. Future maintenance or repairs will be conducted in accordance with strict fire district oversight, with any damage to the site appropriately repaired as necessary.
- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Pumps are required to operate in the reservoir and in the PODs. Their impact is designed to be minimal. Otherwise, all construction is complete for the project. The bypass system is designed to bypass all water flow from the unnamed stream under normal flow conditions. Flows that are in excess of designed bypass limits are routed over the diversion planks into the reservoir and out of the reservoir through the emergency spillway. All areas subject to damage from such flows are armored to reduce or eliminate erosion or damage.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Since the reservoir is completed and the surrounding areas are replanted and have substantive growth in place, erosion should be minimal. As the site matures erosion should all but disappear.

No chemicals are currently in use. Should it be necessary to use chemicals for any reason they shall be approved for such use by ODFW prior to application.

Waste products in the water should be significantly reduced since livestock is excluded by fencing from those areas and access water through the stock watering system noted above. Wildlife waste contamination may also be reduced through access to water from the stock watering system.

RECEIVED

JAN 02 2014

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as possible

Date construction will be completed: As soon as possible

Date beneficial water use will begin: As soon as possible

SECTION 8: REMARKS

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

As noted above, one of the primary purposes of the Fleming Pond's creation is to provide improved fire protection for the fire district and its regional partners. The size of the pond was determined by the fire flow needed to mitigate a worst case fire scenario in the Mist-Birkenfeld region. This scenario involved a well-head fire at any of approximately 40 producing gas production and storage wells operating within the district. Production wells, operated by Enerfin Resources and are far more likely to catch fire, especially during the drilling process, and pose high risk to workers on site. The storage wells, operated by Northwest Natural Gas, are by far the least likely to catch fire, but are capable of high fuel flows and are connected to some very large reservoirs, thereby posing an extreme impact to the storage complex, to the environment, and to the economy of the region. In either case the requirement for fire district supplied water by Wild Well Control (the contracted specialized Wellhead Fire organization used by both companies) is 1.5 million gallons on scene within about a 50 hour window.

NNG stores up to 20 billion cubic feet of natural gas in underground reservoirs within our fire district. This is an energy resource of national strategic significance. The gas is pumped into and out of the storage complex using several large pipelines connecting the storage facility to the Portland Metro area where most of the gas is used. The pipelines one 24" pipeline, one 16" pipeline, and one 12" pipeline. An additional 12" pipeline is planned for the near future. These pipelines also represent risks in the form of explosion and fire. In recognition of the risks posed, NNG funded the construction of the Fleming Pond, a 4 million gallon reservoir dedicated to fire protection in the region. This reservoir makes it possible for our fire district to provide the needed water for a well head fire while responding to suppress the structural or wildland fires that may occur collaterally.

Other major needs for a continuously available emergency water supply include wildland fires (about 100,000 gallons) and commercial/industrial structure protection (about 50,000 gallons annually). It is critical that the Fleming Pond reservoir be maintained effective during the permitted period in order to meet these potential demands. The original permit for construction of the reservoir allows for only a single annual filling per year. The pond was designed to hold about 4 million gallons of water when full. However, a bedrock incursion encountered during construction reduced that volume to about 3.6 million gallons. Engineers estimate water losses due to seepage and evaporation of about 50% during the dry months (May 1 through October 1 annually). That reduces the original designed reservoir capacity of 4 million gallons to about 1.8 million by summer's end. At that level, our pumps will draw air and the water source would be ineffective. To complicate matters further, the unnamed stream goes dry in late spring and does not flow again until early fall, requiring a second POD (POD2) on the Nehalem River and specified on the enclosed map to maintain the reservoir full during the permitted period when the unnamed stream is dry. The engineered minimum water supply is 2 million gallons for the fire district pumps. In order to maintain that level we will need to be able to maintain the pond in a full state during the permitted diversion period.

RECEIVED

JAN 02 2014

WATER RESOURCES DEPT
SALEM, OREGON

WR



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

R BRUCE FLEMING
7527 SW LAVIEW DR
PORTLAND, OR 97219

August 14, 2013

Reference: File S-87883

Dear Applicant:

On August 14, 2013, your authorized agent, David Crawford, contacted the Water Resources Department requesting a 180-day administrative hold on processing the above-referenced application to allow time to research and amend.

The Department will not take any action on this application until Monday, February 10, 2014, unless you inform us that you would like us to process the application sooner. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

Feel free to contact me at mary.f.rohling@wr.d.state.or.us or 503-986-0859 with questions.

Sincerely,

Mary Rohling
Water Rights Application Caseworker

cc via email: Watermaster #1
Agent - crawford_df@yahoo.com
Applicant - rbruce11@juno.com
cc: File

Mary Rohling

From: David Crawford <crawford_df@yahoo.com>
Sent: Wednesday, August 14, 2013 12:43 PM
To: Mary Rohling; Greg Beaman; Greg Beaman
Subject: Reviewed file \$-87883

Hi Mary,

We would like to request an administrative hold for 180 days. We need the time to research any impact ODA plans and ODF&W requirements, and to amend the request to align properly with water access rules. We also need to amend the map to add a corner post reference to the POD locations.

Specifically we agree that water use "for wildlife purposes" is more descriptive of the proposed use than wetland enhancement.

What is involved in amending? Do we need to change the application document and re-present it? Or simply request the amendment? I can check with Greg Beaman on this as well.

Chief Dave Crawford
Mist-Birkenfeld Rural Fire Protection District
12525 Highway 202
Mist, Oregon 97016
Phone: (503)755-2710
Fax: (503)755-2556
Cell: (503)728-8112

Mary Rohling

From: Mary Rohling
Sent: Wednesday, August 14, 2013 3:48 PM
To: David Crawford (crawford_df@yahoo.com); rbruce11@juno.com
Cc: Mary Rohling; Kerry Kavanagh
Subject: 180-day Administrative Hold for S-87883
Attachments: S-87883-admin_hold_request-2013-08-14.pdf; S-87883-2013-08-14_admin_hold.pdf

Hi,

Please see the attached letters for the request and 180-Day Administrative Hold on application S-87883.

Sincerely,

Mary Rohling

Mary Rohling | Water Right Application Caseworker

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0859 | Fax: 503.986.0901

Email: mary.f.rohling@state.or.us | Web: <http://www.wrd.state.or.us>

Mary Rohling

From: Mary Rohling
Sent: Wednesday, August 14, 2013 3:50 PM
To: [watermaster_district_1](#)
Cc: Mary Rohling; Kerry Kavanagh
Subject: FW: 180-day Administrative Hold for S-87883
Attachments: S-87883-admin_hold_request-2013-08-14.pdf; S-87883-2013-08-14_admin_hold.pdf

From: Mary Rohling
Sent: Wednesday, August 14, 2013 3:48 PM
To: David Crawford (crawford_df@yahoo.com); rbruce11@juno.com
Cc: Mary Rohling; Kerry Kavanagh
Subject: 180-day Administrative Hold for S-87883

Hi,

Please see the attached letters for the request and 180-Day Administrative Hold on application S-87883.

Sincerely,

Mary Rohling

Mary Rohling | Water Right Application Caseworker

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0859 | Fax: 503.986.0901

Email: mary.f.rohling@state.or.us | Web: <http://www.wrd.state.or.us>

Kerry Kavanagh

From: Mary Rohling
Sent: Wednesday, August 14, 2013 1:39 PM
To: David Crawford; Greg Beaman
Cc: Mary Rohling; Kerry Kavanagh
Subject: RE: Reviewed file \$-87883

Hi David,

I will proceed with your 180-day administrative hold per this email. Any application amendments you request may be forwarded by email to your Caseworker, Kerry Kavanagh (kerry.l.kavanagh@wrđ.state.or.us).

Please let me know if you have any more questions. Kerry will be back in the office next Wednesday if you'd like to contact her directly.

Mary

Mary Rohling | Water Right Application Caseworker

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0859 | Fax: 503.986.0901

Email: mary.f.rohling@state.or.us | Web: <http://www.wrđ.state.or.us>

From: David Crawford [mailto:crawford_df@yahoo.com]

Sent: Wednesday, August 14, 2013 12:43 PM

To: Mary Rohling; Greg Beaman; Greg Beaman

Subject: Reviewed file \$-87883

Hi Mary,

We would like to request an administrative hold for 180 days. We need the time to research any impact ODA plans and ODF&W requirements, and to amend the request to align properly with water access rules. We also need to amend the map to add a corner post reference to the POD locations.

Specifically we agree that water use "for wildlife purposes" is more descriptive of the proposed use than wetland enhancement.

What is involved in amending? Do we need to change the application document and re-present it? Or simply request the amendment? I can check with Greg Beaman on this as well.

Chief Dave Crawford
Mist-Birkenfeld Rural Fire Protection District
12525 Highway 202
Mist, Oregon 97016
Phone: (503)755-2710
Fax: (503)755-2556
Cell: (503)728-8112

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R. Bruce Fleming
7527 SW LaView Dr.
Portland, OR 97219

S-87883

2. Article Number

(Transfer from service label)

7012 2210 0000 1304 5893

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X DR

☐ Agent☐ Addressee

B. Received by (Printed Name)

R BRUCE FLEMING

C. Date of Delivery

8-24-13

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE

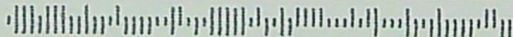


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

OREGON WATER RESOURCES
725 SUMMER STREET NE SUITE A
SALEM, OR 97301-1266

RECEIVED
JUL 25 2013
WATER RESOURCES DEPT
SALEM, OREGON





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

**CERTIFIED MAIL
Return Receipt Requested**

July 12, 2013

R BRUCE FLEMING
7527 SW LAVIEW DR
PORTLAND, OR 97219

Reference: File S-87883

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water-use permit application and to describe your options. In determining whether an application may be approved, the 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 you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application proposed the use of 0.5 cubic foot per second (CFS) of water from an unnamed stream, a tributary of Nehalem River, and Nehalem River, a tributary of Nehalem Bay, for pond maintenance, fire protection, livestock, and wetland enhancement November 1 through July 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The withdrawal of surface water for emergency fire-fighting uses is *an exempt use* under ORS 537.141, and therefore does not require a permit. It will not be considered a part of this application, unless you inform the Department otherwise and pay additional examination fees in the amount of \$250 for an additional use beyond the first proposed use.
4. Under Oregon Revised Statute (ORS) 537.141(2), the use of surface water for livestock watering *may be exempt* from the water right permitting process if: (a) the water is diverted from a stream to a trough or tank through an enclosed water delivery system; (b) the delivery system either is equipped with an automatic shutoff or flow control mechanism or includes a means for returning water to the surface water source through an enclosed delivery system; and (c) the operation is located on land from which the livestock would have legal access to both the use and source.

5. The use of water from an unnamed stream, a tributary of Nehalem River, and Nehalem River, a tributary of Nehalem Bay, for wetland enhancement is **not allowable** under the North Coast Basin Program. The waters of the North Coast Basin are only classified for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life. However, the use of water for pond maintenance and livestock is allowable under the North Coast Basin Program.

You may consider amending your application to use water for wildlife purposes in lieu of wetland enhancement; wildlife means "the use of water by or for sustaining wildlife species and their habitat", as defined in OAR 690-300-010(62).

6. Surface water is available during the period November 1 through July 31.
7. The application is subject to Section 4(d) of the Endangered Species Act.
8. The standard allowable rate of water necessary for pond maintenance is 0.01 cubic foot per second (CFS) for each acre foot of stored water. The application requested 0.5 CFS for maintenance of a pond constructed under Permit R-13974 (Application R-85899), which authorized the storage of 11.1 AF in Fleming Pond. Therefore, if the application is approved, the rate allowed for pond maintenance will be limited to 0.111 CFS.
9. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The use of 0.5 CFS, further limited to 0.111 CFS for pond maintenance, from an unnamed stream, a tributary of Nehalem River, and Nehalem River, a tributary of Nehalem Bay, for pond maintenance and livestock may be allowed during the full period requested, November 1 through July 31.

You may wish to consider livestock use as an exempt use if all the criteria described in #4 above can be met. You may wish to amend the application to include wildlife in lieu of "wetland enhancement" – see #5 above. If you wish to amend your application, please do so by August 15, 2013 or request an administrative hold on processing the application.

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to #8 above, your application will likely be limited accordingly.

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend permit approval. Please provide the following:

- The map submitted does not meet the requirements of OAR 690-310-0050(4)(a). Please provide a map that shows the locations of both POD 1 and POD 2 by reference to a recognized public land survey corner. The locations may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

- If you wish to pursue a permit for pond maintenance and livestock, you will need to pay outstanding exam fees in the amount of \$250 for the one additional use, beyond the first, which is based on:

Category	Fee
Base	\$700
Up to 1 CFS	\$250
(1) add'l POD @ \$250 ea	\$250
(1) add'l authorized use (livestock) @ \$250 ea	\$250
TOTAL EXAM FEES:	\$1450
PAID:	\$ 1200

Please feel free to contact me at 503-986-0816 to discuss the proposed use(s) and appropriate fees.

Please submit this information no later than Thursday, August 15, 2013. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, July 26, 2013**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically 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.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at the point of diversion on Nehalem River. The permittee shall maintain the meter or measuring device in good working order.
 - B. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed and maintained in the reservoir.
 - C. The permittee shall maintain all required devices in good working order.
 - D. The permittee shall allow the watermaster access the measuring device(s); provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - E. The Director may require the permittee to keep and maintain a record of the amount (volume) of water diverted, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
 - F. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

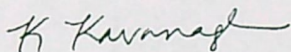
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a Proposed Final Order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your 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 web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0816 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-87883
WAB 1-41
POU 1-41
GW - n/a

APPLICATION FACT SHEET

Application File Number: S-87883

Applicant: R BRUCE FLEMING

County: Columbia

Watermaster: 1

Priority Date: April 3, 2013

Source: UNNAMED STREAM, A TRIBUTARY OF NEHALEM RIVER; NEHALEM RIVER,
A TRIBUTARY OF NEHALEM BAY

Use: POND MAINTENANCE, FIRE PROTECTION, LIVESTOCK, AND WETLAND
ENHANCEMENT

Quantity: 0.5 CUBIC FOOT PER SECOND

Basin Name & Number: North Coast, #1

Stream Index Reference: Volume 2 NEHALEM BAY & TRIB

Point of Diversion Locations:

SESW, SECTION 9, T6N, R5W, W.M.; 250 FEET NORTH AND 300 FEET EAST
FROM SW CORNER, SESW, SECTION 9

SESW, SECTION 9, T6N, R5W, W.M.; NONE GIVEN

Place of Use:

SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 9
TOWNSHIP 6 NORTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 26, 2013

PUBLIC NOTICE DATE: Tuesday, July 16, 2013

30 DAY COMMENT DEADLINE DATE: Thursday, August 15, 2013

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

In order to take and use the waters of Oregon, a citizen must first obtain a permit from the Water Resources Department. The water must be used for beneficial purpose - without waste. To become well-informed about water right topics, weekly public notice, forms and fees please visit our web site at www.wrd.state.or.us

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 Information Group (WRIG) at 503-986-0801

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
- 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
- contact the caseworker if you have questions about the IR
- seven 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
- **administrative hold** may be requested in writing by applicant

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

Stop Processing deadline is within 14 days of Initial Review - use the form below

- applicant may request no further action and fee refund of all but \$200

STOP PROCESSING REQUEST FOR

GROUNDWATER, SURFACE WATER AND REGULAR RESERVOIR APPLICATIONS

Applicant notification to withdraw Water Right Application # _____

After reviewing the Initial Review for my application, I request that processing be stopped and the fees be refunded (minus a \$200 examination 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 \$200 examination fee) be returned.

This notice must be received at Water Resources Department by _____

Return the notice to: OWRD, Water Rights Division

STOP PROCESSING

725 Summer Street, NE - Suite A

Salem OR 97301-1271

5. *Final Order (FO)*

- if no protest is filed, Final Order is issued

The protest process

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

- settlement discussion
- contested case hearing
- proposed order
- period of time to file exceptions
- possible hearing by Water Resources Commission
- final order 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 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

Mailing List for IR Copies

Application #S-87883

IR Date : July 12, 2013

Original emailed to applicant: *mailed certified hard copy*

R-BRUCE FLEMING
7527 SW LAVIEW DR
PORTLAND, OR 97219

Copies Mailed By: <i>SA</i> (SUPPORT STAFF) on: <i>7-12-13</i> (DATE)

SENT VIA EMAIL:

1. WRD - Watermaster #1
2. Applicant - rbruce11@juno.com
3. Agent - crawford_df@yahoo.com
4. ODFW
5. DEQ

Copies sent to:

- ✓ 1. WRD - File # S-87883
- ✓ 2. WRD - Water Availability: Shawn Turner

IR, Map, and Fact Sheet Copies sent to:

- ✓ 3. Department of Agriculture

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

- ✓ 4. Kim Kratz, Director, Oregon State Habitat Office, National Marine Fisheries Service,
1201 NE Lloyd Blvd, Portland, OR 97232
- ✓ 5. Paul Henson, State Supervisor, USFWS,
Oregon Fish & Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266

Caseworker: Kerry Kavanagh

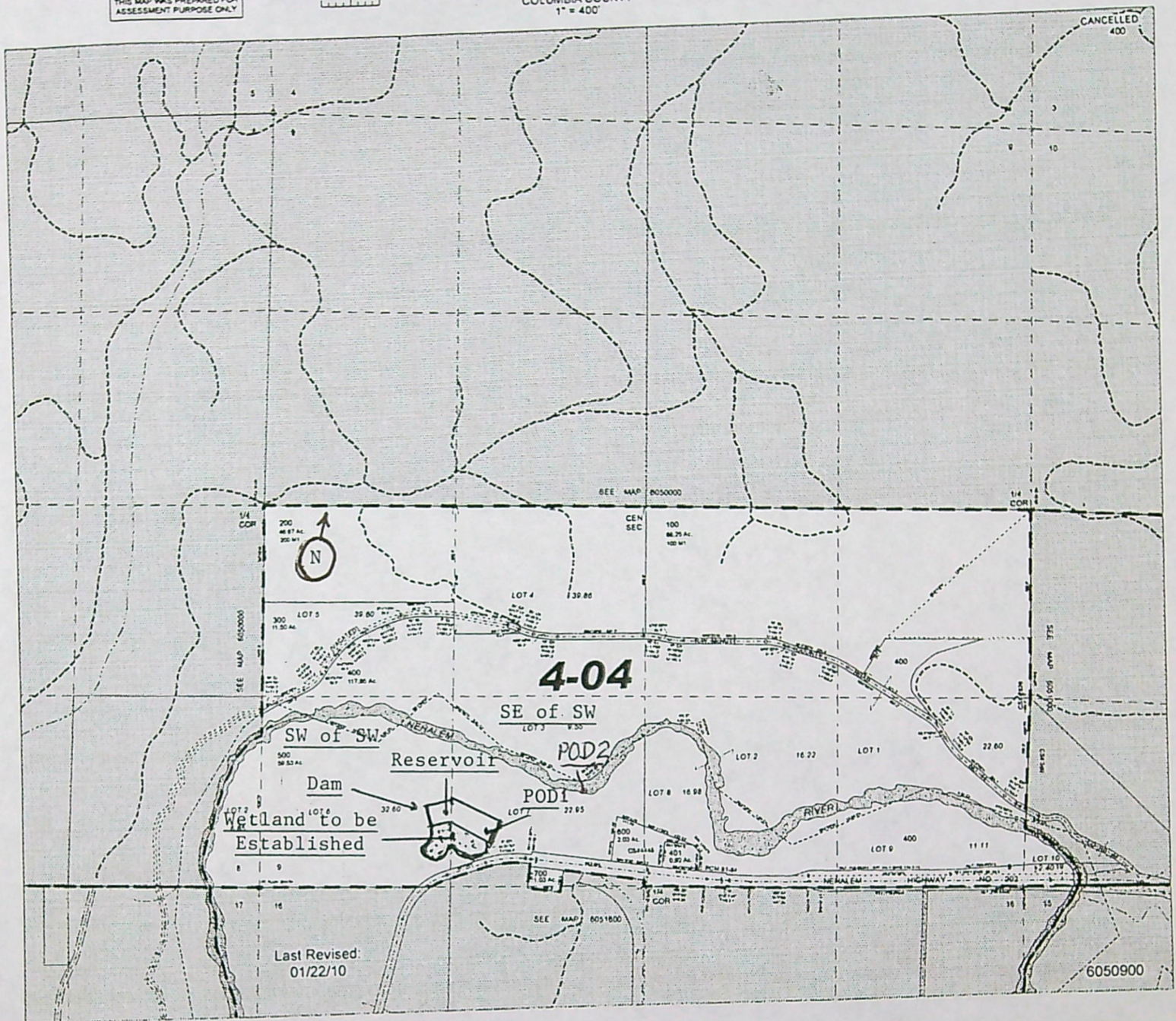
COPYSH.T.IR

superseded 1/2/14

SECTION 9 T6N. R5W. WM
COLUMBIA COUNTY
1" = 400'

6050900

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



Location:
T6N/R5W/SECTION 9, Tax Lot 500
SW 1/4 of SW 1/4 & SE 1/4 of SW 1/4
Columbia County map # 4-04

POD Location:
250' North, 300' East
of SW Corner of
SE 1/4 of SW 1/4 Sect. 9

Map Scale: 1" to 500'

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

S-87883

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.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME R. BRUCE FLEMING		PHONE (HM) 503-223-9513	
PHONE (WK)	CELL		FAX 503-755-2556
ADDRESS 1129 SW 20TH 7527 SW LaView Dr, P+Ld, OR 97219			
CITY PORTLAND	STATE OR	ZIP 97205	E-MAIL RBRUCE11@JUNO.COM

Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL

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

AGENT / BUSINESS NAME DAVID CRAWFORD / MIST-BIRKENFELD RURAL FIRE PROTECTION DISTRICT		PHONE 503-755-2710	FAX 503-755-2556
ADDRESS 12525 HIGHWAY 202		CELL 503-728-8112	
CITY MIST	STATE OR	ZIP 97016	E-MAIL CRAWFORD_DF@YAHOO.COM

Note: Attach multiple copies as needed

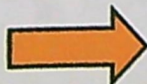
RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

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 use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



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

R. Bruce Fleming
Applicant Signature

R. Bruce Fleming
Print Name and title if applicable

3-22-13
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. _____	Permit No. _____	Date _____

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.

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

☐ No

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

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

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

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:

Source 1: Un-named stream

Tributary to: Fleming Pond Reservoir

Source 2: Nehalem River

Tributary to: Nehalem Bay

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

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).

B. Applications to Use Stored Water

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

☐ Yes.

☒ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

superseded 1/2/14

If *all* sources listed in item 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: 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
Un-named Stream	Fire protection, stockwater, other constitutally allowed purposes, and wetland enhancement	11/01 - 7/31	.5 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af asking for .5 CFS
Nehalem River	Fire protection, stockwater, other constitutally allowed purposes, and wetland enhancement	11/01 - 7/31	.5 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af Total from both sources
	Maintenance of the Reservoir only		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

List 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: _____

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

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

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 3 HP

☒ Other means (describe): Flows into the pond naturally from un-named stream

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

Diversion from the un-named stream is accomplished by natural flow into the reservoir. This shall be the primary means of maintaining the reservoir in a substantially full state.

Diversion from the Nehalem River will be accomplished by installation of a 3 hp removable electric pump installed at the POD. Water will be delivered to the reservoir by means of 2" hose and pipe laid from the POD to the reservoir. Use of the POD for supplemental filling will be limited to times when the reservoir is more than 40% below design capacity, and then only when the un-named stream is unable to supply the water needed to maintain the reservoir in a substantially full state. Because of an incision of bedrock the reservoir is holding its design minimum water at at 60% full.

B. Application Method

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

STOCKWATER USE: a single 3hp electric pump moves water through a series of pipes and valves to two watering tanks located strategically to keep livestock out of stream-beds and wetland areas.

OTHER CONSTITUTIONALLY PERMITTED USES: Other known uses include occasional use of water By Oregon Department of Transportation and Columbia County Road Department for state highway and county road maintenance.

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 adverse impact to public uses of affected surface waters.

The primary purpose of the stored water is to suppress hostile fires in the surrounding rural area. The water is planned to stored for that purpose unless and until a hostile fire occurs. In terms of conservation the availability of large amounts of water with which to suppress fires quickly will actually reduce the amount of water needed to extinguish the fire.

SECTION 6: 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 to prevent uptake of fish and other aquatic life.
Describe planned actions: The un-named stream is listed as non-fish-bearing by ODFW, thereby limiting its impact on aquatic life. The pumping system is also screened to prevent uptake of aquatic life. The POD at the Nehalem River will be accomplished with an electric pump with a screened intake.
The un-named stream is listed as non-fish-bearing by ODFW, thereby limiting its impact on aquatic life. The pumping system is also screened to prevent uptake of aquatic life. The POD at the Nehalem River will be accomplished with an electric pump with a screened intake.

- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Construction of the reservoir itself is complete.

- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: the pumps are expected to operate in the reservoir and in the pod and they are screened as noted above.

The reservoir is bypassed when required.

- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Since the reservoir is completed and the surrounding areas are replanted erosion should be at a minimum. Additionally, because any stream flow bypassed is re-introduced into its original streambed, erosion from any source should be contained and controlled.

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as possible

Date construction will be completed: As soon as Possible

Date beneficial water use will begin: on or before 11/01/2013

SECTION 8: REMARKS

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

As noted in the permit that allowed construction of the reservoir, the primary purpose of the stored water is to protect the Mist Gas Fields operated by Northwest Natural Gas during a fire emergency. This is a resource of local, state, and national significance. The complex stores nearly 20 billion cubic feet of natural gas in natural

superseded 1/2/14

under-ground reservoirs in our fire district. The gas is pumped in through injection wells and is re-acquired through withdrawal wells for use primarily in the Portland Metro Area. The most likely significant risk to that complex is from a fire involving one or more of the gas wells. According to Wild Well Control (Contracted to NW Natural to control such an incident), the amount of water needed on-site before suppression can begin is one to one and one half million gallons. Additional uses for fire suppression include wildfire protection (easily could reach one hundred thousand gallons during a local event) and for structural fire protection for our district's residential, commercial and industrial structures (estimated 50,000 gallons annually).

The original permit for construction of the reservoir allows only a single annual filling of about 11.1 acrefeet (about 4 million gallons) of water. Engineer's estimates of water losses due to seepage from the reservoir and evaporation from the reservoir are anticipated to deplete the stored water by about 50% between May 1 and October 31 each year. Between the permitted usage and the water losses the water levels would have been less than two feet in the reservoir by that time. However, during construction a bedrock incision was discovered that reduced the volume to just under three million gallons. Additionally, the un-named stream goes dry early in June and remains dry through September and part of October on a regular basis. It is apparent that at some point it is likely that when the 1.5 million gallons of required water to protect the Mist Gas Fields is needed it will not be available. It is critical that the reservoir be maintained full throughout the rainy season to counter the loss in reservoir capacity, and that it is never allowed to be less than 60% full. That is the design minimum for the reservoir and is the minimum amount of water needed to provide the required fire protection to the commercial, industrial and residential infrastructure of this rural region.

Reservoir is bypassed during times when flow is needed in Nehalem River. Bypass is accomplished by closing the entry into the reservoir and diverting the water through a screened inlet into an 8" pipe which by-passes the reservoir under-ground and returns the water to it's original stream-bed. Since the stream is dry during June through October by-pass is a backup in case of inclement weather.

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: MST-BIRKENTED RFPD Limited License Number: _____

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights? ☒ Yes ☐ No

If yes, please explain: REGULATION TO PROTECT ISWR, EVERY YEAR SINCE 1998. REGULATION USUALLY OCCURS BETWEEN MID JULY & MID AUG.

2. Based on your observations, would be there water available in the quantity and at the times needed to supply the use proposed by this application? ☒ Yes ☐ No

3. Do you observe this stream system during regular fieldwork? ☒ Yes ☐ No

If yes, what are your observations for the stream? THERE IS WATER AVAILABLE DURING THE WINTER MONTHS FOR STORAGE THAT COULD BE USED FOR THIS PROJECT

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights? ☐ Yes ☐ No ☒ N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

5. Any other recommendations you would like to make?

Signature: [Signature] WM District #: 1 Date: 10-10-12

Application for Limited Water Use License/3

WTR

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM OREGON

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Bruce Fleming
First Last

Mailing Address: 1129 SW 20th

Portland OR 97205 Daytime Phone: 503-223-9513
City State Zip

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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
6N	5W	9	SE SW	500		<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Columbia County

RECEIVED
APR 03 2003
WATER RESOURCES DEPT
SALEM, OREGON

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Un named Stream

Estimated quantity of water needed: 17 ☐ 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 Fine suppression and cattle watering as noted below

Briefly describe:

Storage for use by Fire District to fight fire within the District, to provide water for cattle excluded from stream bed, and other exempt uses. Major Fire Risk is protection of Mist Gas Fields (1.5 million gallons).

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

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 500 of The County Zoning Ordinance
- ☐ 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

Name: Deborah S. Jacob Title: Planner II

Signature: Deborah S. Jacob Phone: 503-397-7260 Date: 4/1/13

Government Entity: Columbia County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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.

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: source of water requested
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☒ SECTION 6: resource protection
- ☒ SECTION 7: project schedule
- ☒ SECTION 8: remarks

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

Attachments:

- ☐ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☐ Fees - Amount enclosed: \$ 1600
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- ☒ 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
- ☒ Location of each well, and/or dam if applicable, 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 clearly identified
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other:

OREGON

Go

Water Resources Department

Apply for a Permit to Appropriate Surface Water

Today's Date: Friday, March 22, 2013

Base Application Fee for use of Surface and optionally Stored Water.		\$700.00	✓
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.5	\$250.00	✓
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	\$250.00	✓
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0		
Permit Recording Fee. ***		\$400.00	✓
* 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		\$1,600.00	✓

[Return to Fee Calculator Options page](#)[OWRD Fee Schedule](#)

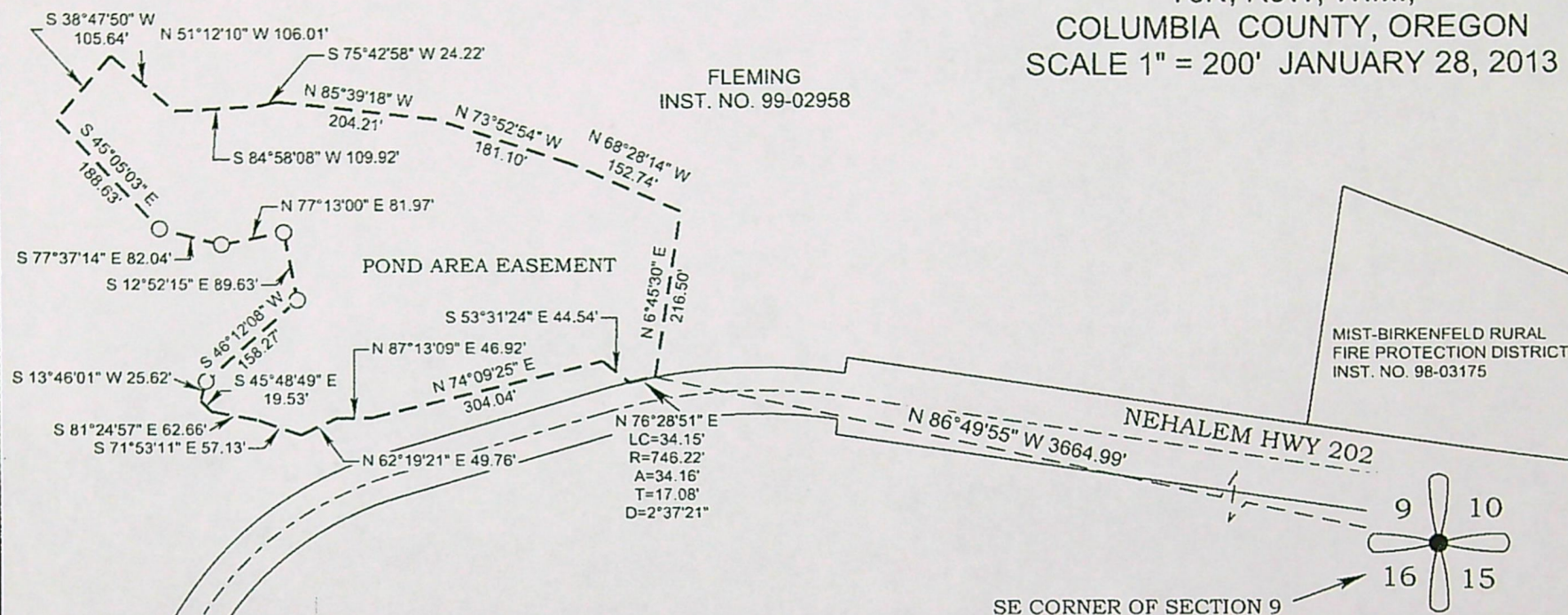
Fee Calculator Version: B20090701

RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

EASEMENT EXHIBIT FOR
BRUCE FLEMING
IN THE SW 1/4 OF SECTION 9,
T6N, R5W, W.M.,
COLUMBIA COUNTY, OREGON
SCALE 1" = 200' JANUARY 28, 2013



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Donald D. Wallace
OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601
RENEWAL DATE 6/30/14

KLS
K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115

PROJECT NO. 12-172



KLS Surveying Inc.
1224 Alder Street
Vernonia, OR 97064

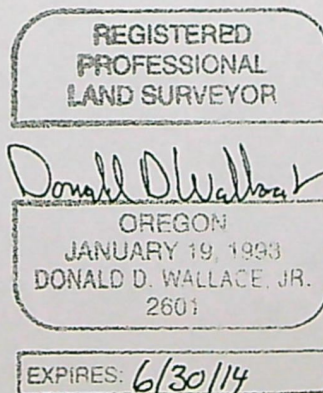
Phone: (503) 429-6115
Fax: (503) 429-6115
Email: dwallace_kls@msn.com

Pond, Spillway, Wetland, Access & Maintenance Easement

A tract of land in the Southwest quarter of Section 9, Township 6 North, Range 5 West of the Willamette Meridian, Columbia County, Oregon more particularly described as follows:

Beginning at a point on the Northerly right of way line of Nehalem Highway 202 which lies N 86°49'55" W 3664.99 feet from the Southeast Corner of said Section 9; thence N 06°45'30" E 216.50 feet; thence N 68°28'14" W 152.72 feet; thence N 73°52'54" W 181.10 feet; thence N 85°39'18" W 204.21 feet; thence S 75°42'58" W 24.22 feet; thence S 84°58'08" W 109.92 feet; thence N 51°12'10" W 106.01 feet; thence S 38°47'50" W 105.64 feet; thence S 45°05'03" E 188.63 feet to a 5/8" iron rod with a yellow plastic cap marked "K.L.S. Surveying Inc."; thence S 77°37'14" E 82.04 feet to a 5/8" iron rod with a yellow plastic cap marked "K.L.S. Surveying Inc."; thence N 77°13'00" E 81.97 feet to a 5/8" iron rod with a yellow plastic cap marked "K.L.S. Surveying Inc."; thence S 12°52'15" E 89.63 feet to a 5/8" iron rod with a yellow plastic cap marked "K.L.S. Surveying Inc."; thence S 46°12'08" W 158.27 feet to a 5/8" iron rod with a yellow plastic cap marked "K.L.S. Surveying Inc."; thence S 13°46'01" W 25.62 feet; thence S 45°48'49" E 19.53 feet; thence S 81°24'57" E 62.66 feet; thence S 71°53'11" E 57.13 feet; thence N 62°19'21" E 49.76 feet; thence N 87°13'09" E 46.92 feet; thence N 74°09'25" E 304.04 feet; thence S 53°31'24" E 44.54 feet to the Northerly right of way line of Nehalem Highway 202; thence along said right of way line 34.16 feet along the arc of a curve to the right having a radius 746.22 feet, a delta angle of 02°37'21" and a long chord which bears N 76°28'51" E 34.15 feet to the point of beginning

The basis of bearing for this description is County Survey No. 5313 Columbia County Survey Records



RECEIVED

APR 03 2013

WATER RESOURCES DEPT
SALEM, OREGON

Fleming
7527 SW Laviw Dr.
PDX OR 97219

PORTLAND OR 9720

18 FEB 2015 PM 6 L



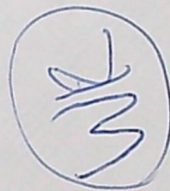
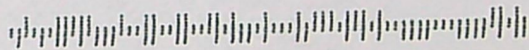
RECEIVED BY OWRD

FEB 20 2015

SALEM, OR

Water Resources Dept.
State of Oregon (Attn: Kerri Lope)
725 Summer St. NE, Suite A
Salem, OR 97301-1271

97301 26673



MONEY SLIP

DATE: 2/20/15	RECEIPT #: 114975
---------------	-------------------

RECEIVED FROM: R. Bruce Fleming Carolyn S. Fleming Direct Deposit Account	APPLICATION 5-87883
	PERMIT
	TRANSFER

CASH <input type="checkbox"/>	CHECK # <input checked="" type="checkbox"/> 1151	OTHER (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ 300.00
-------------------------------	--	---	-----------------------

1083 TREASURY	4170 MISC CASH ACCT.
---------------	----------------------

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 Instream Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

1083 TREASURY	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		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$ 300	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION		EXAM FEE	RECORD FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0607 TREASURY	0467 HYDROELECTRIC
---------------	--------------------

0233 POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FWWRD)		\$

HYDRO APPLICATION	\$
-------------------	----

SPECIAL INSTRUCTIONS:

☐ RETURN TO APPLICANT -- LETTER ATTACHED

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **114975**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: R. Bruce Fleming

BY: Carolyn B. Fleming

CASH: ☐ CHECK: # 1551 OTHER: (IDENTIFY) ☐

APPLICATION S-87883

PERMIT _____

TRANSFER _____

TOTAL REC'D \$300.00

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 \$ 300.00 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 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: **114975**

DATED: 2/20/15 BY: M. Ande

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **108427**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: 11111 Robert

BY: _____

CASH: ☐ CHECK # 14763 OTHER: (IDENTIFY) ☐ _____

APPLICATION	<u>87883</u>
PERMIT	
TRANSFER	

TOTAL REC'D \$ 1600.00

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 \$ _____ 0202 \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____
0205 TRANSFER \$ _____

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

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: **108427**

DATED: 4/13/13 BY: AMT

4/22/2013

KERRY,

I'm NOT SURE ABOUT THIS - WAS ACCEPTED
AT COUNCIL. I THINK WE NEED TO VERIFY
THAT THERE IS AN EXISTING RIGHT TO STORE
WATER IN THE FIRST PLACE.

Paul.

2 POD'S - only 1 Location
description & that appears
to be for POD 1 - a Res

MIST-BIRKENFELD RFPD

14763

Oregon Water Resources Department
GFE · General Fund Expense:GFE CO ·

3/22/2013

1,600.00

Checking

Surface water appropriation fees: Fleming Pond

1,600.00

S-87883

R. Bruce Fleming

7527 SW LaView Dr

Portland, OR 97219

S-87883

R. Bruce Fleming

7527 SW LaView Dr

Portland, OR 97219