

R3

Name R-87213
LOU GIOTTONINI
 By GIOTTONINI FAMILY TRUST
PO BOX 13
 Address WEDDERBURN OR 97491

Application No. R 87213Permit No. R 14792Certificate No. 86194
90955

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEES PAID

Scanned

Date	Amount	Receipt No.
<u>6/30/08</u>	<u>140.00</u>	<u>93125</u>
<u>10-20-09</u>	<u>400.00</u>	<u>98271</u>
<u>4-12-10</u>	<u>150.00</u>	<u>99674</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

Priority 6-30-2008County WHEELER WM# _____

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address

DEVELOPMENT

Date

Completion 10-29-2014

Extended to _____

Final Proof received COBU 3/31/2010Cert. Mailed APR 30 2010NOV 18 2015

REMARKS _____

MAP LOCATION _____

Rev. 04/03

MESSAGE 2008

FOR AM
 DATE WED JULY (2) TIME 9 AM
 M LOU GIOVINNI -

OF
 PHONE 541 247 7232
 MOBILE 541 247 7232 FAX

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	RUSH	<u>9/19</u>
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE PAPER - Not @ 195.1

(1)
WINTER -
TERESA -
SINGLE

SIGNED 541 247 7232  SC5805



R-87213

Per DOJ =
Petition was
w/drawn. JK
7/5/2016

March 18, 2016

Gerry Clark
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

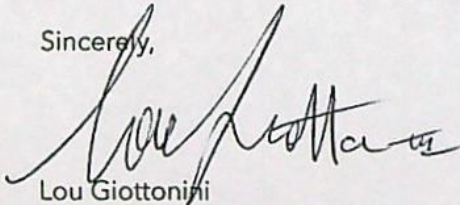
Re: Notice of Judicial Review - Wheeler County Circuit Court Case # 16CV00206
Giottonini vs. Oregon Water Resources Department

This letter shall **Serve Notice** to the Oregon Water Resources Department of the
above caption filing of Notice of Judicial Review in Wheeler County Circuit Court.

As referenced in ORS 183.484 (2), the date of service of this notice shall be the date
on which said notice was mailed, namely March 18, 2016.

Attached, please find a copy of my December 3, 2015 remittance letter to the Wheeler
County Circuit Court requesting Judicial Review in this matter

Sincerely,



Lou Giottonini

cc: Wheel County Circuit Court

RECEIVED BY OWRD

MAR 21 2016

SALEM, OR

Lou Giottonini, Owner
255 NW Scenic Heights Drive
Bend, Oregon 97701
541-647-6914



Ranch Headquarters
40607 Rowe Creek Road
Mitchell, Oregon 97750
541-462-3887



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: NOV 18 2015

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that correctly describes the water right. The water right is appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

RECEIVED BY OWRD

MAR 21 2016

SALEM, OR



December 3, 2015

Wheeler County Circuit Court
701 Adams Street
Fossil, Oregon 97830

Re: Judicial Review - OWRD Issuance of Certificate 90955, dated Nov. 18, 2015

Honorable Sir:

ORS 183.484 requires that as petitioner, I shall state the nature of my interest, the facts showing how I am adversely affected or aggrieved by the agency order and the grounds upon which I contend the order should be reversed or remanded.

I acquired the Wheeler County ranch property in May of 2004, along with Water Rights, dating from 1868. The source of those Water Rights is Rowe Creek, a tributary of the John Day River, and it's associated springs. Big Bottom Ranch is described as Map 9S21E, Tax Lots 101 & 104. A copy of the deed (Exhibit A) was attached to the OWRD application resulting in Reservoir Permit R-14792 and Certificate 86194 (Exhibit B).

The following background information will explain the manner in which I have been adversely affected by a recent OWRD re-vision of the foregoing Permit and Certificate. RS 183.484 requires that as petitioner, I shall state the nature of my interest, the facts showing how I am adversely affected or aggrieved by the agency order and the grounds upon which I contend the order should be reversed or remanded.

My ranch, a portion of the former 33,000 acre Rowe Creek Ranch / Diamond C property, included an irrigation reservoir on Rowe Creek of approximately 3 acres, which dates from the late 1940's. This reservoir was constructed on Rowe Creek Ranch shortly after Lofton Bros. Reservoir, circa 1947, and has been the source of irrigation water, first wheel lines and now a pivot, on my property for over 50 years.

In 2008, Joel Clark, then District 21 Water Master, informed me that OWRD was surveying all water storage facilities in his region and that our reservoir on Rowe Creek, though constructed in the 1940's, had never been issued a State permit. Complying with his demand, I made application for a permit (Reservoir, Alt. Process, File Number R87213) for the purpose of permitting the long existing irrigation pond.

RECEIVED BY OWRD

MAR 21 2016

SALEM, OR

On October 29, 2009, OWRD issued multiple use reservoir Permit R-14792, approving our long-existing water storage facility with issuance of Certificate 86194. Nowhere in Certificate 86194 is there any mention of fish passage requirements for migratory native fish, referenced in OAR 635-412-0010 - 0040, adopted in 2006.

Six year later, on November 18, 2015, OWRD revised Certificate 86194, and issued the subject Certificate 90955 (Exhibit C), which added this paragraph, as a condition of use: "5. The water user 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".

The subject "dam" has been used for irrigation purposes without a "fishway" for over 50 years. Located in Rowe Creek's stream bed, less than one half mile downstream from the subject reservoir, is a culvert under N. Twickenham Road with a downstream vertical drop of 2-3 feet. In addition, a dam without a fishway exists on the Obrist property, located between Big Bottom Ranch and the John Day River. The Obrist dam and the Rowe Creek culvert make it impossible for migratory fish to move upstream to my property. That fact has been true for over 50 years.

In 2009, I submitted to OWRD a transfer application for authorization of historic points of diversion under my Water Right Certificates 25422, 25892, and 36701 (OWRD File T-10971). On August 21, 2012, OWRD approved said application, effectively transferring my historical POD to the site of my pivot pump intake at the subject reservoir (Permit R-14792) on Rowe Creek. Fish screens at the intake were inspected and approved by ODFW, as required by Certificate T-10971. There was no mention of the fishway issue imposed on me by the Nov. 18, 2015 issuance of Certificate 90955.

On October 5, 2015, Ken Thiemann, current District 21 Water Master, requested that I submit applications for OWRD permits for a spring-fed fish pond and an irrigation bulge on Rowe Creek. Both structures are in close proximity to my permitted Reservoir, Certificate 86194. My Fish Pond application was received by OWRD on Nov. 11, 2015, designated as active file number R-88146. My application to permit the irrigation bulge has not yet been submitted, as, based on the fishway issue, ODFW's review denied approval even before submission.

Attached is an aerial photo (Exhibit D) showing our permitted Reservoir (A) on Rowe Creek (Certificate 86194) upstream of the bulge (B) and pump intake, with the spring-fed Fish Pond (C) above the Rowe Creek bulge.

RECEIVED BY OWRD

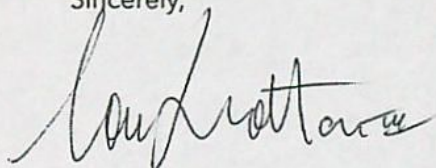
MAR 21 2016

SALEM, OR

Without the capability of storing water at my pivot pump intake, my permitted Point of Diversion for irrigation water, I will be unable to irrigate my cultivated acreage along Rowe Creek at Big Bottom Ranch.

Based on 60 years of unquestioned historic use of existing water rights and the inability of native migratory fish to inhabit Rowe Creek during that same period, I respectfully pray for your favorable ruling in this matter.

Sincerely,



Lou Giottonini

Lou Giottonini, Owner
255 NW Scenic Heights Drive
Bend, Oregon 97701
541-647-6914



Ranch Headquarters
40607 Rowe Creek Road
Mitchell, Oregon 97750
541-462-3887

RECEIVED BY OWRD

MAR 21 2016

SALEM, OR

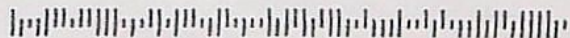
**Giottonini
255 Scenic Heights Dr.
Bend, OR 97701**

PORTLAND OR 970

18 MAR 2016 PM 6 L



97301-126673



^{cj}
Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED



U.S. POSTAGE PITNEY BOWES



ZIP 97301 \$ 001.64⁰
02 1W
0001393082 NOV 19 2015

UTF

R-87213
LOU GIOTTONNI
PO BOX 13
WEDDERBURN OR 97491

RECEIVED BY OWRD

DEC 02 2015

SALEM, OR

NIXIE 974912022-1N 11/30/15P

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER





Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: NOV 18 2015

NOTICE OF CERTIFICATE ISSUANCE

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If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOU GIOTTONINI
PO BOX 13
WEDDERBURN OR 97491

confirms the right to store water perfected under the terms of Permit R-14792. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-87213

SOURCE: ROWE CREEK, TRIBUTARY TO JOHN DAY RIVER

STORAGE FACILITY: A RESERVOIR

PURPOSE or USE: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 2.83 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JUNE 30, 2008

DAM LOCATION / POINT OF DIVERSION

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	21 E	WM	22	SE NW	2550 FEET SOUTH AND 1600 FEET EAST FROM NW CORNER, SECTION 22

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
9 S	21 E	WM	22	SE NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

CONDITIONS OF USE

1. Measurement, recording and reporting:

A. The water user shall maintain the staff gage in working order and allow the watermaster access to the gage; provided however, where any gage is located within a private structure, the watermaster shall request access upon reasonable notice.

B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user 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 water user to submit alternative reporting procedures for review and approval.

2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
3. The water user shall pass all live flow outside the storage season described above.
4. The Director may require the water user to measure inflow and outflow, above and below the reservoir respectively to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
5. The water user 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 water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.
6. This right allows an annual appropriation (not to exceed the specified volume). This right does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

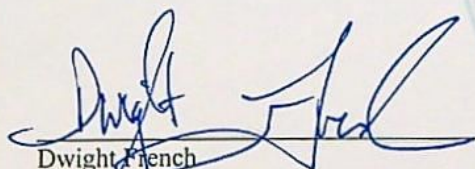
7. Use of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at John Day River at McDonald Ferry, OR, gage 14048000, and discontinue diversion when the flows specified below are unmet. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the Watermaster may regulate storage under this right if it is determined by the Department that the flows listed below are unmet.

John Day Scenic Waterway	
Month	Minimum Bypass Flow (cfs)
November	500
December	500
January	500
February	1000
March	2000
April	2000

8. Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.
9. This right 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.
10. 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.
11. 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.
12. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

This certificate is issued to correct a scrivener's error by omission of the condition requiring fish passage and supersedes certificate 86194.

Issued NOV 18 2015


Dwight French
Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

CLARK Gerry E

From: CLARK Gerry E
Sent: Tuesday, December 08, 2015 3:54 PM
To: THIEMANN Ken C
Subject: RE: Self certification claim for permit R-14792?
Attachments: scan_20151208_155100.pdf

Sorry, here is the form.

Gerry

From: CLARK Gerry E
Sent: Tuesday, December 08, 2015 3:53 PM
To: THIEMANN Ken C
Subject: RE: Self certification claim for permit R-14792?

Ken,

I have attached a copy of the self-certification form for your reference.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: THIEMANN Ken C
Sent: Tuesday, December 08, 2015 3:15 PM
To: CLARK Gerry E
Subject: Self certification claim for permit R-14792?

Good afternoon Gerry,

I was curious if we had a copy of the individual claim for permit R-14792, as he is filing for judicial review with Wheeler County Circuit Court. I would like to be ready in case I am asked why a certificate was issued assuming all conditions of the permit had been met, when they had not been. Would you please send me a copy of the claim submitted, if available for my files. Thanks for the help.

*Ken Thiemann
Watermaster, District #21
Oregon Water Resources Department
PO Box 427
Condon, OR 97823
Ph: (541) 384-4207
Fax: (541) 384-2166
Gilliam Court House*

Application No. R-87213
Permit No. R-14792
Applicant Name LOU G. OTTONINI

CLAIM OF BENEFICIAL USE FOR:
RESERVOIRS STORING LESS THAN 9.2 ACRE FEET
AND WITH NO SECONDARY SURFACE WATER STORAGE PERMIT
(permitted through ORS 537.409 Alternate Reservoir Permit Process)

Note: To receive a certificate of water right, this form should be completed within one year from the date that construction of the reservoir is complete, or within one year from the date that complete application of water for beneficial use is made.

- 1) Reservoir dimensions:

300' x 250' SURFACE AREA

- 2) Maximum capacity of reservoir in acre-feet:

2.83 ACRE FEET

Res calculates 2.77 AF w/ data provided by owner
Cert for 283 ^A

- 3) Attach a map identifying the reservoir location. You may attach a copy of the application map, or submit a map prepared to the standard described on the reverse side of this form (OAR 690-310-0050). Preparation of the map by a Certified Water Rights Examiner is not required for this type of permit. gn

By my signature, I certify that the information contained herein is true and correct to the best of my knowledge.

Signature

Lou R. Ottolini

Date 3/29/2010

Address

P.O. Box 13
WEDDERBURN, OR 97141

If you have questions regarding this form, please contact Water Rights Information at Oregon Water Resources Department 503-986-0801.

Upon completion of this form and map, please mail it to:

Oregon Water Resources Department
725 Summer Street, Suite A
Salem OR 97301-1266

RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

MAP OF RESERVOIR LOCATION

Application R-87213 & Permit R-14792

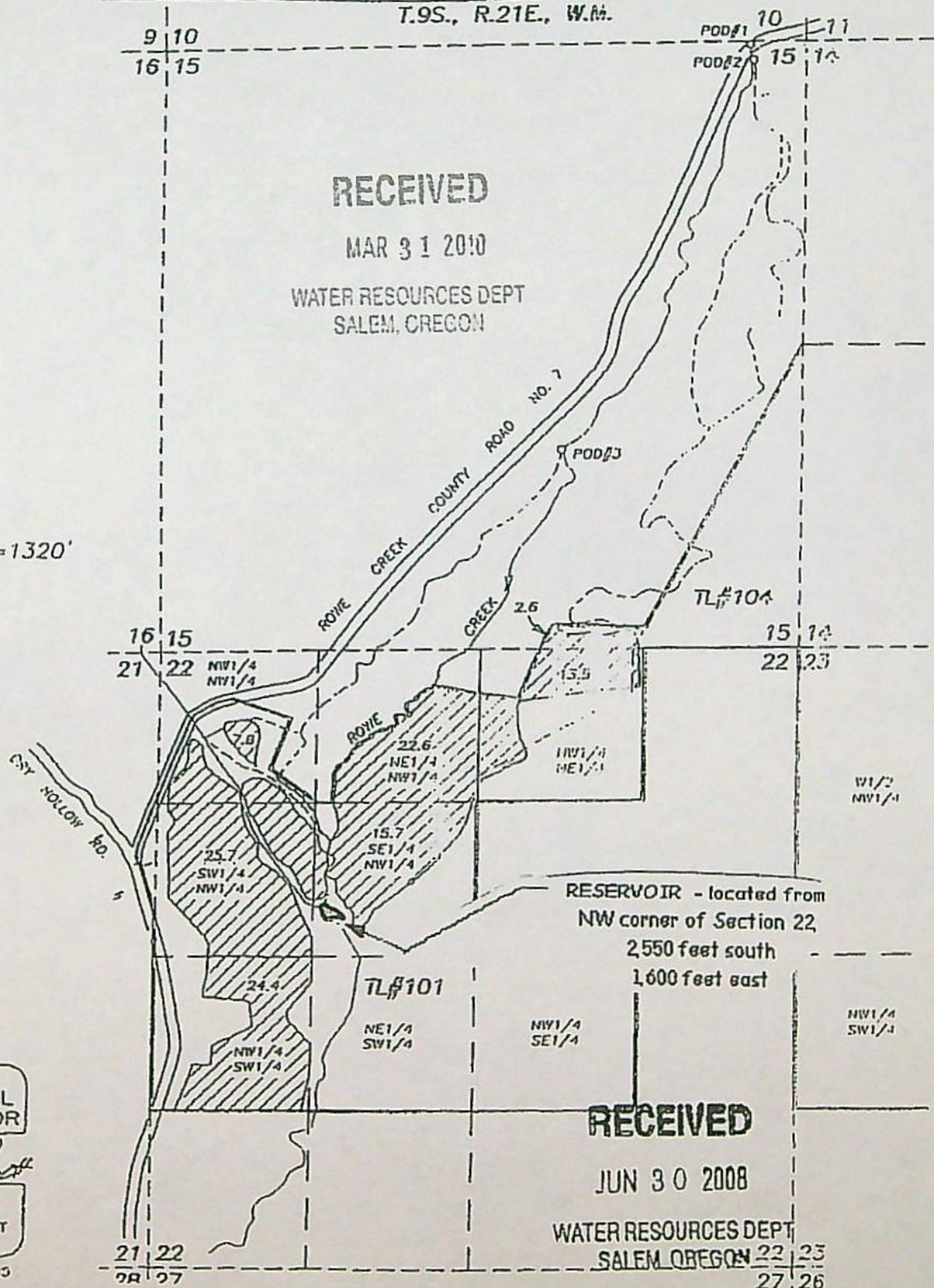
SE 1/4, NW 1/4 of Section 22, T.9S., R.21E., W.M.

RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1"=1320'

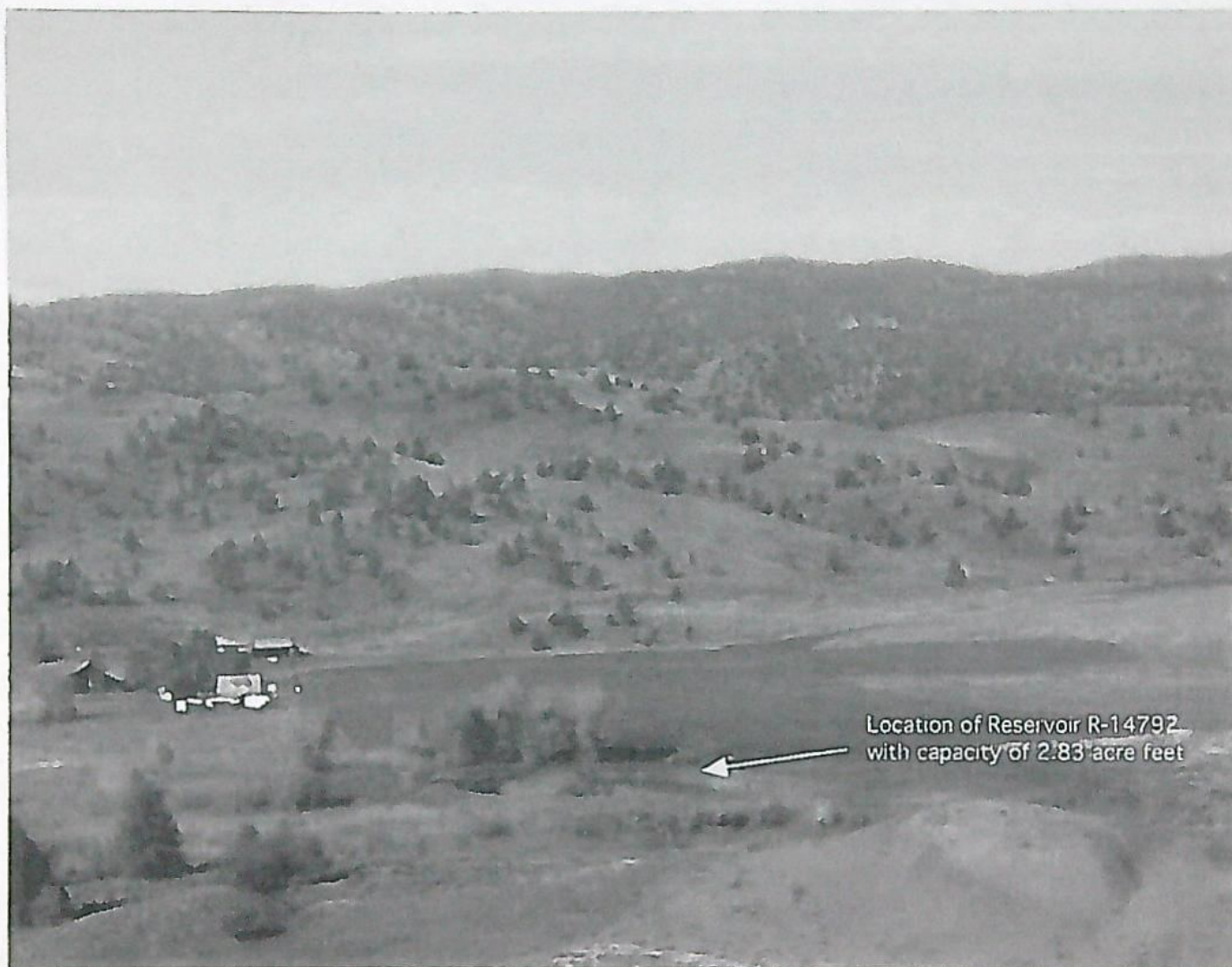


Renewal Date 12/31/05

Photo of Reservoir for Permit R-14792

Location: 40607 Rowe Creek Road; Mitchell, Oregon

SE 1/4, NW 1/4 of Section 22, T. 9 S., R 21 E., W.M.

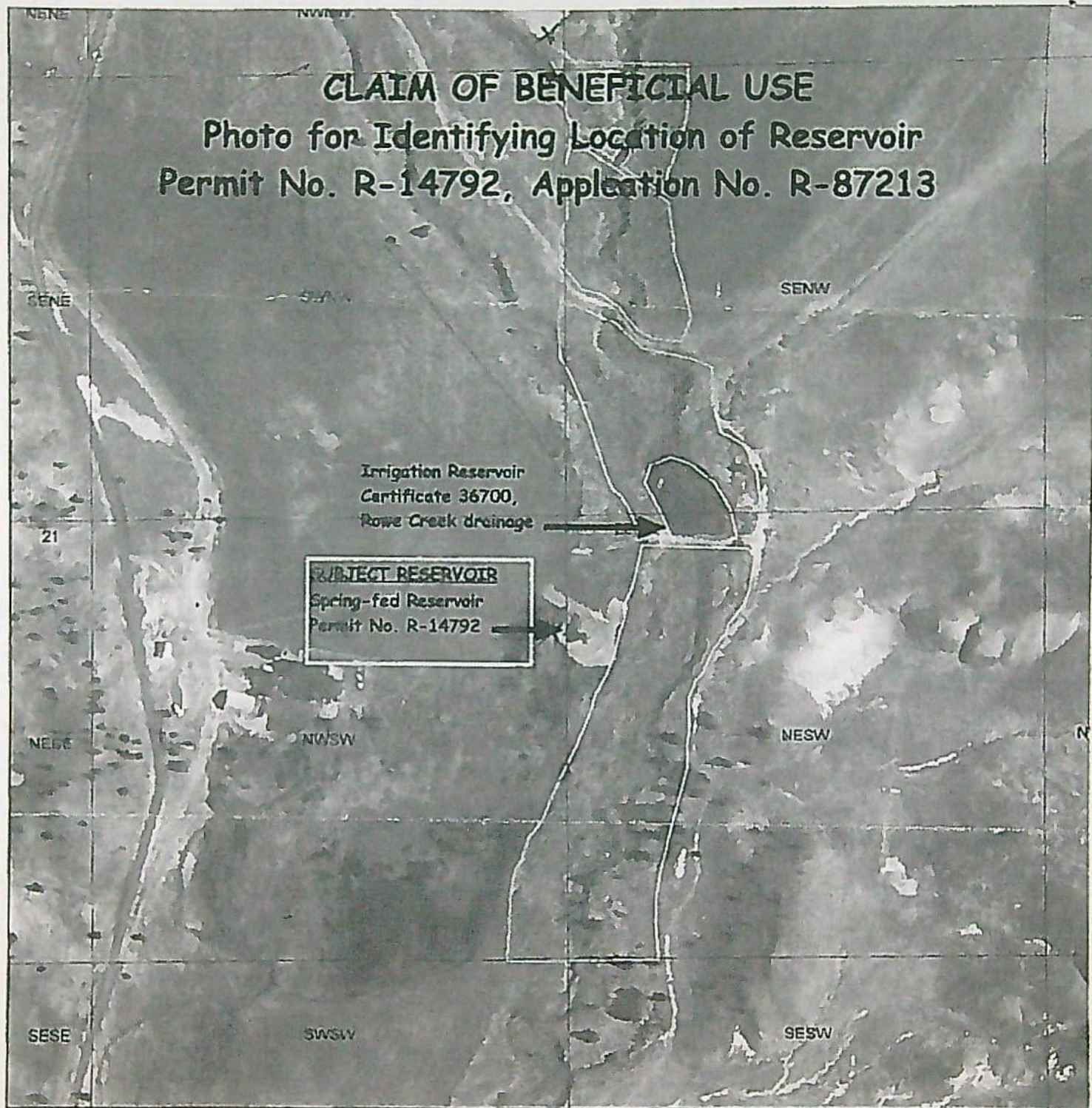


RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

CLAIM OF BENEFICIAL USE
Photo for Identifying Location of Reservoir
Permit No. R-14792, Application No. R-87213



0 255 510 1,020 Feet

1 inch equals 400 feet

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOU GIOTTONINI
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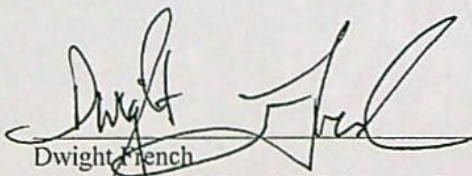
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Dwight French
Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Date Mailed: NOV 18 2015

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that correctly describes the water right. The water right is appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-87213

Permit: R-14792

Certificate: 90955

Permit/Certificate Holder:

LOU GIOTTONINI ✓
PO BOX 13
WEDDERBURN OR 97491

Copies Mailed

by: Connie Vance
(STAFF)

on: NOV 18 2015
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 21 (include copy of map) ✓
2. Data Center yes ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

(New Owner?) ✓
Louis & Mary Ann ~~LOU~~ GIOTTONINI
255 NW Scenic Heights Dr
Bend OR 97701

Brent Smith, ODFW John Day, OR ✓

Danette Faucera, ODFW, Salem . Salem shuttle
Certificate 86194
to be marked

7 copies
5 copies

CLARK Gerry E

From: Don Cossitt <wheeler.assessor@co.wheeler.or.us>
Sent: Monday, November 09, 2015 8:08 AM
To: CLARK Gerry E
Subject: RE: Ownership Information Request for 09S21E tax lot 101

Parcel Address:	40607 ROWE CREEK ROAD, MITCHELL, OR, 97750,	Owner:	GIOTTONINI III LOUIS R & MARY ANN
Description:	SECTION 0 TOWNSHIP 9S RANGE 21E QUARTER PRCL		
PIN:	2862		255 NW SCENIC HEIGHTS DR
Class:	551		BEND, OR 97701
District:		Area:	001

From: CLARK Gerry E [<mailto:gerald.e.clark@state.or.us>]
Sent: Friday, November 06, 2015 3:38 PM
To: Don Cossitt <wheeler.assessor@co.wheeler.or.us>
Subject: Ownership Information Request for 09S21E tax lot 101

Good Day,

I am contacting you so that I can obtain the current ownership and mailing address for the following tax lot in Wheeler County:

09S21E00101

My records indicate past owner as:

LOU GIOTTONINI
PO BOX 13
WEDDERBURN OR 97491

Thank you for your help!

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOU GIOTTONINI
PO BOX 13
WEDDERBURN OR 97491

confirms the right to store water perfected under the terms of Permit R-14792. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-87213

SOURCE: ROWE CREEK, TRIBUTARY TO JOHN DAY RIVER

STORAGE FACILITY: A RESERVOIR

PURPOSE or USE: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 2.83 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JUNE 30, 2008

DAM LOCATION / POINT OF DIVERSION

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	21 E	WM	22	SE NW	2550 FEET SOUTH AND 1600 FEET EAST FROM NW CORNER, SECTION 22

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
9 S	21 E	WM	22	SE NW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

CONDITIONS OF USE

1. Measurement, recording and reporting:

A. The water user shall maintain the staff gage in working order and allow the watermaster access to the gage; provided however, where any gage is located within a private structure, the watermaster shall request access upon reasonable notice.

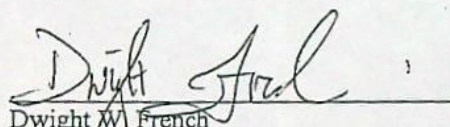
B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, 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 water user to submit alternative reporting procedures for review and approval.

2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
3. The water user shall pass all live flow outside the storage season described above.
4. The Director may require the water user to measure inflow and outflow, above and below the reservoir respectively to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
5. This right allows an annual appropriation (not to exceed the specified volume). This right does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.
6. Use of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at John Day River at McDonald Ferry, OR, gage 14048000, and discontinue diversion when the flows specified below are unmet. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the Watermaster may regulate storage under this right if it is determined by the Department that the flows listed below are unmet.

John Day Scenic Waterway	
Month	Minimum Bypass Flow (cfs)
November	500
December	500
January	500
February	1000
March	2000
April	2000

7. Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.
8. This right 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.
9. 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.
10. 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.
11. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Issued April 30, 2010



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department



Application R-87213 & Permit R-14792

T.9S., R.21E., W.M.

MAR 31 2010

SCALE: 1"=1320'

OREGON
JUL 12 1963
ROBERT D. BACETT
598

Renewal Date 12/31/03

JUN 30 2008

WATER RESOURCES DEPT
SALEM OREGON 22

RESERVOIR - located from
NW corner of Section 22,
2,550 feet south -
1,600 feet east (



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

Date Mailed: April 28, 2010

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-87213

Permit: R-14 792

Certificate: 86194

Permit/Certificate Holder:

LOU GIOTTONINI
PO BOX 13
WEDDERBURN OR 97491

Copies Mailed

by: Connie Vance
(STAFF)

on: 4/30/2010
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 21 (include copy of map) —
2. Data Center —
3. Water Availability ✓
4. Vault ✓
5. File —

Other persons to receive copies: (include map):

~~1. Region Manager: NCR~~

Certificate Checklist for Qualifying Reservoirs

Under ORS 537.409 (10) (11)(COBU by Permittee)

(Must be less than 9.2 acre feet)

File No.: R-87213

Date: 4/19/10

Reviewer: SK

Secondary Permit?: ☐ YES ☒ NO, (If Yes, Self Certification Cannot Be Allowed, COBU For Both Reservoir and Secondary Must Be Performed By a CWRE)

Signed by permittee? ☒ YES ☐ NO (Must be Signed by Permittee. If no, Assignment may be needed)

Reservoir Dimensions Included ☒ YES ☐ NO

The Maximum Capacity of the Reservoir in Acre Feet *: 2.83 Permit = 2.83
(If less than permit, issue PROPOSED)

Map Included (Must Identify Location of the Reservoir)* ☒ YES ☐ NO

Issue: ☐ PROPOSED

☒ CERTIFICATE # 86194

Res calculates to 2.77^{+/-} Af w/data provided by owner.
Certificate issued for 2.83 AF. SK

MAP OF RESERVOIR LOCATION

Application R-87213 & Permit R-14792

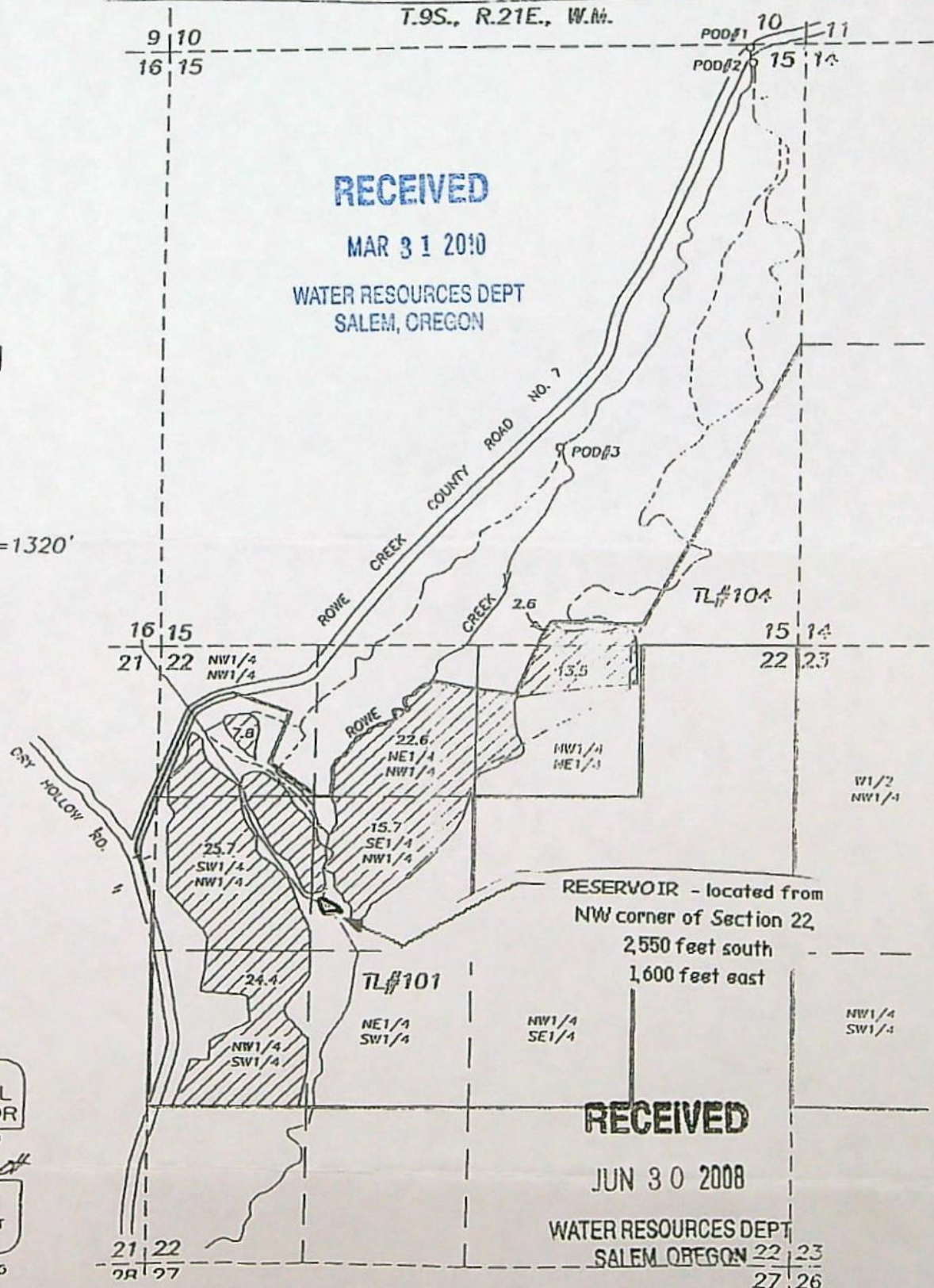
SE 1/4, NW 1/4 of Section 22, T.9S., R.21E., W.M.

RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1"=1320'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUL 12, 1993
ROBERT D. BAGETT
598

Renewal Date 12/31/03

RECEIVED

JUN 30 2008

WATER RESOURCES DEPT
SALEM, OREGON

Application No. R-87213
Permit No. R-14792
Applicant Name LOU GLOTTON

CLAIM OF BENEFICIAL
RESERVOIRS STORING LESS THAN
AND WITH NO SECONDARY SURFACE WATER
(permitted through ORS 537.409 Alternative)

Note: To receive a certificate of water right, this form shall be filed with the date that construction of the reservoir is complete, or the date of complete application of water for beneficial use is made.

- 1) Reservoir dimensions:

300' x 250' SURFACE AREA

- 2) Maximum capacity of reservoir in acre-feet:

2.83 ACRE FEET

Res calculates 2.77⁴ AF w/ data provided by owner
Cert for 283 AF

- 3) Attach a map identifying the reservoir location. You may attach a copy of the application map, or submit a map prepared to the standard described on the reverse side of this form (OAR 690-310-0050). Preparation of the map by a Certified Water Rights Examiner is not required for this type of permit.

By my signature, I certify that the information contained herein is true and correct to the best of my knowledge.

Signature
Address

Lou R. Glottan
P.O. Box 13
WEDDERBURN, OR 97491

Date 3/29/2010

If you have questions regarding this form, please contact Water Rights Information at Oregon Water Resources Department 503-986-0801.

Upon completion of this form and map, please mail it to:

Oregon Water Resources Department
725 Summer Street, Suite A
Salem OR 97301-1266

RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

Application No.
Permit No.
Applicant Name

R-87213

R-14792

LOU GILTONINI

CLAIM OF BENEFICIAL USE FOR:
RESERVOIRS STORING LESS THAN 9.2 ACRE FEET
AND WITH NO SECONDARY SURFACE WATER STORAGE PERMIT
(permitted through ORS 537.409 Alternate Reservoir Permit Process)

Note: To receive a certificate of water right, this form should be completed within one year from the date that construction of the reservoir is complete, or within one year from the date that complete application of water for beneficial use is made.

- 1) Reservoir dimensions:

300' x 250' SURFACE AREA

- 2) Maximum capacity of reservoir in acre-feet:

2.83 ACRE FEET

Res calculates 2.77⁺ AF w/ data provided by owner
Cert for 283 AF

- 3) Attach a map identifying the reservoir location. You may attach a copy of the application map, or submit a map prepared to the standard described on the reverse side of this form (OAR 690-310-0050). Preparation of the map by a Certified Water Rights Examiner is not required for this type of permit.

By my signature, I certify that the information contained herein is true and correct to the best of my knowledge.

Signature
Address

Lou R. Giltonini
P.O. Box 13
WEDDERBURN, OR 97491

Date 3/29/2010

If you have questions regarding this form, please contact Water Rights Information at Oregon Water Resources Department 503-986-0801.

Upon completion of this form and map, please mail it to:
Oregon Water Resources Department
725 Summer Street, Suite A
Salem OR 97301-1266

RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

Photo of Reservoir for Permit R-14792

Location: 40607 Rowe Creek Road; Mitchell, Oregon

SE 1/4, NW 1/4 of Section 22, T. 9 S., R 21 E., W.M.



Location of Reservoir R-14792
with capacity of 2.83 acre feet

RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON

CLAIM OF BENEFICIAL USE
Photo for Identifying Location of Reservoir
Permit No. R-14792, Application No. R-87213

Irrigation Reservoir
Certificate 36700,
Rowe Creek drainage

SUBJECT RESERVOIR
Spring-fed Reservoir
Permit No. R-14792



0 255 510 1,020 Feet

1 inch equals 400 feet

This product is for informational purposes and may not have been prepared for, or be suitable for legal engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



RECEIVED

MAR 31 2010

WATER RESOURCES DEPT
SALEM, OREGON



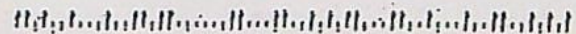
Louis R Giottonini III
PO Box 13
Wedderburn, OR 97491-0013

EUGENE OR 974

30 MAR 2010 PM 1 T



9730131286



go to loc on pending
5/8/41-6/20/10 will send
check
JC

~~Called and left
message JC 4/2/10~~

462-3887
425-0044

STATE OF OREGON

COUNTY OF WHEELER

PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

LOU GIOTTONINI
PO BOX 13
WEDDERBURN OR 97491

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

APPLICATION FILE NUMBER: R-87213

SOURCE OF WATER: ROWE CREEK, TRIBUTARY TO JOHN DAY RIVER

STORAGE FACILITY: A RESERVOIR

MAXIMUM VOLUME: 2.83 ACRE FEET

DATE OF PRIORITY: JUNE 30, 2008

WATER MAY BE APPROPRIATED DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	21 E	WM	22	SE NW	2550 FEET SOUTH AND 1600 FEET EAST FROM NW CORNER, SECTION 22

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
9 S	21 E	WM	22	SE NW

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range between full reservoir level and dead-pool level 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.
- B. The permittee shall allow the watermaster access to the devices; provided however, where any 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 (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

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 by the Oregon Fish and Wildlife Commission. 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.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

Use of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at John Day River at McDonald Ferry, OR, gage 14048000, and discontinue diversion when the flows specified below are unmet. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the Watermaster may regulate storage under this right if it is determined by the Department that the flows listed below are unmet.

John Day Scenic Waterway	
Month	Minimum Bypass Flow (cfs)
November	500
December	500
January	500
February	1000
March	2000
April	2000

STANDARD CONDITIONS

1. 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.

2. 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.
3. 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.
4. 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.
5. 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 Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted annual volume of water shall be stored within five years of the date of permit issuance.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. 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 capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is 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.

Issued OCTOBER 29 2009.

E. Timothy Wall for

Phillip C. Ward, Director
Water Resources Department

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT #

99674

INVOICE #

RECEIVED FROM:

Tally Property Management

APPLICATION

R-87213

BY:

PERMIT

TRANSFER

CASH:

CHECK:#

OTHER: (IDENTIFY)

☐
☒

6865

☐

TOTAL REC'D

\$150.00

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

PCA-46111

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

COBU

\$150.00

TC162

DEPOSIT LIAB. (IDENTIFY)

\$

0240

EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

EXAM FEE

LICENSE FEE

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 (FWWRD)

\$

0231

HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

99674

DATED:

4-12-10

BY:

Jsmile



April 6, 2010

Oregon Water Resources Department
ATTN.: Gerry Clark
725 Summer Street NE; Suite A
Salem, Oregon 97301

Re: Fees for Claim of Beneficial Use on R-87213

Dear Gerry:

Attached, please find my check in the amount of \$150.00 for fees due on filing the above captioned Claim of Beneficial Use on Reservoir R-87213.

Thank you for your immediate attention to this request. Please contact me should you require additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lou Giottonini", with a small flourish at the end.

Lou Giottonini

US Cellular: 541-425-0044

RECEIVED

APR 12 2010

WATER RESOURCES DEPT
SALEM, OREGON

Lou Giottonini, Owner
Post Office Box 13
Wedderburn, Or. 97491
541-247-7232



Ranch Headquarters
40607 Rowe Creek Road
Mitchell, Oregon 97750
541-462-3887

Mailing List for FO

Scheduled Mailing Date:

Application: R-87213

Permit: R-14792

Original mailed to Applicant with CBU form:

Lou Giottonini
PO BOX 13
WEDDERBURN OR 97491

Copies of FO sent to:

1. File R-87213
2. Water Availability (Ken Stahr)
3. ~~Watermaster District 21~~

Copies of FO sent to other interested persons (CWRE, Agent, Commenter, etc.):

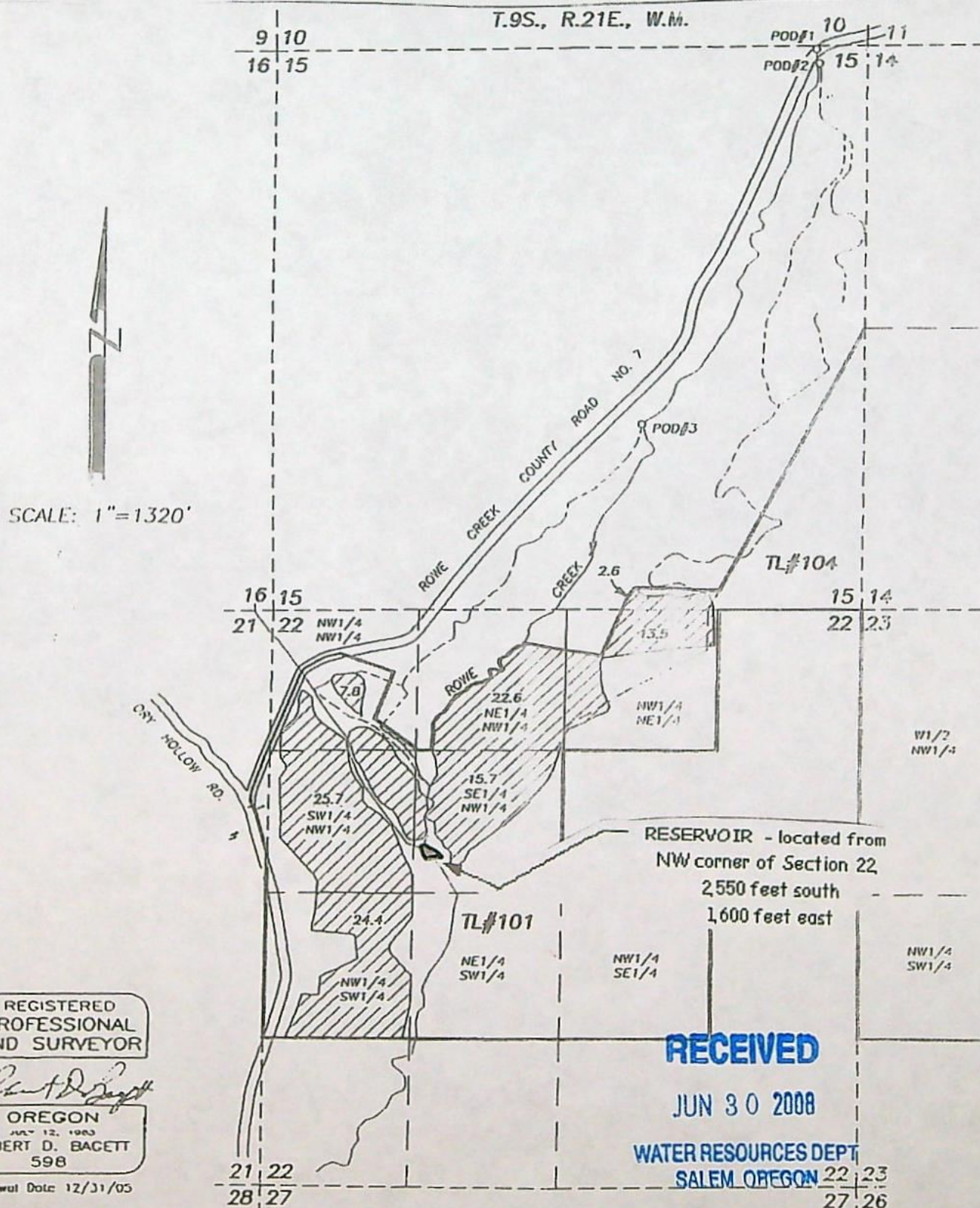
- 1.

Copies of Map sent to (remember to reduce copy margins):

1. Watermaster District 21
2. Region Manager: NCR

Copies Mailed	
by:	<u>OS</u> (STAFF)
on:	<u>10/24/04</u> (DATE)

Existing reservoir situated in
SE 1/4, NW 1/4 of Section 22, T.9S., R.21E., W.M.



R 87213 R 14792

ORS 537.409 ALTERNATE RESERVOIR WORKSHEET

FILE #: R-87213

WM DIST: 21

REGION: NCR

WID #: 6 - 30620415

PUBLIC NOTICE: 7/15/2008

☒ Land Use complete ☒ Yes ☐ No ☐ NA

☒ Appropriate Fees ☒ Yes ☐ No, need: 400
(\$40 base & \$10 per af w/ max of \$250 for Q) OR (\$80 base & \$20 per af w/ no max)

☒ Secondary app necessary ☐ Yes, App S- ☒ No

☒ Stream withdrawn ☐ Yes ☒ No

☒ SWW ☐ In (may not be allowed) ☐ Out or Above

Mail forms to appropriate Interagency Review Team members. Mailed on August 15, 2008

ODFW Contact: Tim Unterwegner

DEQ Contact: NA

Watermaster: Joel Clark

If in Umatilla: Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, Pendleton, Oregon 97801

Water available: November 1 through April 30

Allowed season: JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Measurement Conditions: Small (≤ 9.2 af) | Medium (> 9.2, but < 100 af) | Large (≥ 100 af or govt. entity, 537.099)
*use staff gage for runoff

Other Conditions: ODFW fish passage

Assign permit number R- 14792

Remarks:

Completed by Joel Plahn on 7/29/2008. Peer review:

Revised 7/26/07

ODFW ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Date: August 15, 2008
Please return to
WRD before: September 18, 2008
Water is available: November 1 through April 30

R-87213
LOU GIOTTONINI
GIOTTONINI FAMILY TRUST
PO BOX 13
WEDDERBURN OR 97491



- 1) Would the proposed reservoir pose a significant detrimental impact to an existing fishery resource? NO (YES)

Explain: (For example, list STE species or other existing fishery resources that would be negatively impacted.)

Lower Creek is occupied by Mid-Columbia ESU Steelhead. A 15' high dam without adequate fish passage would block access to 2.7 miles of habitat.

Please check either of the boxes below if appropriate:

- ☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area poses a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

- 2) Can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? NO (YES)

If YES, which conditions are recommended:

(select from the Menu of Conditions listed on back)

provide fish passage

- 3) Did you meet with staff from another agency to discuss this application?

(NO) / YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

ODFW Representative Signature: Tim Unterwegner

Date: 9/3/08

WRD Contact: Caseworker: Joel Plahn, Water Rights Division

503-986-0815 / Fax: 503-986-0901 / e-mail: Joel.M.PLAHN@wrdd.state.or.us

Revised November 17, 2006

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Date: August 15, 2008

Please return to

WRAD before: September 18, 2008

Water is available: November 1 through April 30

R-87213

LOU GIOTTONINI

GIOTTONINI FAMILY TRUST

PO BOX 13

WEDDERBURN OR 97491

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain: limited season is protection

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO ☒ YES

If YES, which conditions are recommended:

limited fill season

3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who: _____ Agency: _____ Date: _____

Who: _____ Agency: _____ Date: _____

Watermaster signature: Joel Plahn Date: 8/25/08

WRD Contact: Caseworker: Joel Plahn, Water Rights Division

503-986-0815/ Fax: 503-986-0901 / e-mail: Joel.M.PLAHN@wrdr.state.or.us

Point of Diversion Characteristics

Right:	App:R 87213 *
Name:	GIOTTONINI FAMILY TRUST LOU GIOTTONINI

TRSQQ: 09.00S-21.00E-22-SENW Digital Map of TRSQQ

County: Wheeler

Basin: John Day

WM District: 21

WM Region: NC

Withdrawn Area:

WAB: ROWE CR > JOHN DAY R - AT MOUTH (30620415)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way: ABOVE The John Day Scenic Waterway

Division 33: UPPER COLUMBIA

Water Quality Limited: Yes

Water Availability Analysis

ROWE CR> JOHN DAY R- AT MOUTH

JOHN DAY BASIN

Water Availability as of 7/29/2008

Watershed ID #: 30620415

Date: 7/29/2008

Exceedance Level: 50%

Time: 11:14 AM

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	209	JOHN DAY R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
2	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes	Yes

Limiting Watersheds

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
Jan	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	1.97
Feb	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	5.26
Mar	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	7.34
Apr	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	2.57
May	30620415	ROWE CR> JOHN DAY R- AT MOUTH	No	-0.32
Jun	30620415	ROWE CR> JOHN DAY R- AT MOUTH	No	-0.90
Jul	209	JOHN DAY R> COLUMBIA R- AT MOUTH	No	-54.10
Aug	209	JOHN DAY R> COLUMBIA R- AT MOUTH	No	-357.00
Sep	209	JOHN DAY R> COLUMBIA R- AT MOUTH	No	-362.00
Oct	209	JOHN DAY R> COLUMBIA R- AT MOUTH	No	-178.00
Nov	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	1.07
Dec	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	1.60
Storage Acre-Feet at 50%	30620415	ROWE CR> JOHN DAY R- AT MOUTH	Yes	1,180.00

Detailed Reports for Watershed ID #209

JOHN DAY R> COLUMBIA R- AT MOUTH

JOHN DAY BASIN

Water Availability as of 7/29/2008

Watershed ID #: 209

Date: 7/29/2008

Exceedance Level: 50%

Time: 11:14 AM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirement	Net Water Available
Jan	1,250.00	20.10	1,230.00	1,710.00	500.00	672.00
Feb	2,440.00	27.90	2,410.00	3,320.00	1,000.00	1,290.00

Mar	3,250.00	49.10	3,200.00	3,580.00	2,000.00	1,040.00
Apr	4,860.00	157.00	4,700.00	7,150.00	2,000.00	2,430.00
May	5,050.00	319.00	4,730.00	6,900.00	2,000.00	2,490.00
Jun	2,700.00	293.00	2,410.00	1,440.00	2,000.00	339.00
Jul	715.00	269.00	446.00	0.00	500.00	-54.10
Aug	340.00	197.00	143.00	0.00	500.00	-357.00
Sep	271.00	133.00	138.00	0.00	500.00	-362.00
Oct	380.00	57.80	322.00	0.00	500.00	-178.00
Nov	542.00	14.80	527.00	91.70	500.00	27.20
Dec	940.00	18.00	922.00	1,090.00	500.00	386.00
Storage Acre-Feet at 50%	1,370,000.00	94,400.00	1,270,000.00	1,520,000.00	753,000.00	521,000.00

Detailed Report of Consumptive Uses and Storages

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
Jan	7.79	0.00	6.00	0.72	0.57	2.53	2.51	0.00	20.10
Feb	15.60	0.00	6.00	0.72	0.57	2.53	2.51	0.00	27.90
Mar	22.20	14.60	6.00	0.72	0.57	2.53	2.51	0.00	49.10
Apr	30.50	114.00	6.00	0.72	0.57	2.53	2.51	0.00	157.00
May	30.60	276.00	6.00	0.72	0.57	2.53	2.50	0.00	319.00
Jun	16.20	260.00	11.30	0.72	0.57	2.53	2.50	0.00	293.00
Jul	4.19	248.00	11.30	0.72	0.57	2.53	1.75	0.00	269.00
Aug	1.99	178.00	11.30	0.72	0.57	2.53	1.75	0.00	197.00
Sep	1.59	115.00	11.30	0.72	0.57	2.53	1.75	0.00	133.00
Oct	2.22	44.00	6.00	0.72	0.57	2.53	1.76	0.00	57.80
Nov	3.27	0.00	6.00	0.72	0.57	2.53	1.76	0.00	14.80
Dec	5.70	0.00	6.00	0.72	0.57	2.53	2.51	0.00	18.00

Detailed Report of Reservations for Consumptive Use

Reserved Streamflow in Cubic Feet per Second

Application #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
RN80601A	9.52	16.40	24.50	35.60	29.50	12.90	0.00	0.00	0.00	0.00	0.00	6.69
RN80602A	5.29	10.30	8.65	19.60	19.90	2.90	0.00	0.00	0.00	0.00	0.00	3.06
RN80603A	8.99	21.70	51.00	95.10	87.00	37.50	0.00	0.00	0.00	0.00	0.00	4.62
RN80604A	23.50	47.10	45.40	104.00	106.00	14.40	0.00	0.00	0.00	0.00	0.00	16.60
RN80605A	10.30	22.20	34.50	19.20	3.54	14.40	0.00	0.00	0.00	0.00	0.00	5.45
Total	57.60	117.70	164.05	273.50	245.94	82.10	0.00	0.00	0.00	0.00	0.00	36.42

Detailed Report of Instream Requirements

Instream Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF209A	CERTIFICATE	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
SY90605A	SWW	500.00	1,000.00	2,000.00	2,000.00	2,000.00	2,000.00	500.00	500.00	500.00	500.00	500.00	500.00
Maximum		500.00	1,000.00	2,000.00	2,000.00	2,000.00	2,000.00	500.00	500.00	500.00	500.00	500.00	500.00

Detailed Reports for Watershed ID #30620415

ROWE CR> JOHN DAY R- AT MOUTH
JOHN DAY BASIN

Water Availability as of 7/29/2008

Watershed ID #: 30620415

Date: 7/29/2008

Exceedance Level: 50%

Time: 11:14 AM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirement	Net Water Available
Jan	2.49	0.52	1.97	0.00	0.00	1.97
Feb	6.63	1.37	5.26	0.00	0.00	5.26
Mar	9.49	2.15	7.34	0.00	0.00	7.34
Apr	4.41	1.84	2.57	0.00	0.00	2.57
May	2.62	2.94	-0.32	0.00	0.00	-0.32
Jun	1.34	2.23	-0.90	0.00	0.00	-0.90
Jul	0.77	0.81	-0.04	0.00	0.00	-0.04
Aug	0.47	0.36	0.12	0.00	0.00	0.12
Sep	0.38	0.23	0.16	0.00	0.00	0.16
Oct	0.46	0.16	0.31	0.00	0.00	0.31
Nov	1.35	0.28	1.07	0.00	0.00	1.07
Dec	2.02	0.42	1.60	0.00	0.00	1.60
Storage Acre-Feet at 50%	1,940.00	801.00	1,220.00	0.00	0.00	1,220.00

Detailed Report of Consumptive Uses and Storages

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
Jan	0.52	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.52
Feb	1.36	0.00	0.00	0.00	0.00	0.00	0.01	0.00	1.37
Mar	1.95	0.20	0.00	0.00	0.00	0.00	0.01	0.00	2.15
Apr	0.90	0.94	0.00	0.00	0.00	0.00	0.01	0.00	1.84
May	0.52	2.41	0.00	0.00	0.00	0.00	0.01	0.00	2.94
Jun	0.27	1.96	0.00	0.00	0.00	0.00	0.01	0.00	2.23
Jul	0.15	0.65	0.00	0.00	0.00	0.00	0.01	0.00	0.81
Aug	0.09	0.26	0.00	0.00	0.00	0.00	0.01	0.00	0.36
Sep	0.08	0.14	0.00	0.00	0.00	0.00	0.01	0.00	0.23
Oct	0.09	0.06	0.00	0.00	0.00	0.00	0.01	0.00	0.16
Nov	0.28	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.28
Dec	0.41	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.42

Detailed Report of Reservations for Consumptive Use

Reserved Streamflow in Cubic Feet per Second

There are no Reservations for this Watershed

Detailed Report of Instream Requirements

Instream Requirements in Cubic Feet per Second

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

REPAIR OF A RETURN

Application R 87213

County WHEELER

SE NW

Priority Date 6-30-2008

Township 9 S Range 21 E Section 22 Taxlot 101

Use M-P

Caseworker JOEL P

Amount (AF) 2.83

Watermaster _____

*Minimum Requirements (ORS 537.409)

- ☒ Landowner Name, Mailing Address* and Telephone Number.
- ☒ Source* and tributary listed. NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!
- ☒ Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- ☒ Dam height*, if applicable
- ☒ Total Quantity * of Storage Requested: 2.83 AF
- ☒ Proposed Use of the water....Cannot accept application for use of this stored water at the same time (E2)
- ☒ Property ownership indicated? * If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
- ☒ Environmental Impact section completed? Not fatal if omitted
- ☒ Application signed by the landowner(s)? All parties noted as applicants must sign the application. *Must be an original "wet" signature.*
- ☒ Completed Land-Use Form * or receipt signed by the appropriate planning department official enclosed? *Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*
- ☒ Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
 - ☐ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - ☐ Scale of the Map (not less than 1"-1320') **
 - ☐ Reference corner on map
 - ☐ North Directional Symbol **
 - ☐ 1/4's clearly identified
 - ☐ Reservoir clearly identified *
 - ☐ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**

☒ Fees enclosed*?

Base Fee\$ _____

plus\$ _____

plus\$ _____

Total Paid \$ 140

Total Fees \$ 140

Completeness Check by: HTM

Date: JUL 1 2008

Joel Plahn

From: Joel Plahn
Sent: Thursday, October 08, 2009 7:09 AM
To: Lou Giottonini
Cc: Joel Plahn
Subject: Alternate Reservoir Application R-87213
Importance: High
Attachments: R-87213.pdf
Reference: File R-87213

Dear Mr. Giottonini:

On September 3, 2009, the Water Resources Department issued a Final Order for Application R-87213. The Final Order identified that outstanding permit recording fees in the amount of \$400.00 must be submitted to the Department no later than 60 days from the date of the Final Order and that failure to pay the required permit recording fees within 60 days from the date of the Final Order may result in the proposed rejection of Application R-87213. As of the date of this letter, the Department has not yet received the requested fees. **Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$400.00. Please include your application number on your check made out to the Oregon Water Resources Department.**

The purpose of this email is to remind you that permit recording fees in the amount of \$400.00 have yet to be received. Please feel free to contact me with any questions. A copy of the Final Order Draft has been attached to this email.

Thanks,
Joel Plahn
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, Oregon 97301
(503) 986-0815

10/8/2009

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of Water Rights Application)
R-87213, Wheeler County)

**FINAL ORDER
APPROVING THE STORAGE OF
SURFACE WATER**

Authority

Oregon Revised Statutes (ORS) 537.409 establishes the process by which an application to store waters of the public may be submitted.

Findings of Fact

1. On June 30, 2008, Lou Giottonini submitted an application for a permit to store water pursuant to ORS 537.409. The Department provided public notice of the application in the Department's weekly public notice on July 15, 2008. A 60-day comment period followed.
2. The Department has not received comments related to the possible issuance of the attached permit.
3. The Department has evaluated the application and any comments received, and finds that as conditioned, the proposed use will not impair or be detrimental to the public interest described in ORS 537.409(6).
4. The Department received a review from Oregon Department of Fish and Wildlife related to the possible issuance of a permit. The attached permit is conditioned to address concerns raised in that review.
5. Water is available for the proposed use as described in the attached permit.
6. The use, as described in the attached permit, will not injure existing water rights and does not pose a significant detrimental impact to existing fishery resources.

APPEAL RIGHTS

Appeal to a circuit court: This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

Petition to the Department for Reconsideration of the Final Order: A person entitled to judicial review of this order may also file a petition for the Department's reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).

ORS 537.409 does not provide an opportunity to request a contested-case hearing. Appeal rights on this final order approving the application are limited to the above procedures.

Conclusions of Law

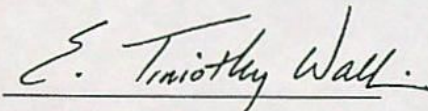
Application R-87213 is consistent with the requirements of ORS 537.409. Therefore, the proposed use will not impair or be detrimental to the public interest.

Now Therefore, it is Ordered:

Application R-87213 is approved pursuant to ORS 537.409. Upon payment of the permit recording fee of \$400, 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 at Salem, Oregon on SEPTEMBER 3 2009.



for Phillip C. Ward, Director
Water Resources Department

This order was produced by Joel Plahn. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0815 or Joel.M.Plahn@wrdd.state.or.us.

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, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF WHEELER

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

LOU GIOTTONINI
PO BOX 13
WEDDERBURN OR 97491

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

APPLICATION FILE NUMBER: R-87213

SOURCE OF WATER: ROWE CREEK, TRIBUTARY TO JOHN DAY RIVER

STORAGE FACILITY: A RESERVOIR

MAXIMUM VOLUME: 2.83 ACRE FEET

DATE OF PRIORITY: JUNE 30, 2008

WATER MAY BE APPROPRIATED DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	21 E	WM	22	SE NW	2550 FEET SOUTH AND 1600 FEET EAST FROM NW CORNER, SECTION 22

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
9 S	21 E	WM	22	SE NW

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range between full reservoir level and dead-pool level 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.
- B. The permittee shall allow the watermaster access to the devices; provided however, where any 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 (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

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 by the Oregon Fish and Wildlife Commission. 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.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

Use of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at John Day River at McDonald Ferry, OR, gage 14048000, and discontinue storage when the flows specified below are unmet. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the Watermaster may regulate storage under this right if it is determined by the Department that the flows listed below are unmet.

John Day Scenic Waterway	
Month	Minimum Bypass Flow (cfs)
November	500
December	500
January	500
February	1000
March	2000
April	2000

STANDARD CONDITIONS

1. 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.

2. 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.
3. 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.
4. 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.
5. 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 Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted annual volume of water shall be stored within five years of the date of permit issuance.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. 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 capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is 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.

Issued _____ 2009.

DRAFT – NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

Mailing List for FO

Scheduled Mailing Date:

Application: R-87213

Permit: DRAFT

Original mailed to Applicant with CBU form:

Lou Giottonini
PO BOX 13
WEDDERBURN OR 97491

Copies of FO sent to:

1. File R-87213
2. Water Availability (Ken Stahr)
3. Watermaster District 21

Copies of FO sent to other interested persons (CWRE, Agent, Commenter, etc.):

- 1.

Copies of Map sent to (remember to reduce copy margins):

1. Watermaster District 21
2. Region Manager: NCR

Copies Mailed	
by: <u>OS</u>	(STAFF)
on: <u>9/3/05</u>	(DATE)



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

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JUN 09 2008

WATER RESOURCES DEPT
SALEM, OREGON

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

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Landowner: LOU GLOTTONINI (GLOTTONINI FAMILY TRUST)
First Last

Mailing Address: P.O. Box 13

WEDDERBURN, OREGON 97491
City State Zip

Phone: 541-247-7232 541-425-0044 (CELL)
Home Work Other

*Fax: 541-247-7232 *E-Mail Address: LOUJOT@HARBORSIDE.COM
*Optional Information

2. LOCATION AND SOURCE

A. Reservoir Name: _____

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: ROWE CREEK Tributary to: JOHN DAY RIVER

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
<u>T9S</u>	<u>R21E</u>	<u>22</u>	<u>SE 1/4 NW 1/4</u>	<u>101</u>

D. County of use: WHEELER

E. Dam: Maximum height of dam: 15 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 2.83

App. No. <u>B-87213</u>	For Department Use Permit No. _____	Date _____
-------------------------	--	------------

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3. WATER USE

Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

MULTI-PURPOSE

4. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

☐ No (Please check the appropriate box below)

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

☐ I do not currently have written authorization or an easement permitting access to lands not under my ownership.

☐ 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). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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WATER RESOURCES DEPT
SALEM, OREGON

5. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir in stream Rowe or off channel chk?

B. Wetland: Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know

C. Existing: Is this an existing reservoir? ☒ Yes ☐ No
If yes, how long has it been in place? 60 years.

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? ☐ Yes ☐ No ☒ Don't know
If yes, how much? _____ miles.

E. Partnerships: Have you been working with other agencies? ☐ Yes ☒ No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Louis R. Pratt
Landowner Signature

JUNE 4, 2008
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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WATER RESOURCES DEPT
SALEM, OREGON

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF=\$100; 1.5 AF=\$120; 20.0 AF=\$480; 30.0 AF=\$680.

R87213



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: GIOTTONI FAMILY TRUST
LOU GIOTTONI, TRUSTEE
 Mailing Address: P.O. BOX 13
 City: WEDDERBURN State: OR Zip: 97491 Day Phone: 541-247-7232

This application is related to a Measure 37 claim: Yes ☐ No ☒

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Tax Lot #	Plan Designation (e.g. Rural Residential (RR-5))	Water to be:	Proposed Land Use
9S	21E	22	SENE	101		☐ Diverted ☐ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

WHEELER COUNTY

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) ROWE CREEK

Estimated quantity of water needed: 2.6 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for households)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other MULTIPLE USE

Briefly describe: IRRIGATION, FIRE, STOCK

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

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266

R87213

For Local Government Use Only

Signed @
County
Planning

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

Name: Theressa W. Ward Title: County Planner
Signature: [Signature] Phone: 541-763-2126 Date: 6/26/2008
Government Entity: Wheeler 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

RECEIVED

JUN 30 2008

WATER RESOURCES DEPT
SALEM, OREGON

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

RESERVOIR, ALTERNATE PROCESS ROUTE SLIP

R 87213

RECEIPTING ☒

POST CARD SENT ☒

DATA CENTER ☒

WATER RIGHTS SUPPORT ☒

ATTN: WATER RIGHTS

SUPPORT...>>>> Mark contents of file with application number;

Update the WRIS Database with caseworker name,

and enter Public Notice Date 7-15-08

Route file to caseworker.

Caseworkr:

Brook Geffen 986-0808 ☐

Jeana Eastman 986-0859 ☐

Joel Plahn 986-0815 ☒

Kerry Kavanagh 986-0816 ☐

Alt R's
FILES

**"NOTE:" IF RELATED FILE IS GROUND WATER, ROUTE TO
GROUND WATER, BUT ROUTE ALT-RESERVOIR TO WATER
RIGHTS DIVISON."**

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **93125**

INVOICE # _____

RECEIVED FROM: Tully Property Management
BY: _____

APPLICATION	<u>R87213</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 6251 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1410.00

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 <u>HIT RES</u>	EXAM FEE	0202	RECORD FEE
	\$ <u>140.00</u>		\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
	\$		\$
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: **93125**

DATED: 6/30/08 BY: [Signature]

Big Bottom Ranch - Reservoir

T 9 S R 21 Section 22



0 1,300 2,600 5,200 Feet

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WATER RESOURCES DEPT
SALEM, OREGON

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JUN 09 2008

WATER RESOURCES DEPT
SALEM, OREGON

App No B 87213

N
7



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Watermaster District 21

Gilliam County Courthouse

P.O. Box 427

Condon, OR 97823

(541) 384-4207

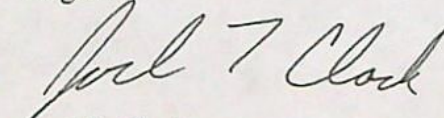
14 April 2006

Lou Giottonini
PO Box 13
Wedderburn, OR 97451

Mr. Giottonini,

I have put together water rights certificates that may apply to the property you have purchased. Some of the water rights are adjudicated rights (pre 1909 priority date) while others are permit rights (post 1909 priority date). I have also included two maps showing adjudicated rights and permit rights (please note: maps included are not legal documents). If you have questions about the water rights certificates please feel free to contact me. I am hesitant to say which water rights in certain quarter quarters containing multiple owners apply to your property as this process would require a survey by a certified water right examiner.

Regards,



Joel T. Clark

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SALEM OREGON

R87213

21

22

23

Permit Water Rights Map
(post 1909 priority date)

PRIMARY
SUPPLEMENTAL

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WATER RESOURCES DEPT
SALEM, OREGON

28

27

FINAL PROOF SURVEY

UNDER

APPLICATION NO. R-22424 PERMIT NO. R-930
22425 18275

IN NAME OF

ROWE CREEK RANCH, INC.

SURVEYED APRIL 19, 1955
SURVEYED MAY 23, 1968

BY T. JONES
BY V. GARNER

DOV-10H 51
DOV-10H 53
DOV-10H 94
1968 B.

App No R 87213

Surveyed Aug. 30, & 31, & Sept. 1, & 2, 1926.

Surveyed Aug. 30, & 31, & Sept. 1, & 2, 1926.

A hand-drawn map of a section of the Colorado River, showing various land parcels, roads, and geographical features. The map is divided into sections labeled 22 and 27. Key features include the Colorado River, various roads (e.g., Rowe, John Day, Gage), and several numbered parcels (e.g., 13, 15, 19, 25, 30, 36). The map also shows the locations of Huntington, Weich, and Gage. The map is drawn on a grid with dashed lines.

22

23

2

27

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WATER RESOURCES DEPT
SALEM, OREGON

Parson Estore
W^m L. Wheeler
(D.M. Grindstoft)

Spring

App No R 87213

WATER RIGHT MAP

CERTIFICATE NO. 25422

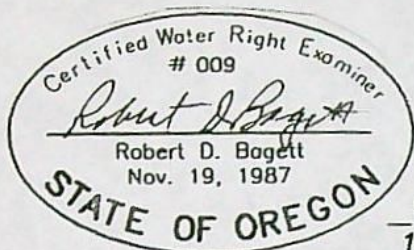
SITUATED IN SECTIONS 15 AND 22, T.9S., R.21E., W.M.
WHEELER COUNTY, OREGON
MARCH 19, 2007

PREPARED FOR

LOU GIOTTONINI

BY

BAGETT, GRIFFITH & BLACKMAN
PROFESSIONAL LAND SURVEYORS
217 N. CANYON BLVD.
JOHN DAY, OREGON



T.9S., R.21E., W.M.

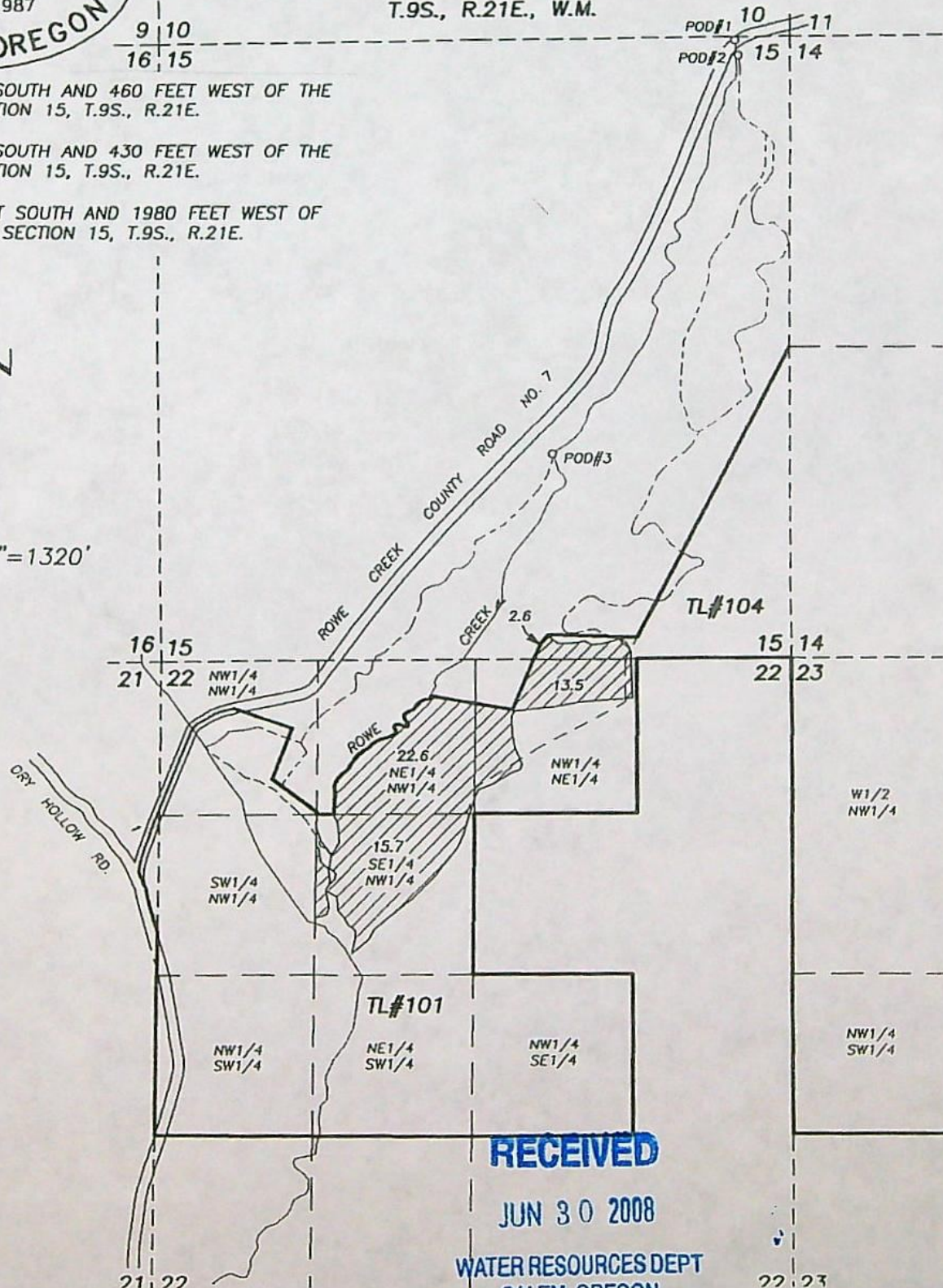
POD#1 IS 30 FEET SOUTH AND 460 FEET WEST OF THE
NE CORNER OF SECTION 15, T.9S., R.21E.

POD#2 IS 60 FEET SOUTH AND 430 FEET WEST OF THE
NE CORNER OF SECTION 15, T.9S., R.21E.

POD#3 IS 3560 FEET SOUTH AND 1980 FEET WEST OF
THE NE CORNER OF SECTION 15, T.9S., R.21E.



SCALE: 1"=1320'



RECEIVED

JUN 30 2008

WATER RESOURCES DEPT
SALEM, OREGON

App No R87213

WATER RIGHT MAP

CERTIFICATE NO. 25892

SITUATED IN SECTION 22, T.9S., R.21E., W.M.

WHEELER COUNTY, OREGON

MARCH 19, 2007

PREPARED FOR

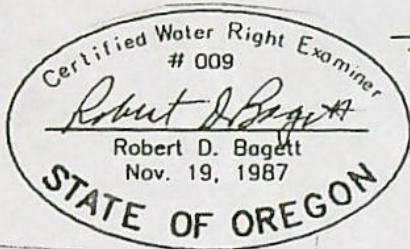
LOU GIOTTONINI

BY

BAGETT, GRIFFITH & BLACKMAN
PROFESSIONAL LAND SURVEYORS

217 N. CANYON BLVD.

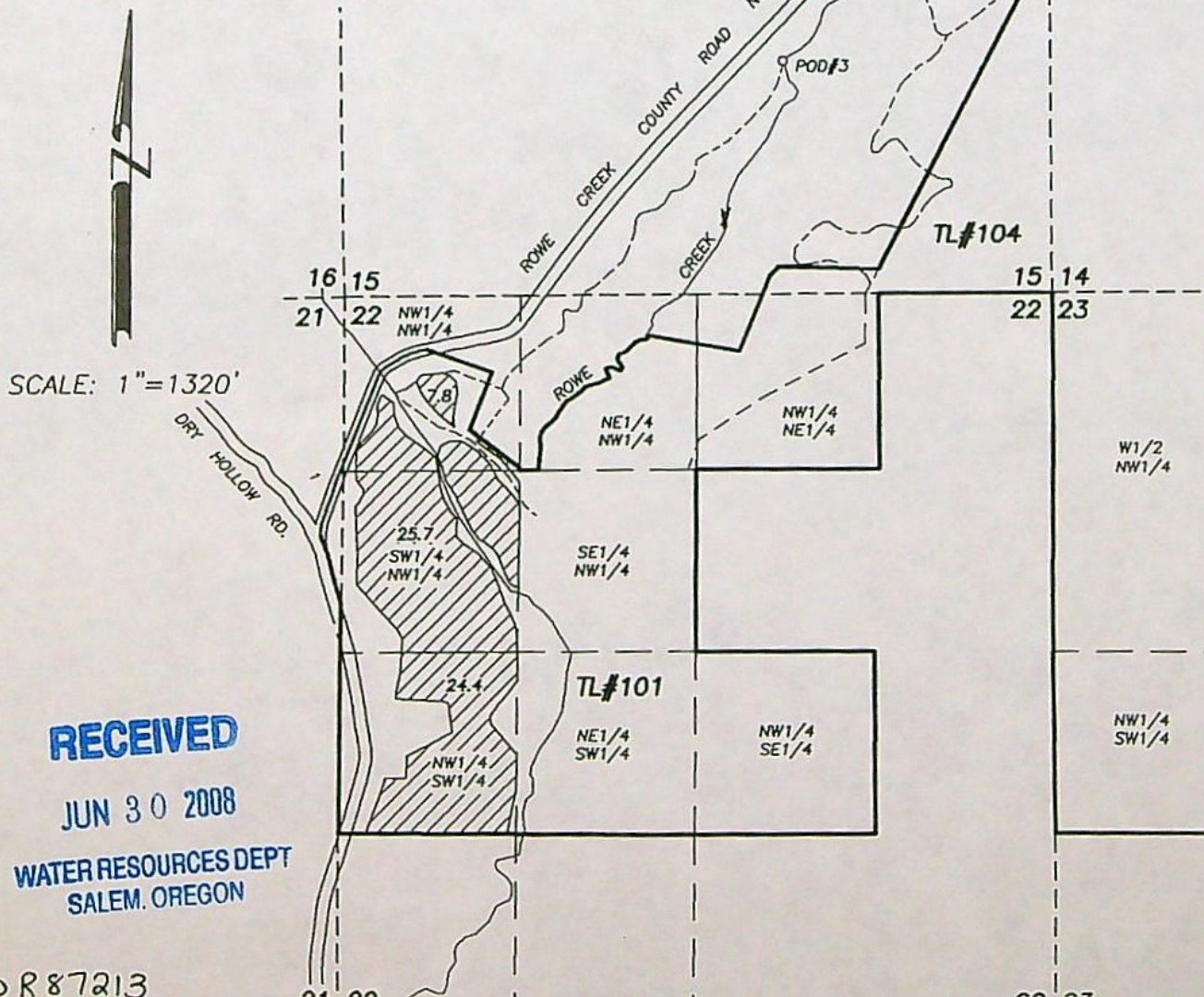
JOHN DAY, OREGON



POD#1 IS 30 FEET SOUTH AND 460 FEET WEST OF THE
NE CORNER OF SECTION 15, T.9S., R.21E.

POD#2 IS 60 FEET SOUTH AND 430 FEET WEST OF THE
NE CORNER OF SECTION 15, T.9S., R.21E.

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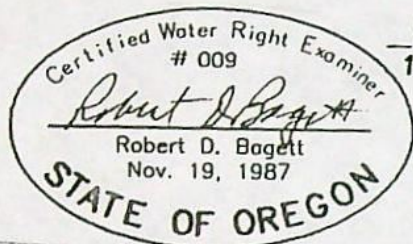
CERTIFICATE NO. 36701

PREPARED FOR

LOU GIOTTONINI

BY

BAGETT, GRIFFITH & BLACKMAN
PROFESSIONAL LAND SURVEYORS
217 N. CANYON BLVD.
JOHN DAY, OREGON



T.9S., R.21E., W.M.

POD#3 IS 3560 FEET SOUTH AND 1980 FEET WEST OF
THE NE CORNER OF SECTION 15, T.9S., R.21E.



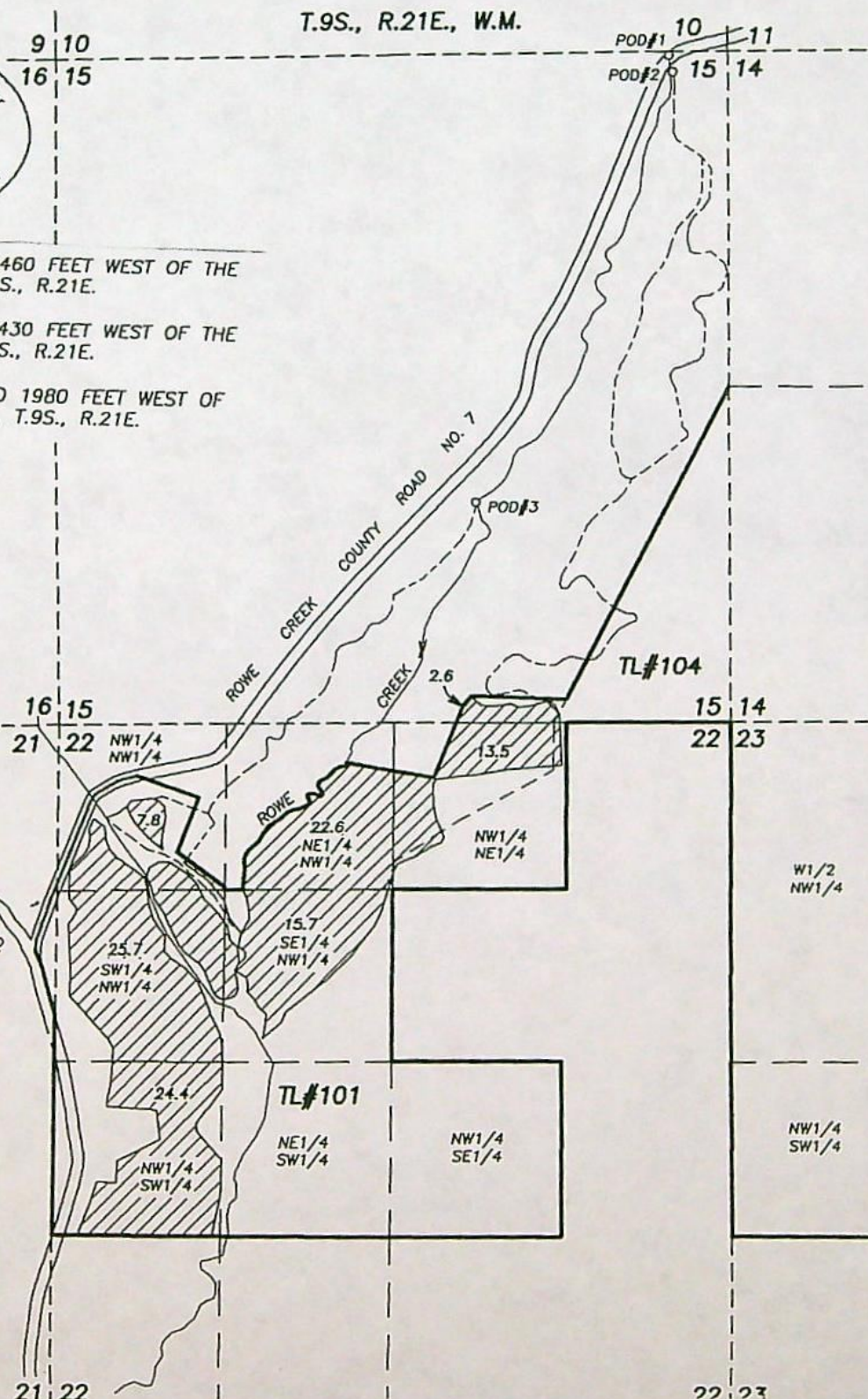
SCALE: 1"=1320'

RECEIVED

JUN 30 2008

WATER RESOURCES DEPT
SALEM OREGON

App No R 87213



OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

ATTN: HERB

NEW APPLIC
R 87213

FAX TRANSMITTAL

TO: Lou G FAX NUMBER: 541 247 7232

DATE: Wed JUL 2 2008 PAGES: , INCLUDING COVER SHEET

FROM: HERB PHONE: (503) 986-0 804

COMMENTS: PLEASE FILL OUT THE APPROPRIATE
BLANK SPACES OF PAGE 1 - YOUR LAND-
USE FORM.

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or
503-986-0904

MY RETURN
FAX #
503 986
0901

R87213

For Local Government Use Only

SIGNED @
COUNTY
PLANNING

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.

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Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

Name: Theressa W. Ward Title: County Planner
Signature: [Signature] Phone: 541-763-2126 Date: 6/26/2008
Government Entity: Wheeler 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

RECEIVED

Applicant name: _____

JUN 30 2008

City or County: _____ Staff contact: _____

WATER RESOURCES DEPT
SALEM, OREGON

Signature: _____ Phone: _____ Date: _____



Oregon

Theodore R. Kulongoski, 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

June 10, 2008

Lou Giottonini (Giottonini Family Trust)
P.O. Box 13
Wedderburn, Oregon 97491

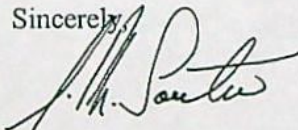
Dear Lou Giottonini (Giottonini Family Trust):

The Water Resources Department has received your application to store water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Revised Statutes (ORS 537.409).

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact Herb Mosgar at the address above or by telephone at 503-986-0804.

Sincerely,


Jerry Sauter
Water Rights Program Analyst

Cc: OWRD Fiscal

R87213

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **98271**

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

INVOICE # _____

RECEIVED FROM: Tally Property Management
BY: _____

APPLICATION	87213
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 6703 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 400.00

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 <u>11/Res</u>	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$ <u>400.00</u>
0205 TRANSFER	\$		\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
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: **98271**

DATED: 10-19-09 BY: QR