

"East"

Application No. R-86934

Permit No. R-15322

Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
6/29/07	540.00	88470
9-4-07	23.00	89492
3-22-18	520.00	126175
11-7-25	1170.00	146319
	Cert. Fee	

Name R-86934
 By GARY YOUNG
 Address BLUE MOUNTAIN RANCH
14005 SE PAULINA VALLEY RD
PAULINA OR 97751

Date _____
 DENIED _____
 MISFILED _____
 WITHDRAWN _____
 CANCELLED _____

FEES REFUNDED

Date	Amount	Receipt No.

Priority _____
 County _____ WM# _____

RELATED FILES

R-86935
S-86936

ASSIGNMENTS

Date	To Whom	Address

DEVELOPMENT

Date _____
 Completion April 11, 2023
 Extended to _____
 Final Proof received _____
 Proposed Cert. Mailed _____

REMARKS

MAP LOCATION

R 86934

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING AP
POST CARD SENT MS
DATA CENTER SP 7-607

GROUND WATER YES NO
ENFORCEMENT YES NO

WATER RIGHTS SUPPORT MS

<u>Caseworker:</u>		
Alyssa Mucken	503-986-0853	<input type="checkbox"/>
Anita Huffman	503-986-0815	<input type="checkbox"/>
Brook Geffen	503-986-0808	<input checked="" type="checkbox"/>
Jeana Eastman	503-986-0859	<input type="checkbox"/>
Kerry Kavanagh	503-986-0816	<input type="checkbox"/>

A "Standard Reservoir" storing 9.2 acre-feet or more of Water & has a dam height of 10.0 feet or greater needs to have a copy of the application & supplemental forms routed to "JOHN FALK"



**ATTN: WATER RIGHTS
SUPPORT....>>>> Mark contents of file with
application number;
Update the WRIS Database with caseworkers name.
Route file to Caseworker.**



**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 # **88470**

INVOICE # _____

RECEIVED FROM: Karen & David
BY: Newton

APPLICATION	R-86934
PERMIT	
TRANSFER	

CASH: CHECK:# 1714 OTHER: (IDENTIFY)

TOTAL REC'D \$ 540.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$ 540.00	0202 RECORD FEE \$
0203	GROUND WATER	\$	0204 RECORD FEE \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
	LANDOWNER'S PERMIT		0220 LICENSE FEE \$
	OTHER (IDENTIFY)		

**RECEIVED
OVER THE COUNTER**

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)	\$
0231	HYDRO LICENSE FEE (FWWRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

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

RECEIPT: **88470**

DATED: 6/29/07 BY: J. Paschke

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
 SALEM, OR 97301-4172

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

INVOICE # R-86934

RECEIPT # **89492**

RECEIVED FROM: Newton Consultants Inc.
 BY: _____

APPLICATION	<u>R-86935</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 419638 OTHER: (IDENTIFY)

TOTAL REC'D \$ 35.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES	\$		
0410 RESEARCH FEES	\$		
0408 MISC REVENUE: (IDENTIFY)	\$		
TC162 DEPOSIT LIAB. (IDENTIFY)	\$		
0240 EXTENSION OF TIME	\$		
WATER RIGHTS:			
0201 SURFACE WATER	EXAM FEE \$ <u>35.00</u>	0202	RECORD FEE \$
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 (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **89492**

DATED: 9/4/07 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

Application: R-86934

Permit: R-15322

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit

Holder(s)

Blue Mountain Ranch
PO Box 14
Paulina, OR 97751

ATTN: Sarah Teskey

Proposed Completion Date: 10-1-2030

WRIG...Money Received on: 11-7-25

Extension Specialist ...

Added to tracking spreadsheet

After fee is received and app is added to spreadsheet, route to...

Tonya Miller...

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 11.25.2025

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN returned 11.24.25

NOTES:

**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 # **146319**

INVOICE # _____

RECEIVED FROM: Blue Mountain Holdings
BY: _____

APPLICATION	<u>W-816934</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 1367 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,170.00

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 46111 \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME \$ 1170.00

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
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: **146319** DATED: 11-7-25 BY: [Signature]



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

November 24, 2025

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

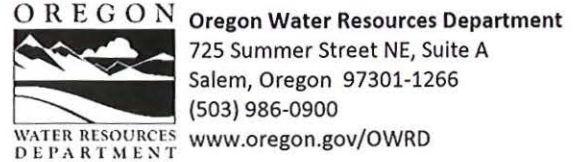
The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-86934 (Permit R-15322)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 979-3213. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Application for Extension of Time for a Water Right Permit (NON-Municipal/ NON-Quasi-Municipal)



Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Received
NOV 07 2025
OWRD

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

I, Blue Mountain Ranch/Sarah Teskey

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

PO Box 14
ADDRESS

Paulina
CITY

OR
STATE

97751
ZIP

541 477-3848
PHONE

steskey@bluemtnranch.com
E-MAIL ADDRESS

the permit holder of: Application Number R-86934

Permit Number R-15322
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 4 Day: 11 Year: 2023, be extended to October 1, 2030, [OAR 690-315-0020(3)(i)]

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

<u>Sarah Teskey</u> Signature	<u>10-29-25</u> Date
<u>Sarah Teskey</u> Printed Name	<u>Member HC</u> Title
The agent below is authorized to represent the applicant in all matters relating to THIS application.	
<u>Cascade GeoEngineering, LLC/Jim Newton</u> Authorized Agent (Print Agent Name)	<u>360 907-4162</u> Agent contact
	<u>ST</u> Permit Holder Initials

Received
NOV 07 2025
OWRD

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$1,170.00
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**

GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

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- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department’s Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department’s Website. **NOTE: If the document requested is not available on the Department’s website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: 10 Day: _____ Year: 2021

Details of construction and attach documentation: The pump station has been installed for the East Reservoir, including the tank vault, electrical panel, and pump; piping has been installed from the vault to the East Reservoir; and the keyway trench excavation was worked on in the summer of 2022 and summer of 2023. During the fall of 2025 the diversions pump are scheduled to be installed (See attached picture of pumps to be installed).

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OAR 690-315-0020(3)(A)(e)(A)

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 NOV 17 2025
 OWRD

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of annual water use report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Since Issuance 2018.
<input checked="" type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A gravel packed perforated pipe is laid adjacent to the creek to allow water to enter the pump vault. ODFW will review as further progress is made and prior to diversion of water.
<input checked="" type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): staff gage must be installed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): monitor USGS gage 14103000 for minimum flows	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<input checked="" type="checkbox"/>	Other (Specify): Dam Conditions - "to be added by the Department's dam-safety engineer"	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): If the riparian area is disturbed while developing POD, permittee shall restore/enhance riparian area per ODFW	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

the dam has not yet been built, therefore all of the no conditions could not have been complied with yet. these conditions will be complied with after the reservoir has been constructed, in a timely fashion to meet each condition.

Received
 NOV 07 2025
 OWRD

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use chronological order. Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
6/29/2007	Applied for reservoir permit. Work included pre-application site work, engineering, and client/engineer interaction during the application process	\$40,000.*
6/9/2009	OWRD issued Proposed Final Order Recommending the Application be denied due to proposed type of use	\$2,000.*
7/27/2009	Applicant filed Timely protest, clarifying the proposed type of uses	\$6,000.*
4/14/2011	OWRD issued Final Order Incorporating the Settlement Agreement and approving Application R-86934	\$3,000.*
2011	Dam Plans and Specifications & Dam Safety Review and Approval as part of the permit issuance	\$18,000.*
	*Fees estimated based on past work with Blue Mountain Ranch, some existing invoice data and other typical cost for these services.	\$69,000.
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
4/11/2018	Date the permit was signed - find date above signature on last page of permit.	
Fall '21	Pump Station #1 was constructed, including providing electricity to the vault, electrical panel installation, installation of a subgrade drain for the vault, and installation of the pump in the vault. (Excavator invoice attached - 11/9/2021 - Bob Baker Rentals)	\$4,500.+Install*
Summer '22	Piping was installed from the vault at Pump Station #1 to the East Reservoir. (Piping receipt attached - 9/19/2022 - Western Poly Pipe)	\$3,500.+On-farm operator*
Summer '22	Keyway trench excavation was worked on	\$.3500. +On-farm operator*
Summer '23	Keyway trench excavation was worked on	\$.3500.+On-farm operator*
	*Receipts for pipe & equipment rental attached (only 2021 year for equipment was provided, assume each season rental was similar price)	

	Total	\$15,000.00*
		*plus On-farm operator or installer
4/11/2023	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
6/25/25	Flow meter purchased for installation at diversion pump station (receipt attached, only 1 meter used for reservoir diversion)	\$1,700.
September 2025	Pickup used pumps for diversion from Abbas Pump, invoice not received yet. (*estimated value)	\$3,000.*
Total Cost for Chart-B		\$88,700 + On-Farm operator/installer

* If exact cost is not known, you must provide your best estimate.

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
	This is First Extension Request.	
	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	This is First Extension Request	

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NOV 07 2025
OWRD

Total Cost of Chart-C		N/A

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. **Cost of project to date: \$88,700.00 + On-farm operator/installer**
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

Received
 APR 11 / 2025
 OWRD

6. **For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = 0 cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = 0 AF

7. **For Ground Water Permit Extensions (e.g. G-XXXX):**

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
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		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
					Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-

	Yes <input type="checkbox"/>		No <input type="checkbox"/>		No <input type="checkbox"/>	
	No <input type="checkbox"/>					
Total instantaneous rate from all wells utilized under this permit						

8. Has a Permit Amendment Application been filed? Yes No
 If yes, identify Transfer No. T-_____

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[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: _____

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# _____ Acres _____ (POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____ (POD/POA) # _____ Acres _____

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
	Construction of East Reservoir, including installing Outlet Pipe, fish screening, and fish by-pass device	\$250,000.00
	Purchase & install totalizing flow meter or suitable measuring device at Pump Station #1	Completed
	Purchase & install staff gauge in East Reservoir	\$3,000.00
	Allow East Reservoir to Fill - between March 1 and April 14	\$4,000.00 (power cost, pump to store)
	Construction of Remainder of Irrigation System	\$10,000.00

	Application of Water to Full Beneficial Use	\$4,000.00 (power cost, pump to POU)
Year: 2030	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$271,000.00

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$271,000.00
(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* The Blue Mountain Ranch has continued to make incremental efforts on the construction of the dam diversion and the dam itself. With the largest expense of the construction of the actual dam, this task has been the portion of development to be delayed, however, economic planning has been occurring with the Ranch to prepare for the expense of actual dam construction and it is anticipated in the immediate years ahead. Further, with the change in OWRD policy stemming from a December 2023 legal decision (OWRD vs. Bridge Creek Ranch; a Pape Machinery/Family reservoir) allowing transfers to reservoir water rights, the Blue Mountain Ranch has been endeavoring to amend the permit for the BMR 'West Reservoir' under permit R-15250, which is also submitting an application for extension of time, followed by a permit amendment to move the POU and POA to this permit, R-15322.

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The current Blue Mountain Ranch owners have spent considerable time and dollars since acquiring the Ranch in 2006 to keep Ranch operations running smoothly. Prior to purchasing the Ranch, the former owners removed the pumps and irrigation equipment related to one of the Permitted water rights. After purchasing the Ranch in 2006, the family was placed under economic pressure due to the 2007/2008 recession, and has experienced family issues and other unexpected expenses since then (see Section 16, following, for details), including costs to replace the pumps and irrigation equipment related to one of the water right Permits. These unexpected expenses prevented the Ranch owners from completing construction of the East Reservoir before Permit's R-15322 C date. Barring unexpected expenses in the future, the Ranch owners intend to complete construction of East Reservoir and it's associated irrigation system, and apply water to full beneficial use, prior to the end of the 2030 irrigation season.

[OAR 690-315--0020(3)(l)]

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14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* Yes! The current Blue Mountain Ranch owners have spent considerable time and dollars since acquiring the Ranch in 2006 to keep Ranch operations running, and are relying on construction of East Reservoir to provide irrigation (both primary and supplemental) to keep fields productive in the coming years. Loss of this permit would mean not only the loss of the associated irrigation, livestock, and wildlife uses, but also the loss of the \$88,700 invested to date applying for the Permit and beginning to construct East Reservoir and its related features.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)* No! Due to the remoteness of the location, no other potential sources of water beyond those already covered by OWRD Permits for Blue Mountain Ranch are available.

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[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)* Note that the Ranch owners initially submitted the Permit application to OWRD on June 29, 2007. OWRD issued the PFO to deny the Permit application on June 9, 2009, a governmental delay of 2 years. The Ranch owners timely protested the denial, and addressed the issue for the denial by adding additional useage types. OWRD issued the Final Order incorporating the Settlement Agreement on April 14, 2011, and issued Permit R-15322 on April 11, 2018, a further governmental delay of 9 years. Additional work with Dam Safety to re-review the dam desgin based on changes to OAR 690-020 adopted in 2020 requires a 5-year re-review of the dam desgin. Discussions and preliminary review of the dam design was conducted with OWRD Dam Safety in April 2024-Dam Safety did not see any concern with the older than 2020 design and recommended to request design re-review in the year anticipated construction on the dam would reconvene.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events)* Note that this Permit is part of an extensive Ranch. In the Winter of 2015, the owners' paternal grandfather became ill; he passed away in August of 2015. As the patriarch of their family, it was a difficult loss and a stressful time for the family and for the Ranch's business. Following his death, the Ranch owners' energy was focused on burying their grandfather, moving their grandmother to Arizona, handling the ensuing estate issues, and managing the change in family & Ranch operations dynamics. The time and finances that had been planned to be allocated towards constructing East Reservoir, developing other Ranch water rights Permits, and executing other Ranch projects, was redirected in the summer, fall, and winter of 2015 while the Ranch owners managed the circumstances and fallout after the death of their grandfather.

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In January of 2016, the two primary owners of the Ranch (brother and sister Aaron Young and Sarah Teskey) reached the difficult and sensitive decision to enact a buyout agreement wherein Sarah would purchase Aaron's individual interest. This process consumed all the emotional, financial, and administrative energy of those involved in the Ranch business for the entire 2016 year. The Ranch maintained basic operations during this transition but there was little time, attention, or manpower remaining for completion of water right-related improvements, or for seeking new financing, and scant finances were available for investing in water rights-related projects, including construction of East Reservoir.

Beginning in late 2016, the Ranch owners were making tremendous progress with on-Ranch improvements, including water rights related improvements. Unfortunately, the 2020 Pandemic and associated restrictions slowed that progress. In addition, beef prices fluctuated wildly as a result of COVID, which increased the difficulty in accurately budgeting for reservoir construction and other water right permit development tasks. As noted earlier in this Extension Application, Pump Station #1 was constructed in the Fall of 2021, piping was installed connecting Pump Station #1 to the East Reservoir location, and the keyway trench excavation was worked on in the summer of 2022 and the summer of 2023. However, insufficient time and financing were available to complete construction of East Reservoir and the related irrigation system.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

Summer of 2024 large wildfires, the "Crazy Creek Fire" and the "Durgan Fire" that delayed additional development of the dam structure with fires starting July 22, 2024. With the previously mentioned requirement to conduct dam construction after the creek has receded from high water elevations, this timeframe directly impacted the ability to continue development of the dam structure. Barring such impedences, continued construction on the dam will continue into 2026 as conditions allow. These two wildfires impacted up to 5,000 acres of Blue Mountain Ranch deeded land holdings, along with approximately 75,000 acres of BLM/USFS lease lands.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

As a result of changes with Prineville Reservoir protests by all storage water right holders above Prineville Reservoir, the Ranch had to re-evaluate sinking money into an approved storage reservoir that could be called upon by the U.S. Bureau of Reclamation and U.S. Fish and Wildlife to restrict junior water storage patrons in the upper watershed that this permit/reservoir is a part of. The USBOR/USFS application was filed in June 2021. As a result, Blue Mountain Ranch hesitated to continue construction until a timely protest was filed by Upper Crooked River Conservationists group in 2023/2024 that has been upheld to reduce USBOR and USFW from restricting junior water right holds from diverting water for storage. Subsequently, Blue Mountain Ranch is poised to cautiously continue develop of the dam and reservoir as included in this permit extension application.

Further, in 2018 Blue Moutnain Ranch applied for an OWRD Water Projects Grants and Loan application to pursue a grant to aide in the monetary burden to construct the dam. The grant application was denied, and, based on a post-grant application review meeting with the OWRD grant personnel, it was determined that the Ranch would have difficulty with scored grant sections that required public interest improvements-as the dam and reservoir are wholly on private lands and with the nature of ranching and farming, the Ranch found difficulty to allow public access to the reservoir that could have added a significant liability burden on the Ranch.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) Yes! Construction of East Reservoir, West Reservoir, and development of associated water rights Permit S-55207 for 39.0 acres of primary irrigation and 333.8 acres of supplemental irrigation will provide the Ranch owners supplemental irrigation water to support hay growth during dryer-than-normal summers, which will enable Ranch operations to continue as expected.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

Attach permit, and documentation to the application

Below Photo of installed electrical panel for R-15322/15250 pump station pumps, photo November 21, 2022 taken by Jim Newton, CWRE, of Cascade Geoengineering, LLC.



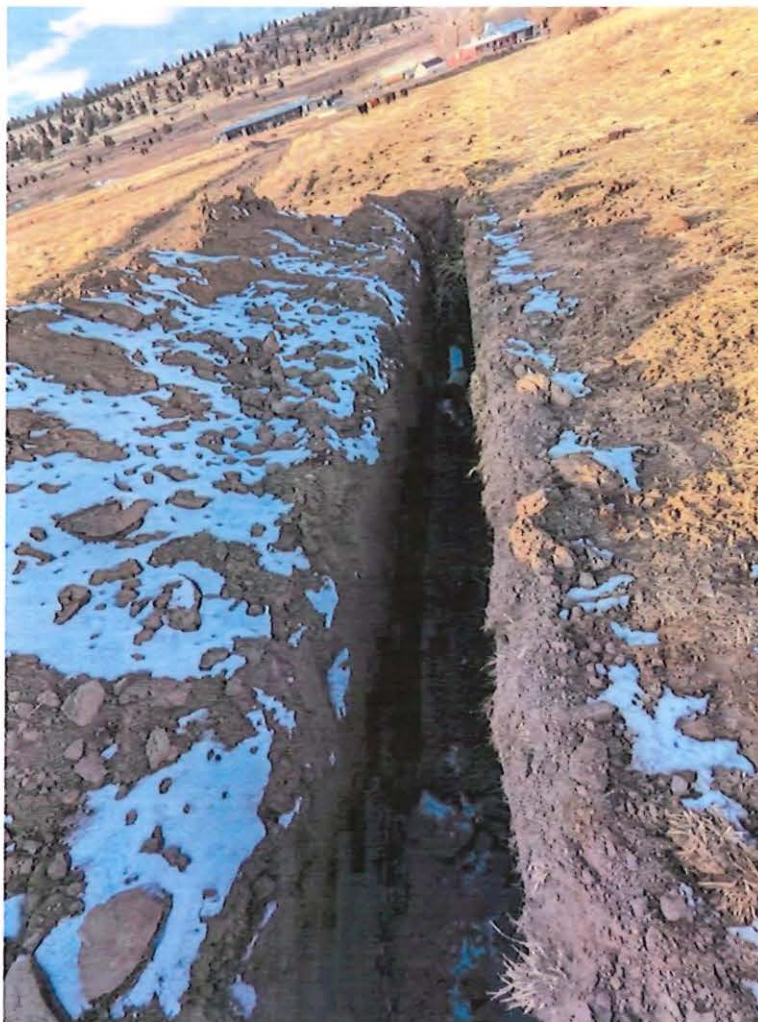
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NOV 07 2025
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Below photo of installed pump vault/tank with pipeline connection to reservoir, top of tank and lid observed, photo from November 21, 2022 taken by Jim Newton, CWRE, of Cascade Geoengineering, LLC.



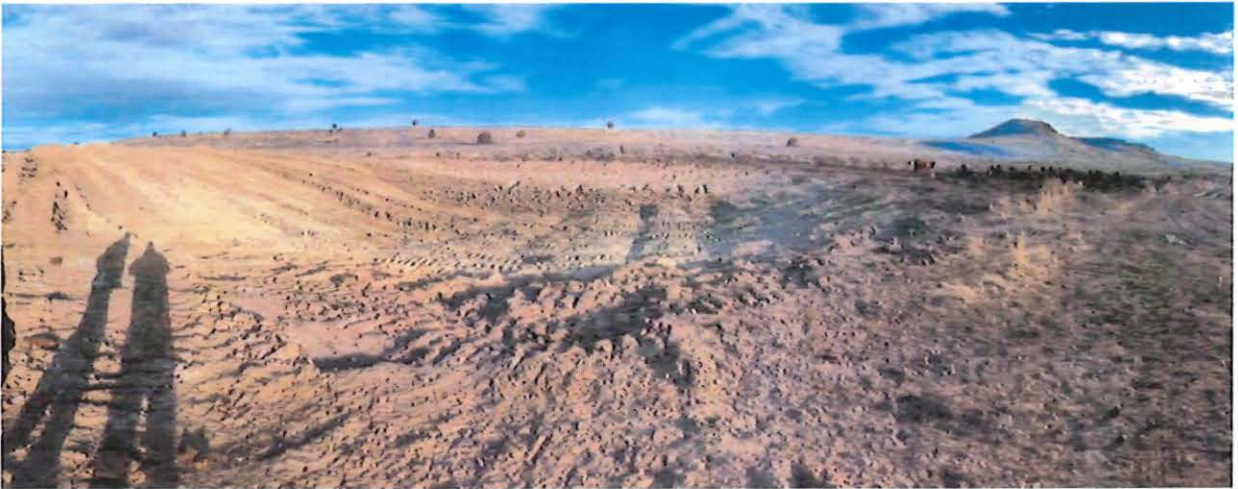
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Below two photographs of trench with 6" pipeline installed in the bottom of trench extending from POD pump vault to within approximately 200' from the base of the dam location-pipe is visible in the bottom of the trench, photo from November 21, 2022 taken by Jim Newton, CWRE, of Cascade Geoengineering, LLC.



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Below photos of initial keyway trench installation for the dam foundation. During initial excavations this trench was saturated, requiring work stoppage until the trench dried out. At this point, the trench has been delayed, photos from November 21, 2022 taken by Jim Newton, CWRE, of Cascade Geoengineering, LLC.



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Bob Baker Rentals
 18828 CHOCTAW RD.
 BEND, OR 97702

Invoice

Date	Invoice #
11/9/2021	723

Bill To
BLUE MOUNTAIN RANCH P.O. BOX 14 PAULINA, OR 97751

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 NOV 07 2025
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P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	9020 CASE EXCAVATOR RENTAL START HOURS 5981 END 6084 PER MONTH	3,500.00	3,500.00
	NO CHARGE FOR NOT FUELING EXCAVATOR	0.00	0.00
		<i>Net Hours</i>	
		Total	\$3,500.00

Western Poly Pipe, LLC

145 2nd St., #112
Brentwood, CA 94513
(925) 240-3643
westernpolypipe@gmail.com



**WESTERN
POLY PIPE**

INVOICE

BILL TO

Allen Teskey
Blue Mountain Ranch
Paulina, OR

SHIP TO

Allen Teskey
Blue Mountain Ranch
Paulina, OR

INVOICE

1531

DATE

09/19/2022

TERMS

Due on receipt

DUE DATE

09/19/2022

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
6" DR 13.5		450	10.00	4,500.00
			SUBTOTAL	4,500.00
			TAX	0.00
			TOTAL	4,500.00
			BALANCE DUE	\$4,500.00



Handwritten scribbles

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Cascade Geoengineering, LLC
 21145 Scottsdale DR
 Bend, OR 97701

Invoice

Date	Invoice #
6/25/2025	335

Bill To
Young's Blue Mountain Holdings, LLC Sarah Teskey P.O. Box 14 Paulina, OR 97751

Received
 NOV 07 2025
 OWRD

Description			Amount
Seametrics Meters (2) iMag4700			3,400.00
Total			\$3,400.00
Phone #	E-mail	Web Site	
360-907-4162	newtonjim@hotmail.com	www.cascadegeoengineering.com	

STATE OF OREGON

Received

COUNTY OF CROOK

NOV 07 2025

PERMIT TO STORE THE PUBLIC WATERS

OWRD

THIS PERMIT IS HEREBY ISSUED TO

GARY YOUNG
BLUE MOUNTAIN RANCH
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86934

SOURCE OF WATER: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

STORAGE FACILITY: BEAVER CREEK EAST RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, LIVESTOCK, AND WILDLIFE

MAXIMUM VOLUME: 72.11 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1 THROUGH
APRIL 14

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 7.37 ACRES AND
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 13.0 FEET.

POINT OF DIVERSION: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 26, T16S, R23E, W.M.; 2640 FEET
SOUTH AND 726 FEET WEST FROM NE CORNER, SECTION 26

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 26

TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

Measurement, recording and reporting conditions:

1. A. Before water may be diverted for storage under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.

Application R-86934

Water Resources Department

PERMIT R-15322

OWRD

- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded measurements to the Department annually or more frequently as may be required by the Director.
2. A. Before water may be diverted for storage under this permit, a staff gage that measures the entire range between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
B. The Director may require the permittee to keep and maintain a record of the water level measurements on a periodic schedule as established by the Director.
3. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
4. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
5. The permittee shall maintain all required devices in good working order.

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.

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 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.

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. 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 diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

Deschutes River Scenic Waterway	
Month	Minimum Flow (cfs)
March 1-15	4500
March 16-31	4000
April 1-14	4000

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DAM CONDITIONS

To be added upon approval by the Department's dam-safety engineer.

STANDARD CONDITIONS

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and

Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

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

Construction shall be completed and the permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued April 11, 2018



Dwight French, Water Right Services Division Administrator
for Thomas M. Byler, Director

Received
NOV 07 2025
OWRD

Mailing List for Permit

Application #R-86934

Permit #R-15322

Original mailed to applicant:

GARY YOUNG
BLUE MOUNTAIN RANCH
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

Copies sent to:

1. WRD - File # R-86934
2. WRD - Hydrographics
3. WRD - Dam Safety

Copies Mailed By: <u>SP</u> (SUPPORT STAFF) on: <u>4-11-18</u> (DATE)

FO and Map Copies sent to:

4. WRD - Watermaster # 11

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

5. Newton Consultants Inc, PO Box 1728, Redmond, OR 97756

CASEWORKER: Scott Grew

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

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SE $\frac{1}{4}$ SE $\frac{1}{4}$
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1. A. Before water may be diverted for storage under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.

- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded measurements to the Department annually or more frequently as may be required by the Director.
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Within one year after storage of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued April 11, 2018



Dwight French, Water Right Services Division Administrator
for Thomas M. Byler, Director

**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 # **126175**

INVOICE # _____

RECEIVED FROM: Blue Mountain Ranch
BY: _____

APPLICATION	R-86934
PERMIT	
TRANSFER	

CASH: CHECK:# 86813 OTHER: (IDENTIFY)

TOTAL REC'D \$ 526.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES		\$	
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$	
WATER RIGHTS:			
0201 SURFACE WATER	EXAM FEE	\$	RECORD FEE
0203 GROUND WATER		\$	520.00
0205 TRANSFER		\$	
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	\$	LICENSE FEE
LANDOWNER'S PERMIT		\$	
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: **126175**

DATED: 3-22-18

BY: [Signature]



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

GARY YOUNG
BLUE MOUNTAIN RANCH
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

August 23, 2017

RE: Application File R-86934

Dear Applicant:

On April 14, 2011, the Department issued a Final Order Incorporating Settlement Agreement and a Draft Permit. The dam plans and specifications were received and approved in 2013. The only requirement left to issue a permit is the payment of the recording fee.

Please submit the \$520.00 in recording fees (as the statutory permit recording fee has increased since the issuance of the Final Order).

Please send to:

Oregon Water Resources Department

re: R-86934 c/o Scott

725 summer St NE, Suite A

Salem, OR 97301

Feel free to contact me at scott.a.grew@oregon.gov or 503-986-0899 with questions.

Sincerely,

Scott Grew
Water Rights Application Specialist

cc: file

East

RECEIVED

MAR 22 2018

OWRD

GREW Scott A * WRD

From: MILLS Keith A * WRD
Sent: Monday, August 07, 2017 10:16 AM
To: GREW Scott A * WRD
Cc: JANICEK Tony M * WRD; CROGHAN Lyndsey B * WRD; MILLS Keith A * WRD
Subject: RE: final plans and specs for R-86934, R-86935?

Scott,

Plans and specs for these 2 dams (Bleu Mountain East and Blue Mountain West) were approved in 2013.

Keith

Keith Mills, P.E., G.E., State Engineer for Water Resources
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301
Phone: (503) 986-0840
Cell: (541) 706-0849

From: GREW Scott A * WRD
Sent: Friday, August 04, 2017 4:46 PM
To: MILLS Keith A * WRD; JANICEK Tony M * WRD
Subject: final plans and specs for R-86934, R-86935?

Keith and Tony,

Have we received final plans and specs for R-86934 and R-86935?

Thank you,

Scott Grew
Water Right Application Processor
Oregon Water Resources Department
503-986-0899

Kerry Kavanagh

From: David Newton <dnewton@newtonconsultants.com>
Sent: Friday, February 22, 2013 3:32 PM
To: kerry.l.kavanagh@state.or.us
Subject: R-86934 East Reservoir & R-86935 West Reservoir

Kerry:

I hope you are well.

This is an update on preparation of construction plans and specifications for both of the subject reservoirs. As you will recall, we plan to submit the plans and specifications to the OWRD around mid-March 2013. The date by which R-86934 plans and specifications were to be submitted to the OWRD was February 13, 2013 (R-86935 plans/specs due by June 13, 2013); however, we were delayed by a number of factors in meeting that specific date. We are nearly complete. We have completed the following as of today:

- Backhoe pit exploratory trenches;
- Laboratory testing of soil samples (grain size analysis, maximum dry density, optimum moisture content);
- Hydraulic analysis of outlet pipe works and preliminary design.
- Watershed runoff calculation for 100-year event and flow for emergency spillway design;
- Emergency spillway design.
- Earth dam cutoff trench;
- Earth dam toe drain.
- Draft construction specifications.

We are now finishing the construction drawings to include the above project components.

The draft plans and specifications will be reviewed by Gary Young (Applicant). Potential revisions will be done and then the plans and specifications will be submitted to OWRD ASAP.

We are diligently pursuing completion of the plans and specifications.

Please let me know of any questions or concerns you have relative to this message and planned schedule.

Thank you for your help Kerry.

Sincerely,

David

David Newton, P.E., C.E.G., C.W.R.E.

Principal – CEO



P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

Kerry Kavanagh

From: David Newton <dnewton@newtonconsultants.com>
Sent: Friday, April 26, 2013 4:20 PM
To: kerry.l.kavanagh@state.or.us
Cc: keith.a.mills@state.or.us
Subject: Application R-86934 & R-86935

Kerry, construction plans and specifications for Application R-86934 are being finalized and will be mailed to Keith Mills late today (April 26) or Monday April 29.

Construction plans and specifications for R-86935 are being finalized and will be mailed to Keith Mills before May 3, 2013.

Hope you are well and enjoying spring weather.

Thank you for your assistance with these Applications.

David

David Newton, P.E., C.E.G., C.W.R.E.

Principal – CEO

NEWTON 
CONSULTANTS INC.

P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

541 325-3905 *cell*

541 504-9960 x211 *office*

541 504-9961 *fax*

Kerry Kavanagh

From: David Newton <dnewton@newtonconsultants.com>
Sent: Wednesday, March 27, 2013 9:38 AM
To: kerry.l.kavanagh@state.or.us
Cc: keith.a.mills@state.or.us
Subject: Update; R-86934 (East Reservoir) & R-86935 (West Reservoir); Plans and Specifications

Kerry:

This is to update you on progress in preparing engineered plans and specifications for the two subject reservoirs for applicant Gary Young at Blue Mountain Ranch, Crook County, Oregon.

Our plan is to review the draft plans and specifications with the applicant the week of April 1. We will then amend them if necessary, based on the review, and submit them to Keith Mills, OWRD Dam Safety Engineer shortly thereafter.

We were delayed by need to obtain some additional soil samples and test them for grain size distribution. This was necessary to investigate potential to use these soils as the core for the proposed East Reservoir dam.

The applicant is diligent in getting the plans and specifications completed and submitted to the OWRD.

Please contact me if you have any questions. We appreciate your help on this project.

Sincerely,

David

David Newton, P.E., C.E.G., C.W.R.E.

Principal – CEO

NEWTON 
CONSULTANTS INC.

P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

541 325-3905 *cell*

541 504-9960 x211 *office*

541 504-9961 *fax*

Kerry Kavanagh

From: David Newton <dnewton@newtonconsultants.com>
Sent: Monday, February 04, 2013 6:32 AM
To: kerry.l.kavanagh@state.or.us
Subject: R-86934, East Reservoir; R-86935, West Reservoir; Gary Young

Kerry:

As we discussed by telephone earlier and last Friday at the OWRD, we are developing engineered plans and specifications for both the East Reservoir (R-86934) and the West Reservoir (R-86935).

The administrative hold expires for R-86934 on February 13, 2013. It expires for R-86935 on June 13, 2013.

Our intent was to submit engineered plans and specifications for R-86934 by February 13, 2013. For R-86934, we have completed a site investigation with backhoe pits, completed laboratory tests on soil samples for dam foundation and embankment design, calculated the 100-year runoff from the watershed above the off-channel reservoir, developed the emergency spillway, developed the outlet works, developed the dam embankment configuration. However, we cannot get the entire plan and specification package completed, reviewed by the applicant, refined according to applicant review, and then submitted to the OWRD by February 13, 2013.

Accordingly, I am planning on submittal no later than March 15, 2013. I am asking for some additional time under the existing Administrative Hold to complete the plans and specifications for R-86934.

I will maintain communication with you on our progress and maintain diligence in getting the documents done, and will be responsive to the intent of the Administrative Hold.

Plans and specifications for the West Reservoir (R-86935) are nearly complete as well. Both packages are intended to be submitted at the same time, although the schedule for this reservoir is June 13, 2013.

Please let me know if we can work according to the schedule I presented herein.

Thank you Kerry, for all your help.

Sincerely,

David

David Newton, P.E., C.E.G., C.W.R.E.

Principal – CEO



P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

541 325-3905 *cell*

541 504-9960 x211 *office*

541 504-9961 *fax*



Oregon

John A. Kitzhaber, MD, Governor

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

GARY YOUNG
BLUE MOUNTAIN RANCH
P.O. BOX 14
PAULINA, OR 97751

June 19, 2012

Reference: Files R-86934 and R-86935

Dear Mr. Young:

On June 14, 2012, the Water Resources Department (Department) received your letter requesting an additional administrative hold for these two applications in order to complete and submit the plans and specifications for the two proposed reservoirs. You requested a hold on Application R-86934 (East Reservoir) until February 13, 2013 and a hold on Application R-86935 (West Reservoir) until June 13, 2013. Your request for additional time beyond 60 days as noted in the final orders is reasonable. Once the plans and specifications for the two reservoirs are complete, please submit them to the Department's Dam Safety program for review.

The Department will not take any action on these applications until February 13, 2013 for Application R-86934 (East Reservoir) and until June 13, 2013 for Application R-86935 (West Reservoir). Please let us know if you are ready to proceed sooner.

Please understand as this is your second long-term administrative hold for these two applications, it is unlikely that any additional administrative hold will be approved. However, if you need to request additional time, your request will again need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a specific time line which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please contact Kerry Kavanagh at 503-986-0816.

Sincerely,

Dwight W. French
Water Right Services Administrator

cc: WRD - Watermaster # 11
WRD Dam Safety
Files
David Newton, Newton Consultants, Inc., 1937 N Business 97, Redmond OR 97756

Blue Mountain Ranch



Paulina, Oregon

June 10, 2012

Ms. Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RECEIVED

JUN 14 2012

WATER RESOURCES DEPT
SALEM, OREGON

APPLICATIONS R-86934 AND R-86935; BLUE MOUNTAIN RANCH; REQUEST FOR ADMINISTRATIVE HOLD

Dear Ms. Kavanagh:

Blue Mountain Ranch, was issued Final Orders, in my name, approved on April 14, 2011 for applications R-86934 (our planned East Reservoir) and R-86935 (our planned West Reservoir). The Final Orders included the condition that permits would be issued after approval of dam plans and specifications by Oregon Water Resources Department Dam Safety staff. The approvals and fee payment were required within 60 days after the date of approval for the Final Orders, or by June 13, 2011.

I requested in a letter to the OWRD dated August 24, 2011 that the Final Orders be placed on Administrative Hold. This request was granted with the date of plans and specifications submittal for both Final Orders shifted to June 13, 2012. Blue Mountain Ranch is still unable to invest capital in developing the plans and specifications required by OWRD to issue permits for both Applications and implement construction of the two proposed reservoirs. This situation forces me to request an additional Administrative Hold status for R-86934 and R-86935.

Over the period of the existing Administrative Hold, we have carefully reviewed the R-86935 (West Reservoir) site through field observations considering slope angles, existing gullies and excavation. Our purpose was to have another look at how we could construct this reservoir on an economical basis. We find that we cannot at the present time. We have also consulted with David Newton, CWRE on this project regarding construction and cost issues.

As for last year, we have been focused on many decisions about operations of Blue Mountain Ranch, considering economic conditions and budgeting. Again, this requires time and thought to make business decisions on what our priorities are for capital investments in this continued state of economic depression.

Considering costs of our normal Ranch operations and continued state of deflated economy, we cannot allocate funding at the present time to complete the plans and specifications for both R-86934 and 86935. As I emphasized before, the proposed reservoirs are very important to our water supply for irrigation. We have invested significant funds to obtain the two Final Orders and we want to protect them since we do intend to construct the reservoirs.

Based on the above considerations, I am requesting that both Final Orders be placed on Administrative Hold. Considering the issues we are faced with, I am requesting an Administrative Hold period of eight months (expiring February 13, 2013) for R-86934 (East Reservoir) and a period of one year (expiring June 13, 2013) for R-86935 (West Reservoir). This timing will allow us to stagger

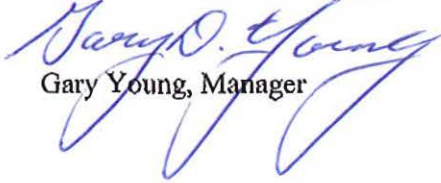
PO Box 14 Paulina, OR 97751 ~ Ph/Fx (541) 477-3848
www.bluemtnranch.com

investments in engineering over a time period that is compatible with our operating budgets under present economic conditions.

Your consideration of this matter and approval of this request is sincerely appreciated. Please contact me at (541) 477-3144 if you have any questions regarding this request.

Sincerely

BLUE MOUNTAIN RANCH



Gary Young, Manager

RECEIVED

JUN 14 2012

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

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

GARY YOUNG
BLUE MOUNTAIN RANCH
P.O. BOX 14
PAULINA, OR 97751

September 9, 2011

Reference: Files R-86934 and R-86935

Dear Mr. Young:

On September 7, 2011, the Water Resources Department (Department) received your letter in response to the final orders and associated draft permits issued April 14, 2011 for the above referenced applications. You requested an additional one-year period in order to complete and submit the plans and specifications for the two proposed reservoirs. Your request for additional time beyond 60 days as noted in the final orders is reasonable. Once the plans and specifications for the two reservoirs are complete, please submit them to the Department's Dam Safety program for review.

The Department will not take any action on these applications until **June 14, 2012**. Please let us know if you are ready to proceed sooner.

It is unlikely that an additional administrative hold will be approved. However, if you need to request additional time, your request will again need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a specific time line which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please contact Kerry Kavanagh at 503-986-0816.

Sincerely,

E. Timothy Wallin
Water Rights Program Manager

cc: WRD - Watermaster # 11
WRD Dam Safety
Files
David Newton, Newton Consultants, Inc., 1937 N Business 97, Redmond OR 97756



August 24, 2011

Ms. Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
SALEM, OREGON

APPLICATIONS R-86934 AND R-86935; BLUE MOUNTAIN RANCH; REQUEST FOR ADMINISTRATIVE HOLD

Dear Ms. Kavanagh:

Gary Young, of Blue Mountain Ranch, was issued Final Orders approved on April 14, 2011 for applications R-86934 and R-86935. The Final Orders included the condition that permits would be issued after approval of dam plans and specifications by Oregon Water Resources Department Dam Safety staff. An additional condition is that an outstanding fee of \$400 applicable to application R-86934 is paid. The approvals and fee payment were required within 60 days after the date of approval for the Final Orders, or by June 13, 2011.

We have been focused on many decisions about operations of Blue Mountain Ranch, considering economic conditions and budgeting. This required time and thought. We now are in a position to make informed business decisions, including decisions about the requirements of the two Final Orders.

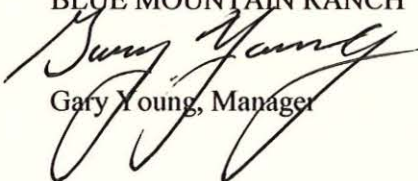
The economy and related financial considerations at the present time require the Ranch to post-phone investments in engineering costs in connection with the two Final Orders. The proposed reservoirs for which the Final Orders apply are very important water supply components of the Ranch. As such, the Ranch intends to construct the projects; however, the present economy requires delay in this plan.

Based on the above considerations, I am requesting that both Final Orders be placed on Administrative Hold for a period of one year from the original date of June 13, 2011 by which plan approval and fee payment were due. The requested Administrative Hold would then expire on June 13, 2012.

Your consideration of this matter and approval of this request is sincerely appreciated. Please contact me at (541) 477-3144 if you have any questions regarding this request.

Sincerely

BLUE MOUNTAIN RANCH


Gary Young, Manager

PO Box 14 Paulina, OR 97751 ~ Ph/Fx (541) 477-3848
www.bluemtnranch.com

Kerry Kavanagh

From: David Newton [dnewton@newtonconsultants.com]
Sent: Wednesday, August 24, 2011 11:47 AM
To: kerry.l.kavanagh@state.or.us
Cc: Sarah Teskey
Subject: R-86934; R-86935; Administrative Hold Request

Kerry:

Gary Young is preparing a letter requesting that administrative hold be placed on the Final Orders for application # R-86934 and R-86935.

He and the family members operating Blue Mountain Ranch have much to think about these days relative to spending priorities and chose to request the "hold".

This message is to update you in light of our recent telephone discussion about the need for the hold and to thank you for your help with this need, which is very important to Gary and his family.

Sincerely,

David

David Newton, P.E., C.E.G., C.W.R.E.

Principal – CEO



P.O. Box 1728
1937 N Business 97
Redmond, Oregon 97756
541 325-3905 *cell*
541 504-9960 x211 *office*
541 504-9961 *fax*

Kerry Kavanagh

From: David Newton [dnewton@newtonconsultants.com]
Sent: Monday, August 08, 2011 3:29 PM
To: kerry.l.kavanagh@state.or.us
Subject: Application R-86934 & Application R-86935; Blue Mountain Ranch

Kerry:

For Blue Mountain Ranch you previously worked with Katie Turner in my office. She is no longer here and I am catching up on various water rights files. In the catch up, I find that the Final Orders approved on April 14, 2011 for the subject applications required submittal of dam plans and specifications to the OWRD within 60 days of the approval date. A fee of \$400 is also due within 60 days of the approval date for R-86934.

This deadline has passed; however, I am asking that the applicant be allowed to submit the required extension request since the applicant is in no condition at the present time to invest additional costs in the projects due to the depressed economy and its impact on ranching operations. The applicant does want to maintain the present status of the Final Orders and plans to make the required submittals at a later time.

The communication from my office to the applicant about the 60 day requirement on April 19, 2011 apparently got filed and consequently escaped notice until now. The applicant is not at fault in my opinion and I ask that a formal request for an extension be accepted by the OWRD recognizing an inadvertent oversight.

I will consult with the Applicant and respond accordingly with a written formal request on behalf of the Applicant. This will be done within a matter of days.

David

David Newton, P.E., C.E.G., C.W.R.E.

Principal – CEO



P.O. Box 1728
1937 N Business 97
Redmond, Oregon 97756
541 325-3905 *cell*
541 504-9960 x211 *office*
541 504-9961 *fax*

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number R-86934

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the proposed final order may be addressed.

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

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

Final Order Incorporating Settlement Agreement

Application History

On June 29, 2007, Gary Young submitted an application to the Department for a water use permit to store water from Beaver Creek, a tributary of Crooked River, for irrigation.

The Department issued a Proposed Final Order on June 9, 2009, recommending the application be denied because the proposed use of water is not consistent with the Deschutes Basin Program, OAR 690-505-0030(1)(c).

On July 27, 2009, a timely protest was filed by the applicant. The protest included additional information which clarified that the use of water would also be for livestock and wildlife. The additional information is sufficient for compliance with the Deschutes Basin Program, OAR 690-505-0030(1)(c). The updated uses are reflected in the attached draft permit.

A settlement agreement was signed by all parties as of March 14, 2011. The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is included below.

The proposed use would not impair or be detrimental to the public interest. The Protestant and the Department have agreed to permit conditions set forth in the draft permit.

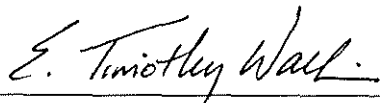
Order

Application R-86934 is therefore approved pursuant to the Settlement Agreement. Upon payment of outstanding fees in the amount of \$400, and approval of dam plans and specifications by Department Dam Safety staff, a permit consistent with the attached draft permit shall be issued.

Failure to meet these requirements 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 April 14, 2011



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

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

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

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

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG
PO BOX 14
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86934

SOURCE OF WATER: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

STORAGE FACILITY: BEAVER CREEK EAST RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, LIVESTOCK, AND WILDLIFE

MAXIMUM VOLUME: 72.11 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1 THROUGH
APRIL 14

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 7.37 ACRES AND
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 13.0 FEET.

POINT OF DIVERSION: SE ¼ NE ¼, SECTION 26, T16S, R23E, W.M.; 2640 FEET
SOUTH AND 726 FEET WEST FROM NE CORNER, SECTION 26

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

NE ¼ SE ¼

SE ¼ SE ¼

SECTION 26

TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

Measurement, recording and reporting conditions:

1. A. Before water may be diverted for storage under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.

- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded measurements to the Department annually or more frequently as may be required by the Director.
- 2. A. Before water may be diverted for storage under this permit, a staff gage that measures the entire range between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
 - B. The Director may require the permittee to keep and maintain a record of the water level measurements on a periodic schedule as established by the Director.
- 3. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - 4. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - 5. The permittee shall maintain all required devices in good working order.

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.

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 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.

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. 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 diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

Deschutes River Scenic Waterway	
<i>Month</i>	<i>Minimum Flow (cfs)</i>
March 1-15	4500
March 16-31	4000
April 1-14	4000

DAM CONDITIONS

To be added upon approval by the Department's dam-safety engineer.

STANDARD CONDITIONS

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and

Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

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

Construction shall be completed and the permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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


Issued

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department

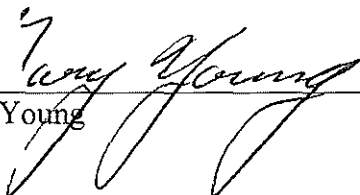
C. Terms of the Agreement

1. OWRD shall issue a Final Order Incorporating Settlement Agreement consistent with this Agreement and will issue a Permit consistent with the attached draft Permit.
2. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
3. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord.
4. Each Party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement and draft Permit, and understands and agrees with the contents thereof.
5. The Parties agree that nothing in this Settlement Agreement establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.



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

2-28-11
Date



Gary Young

3/14/11
Date

Mailing List for FO Incorporating Settlement Agreement/Draft (fees, plans & specs) Copies

Application #R-86934

Original mailed to applicant:

GARY YOUNG
PO BOX 14
PAULINA, OR 97751

Copies sent to:

1. WRD - File # R-86934
2. WRD - Water Availability: Ken Stahr
3. WRD - Dam Safety

Copies Mailed
By: <u>WJS</u> (SUPPORT STAFF)
on: <u>4/15/11</u> (DATE)

FO and Map Copies sent to:

4. WRD - Watermaster # 11


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

5. Newton Consultants Inc, PO Box 1728, Redmond, OR 97756

CASEWORKER: Kerry Kavanagh

C. Terms of the Agreement

1. OWRD shall issue a Final Order Incorporating Settlement Agreement consistent with this Agreement and will issue a Permit consistent with the attached draft Permit.
2. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
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4. Each Party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement and draft Permit, and understands and agrees with the contents thereof.
5. The Parties agree that nothing in this Settlement Agreement establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.



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

2-28-11
Date



Gary Young

3/14/11
Date

"EAST" Reservoir

FO Checklist

Application #: R-86934 Applicant: GARY YOUNG BLUE MOUNTAIN RANCH

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

If new: _____

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

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

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

Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** N/A Yes No

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

If so: FO inc. sett agreement

Dam conditions, SWW conditions

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

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

<u>Fees</u>	<u>Base Fee</u>	<u>Water Amount (Q)</u>	
	\$300 / \$500	1 st CFS/AF @ 9/20	<u>200</u>
	\$700 / \$1000	<u>63</u> Addl @ <u>41</u>	<u>63</u>
		_____ Addl @ _____	_____
		Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use + _____	_____
	<u>300</u>	<u>263</u>	<u>563</u>
	(base)	(Q)	(total exam fee)

*Paid \$540.00 6-29-07
Paid \$23.00 9-4-07
72.1 AF*

EXAM FEE REQUIRED	<u>563</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>563</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>400</u>

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

Name: Kerry Kavanagh Date: 9/28/2010 Peer Reviewer: Jeana Eastman *JE 10/7/10*

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

FO Checklist

Application #: R-86934 Applicant: GARY YOUNG BLUE MOUNTAIN RANCH

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

If new: _____

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

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

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

Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** N/A Yes No

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

If so: _____

change use from irr to irrigation, livestock, & wildlife

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

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

<input checked="" type="checkbox"/> Fees	<u>Base Fee</u>	<u>Water Amount (Q)</u>
	\$300 / \$500	1 st CFS/AF <u>10 =</u> <u>200</u>
	\$700 / \$1000	_____ Addl @ _____ <u>63</u>
		_____ Addl @ _____
		Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use + _____
	<u>300</u> (base)	<u>263</u> (Q)
	+ _____	= <u>563</u> (total exam fee)

EXAM FEE REQUIRED	<u>563</u>	RECORDING FEE REQUIRED	\$250 / \$300 / <u>\$400</u>
EXAM FEE PAID	- <u>563</u>	RECORDING FEE PAID	- <u>400</u>
STILL OWED	_____	STILL OWED	_____

FO w/ draft permit; still needed: fees easement st water contract approved dam plans & specs land use approval well construction approval

_____ FO w/ permit # _____

_____ FO to deny refund \$ _____

Name: Brook Geffen Date: 9/11/2009 Peer Reviewer: _____

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PFO Checklist

Application #: R-86934 Applicant: GARY YOUNG BLUE MOUNTAIN RANCH

- Shortcomings preventing PFO? Should process continue? / N
- IR Date Aug 24, 2007 Public Notice Date Aug 29, 2007 Comments received? / N Waterwatch
- Was additional information requested in the IR? / N If so, do we now have enough info to do the PFO? / N
- Was the application filed after 10/23/99? / N (If not, add A date requirement)
- B.O.R. or Doug Co. project Y / Contract in file? N contract # _____
- IR identifies as DEQ 303d? Y / NA Comments received? Y / N _____
- Is second gw review necessary? Y / N / Complete? Y / N
- Water Availability OK / REDONE / NA based on "redone" WA for SWW - water is not available
- Have conflicts been addressed? Y / N / _____
- Changes from IR determinations ① Adding: Above a SWW, so add language + make finding of omission
② Water is not available ③ Use of Street water for irrigation is not allowed under Basin Program - 690-505-0030 (1)(e)
- Copy to Melinda Perle - Newton + Kimberly Priestly @ Waterwatch

- Med staff bc. of WM - large bc. ODFW requested measure & report

Fees	Base Fee	Water Amount (Q)
	\$150 / \$250	1 st CFS/AF <u>10</u> = <u>200</u>
	<u>\$300</u> / \$500	_____ Addl @ _____ + <u>63</u>
	<u>300</u> (base)	<u>263</u> (Q) = <u>563</u> (total exam fee)

EXAM FEE REQUIRED	<u>563</u>	RECORDING FEE REQUIRED	\$175 / \$250 / <u>\$300</u>
EXAM FEE PAID	<u>563</u>	RECORDING FEE PAID	<u>300</u>
STILL OWED	<u>✓</u>	STILL OWED	<u>300</u>

propose to deny - renew

Name: Brook Geffen Date: 11/7/2007 Peer Reviewer: [Signature]

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IR CHECKLIST

Application #: R-86934 Applicant: GARY YOUNG BLUE MOUNTAIN RANCH

Use(s): IRRIGATION Priority Date: June 29, 2007

If municipal or quasi-municipal: reviewed by Bill Fujii Y / N / NA Construction will be completed within 20 years.

Is the application complete? Y / N

Prohibited by ORS 538? Y / N If so, do not do an IR; return the application & fees to the applicant.

AA GW Review surface classification triggered PSI with stream: _____

- will not will likely be available ...without injury... and/or within the capacity of the resource
- will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource
- The well is located in GWLA or CGWA or T1N R3E Sec 20, 21, 28, 29. (If checked, include a basin map noting POD.)

WM Dist (NWR - 1 2 16 18 20) (NCR - 3 4 5 21) (ER - 6 8 9 10) (SCR - 11 12 17) (SWR - 13 14 15 19)

DIVISION 33 Y / N / NA Above Bonneville (if checked not allowed April 15 - September 30?)
(If Y, attach basin map w/ pod) Below Bonneville
 Statewide

SW Availability NA 80% live 50% storage Mar 1 through April 30 WID: 70605

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

Is there a conflict? Y / N / NA _____

- If conflict, are rights from a different source?
- If supplemental, check for primary right on same land
- will this be making up a deficiency in rate?

Allowed under Basin Program Y / N Limitations? Y / N no

303D Y / N / NA IN GEOGRAPHIC UMATILLA Y / N BOTTLED WATER Y / N
(cc: DEQ Regional Manager) (cc: CTUIR) (cc: DOA Food Safety Division)

Rate _____ Rate Max _____ Req _____
Duty _____ Season Allowed Mar 1 - April 30 Req _____

Land use: OK needs approval county notified NA

AA Storage Contracts: USBOR Army Corps of Engineers Douglas County NA
contract # _____

Agent: Has the applicant authorized someone to act as an agent? Y / N

Conditions: Medium

Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 and < 1.5 CFS, > 9.2 and < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
Use "Medium" when the source is Silcoos Lake, Sandy Basin ground water, or stored water with a contract.
Use "Large" when permit has 7I, temp control (including NU) or HC above a SWW, Tenmile Lake,
or when the applicant is a government entity
Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

605 23E 200

Application #: R-86934 Applicant: GARY YOUNG BLUE MOUNTAIN RANCH

Is the stream withdrawn? Y / NA season allowed _____

____ Basin Maps have been checked Y / N River Mile _____

SWW ABOVE WITHIN NA Name _____ (If above or within, notify Parks.)

Is the source a high priority for streamflow restoration? Y / NA

Letter format Good Limited Bad Bad w/ HC Opportunity

If in North Umpqua settlement reach, did you update the spreadsheet(s)? Y / NA

CWRE, representative, etc. to notify? N Mathias Perle
c/o Newton Consultants

Addn'l info req'd? Y / N
(If Y, send certified)

Attachments included? N / NA Div 33

____ E-mailed Tim, including note if negative? Y / N

Fees

Base Fee	Water Amount (Q)	
\$150 / \$250	1 st CFS/AF . 10 =	<u>200</u>
<u>\$300 / \$500</u>	_____ Addl CFS/AF @ _____ +	<u>63</u>
<u>300</u>	_____ +	<u>263</u> = <u>563</u>
(base)	(Q)	(total exam fee)

	EXAM FEE REQUIRED <u>563</u>
	EXAM FEE PAID <u>540</u>
	STILL OWED <u>23</u>

Name: Brook Geffen Date: 8/7/2007 Peer Reviewer: Jane

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

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

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

Date: 8/22/2007 Please return to WRAD before September 25, 2007. Application #: R-86934

Applicant's Name: GARY YOUNG BLUE MOUNTAIN RANCH
Source: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

1) If from surface water, does the water at the proposed diversion location flow above ground in a defined channel into another water body?

YES NO SOMETIMES

If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?

YES NO

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

YES NO

If YES, please explain: DN Very dry years junior users are regulated back/off in late summer.

4) Do you agree with the water availability recommended period of use?

YES NO I DON'T KNOW

If NO, why do you disagree with the recommended period of use and what period do you recommend? _____

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

YES NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

YES NO

If YES, please explain: if determined to be necessary

7) What conditions do you recommend? measurement device. something to measure reservoir elevation.

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

Watermaster Signature: [Signature] Date: 8-27-07

WRD Contact: Caseworker: _____, Water Rights Division
503-986-08____ / Fax: 503-986-0901 / e-mail: _____@ wrd.state.or.us

RECEIVED

AUG 30 2007

WATER RESOURCES DEPT
SALEM, OREGON

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

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

- fishself** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- fishapprove** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to _____ through _____.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlef must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.
- futile call** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- riparian** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Entered

Terry Schrader
Form 1 - Upper Columbia

ODFW DIVISION 33 APPLICATION REVIEW SHEET

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

Date: *8/17/07* Please return to WRD before *9/20/07* ~~September 10, 2007~~. Application #: R-86934

Applicant's Name: GARY YOUNG BLUE MOUNTAIN RANCH
Source: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

A) Will the proposed use occur in an area that may affect the essential habitat of a SENSITIVE fish species?
NO / YES If so, fill out SECTION I and the RECOMMENDATION.

B) Will the proposed use occur in an area that may affect the essential habitat of a THREATENED OR ENDANGERED fish species? [690-33-330(1)] NO / YES Species: _____ Status: Threatened, Endangered
If so, fill out SECTION II and the RECOMMENDATION.

If your answer is NO to both questions, may comment by completing the public interest review sheet on the back of this page.

SECTION I:

1) Will the proposed use result in a NET LOSS in the habitat of a SENSITIVE SPECIES? [690-33-330(2)(a)]

2) What stage or value is at risk (circle all that apply): *yes, Redbreasted trout*
 Spawning, Incubation, Rearing, Passage, Habitat Value

3) Can conditions be applied to mitigate the impact to the essential habitat of a SENSITIVE species?
 NO (if no go to 4) / YES [690-33-330(3)]

Which conditions are recommended. _____
(Please select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the essential habitat of SENSITIVE species, would the proposed use harm the species?

NO / YES [690-33-330(4)] If YES, please explain: *Direct habitat impacts, migration flows, peak & channel maintenance flows*

5) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated, what fish screening, bypass or other conditions should be included in the permit?

Install, maintain & operate fish screen consistent w/ current ODFW standards. Require WRD conduct flow re. flow meter & record of volume of water used.

SECTION II:

1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?

NO / YES [690-33-120(1)] If NO, please explain: _____

2) If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?

NO / YES [690-33-120(1)] If YES, what conditions? _____
(Please select conditions from the Menu of Conditions)

RECOMMENDATION:

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

ODFW Representative signature: *Terry Schrader* Date: *9/30/07*

WRD Contact: Caseworker: Brook Geffen, Water Rights Division
503-986-0808/ Fax: 503-986-0901 / e-mail: Brook.A.Geffen@wrд.state.or.us

** See attached email X. change for clarification*

From: Brook Geffen
Sent: Thursday, November 08, 2007 4:09 PM
To: 'Terry Shrader'
Subject: Div 33 Review App: R-86934

Terry:

I just wanted to touch base with you on this Review form because for question #3 you state: conditions **cannot** be applied to mitigate the impact to the essential habitat of a sensitive species. But then you recommend to: Approve with conditions.

If you do not have the info you need to clarify this will you let me know so I can get it to you? If you do have the info you need, can you clarify for me if you meant a) conditions **can** be applied to mitigate the impact to the essential habitat of a sensitive species, or b) You recommend to deny the application??

Thanks!

Brook

Brook A. Geffen

Oregon Water Resources Department

725 Summer St. NE Suite A

Salem, Oregon 97301

(503)986-0808

Brook,

Re. Div 33 application R-86934, as long as minimum instream flows identified in ODFW's water right are met, there should be no impact to essential habitat for redband trout. My understanding of the standard condition for reservoir permits is that unless prior rights, including instream flows, are met, no water can be withdrawn to fill these reservoirs. If this is the case, then I recommend you approve the application.

Terry

Terry Shrader
Eastern Oregon Warmwater Fisheries Biologist
Oregon Department of Fish and Wildlife
61374 Parrell Road
Bend, OR 97702
(541) 388-6363
<°))<<
Terry.M.Shrader@state.or.us

8/25/08

Water Rights Section – Application Comment Evaluation Form

Application Number: R-86934

Date: October 30, 2007

Caseworker: Brook Geffen

Name of Commenter: Kimberly Priestly, Waterwatch

Description:

1. The Scenic Waterway Analysis:

- A. Commenter states that the analysis for these applications is flawed as there was no analysis of the scenic waterway in the IR.
- B. Commenter states that WRD needs to do an analysis beyond the normal "storage" review.
- C. Since the application is "above" a SWW, commenter states that a more protective water availability review should be performed in order to protect the downstream scenic waterway.
- D. Commenter states that when scenic water way flows are not being met within and above a SWW, new water rights may not be issued unless findings in ORS 390.835(1) & (6) are met.
- E. Commenter states that water availability evaluation at 50% exceedance is not adequate and that to determine if any flows are available above the scenic waterway, water availability should be evaluated at 100% exceedance level.

2. Peak flows need to be considered and protected in any new storage right:

- A. Commenter points out that ODFW developed a peak flow guidance policy to aid in WRD water allocation decisions, and states that the IR does not mention the policy or present analysis of peak flows needed for the system.
- B. Commenter points out that ODFW Div 33 Review states that the application will result in a net loss of habitat for state sensitive redband trout, and that the proposed use will harm the species. Commenter states that WRD has a duty to look at instream flow protections beyond instream water rights and scenic waterway flows.
- C. Commenter references OAR 690-410-070(2)(c) and states that this rule calls upon WRD to look at protective measures such as by-pass flows and seasons of use that would protect flows needed to protect public uses.
- D. Commenter states that, given the implications for a state sensitive species, the WRD should conduct a peak flow analysis, and, if the application is approved, attach conditions to the permit that protect peak flows.

3. The proposed use will harm state sensitive species:

- A. Commenter summarizes ODFW Div33 Review. Specifically that review states that this application will result in the net loss of habitat for state sensitive redband trout and that ODFW indicated that no conditions can be applied to mitigate the impact to the essential habitat of redband trout. Commenter states that based on ODFW Div33 Review, the applications should be denied.

4. The proposed conditions are inadequate to protect the resource:

- A. Commenter states that conditions in IR are inadequate to protect redband trout or to ensure that water is only captured when downstream scenic waterway flows and instream water rights are being met.
- B. Commenter states that the Scenic Waterway Act condition is inappropriate due to the fact that WRD has already determined that scenic waterway flows are not being met.
- C. Commenter also notes that there are no reporting conditions to ensure water is only captured during March and April.

5. The proposed use is not consistent with the Deschutes Basin Program:

- A. Commenter states that under OAR 690-505-0030(1) (c), WRD must declare the reservoirs to be prejudicial because the use is not multipurpose.

Evaluation of Comment:

- 1.A. Finding was not made in IR Determinations that reservoir was above a scenic waterway. This will be in the Findings of Fact in the PFO. IR did include the SWW condition
- 1.B, C, D, E. WRD re-did analysis using the "have Tim define analysis" – and determined that, due to SWW flows, water is not available, therefore, WRD proposes to deny application.
- 2.A. OWRD relies on ODFW to perform peak flow analysis upon their discretion.
- 2.B. ODFW comments will be addressed at PFO and PFO will be conditioned with standard condition require fish passage. Instream water rights and scenic waterway flows are protected by WA analysis. Draft Permit is not conditioned as a result of this comment.
- 2.C. WA analysis looks at flows necessary to protect public uses. Draft Permit is not conditioned as a result of this comment.
- 2.D. Peak flow analysis performed upon ODFW discretion.
- 3.A. ODFW Review had conflicting information where it was said that a) No conditions could be applied to mitigate impact" and, b) application should be approved with conditions. ODFW has sense clarified that the conditions could be applied to mitigate impact. Draft Permit is not conditioned as a result of this comment.
- 4.A & B. WRD re-did analysis using the "have Tim define analysis" – and determined that, due to SWW flows, water is not available. Therefore, WRD proposes to deny application.
- 4.C. Volume of reservoir is greater than 9.2 AF and less than 100 AF, therefore a "medium" measurement, reporting, and recording condition is accurate.
- 5.A. Based on OAR 690-505-0030(1) (c), commenter is correct. Applicant must show that proper cognizance has been given to the multi-purpose use.

Finding for PFO:

Water Availability

WATER AVAILABILITY TABLE
 Water Availability as of 8/ 7/2007 for
 BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	70087	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES
2	30530627	NO	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES
3	30530643	NO	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES
4	30530508	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
5	30530507	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
6	70353	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
7	70605	NO	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Water Availability as of 8/ 7/2007 for
 BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

Item Watershed ID Stream Name

1	70087	DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000
2	30530627	DESCHUTES R > COLUMBIA R - AB EAGLE CR
3	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR
4	30530508	CROOKED R > DESCHUTES R - AB OSBORNE CAN
5	30530507	CROOKED R > DESCHUTES R - AB DRY R
6	70353	CROOKED R > DESCHUTES R - AB SAND CR
7	70605	BEAVER CR > CROOKED R - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 8/ 7/2007 for
 BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-605.0
2	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-133.0
3	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	YES	119.0
4	70605	BEAVER CR > CROOKED R - AT MOUTH	YES	133.0
5	70605	BEAVER CR > CROOKED R - AT MOUTH	NO	-29.0
6	30530508	CROOKED R > DESCHUTES R - AB OSBORNE CAN	NO	-182.0
7	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-590.0
8	30530508	CROOKED R > DESCHUTES R - AB OSBORNE CAN	NO	-424.0
9	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-371.0
10	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-267.0
11	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-320.0
12	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-791.0
Stor	70605	BEAVER CR > CROOKED R - AT MOUTH	YES	15200.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 7/2007 for

DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	5830.00	671.00	5160.00	450.00	4500.00	209.00
2	6980.00	746.00	6230.00	450.00	4500.00	1280.00
3	7440.00	1010.00	6430.00	450.00	4500.00	1480.00
4	8180.00	984.00	7200.00	450.00	4000.00	2750.00
5	7460.00	1160.00	6300.00	450.00	4000.00	1850.00
6	6600.00	1220.00	5380.00	450.00	4000.00	927.00
7	5190.00	964.00	4230.00	450.00	4000.00	-224.00
8	4780.00	869.00	3910.00	450.00	3500.00	-39.40
9	4800.00	754.00	4050.00	450.00	3800.00	-204.00
10	4940.00	797.00	4140.00	450.00	3800.00	-107.00
11	5050.00	849.00	4200.00	450.00	3800.00	-49.00
12	5480.00	775.00	4710.00	450.00	4500.00	-245.00
Stor-50%	4390000	652000	3730000	326000	2950000	508000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 7/2007 for

DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	616.00	0.17	47.70	0.91	0.07	4.34	1.30	0.00	670.00
2	692.00	0.15	47.70	0.91	0.07	4.34	1.30	0.00	746.00
3	885.00	71.60	47.70	0.91	0.07	4.34	1.30	0.00	1010.00
4	488.00	442.00	47.70	0.91	0.07	4.34	1.30	0.00	984.00
5	88.20	1010.00	47.70	0.91	0.07	4.34	1.30	0.00	1150.00
6	45.20	1090.00	84.40	0.91	0.07	4.34	1.30	0.00	1230.00
7	35.30	838.00	84.40	0.91	0.07	4.34	1.30	0.00	964.00
8	32.50	746.00	84.40	0.91	0.07	4.34	1.30	0.00	870.00
9	32.60	630.00	84.40	0.91	0.07	4.34	1.30	0.00	754.00
10	436.00	307.00	47.70	0.91	0.07	4.34	1.30	0.00	797.00
11	794.00	0.30	47.70	0.91	0.07	4.34	1.30	0.00	849.00
12	720.00	0.21	47.70	0.91	0.07	4.34	1.30	0.00	775.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 8/ 7/2007 for
 DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

-----Reservations-----								
APP #	TY 70503	TY 70503	TY 70503	TY 70503	TY 70504	TY 70504	TY 70504	TOTAL
Status	Treaty	Treaty	Treaty	Treaty	Treaty	Treaty	Treaty	
Use	Other	Other	Other	Other	Other	Other	Other	
1	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
2	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
3	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
4	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
5	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
6	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
7	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
8	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
9	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
10	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
11	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
12	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 8/ 7/2007 for
 DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

-----ISWRs-----								
APP #	IS 70087	IS 71194	SY 90506	TY 70501	0	0	0	MAXIMUM
Status	Cert.	Cert.	SWW	Treaty				
1	3000.00	4500.00	4500.00	3000.00	0.00	0.00	0.00	4500.00
2	3000.00	4500.00	4500.00	3000.00	0.00	0.00	0.00	4500.00
3	3500.00	4500.00	4500.00	3500.00	0.00	0.00	0.00	4500.00
4	3500.00	4000.00	4000.00	3500.00	0.00	0.00	0.00	4000.00
5	3500.00	4000.00	4000.00	3500.00	0.00	0.00	0.00	4000.00
6	3500.00	4000.00	4000.00	3500.00	0.00	0.00	0.00	4000.00
7	3000.00	4000.00	4000.00	3000.00	0.00	0.00	0.00	4000.00
8	3000.00	3500.00	3500.00	3000.00	0.00	0.00	0.00	3500.00
9	3000.00	3800.00	3800.00	3000.00	0.00	0.00	0.00	3800.00
10	3000.00	3800.00	3800.00	3000.00	0.00	0.00	0.00	3800.00
11	3000.00	3800.00	3800.00	3000.00	0.00	0.00	0.00	3800.00
12	3000.00	4500.00	4500.00	3000.00	0.00	0.00	0.00	4500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 7/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	5280.00	650.00	4630.00	450.00	4500.00	-320.00
2	6160.00	712.00	5450.00	450.00	4500.00	498.00
3	6650.00	969.00	5680.00	450.00	4500.00	731.00
4	7350.00	920.00	6430.00	450.00	4000.00	1980.00
5	6720.00	1040.00	5680.00	450.00	4000.00	1230.00
6	6160.00	1090.00	5070.00	450.00	4000.00	617.00
7	4960.00	866.00	4090.00	450.00	4000.00	-356.00
8	4600.00	789.00	3810.00	450.00	3500.00	-138.00
9	4630.00	681.00	3950.00	450.00	3800.00	-301.00
10	4770.00	739.00	4030.00	450.00	3800.00	-219.00
11	4840.00	839.00	4000.00	450.00	3800.00	-249.00
12	5110.00	763.00	4350.00	450.00	4500.00	-603.00
Stor-50%	4050000	607400	3450000	326000	2950000	303000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 7/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	599.00	0.00	45.80	0.62	0.07	3.82	0.98	0.00	650.00
2	661.00	0.00	45.80	0.62	0.07	3.82	0.98	0.00	712.00
3	857.00	61.40	45.80	0.62	0.07	3.82	0.98	0.00	970.00
4	458.00	411.00	45.80	0.62	0.07	3.82	0.98	0.00	920.00
5	75.60	913.00	45.80	0.62	0.07	3.82	0.98	0.00	1040.00
6	35.30	972.00	80.60	0.62	0.07	3.82	0.98	0.00	1090.00
7	28.30	751.00	80.60	0.62	0.07	3.82	0.98	0.00	865.00
8	26.20	676.00	80.60	0.62	0.07	3.82	0.98	0.00	788.00
9	26.40	568.00	80.60	0.62	0.07	3.82	0.98	0.00	680.00
10	429.00	258.00	45.80	0.62	0.07	3.82	0.98	0.00	738.00
11	788.00	0.00	45.80	0.62	0.07	3.82	0.98	0.00	839.00
12	712.00	0.00	45.80	0.62	0.07	3.81	0.98	0.00	763.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 7/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

-----Reservations-----								
APP #	TY 70503	TY 70503	TY 70503	TY 70503	TY 70504	TY 70504	TY 70504	TOTAL
Status Use	Treaty Other	Treaty Other	Treaty Other	Treaty Other	Treaty Other	Treaty Other	Treaty Other	
1	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
2	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
3	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
4	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
5	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
6	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
7	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
8	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
9	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
10	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
11	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00
12	146.00	37.60	4.80	61.30	147.00	27.90	25.00	450.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 7/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

-----ISWRs-----								
APP #	IS 70087	IS 71194	SY 90506	TY 70501	0	0	0	MAXIMUM
Status	Cert.	Cert.	SWW	Treaty				
1	3000.00	4500.00	4500.00	3000.00	0.00	0.00	0.00	4500.00
2	3000.00	4500.00	4500.00	3000.00	0.00	0.00	0.00	4500.00
3	3500.00	4500.00	4500.00	3500.00	0.00	0.00	0.00	4500.00
4	3500.00	4000.00	4000.00	3500.00	0.00	0.00	0.00	4000.00
5	3500.00	4000.00	4000.00	3500.00	0.00	0.00	0.00	4000.00
6	3500.00	4000.00	4000.00	3500.00	0.00	0.00	0.00	4000.00
7	3000.00	4000.00	4000.00	3000.00	0.00	0.00	0.00	4000.00
8	3000.00	3500.00	3500.00	3000.00	0.00	0.00	0.00	3500.00
9	3000.00	3800.00	3800.00	3000.00	0.00	0.00	0.00	3800.00
10	3000.00	3800.00	3800.00	3000.00	0.00	0.00	0.00	3800.00
11	3000.00	3800.00	3800.00	3000.00	0.00	0.00	0.00	3800.00
12	3000.00	4500.00	4500.00	3000.00	0.00	0.00	0.00	4500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 7/2007 for
 DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643
 Time: 15:32

Basin: DESCHUTES

Exceedance Level: 50
 Date: 08/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	4660.00	646.00	4010.00	119.00	4500.00	-605.00
2	5190.00	704.00	4490.00	119.00	4500.00	-133.00
3	5710.00	973.00	4740.00	119.00	4500.00	119.00
4	6380.00	992.00	5390.00	119.00	4000.00	1270.00
5	5890.00	1170.00	4720.00	119.00	4000.00	600.00
6	5590.00	1250.00	4340.00	119.00	4000.00	221.00
7	4560.00	1030.00	3530.00	119.00	4000.00	-590.00
8	4260.00	899.00	3360.00	119.00	3500.00	-258.00
9	4320.00	772.00	3550.00	119.00	3800.00	-371.00
10	4430.00	778.00	3650.00	119.00	3800.00	-267.00
11	4440.00	841.00	3600.00	119.00	3800.00	-320.00
12	4590.00	763.00	3830.00	119.00	4500.00	-791.00
Stor-50%	3620000	654100	2970000	86200	2950000	133000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 7/2007 for
 DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643
 Time: 15:32

Basin: DESCHUTES

Exceedance Level: 50
 Date: 08/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	594.00	0.38	45.70	0.50	0.07	3.90	0.70	0.00	645.00
2	653.00	0.00	45.70	0.50	0.07	3.90	0.70	0.00	704.00
3	849.00	72.90	45.70	0.50	0.07	3.90	0.70	0.00	973.00
4	450.00	491.00	45.70	0.50	0.07	3.90	0.70	0.00	992.00
5	69.90	1050.00	45.70	0.50	0.07	3.90	0.70	0.00	1170.00
6	31.10	1130.00	80.50	0.50	0.07	3.90	0.70	0.00	1250.00
7	25.20	920.00	80.50	0.50	0.07	3.90	0.70	0.00	1030.00
8	23.50	790.00	80.50	0.50	0.07	3.90	0.70	0.00	899.00
9	23.80	662.00	80.50	0.50	0.07	3.90	0.70	0.00	771.00
10	426.00	301.00	45.70	0.50	0.07	3.90	0.70	0.00	778.00
11	785.00	5.14	45.70	0.50	0.07	3.90	0.70	0.00	841.00
12	708.00	3.17	45.70	0.50	0.07	3.89	0.70	0.00	762.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 7/2007 for
 DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643
 Time: 15:32

Basin: DESCHUTES

Exceedance Level: 50
 Date: 08/07/2007

-----Reservations-----								
APP #	TY 70503	TY 70503	TY 70504	TY 70504	0	0	0	TOTAL
Status Use	Treaty Other	Treaty Other	Treaty Other	Treaty Other				
1	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
2	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
3	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
4	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
5	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
6	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
7	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
8	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
9	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
10	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
11	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00
12	4.80	61.30	27.90	25.00	0.00	0.00	0.00	119.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 7/2007 for
 DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643
 Time: 15:32

Basin: DESCHUTES

Exceedance Level: 50
 Date: 08/07/2007

-----ISWRs-----								
APP #	SY 90506	TY 70501	0	0	0	0	0	MAXIMUM
Status	SWW	Treaty						
1	4500.00	3000.00	0.00	0.00	0.00	0.00	0.00	4500.00
2	4500.00	3000.00	0.00	0.00	0.00	0.00	0.00	4500.00
3	4500.00	3500.00	0.00	0.00	0.00	0.00	0.00	4500.00
4	4000.00	3500.00	0.00	0.00	0.00	0.00	0.00	4000.00
5	4000.00	3500.00	0.00	0.00	0.00	0.00	0.00	4000.00
6	4000.00	3500.00	0.00	0.00	0.00	0.00	0.00	4000.00
7	4000.00	3000.00	0.00	0.00	0.00	0.00	0.00	4000.00
8	3500.00	3000.00	0.00	0.00	0.00	0.00	0.00	3500.00
9	3800.00	3000.00	0.00	0.00	0.00	0.00	0.00	3800.00
10	3800.00	3000.00	0.00	0.00	0.00	0.00	0.00	3800.00
11	3800.00	3000.00	0.00	0.00	0.00	0.00	0.00	3800.00
12	4500.00	3000.00	0.00	0.00	0.00	0.00	0.00	4500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 7/2007 for
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	303.00	122.00	181.00	0.00	75.00	106.00
2	641.00	293.00	348.00	0.00	150.00	198.00
3	1100.00	565.00	535.00	0.00	255.00	280.00
4	1320.00	601.00	720.00	0.00	255.00	465.00
5	805.00	354.00	451.00	0.00	255.00	196.00
6	391.00	423.00	-32.20	0.00	150.00	-182.00
7	112.00	423.00	-311.00	0.00	75.00	-386.00
8	55.80	424.00	-368.00	0.00	55.80	-424.00
9	64.00	370.00	-306.00	0.00	64.00	-370.00
10	75.60	134.00	-58.90	0.00	75.00	-134.00
11	97.20	35.50	61.60	0.00	75.00	-13.40
12	192.00	80.20	112.00	0.00	75.00	36.80
Stor-50%	310000	231140	145000	0	94000	76800

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 7/2007 for
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	120.00	0.00	0.00	0.28	0.00	1.05	0.44	0.00	122.00
2	291.00	0.00	0.00	0.28	0.00	1.05	0.44	0.00	293.00
3	563.00	0.01	0.00	0.28	0.00	1.05	0.44	0.00	565.00
4	438.00	161.00	0.00	0.28	0.00	1.05	0.44	0.00	601.00
5	31.40	321.00	0.00	0.28	0.00	1.05	0.44	0.00	354.00
6	15.20	406.00	0.00	0.28	0.00	1.05	0.44	0.00	423.00
7	4.36	417.00	0.00	0.28	0.00	1.05	0.44	0.00	423.00
8	2.17	420.00	0.00	0.28	0.00	1.05	0.44	0.00	424.00
9	2.49	366.00	0.00	0.28	0.00	1.05	0.44	0.00	370.00
10	32.90	99.80	0.00	0.28	0.00	1.05	0.44	0.00	134.00
11	33.80	0.00	0.00	0.28	0.00	1.05	0.44	0.00	35.60
12	78.50	0.00	0.00	0.28	0.00	1.05	0.44	0.00	80.30

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 7/2007 for
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 7/2007 for
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

-----ISWRs-----								
APP #	IS 70354	0	0	0	0	0	0	MAXIMUM
Status	App.							
1	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
2	150.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
3	255.00	0.00	0.00	0.00	0.00	0.00	0.00	255.00
4	255.00	0.00	0.00	0.00	0.00	0.00	0.00	255.00
5	255.00	0.00	0.00	0.00	0.00	0.00	0.00	255.00
6	150.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
7	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
8	55.80	0.00	0.00	0.00	0.00	0.00	0.00	55.80
9	64.00	0.00	0.00	0.00	0.00	0.00	0.00	64.00
10	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
11	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
12	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 7/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	287.00	121.00	166.00	0.00	75.00	91.40
2	607.00	291.00	316.00	0.00	150.00	166.00
3	1060.00	562.00	498.00	0.00	255.00	243.00
4	1280.00	559.00	722.00	0.00	255.00	467.00
5	792.00	283.00	508.00	0.00	255.00	253.00
6	389.00	328.00	61.20	0.00	150.00	-88.80
7	112.00	323.00	-211.00	0.00	75.00	-286.00
8	55.60	321.00	-266.00	0.00	55.80	-321.00
9	63.80	281.00	-217.00	0.00	64.00	-281.00
10	75.30	118.00	-43.00	0.00	75.00	-118.00
11	95.50	34.60	60.90	0.00	75.00	-14.10
12	185.00	79.00	106.00	0.00	75.00	31.00
Stor-50%	301000	199120	147000	0	94000	75100

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 7/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	120.00	0.00	0.00	0.28	0.00	0.23	0.36	0.00	121.00
2	290.00	0.00	0.00	0.28	0.00	0.23	0.36	0.00	291.00
3	561.00	0.01	0.00	0.28	0.00	0.23	0.36	0.00	562.00
4	436.00	122.00	0.00	0.28	0.00	0.23	0.36	0.00	559.00
5	30.70	252.00	0.00	0.28	0.00	0.23	0.36	0.00	284.00
6	15.10	312.00	0.00	0.28	0.00	0.23	0.36	0.00	328.00
7	4.34	318.00	0.00	0.28	0.00	0.23	0.36	0.00	323.00
8	2.15	318.00	0.00	0.28	0.00	0.23	0.36	0.00	321.00
9	2.47	278.00	0.00	0.28	0.00	0.23	0.36	0.00	281.00
10	32.90	84.50	0.00	0.28	0.00	0.23	0.36	0.00	118.00
11	33.70	0.00	0.00	0.28	0.00	0.23	0.36	0.00	34.60
12	78.20	0.00	0.00	0.28	0.00	0.23	0.36	0.00	79.10

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 7/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 7/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 15:32

Date: 08/07/2007

-----ISWRs-----								
APP #	IS 70354	0	0	0	0	0	0	MAXIMUM
Status	App.							
1	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
2	150.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
3	255.00	0.00	0.00	0.00	0.00	0.00	0.00	255.00
4	255.00	0.00	0.00	0.00	0.00	0.00	0.00	255.00
5	255.00	0.00	0.00	0.00	0.00	0.00	0.00	255.00
6	150.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
7	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
8	55.80	0.00	0.00	0.00	0.00	0.00	0.00	55.80
9	64.00	0.00	0.00	0.00	0.00	0.00	0.00	64.00
10	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
11	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
12	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 7/2007 for

CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353
Time: 15:32

Basin: DESCHUTES

Exceedance Level: 50
Date: 08/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	192.00	7.75	184.00	0.00	50.00	134.00
2	392.00	15.50	377.00	0.00	75.00	302.00
3	741.00	69.00	672.00	0.00	113.00	559.00
4	960.00	173.00	788.00	0.00	113.00	675.00
5	622.00	370.00	252.00	0.00	113.00	139.00
6	321.00	295.00	25.50	0.00	75.00	-49.50
7	93.20	85.00	8.23	0.00	50.00	-41.80
8	47.80	43.20	4.63	0.00	47.80	-43.20
9	55.70	44.80	10.90	0.00	50.00	-39.10
10	66.30	22.90	43.40	0.00	50.00	-6.61
11	80.60	3.45	77.20	0.00	50.00	27.20
12	134.00	5.51	128.00	0.00	50.00	78.50
Stor-50%	223000	68600	154000	0	50500	115000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 7/2007 for

CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353
Time: 15:32

Basin: DESCHUTES

Exceedance Level: 50
Date: 08/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	7.42	0.00	0.00	0.00	0.00	0.04	0.28	0.00	7.75
2	15.20	0.00	0.00	0.00	0.00	0.04	0.28	0.00	15.50
3	38.20	30.50	0.00	0.00	0.00	0.04	0.28	0.00	69.00
4	45.60	126.00	0.00	0.00	0.00	0.04	0.28	0.00	172.00
5	24.10	345.00	0.00	0.00	0.00	0.04	0.28	0.00	369.00
6	12.40	283.00	0.00	0.00	0.00	0.04	0.28	0.00	296.00
7	3.60	81.00	0.00	0.00	0.00	0.04	0.28	0.00	84.90
8	1.85	41.00	0.00	0.00	0.00	0.04	0.28	0.00	43.20
9	2.15	42.40	0.00	0.00	0.00	0.04	0.28	0.00	44.90
10	2.56	20.00	0.00	0.00	0.00	0.04	0.28	0.00	22.90
11	3.12	0.00	0.00	0.00	0.00	0.04	0.28	0.00	3.45
12	5.18	0.00	0.00	0.00	0.00	0.04	0.28	0.00	5.51

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
 Water Availability as of 8/ 7/2007 for
 CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 8/ 7/2007 for
 CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

-----ISWRs-----								
APP #	IS 70353	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
2	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
3	113.00	0.00	0.00	0.00	0.00	0.00	0.00	113.00
4	113.00	0.00	0.00	0.00	0.00	0.00	0.00	113.00
5	113.00	0.00	0.00	0.00	0.00	0.00	0.00	113.00
6	75.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
7	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
8	47.80	0.00	0.00	0.00	0.00	0.00	0.00	47.80
9	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
10	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
11	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
12	50.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 7/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
1	53.40	1.08	52.30	0.00	34.00	18.30
2	116.00	2.20	114.00	0.00	50.00	63.80
3	257.00	12.90	244.00	0.00	84.00	160.00
4	255.00	38.50	217.00	0.00	84.00	133.00
5	150.00	95.00	55.00	0.00	84.00	-29.00
6	80.40	77.10	3.30	0.00	80.40	-77.10
7	25.30	22.20	3.08	0.00	25.30	-22.20
8	11.50	11.30	0.22	0.00	11.50	-11.30
9	12.20	11.70	0.54	0.00	12.20	-11.70
10	13.30	5.71	7.59	0.00	13.30	-5.71
11	14.10	0.37	13.70	0.00	14.10	-0.37
12	32.80	0.71	32.10	0.00	32.80	-0.71
Stor-50%	61400	16905	44600	0	31700	22400

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 7/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.96	0.00	0.00	0.00	0.00	0.01	0.12	0.00	1.08
2	2.08	0.00	0.00	0.00	0.00	0.01	0.12	0.00	2.20
3	4.64	8.15	0.00	0.00	0.00	0.01	0.12	0.00	12.90
4	4.63	33.70	0.00	0.00	0.00	0.01	0.12	0.00	38.50
5	2.69	92.20	0.00	0.00	0.00	0.01	0.12	0.00	95.00
6	1.44	75.50	0.00	0.00	0.00	0.01	0.12	0.00	77.10
7	0.45	21.60	0.00	0.00	0.00	0.01	0.12	0.00	22.20
8	0.21	11.00	0.00	0.00	0.00	0.01	0.12	0.00	11.30
9	0.22	11.30	0.00	0.00	0.00	0.01	0.12	0.00	11.60
10	0.24	5.35	0.00	0.00	0.00	0.01	0.12	0.00	5.71
11	0.25	0.00	0.00	0.00	0.00	0.01	0.12	0.00	0.37
12	0.59	0.00	0.00	0.00	0.00	0.01	0.12	0.00	0.71

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 7/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 7/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50
 Time: 15:32 Date: 08/07/2007

-----ISWRs-----								
APP #	IS 70589	IS 70605	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.						
1	1.17	34.00	0.00	0.00	0.00	0.00	0.00	34.00
2	3.56	50.00	0.00	0.00	0.00	0.00	0.00	50.00
3	8.00	84.00	0.00	0.00	0.00	0.00	0.00	84.00
4	7.04	84.00	0.00	0.00	0.00	0.00	0.00	84.00
5	2.45	84.00	0.00	0.00	0.00	0.00	0.00	84.00
6	0.99	80.40	0.00	0.00	0.00	0.00	0.00	80.40
7	0.34	25.30	0.00	0.00	0.00	0.00	0.00	25.30
8	0.13	11.50	0.00	0.00	0.00	0.00	0.00	11.50
9	0.05	12.20	0.00	0.00	0.00	0.00	0.00	12.20
10	0.11	13.30	0.00	0.00	0.00	0.00	0.00	13.30
11	0.13	14.10	0.00	0.00	0.00	0.00	0.00	14.10
12	0.63	32.80	0.00	0.00	0.00	0.00	0.00	32.80

Analysis for Application: R86934

Location: 16S-23E-26-NESE

Uses: ST P

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE
18	11	SC	Jeremy Giffin	1128 NW Harriman St.	Bend	97701	541-388-6669

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
70605	5	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 1

County

COUNTY	FIPS
Crook	41013

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 16S-23E-26-SESE

Uses: ST P

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE
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GAGE	BASIN	LINK1	LINK2

GAGE	BASIN	LINK1	LINK2
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Records Found: 1

County

COUNTY	FIPS
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Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

690-505-0030

Upper Crooked River Basin

(1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes - Upper Crooked River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Deschutes - Upper Crooked River Basin are hereby so classified;

(b) Applications for the use of the waters of the Deschutes - Upper Crooked River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state;

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: (Deschutes River Basin: WRB 6, f. 11-30-59; WRB 16, f. 2-20-62; WRB 18, f. 6-1-62; WRB 27, f. 5-11-64; WRB 38, f. 6-14-67; WRD 7(Temp), f. 7-11-77; WRD 6-1978(Temp), f. & cert. ef. 8-15-78; WRD 7-1978, f. & cert. ef. 10-13-78; WRD 2-1979(Temp), f. & cert. ef. 10-9-79; WRD 4-1980, f. & cert. ef. 1-23-80; WRD 5-1980, f. & cert. ef. 4-8-80; WRD 8-1980, f. & cert. ef. 11-24-80; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 3-1981, f. & cert. ef. 5-12-81; WRD 6-1984, f. & cert. ef. 12-27-84; Lower Main Stem Deschutes River Basin: WRB 6, f. 11-30-59; WRD 2-1981, f. & cert. ef. 4-30-81; Lower Main Stem Metolius River: WRB 27, f. 5-11-64); Administrative Renumbering 1-1993, Renumbered from 690-080-0050



Oregon

John A. Kitzhaber, MD, Governor

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

February 28, 2011

COPY

mailed 3-1-11

David Newton
P.O. Box 728-1728
Redmond, OR 97756

Gary Young
P.O. Box 14
Paulina, OR 97751

Re: Application R-86934 and R-86935

Dear Mr. Newton and Mr. Young,

Enclosed are a settlement agreement, draft final order and draft permit for the above applications. Please review them and if they are satisfactory, sign the settlement agreements and mail them back to me. After the agreement is received, Kerry Kavanagh will process the permits.

If you have any questions, please contact me at the number below.

Sincerely,

Patricia McCarty
Protest Program Coordinator
Water Rights Division
Phone: 503-986-0820

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number R-86934

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the proposed final order may be addressed.

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

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

DRAFT Final Order Incorporating Settlement Agreement

Application History

On June 29, 2007, Gary Young submitted an application to the Department for a water use permit to store water from Beaver Creek, a tributary of Crooked River for irrigation.

The Department issued a Proposed Final Order on June 9, 2009 recommending the application be denied because the proposed use of water is not consistent with the Deschutes Basin Program, OAR 690-505-0030(1)(c).

On July 27, 2009, a timely protest was filed by the applicant. The protest included additional information which clarified that the use of water would also be for livestock and wildlife. The additional information is sufficient for compliance with Deschutes Basin Program, OAR 690-505-0030(1)(c). The updated uses are reflected in the attached draft permit.

A settlement agreement was signed by all parties as of _____. The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is included below.

The proposed use would not impair or be detrimental to the public interest. The Protestant and the Department have agreed to permit conditions set forth in the draft permit.

Order

Application R-86934 is therefore approved with modifications to the Proposed Final Order. Upon meeting the "Terms of Agreement" as described in the attached Settlement Agreement, upon payment of outstanding fees in the amount of \$400, and approval of dam plans and specifications by Department Dam Safety staff, a permit consistent with the attached draft permit shall be issued.

DATED

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

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

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

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

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86934

SOURCE OF WATER: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

STORAGE FACILITY: BEAVER CREEK EAST RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, LIVESTOCK, AND WILDLIFE

MAXIMUM VOLUME: 72.11 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1 THROUGH
APRIL 14

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 7.37 ACRES AND
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 13.0 FEET.

POINT OF DIVERSION: SE ¼ NE ¼, SECTION 26, T16S, R23E, W.M.; 2640 FEET
SOUTH AND 726 FEET WEST FROM NE CORNER, SECTION 26

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

NE ¼ SE ¼
SE ¼ SE ¼
SECTION 26
TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

Measurement, recording and reporting conditions:

1. A. Before water may be diverted for storage under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.

- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded measurements to the Department annually or more frequently as may be required by the Director.
2.
 - A. Before water may be diverted for storage under this permit, a staff gage that measures the entire range between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
 - B. The Director may require the permittee to keep and maintain a record of the water level measurements on a periodic schedule as established by the Director.
 3. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 4. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 5. The permittee shall maintain all required devices in good working order.

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.

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 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.

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. 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 diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

Deschutes River Scenic Waterway	
<i>Month</i>	<i>Minimum Flow (cfs)</i>
March 1-15	4500
March 16-31	4000
April	4000

DAM CONDITIONS

To be added upon approval by the Department's dam-safety engineer.

STANDARD CONDITIONS

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and

Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

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

Construction shall be completed and the permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Mailing List for Draft FO inc. s.a. Copies

Application #R-86934

Original mailed to applicant:

GARY YOUNG
~~14005 SE PAULINA VALLEY RD~~ P.O. Box 14
PAULINA, OR 97751

Copies sent to:

1. WRD - File # R-86934
2. WRD - Water Availability: Ken Stahr
3. WRD - Dam Safety

Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)
--

FO and Map Copies sent to:

4. WRD - Watermaster # 11

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


5. Newton Consultants Inc, ~~521 SW 6th Street, Suite 100~~, Redmond, OR 97756

P.O. BOX 728

CASEWORKER: Kerry Kavanagh

C. Terms of the Agreement

1. OWRD shall issue a Final Order Incorporating Settlement Agreement consistent with this Agreement and will issue a Permit consistent with the attached draft Permit.
2. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
3. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord.
4. Each Party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement and draft Permit, and understands and agrees with the contents thereof.
5. The Parties agree that nothing in this Settlement Agreement establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.



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

2-28-11
Date

Gary Young

Date

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number R-86934

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the proposed final order may be addressed.

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A settlement agreement was signed by all parties as of _____ . The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is included below.

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DATED

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for Phillip C. Ward, Director
Water Resources Department

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DRAFT

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DRAFT

STATE OF OREGON

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG
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STORAGE FACILITY: BEAVER CREEK EAST RESERVOIR

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MAXIMUM VOLUME: 72.11 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1 THROUGH
APRIL 14

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 7.37 ACRES AND
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 13.0 FEET.

POINT OF DIVERSION: SE ¼ NE ¼, SECTION 26, T16S, R23E, W.M.; 2640 FEET
SOUTH AND 726 FEET WEST FROM NE CORNER, SECTION 26

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

NE ¼ SE ¼
SE ¼ SE ¼
SECTION 26
TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

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2.
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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.

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. 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 diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

Deschutes River Scenic Waterway	
<i>Month</i>	<i>Minimum Flow (cfs)</i>
March 1-15	4500
March 16-31	4000
April	4000

DAM CONDITIONS

To be added upon approval by the Department's dam-safety engineer.

STANDARD CONDITIONS

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and

Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

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

Construction shall be completed and the permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Mailing List for Draft FO inc. s.a. Copies

Application #R-86934

Original mailed to applicant:

GARY YOUNG
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

Copies sent to:

1. WRD - File # R-86934
2. WRD - Water Availability: Ken Stahr
3. WRD - Dam Safety

Copies Mailed
By: _____ (SUPPORT STAFF)
on: _____ (DATE)

FO and Map Copies sent to:

4. WRD - Watermaster # 11

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

5. Newton Consultants Inc, ~~521 SW 6th Street, Suite 100~~, Redmond, OR 97756

P.O. BOX ~~728~~
1728

CASEWORKER: Kerry Kavanagh



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

GARY YOUNG
BLUE MOUNTAIN RANCH
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

May 25, 2010

Reference: Files **R-86934**, R-86935, and S-86936

Dear Mr. Young:

I am writing to inform you of the status of each of your applications and processing options for each of them.

R-86934

The Department is ready to issue a Final Order Incorporating a Settlement Agreement. However, due to 690-310-0040(1)(b).(A), without preliminary dam design plans and specifications, the Department cannot issue a favorable Final Order.

On December 21, 2010, the application was placed on administrative hold, which expired April 25, 2010.

R-86935

A Final Order Incorporating a Settlement Agreement with a Draft Permit was issued March 18, 2010. The Final Order stated that permit recording fees in the amount of \$400 was required prior to permit issuance.

S-86936

The Department is ready to issue a Final Order to approve App: S-86936, contingent upon approval of R-86934 and R-86935. On December 21, 2010, the application was placed on administrative hold, which expired April 25, 2010.

Please submit preliminary dam design plans and specifications for App: R-86934 and permit recording fees for S-86936 or additional requests for administrative holds no later than **July 24, 2010**. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, feel free to call me at 503-986-0808.

Sincerely,

A handwritten signature in black ink that reads "Brook Geffen" with a horizontal flourish at the end.

Brook Geffen
Water Rights Caseworker

cc: WRD - Watermaster #11

File

Newton Consultants Inc, 521 SW 6th St, Suite 100, Redmond, OR 97756

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF ADDRESS FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

R-86934, R-86935 & S-86936
 GARY YOUNG
 BLUE MOUNTAIN RANCH
 14005 SE PAULINA VALLEY RD
 PAULINA OR 97751

2. Article Number
(Transfer from service label) 7006 2150 0000 4121 2906 WR

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X Elmer E. Young

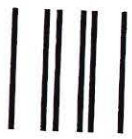
B. Received by (Printed Name) C. Date of Delivery
Elmer E. Young 5/27/10

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

UNITED STATES POSTAL SERVICE



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

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

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

RECEIVED
 MAY 28 2010
 WATER RESOURCES DEPT
 SALEM, OREGON





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

December 22, 2009

GARY YOUNG
BLUE MOUNTAIN RANCH
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

Reference: File R-86934 and S-86936

Dear Mr. Young:

On October 27, 2009, the Water Resources Department received your letter requesting a 180-day administrative hold on processing the above-referenced applications.

The Department will not take any action on this application until **April 25, 2010**, unless you request we proceed sooner. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please feel free to call me at 503-986-0808.

Sincerely,

Brook Geffen
Water Rights Caseworker

cc: WRD - Watermaster #11

File

Newton Consultants Inc, 521 SW 6th St, Suite 100, Redmond, OR 97756
Kimberly Priestly, WaterWatch, 213 SW Ash St, Suite 208, Portland, OR 97204

Brook Geffen

From: Brook Geffen
Sent: Tuesday, October 27, 2009 3:18 PM
To: 'kturner@newtonconsultants.com'
Subject: RE: Blue Mountain Ranch

Katie:

No need for additional information; the below email will suffice for a request for admin hold for R-86934 & S-86936. Letters confirming this request will be in the mail shortly.

Thanks,
Brook

From: kturner@newtonconsultants.com [mailto:kturner@newtonconsultants.com]
Sent: Tuesday, October 27, 2009 3:05 PM
To: Brook A GEFFEN
Subject: Blue Mountain Ranch

Brook,

I want to give you a brief update on the Blue Mountain Ranch storage applications. David just returned from vacation and indicated that we do have preliminary designs for the West Reservoir (application R-86935). Gary Young had indicated to David that he desired to have those turned in. As soon as we confirm that is what he would like us to do, we will submit those to you by this Friday, Oct. 30th.

At that time, we will also submit a request for administrative hold for the East Reservoir (application R-86934). While reviewing the files for both of the storage applications, I noticed that an application to use the surface water was also submitted. I intend to request an administrative hold on that application (S-86936) as well so that it is clearly identified in the files.

Let me know if there is something I should do differently or if the administrative hold needs to be in two separate letters.

Thanks for all your help with these applications.

Katie Turner, G.I.T.

Office Manager / Geologic Technician

Newton Consultants, Inc.

Brook Geffen

From: Patricia McCarty
Sent: Friday, September 11, 2009 2:41 PM
To: Brook Geffen
Subject: RE: Question Re: Gary Young

The latter.

Thanks,
Patricia

-----Original Message-----

From: Brook Geffen
Sent: Friday, September 11, 2009 2:39 PM
To: Patricia McCarty
Subject: Question Re: Gary Young

Patricia:

Let's touch base on this when you get a second.

It's not entirely clear to me which "use" the Final Order should be for; the original proposed use of irrigation or the clarified uses in the protest, irrigation, livestock, and wildlife?

Thanks,

Brook

Brook A. Geffen
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, Oregon 97301
(503) 986-0808

Kerry Kavanagh

From: Katie Turner [kturner@newtonconsultants.com]
Sent: Thursday, September 09, 2010 8:43 AM
To: Kerry Kavanagh
Subject: Blue Mountain Ranch, R-86934
Attachments: W1050103_F2_East Cut & Fill (1).pdf

Kerry,

I did a brief search and have attached a preliminary drawing relating to the East reservoir. I think when you initially called you mentioned the same thing (the need for preliminary dam designs) and then you thought you had everything needed. I just do not seem to remember if you had looked at the attached drawing.

In this economy, I know Blue Mountain Ranch is concerned about expenses and would likely want to put this back on administrative hold. Is that a possibility?

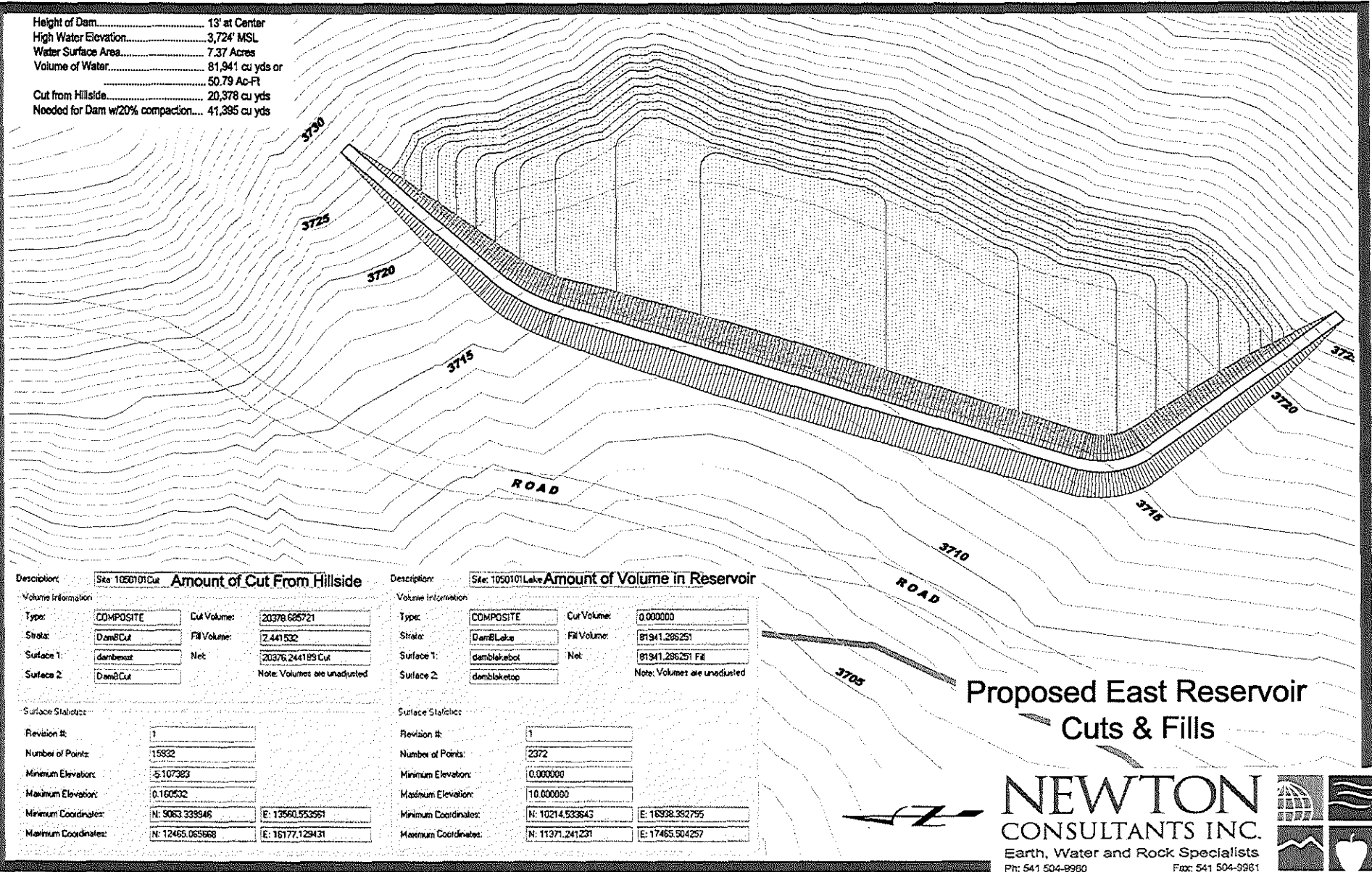
Please let me know what you find as we had advised them that OWRD had what they needed based on my last conversation with you in the beginning of July.

Thank you,

Katie Turner, G.I.T.

Office Manager / Geologic Technician
Newton Consultants, Inc.
521 SW 6th Street, Suite 100
Redmond, Oregon 97756
541-504-9960 ext. 210
541-504-9961 fax

Height of Dam..... 13' at Center
 High Water Elevation..... 3,724' MSL
 Water Surface Area..... 7.37 Acres
 Volume of Water..... 81,941 cu yds or
 50.79 Ac-Ft
 Cut from Hillside..... 20,378 cu yds
 Needed for Dam w/20% compaction.... 41,395 cu yds



Description: Site: 1050101 Cut Amount of Cut From Hillside

Volume Information		
Type:	COMPOSITE	Cut Volume: 20378.686721
Strata:	Dam&Cut	Fill Volume: 7.441532
Surface 1:	damb&cut	Net: 20376.244189 Cut
Surface 2:	Dam&Cut	Note: Volumes are unadjusted

Surface Statistics		
Revision #:	1	
Number of Points:	15932	
Minimum Elevation:	5.107389	
Maximum Elevation:	0.160532	
Minimum Coordinates:	N: 5063.339446	E: 13560.952951
Maximum Coordinates:	N: 12465.065968	E: 16177.129431

Description: Site: 1050101 Lake Amount of Volume in Reservoir

Volume Information		
Type:	COMPOSITE	Cut Volume: 0.000000
Strata:	Dam&Lake	Fill Volume: 81941.286251
Surface 1:	damb&lakebot	Net: 81941.286251 Fill
Surface 2:	damb&lake top	Note: Volumes are unadjusted

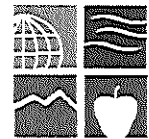
Surface Statistics		
Revision #:	1	
Number of Points:	2372	
Minimum Elevation:	0.000000	
Maximum Elevation:	10.000000	
Minimum Coordinates:	N: 10214.533643	E: 16338.352795
Maximum Coordinates:	N: 11371.241231	E: 17465.504257

Proposed East Reservoir Cuts & Fills



NEWTON
CONSULTANTS INC.

Earth, Water and Rock Specialists
Ph: 541 504-9980 Fax: 541 504-9961



Memo

To: Caseworker, and Application Files R-86934 & R-86935

From: Patricia McCarty, Protest Program Coordinator

Date: September 3, 2009

Regarding: Settlement agreement for R-86934 & R-86935

Confidential: Yes No

Hi Brook,

Dwight has instructed us that the submission of additional information from Newton in the protest letter is sufficient for compliance with the Basin Program. Please prepare a draft final order incorporating settlement agreement, and a draft permit. When complete, please give these to me and I will send them out with the settlement agreement and cover letter.

If you have any questions, I should be around when you are working on this. Tim can also fill you in on the decision.

Thanks!!!

Patricia McCarty



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

August 11, 2009

David Newton
521 SW 6th Street, Suite 100
Redmond, OR 97756

Gary Young
P.O. Box 14
Paulina, OR 97751

Re: Applications R-86934 & R-86935

Dear Mr. Newton and Mr. Young,

The Water Resources Department received your protests on the proposed final orders for the above applications. Enclosed is the receipt for the protest fees.

I will work on a settlement agreement to resolve the protests and get it to you as soon as possible. Unless instructed otherwise I will work with Mr. Newton on the resolution of these protests and the draft permits.

If you have any questions, please contact me at the number below.

Sincerely,

Patricia McCarty

Patricia McCarty
Protest Program Coordinator
Water Rights Division
Phone: 503-986-0820

*file copy
mailed 8-11-09*





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JUL 27 2009

WATER RESOURCES DEPT
SALEM, OREGON

Transmittal

To: Brook Geffen
OWRD
725 Summer St. NE, Ste A
Salem, OR 97301

Date: July 24, 2009

From: Katie Turner, G.I.T.
Office Manager / Geologic
Technician

Project Name: Blue Mountain Ranch

Subject: Protest for Applications R-86934 and R-86935

Project No.: 1050.103

We are sending you via _____ Mail _____ the following items:

Copies	Date	Description
1	07/24/09	Protest Letter for Applications R-86934 and R-86935
1	07/22/09	Statement of Multipurpose Water Use, R-86934 and R-86935
1	07/24/09	Check Number 020280 for R-86934
1	07/24/09	Check Number 020281 for R-86935

These are transmitted:

_____ For Approval

For Your Use, As Discussed

_____ As Requested

_____ For Review and Comment

Remarks:

The items listed above are included for your use in consideration in amending the storage applications to a multipurpose use.

I can be reached by phone at (541) 504-9960, ext. 210 or by email at kturner@newtonconsultants.com if you have any questions. Thanks for all of your help.

Katie

Copy To: _____

Signed: *Katie Turner*

22
52

FedEx US Airbill
Express

FedEx
Tracking
Number

8623 0113 0846

Form
ID No.

0215

Recipient's Copy

1 From This portion can be removed for Recipient's records.

Date 7-24-09 FedEx Tracking Number 862301130846

Sender's Name Katie Turner Phone 541 504-9960

Company NEWTON CONSULTANTS INC

Address 521 SW 6TH ST STE 100

City REDMOND State OR ZIP 97754

2 Your Internal Billing Reference

1050.103

3 To

Recipient's Name Brook Geffen Phone 503 986-0900

Company OWRD

Recipient's Address 725 Summer St NE Ste A

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address _____

To request a package be held at a specific FedEx location, print FedEx address here.

City Salem State OR ZIP 97301

0365036034

RECIPIENT: PEEL HERE

fedex.com 1.800.GoFedEx 1.800.463.3339



8623 0113 0846

4a Express Package Service

FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

FedEx First Overnight
Earliest next business morning delivery to select locations.** Saturday Delivery NOT available.

FedEx 2Day
Second business day.** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

FedEx Envelope rate not available. Minimum charge: One-pound rate. _____

*To most locations.

4b Express Freight Service

FedEx 1Day Freight*
Next business day.** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 2Day Freight
Second business day.** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx 3Day Freight
Third business day.** Saturday Delivery NOT available.

**To most locations.

5 Packaging

FedEx Envelope

FedEx Pak*
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.

FedEx Box

FedEx Tube

Other

*Declared value limit \$500.

6 Special Handling

SATURDAY Delivery
Not available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 3D by Freight.

HOLD Weekday at FedEx Location
Not available for FedEx First Overnight.

HOLD Saturday at FedEx Location
Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods?
One box must be checked.

No Yes
As per attached Shipper's Declaration.

Dry Ice
Dry ice, 9, UN 1845 _____ x _____ kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging. Cargo Aircraft Only

7 Payment

Bill to: _____ Enter FedEx Acct. No. or Credit Card No. below. Obtain Recip. Acct. No.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check



Total Packages _____ Total Weight _____



Credit Card Auth. _____

8 Residential Delivery Signature Options

If you require a signature, check Direct or Indirect.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.

519



July 24, 2009
Project No. 1050-103

Ms. Brook Geffen
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

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JUL 27 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

PROTEST

**APPLICATIONS R-86934 & R-86935; GARY YOUNG;
BLUE MOUNTAIN RANCH, UPPER CROOKED RIVER BASIN, CROOK
COUNTY, OREGON**

Dear Ms. Geffen:

This letter presents the PROTEST on behalf of Gary Young, representing Blue Mountain Ranch (the Ranch) located in the Upper Crooked River Basin, near the community of Paulina, Crook County, Oregon. This PROTEST applies to Applications R-86934 and R-86935 which are recommended for denial by the Oregon Water Resources Department (OWRD) in the Proposed Final Orders issued for each Application on June 9, 2009.

This PROTEST is submitted in accordance with ORS 537.153(6). Two checks, in the amount of \$300 each, accompany this PROTEST to account for the PROTEST filing fee for the two applications (R-86934 and R-86935).

NAME, ADDRESS AND TELEPHONE NUMBER OF PROTESTANT

Gary Young
P.O. Box 14
Paulina, Oregon 97751
(541) 477-3144

DESCRIPTION OF PROTESTANT'S INTEREST IN PROPOSED FINAL ORDER

The interest of Gary Young in the Proposed Final Order is loss of a requested right to store water in two proposed off-channel reservoirs on the Ranch in Crook County, Oregon. Water storage is vital to irrigation, livestock and wildlife assets of the Ranch and the storage permit applications were submitted to the OWRD to enhance and protect these assets. Denial of the applications precludes intended use of stored water for these

purposes and impedes the ability of the Ranch to carry out its strategic water management plans.

DESCRIPTION OF HOW THE ACTION PROPOSED IN THE PROPOSED FINAL ORDER WOULD IMPAIR OR BE DETRIMENTAL TO THE PROTESTANT'S INTEREST

Denial of both storage Applications R-86934 and R-84935 would prevent the Protestant from storing water that is required for good and practicable management, and would significantly impair enhancement and protection of the Ranch assets. Impairments are specifically described below for each proposed use of stored water.

Irrigation

Stored water is proposed for irrigation use. The Ranch water management plan is focused on improving feed crop production through improved efficiency of water use and irrigation under the new Ranch ownership. Irrigation under prior Ranch ownership was by flood methods. Significant integrated water management investments have been made by the current landowner to improve irrigation water delivery efficiency. The improvement plan is focused on the storage of water in off-channel, upland reservoirs separate from and elevated above the irrigated cropland areas.

Stored water is intended for irrigation during annual hot, dry periods of July and August, also the period when water is otherwise unavailable due to low-flow conditions in Beaver Creek under existing Ranch surface water rights. Feed crop production is severely limited by these conditions. Denial of the applications prevents the Ranch from improving its feed production for cattle, the Ranch's primary business assets.

Stored water is planned for distribution to irrigated crop areas through pipelines. The reservoir elevations above the croplands provide elevation head, such that water delivery would be under gravity pressure. Water distribution efficiency would be significantly increased and irrigation could occur under pressure with sprinklers, improving efficiency of water use in the dry summer environment of central Oregon. These improvements lead to increased crop productivity.

Denial of the applications leaves the Ranch without needed July-August irrigation water and eliminates the opportunities for improved crop productivity and water use efficiency.

Livestock

Cattle are the primary business assets of the Ranch and water supply for livestock use is very important. The off-channel, upland reservoir sites are intended to provide water for livestock in locations away from the Beaver Creek channel and riparian area, and in upland locations to improve range and grazing management of cattle away from croplands intended to produce winter feed.

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WATER RESOURCES DEPT
SALEM, OREGON

Denial of the applications eliminates the opportunity for the Ranch to implement measures to protect the creek and riparian area by taking away the option of making livestock water available at locations away from or separated from the creek. Denial of the applications also takes away the opportunity for the Ranch to improve its range and grazing operations in concert with its irrigated feed production operations.

Wildlife

Wildlife is an important Ranch asset. The proposed reservoirs are also intended to supply water for wildlife uses, particularly during the hot, dry summer and early fall periods of the year. The upland reservoir sites are very well suited to providing critical water sources for wildlife use based on input from the BLM Rangeland Specialist for the Ranch area.

Denial of the applications takes away the opportunity for the Ranch to enhance and protect its wildlife assets through water supply in upland areas more remote from the valley bottom area which is subject to human, machine and other Ranch activities.

Summary

Denial of the applications takes away the opportunity for the Ranch to implement its Integrated Water Storage Plan and its intended benefits to:

- Increase feed crop production with irrigation water during July-August periods when water is otherwise unavailable.
- Improve water distribution and irrigation efficiency, critically important in the arid, hot high-desert environment of the Ranch.
- Supply cattle with water in upland areas away from the Beaver Creek and riparian areas, and improve range and grazing management in conjunction with feed crop production.
- Supply wildlife with water in upland areas away from the Beaver Creek valley floor and Ranch-related human, machine and other activities to improve conditions for wildlife and wildlife asset values to the Ranch.

DESCRIPTION OF HOW THE PROPOSED FINAL ORDER IS IN ERROR OR DEFICIENT AND HOW TO CORRECT THE ALLEGED ERROR OR DEFICIENCY

Error/Deficiency

The error or deficiency in connection with the recommended denials of the applications is failure in the applications to give proper cognizance to multiple-purpose water use in accordance with OAR 690-505-0030(1)(c). The error or deficiency is simply an oversight that was unrecognized in both the application preparation and the OWRD Initial Review process.

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**WATER RESOURCES DEPT
SALEM, OREGON**

This error or deficiency is manifested in the description of proposed water use on the applications as irrigation, when the actual and practical intended uses also include livestock and wildlife for the reasons described above. The primary use of irrigation is shown on the applications without expressly describing fully-intended and practicably inherent livestock and wildlife uses. The application focus was on the primary irrigation use and failure to give proper cognizance to multiple-purpose use is strictly an administrative oversight.

The actual and intended water uses are consistent with need for cognizance of multiple-purpose water use according to OAR 690-505-0030(1)(c). Furthermore, the actual and intended water uses are an integral part of operations and water management actions of an operating cattle ranch. Based on OAR 690-505-0030, the water uses in the Upper Crooked River Basin are classified as: domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life. Opportunities for multiple-purpose water use on this cattle ranch are limited to livestock, irrigation and wildlife. These three uses are the actual and practical intended uses, which is consistent with the need to give cognizance to multiple-purpose water use as stipulated in OAR 690-505-0030(1)(c).

Correction

The error/deficiency can be corrected through clarification of proposed water uses and how the uses relate to Ranch operations. Express disclosure of all proposed uses for irrigation, livestock and wildlife reflects the actual intended use of the stored waters; said uses, particularly livestock, being fundamental to water uses for many ranches across central and eastern Oregon. In this case, wildlife is also a key Ranch asset and water supply under the applications is also for wildlife use, as explicitly recognized by the BLM Range Specialist.

Express disclosure of all intended uses was not made on the application, considering that irrigation is the primary use. Even if not expressly disclosed, use of stored water is intended for livestock and wildlife purposes. More to the point, wildlife and livestock water uses would occur even if the Ranch did not specifically plan for this, as cattle and wildlife will have access to the reservoirs. In this case, water supply under the applications inherently provides for livestock and wildlife water uses.

In summary, the error/deficiency can be corrected through a finding by the OWRD that the need for cognizance to the multiple-purpose water use concept stipulated in OAR 690-505-0030(1)(c) is satisfied through clarification of both explicit and inherent water uses intended by the Protestant, as reflected in intended actual and practical outcomes of an investment made in acquiring permits for and constructing reservoirs that so directly support the various Ranch assets and the business focus of the Ranch on cattle production. The basis for this correction includes the information described herein and in the accompanying letter "*APPLICATIONS R-86934 & R-86935; BEAVER CREEK*;

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JUL 27 2009

WATER RESOURCES DEPT
SALEM, OREGON

July 24, 2009
Applications R-86934 & R-86935; Gary Young
PROTEST

Page 5

CROOK COUNTY, STATEMENT OF MULTIPURPOSE WATER USE" dated July 23, 2009.

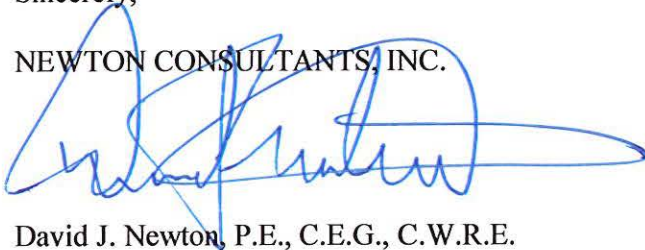
CLOSURE

This PROTEST is respectfully submitted on behalf of the Protestant by Newton Consultants, Inc., Agent for the Protestant in water rights matters.

Please contact David J. Newton at (541) 504-9960 extension 211, or by e-mail at dnewton@newtonconsultants.com if there are any questions regarding this PROTEST. You may also contact Katie Turner at (541) 504-9960, ext. 210 or kturner@newtonconsultants.com.

Sincerely,

NEWTON CONSULTANTS, INC.



David J. Newton, P.E., C.E.G., C.W.R.E.
President

cc: Ms. Patricia McCarty, Protest Coordinator, OWRD
Mr. Gary Young, Blue Mountain Ranch

Enclosures *"APPLICATIONS R-86934 & R-86935; BEAVER CREEK; CROOK COUNTY, STATEMENT OF MULTIPURPOSE WATER USE" 07/23, 2009*

Two checks, in the amount of \$300 each, for Protest filing fees for Applications R-86934 and R-86935.

G:\1000\1050\103\Correspondence\Submitted Protest Docs\PROTEST July 24 09.doc

RECEIVED
JUL 27 2009
WATER RESOURCES DEPT
SALEM, OREGON

**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 # **97268**

INVOICE # _____

RECEIVED FROM: NEWTON CONSULTANTS	APPLICATION R-86934
BY: INL	PERMIT
	TRANSFER

CASH: CHECK:# **20280** OTHER: (IDENTIFY)

TOTAL REC'D \$ **30000**

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY)			\$
TC162 DEPOSIT LIAB. (IDENTIFY)			\$
0240 EXTENSION OF TIME			\$
WATER RIGHTS:			
0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		\$
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$
0223 OTHER (IDENTIFY) PROTEST APPLICANT/300.00			

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: **97268**

DATED: **7-27-09** BY: *[Signature]*

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-86934

Proposed Final Order

Summary of Recommendation: The Department recommends that the application be **denied** because the use is not consistent with the Deschutes Basin Program, OAR 3690-505-0030(1)(c).

Application History

On June 29, 2007, Gary Young submitted an application to the Department for the following water use:

- Amount of Water: 72.11 ACRE FEET (AF)
- Use of Water: STORAGE FOR IRRIGATION USE
- Source of Water: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER
- Area of Proposed Use: CROOK County within SECTION 26, TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

On August 24, 2007, the Department mailed the applicant notice of its Initial Review, determining that "*The storage of 72.11 AF from Beaver Creek, a tributary of Crooked River is allowable during March 1 through April 14.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On August 28, 2007, the Department gave public notice of the application in its weekly notice. The public-notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

On October 31, 2007, after the comment period ended, written comments were received from Kimberly Priestley on behalf of WaterWatch. Ms. Priestly expressed concerns about the protection of instream and scenic waterway flows, the loss of habitat for state-sensitive redband trout, the methodology used to a) perform the instream and scenic waterway flow and the water availability analyses and b) the Department's water availability determinations. In addition, Ms. Priestly pointed out that the Initial Review omitted that the point of diversion is above the Deschutes River State Scenic Waterway.

Ms. Priestley's concerns are addressed under the Findings of Fact section.

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

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

Findings of Fact

The Initial Review omitted the determination that, under OAR 690-505-0030(1)(c), the application for storage of water in Beaver Creek East Reservoir for irrigation use does not give proper cognizance to the multi-purpose concept. Therefore, the Department finds that the use of stored water for irrigation use alone is not allowable under the Deschutes Basin Program.

Senior water rights exist on BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER, or on downstream waters.

BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER is above the Deschutes River State Scenic Waterway.

The Department finds that state Scenic Waterway flows are protected by instream water right certificates 74276 and 76164.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at a 50 percent exceedance probability) March 1 through April 30.

Under OAR 690-033-0120(2), water may be diverted for storage March 1 through April 14.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

Measurement, recording and reporting conditions:

1. A. Before water may be diverted for storage under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.
B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which includes the recorded measurements to the Department annually or more frequently as may be required by the Director.
2. A. Before water may be diverted for storage under this permit, a staff gage that measures the entire range between full reservoir level and dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
B. The Director may require the permittee to keep and maintain a record of the water level measurements on a periodic schedule as established by the Director.
3. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
4. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
5. The permittee shall maintain all required devices in good working order.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The Deschutes Basin Program does not allow the proposed use of stored water to be appropriated for irrigation use alone.

A preference for this use is not granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use would not injure other water rights.

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

The proposed use is compatible with applicable land-use plans.

For these reasons, the required presumption has not been established.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use would not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the application be denied.

DATED June 9, 2009

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than **July 24, 2009**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$350 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.*

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than **July 24, 2009**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the proposed final order as issued;
- A detailed statement of how the requester would be harmed if the proposed final order is modified; and

- A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

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

This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

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

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

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

Mailing List for PFO Copies

Application #R-86934

PFO Date ~~July 24, 2009~~

June 9, 2009

Original mailed to applicant:

~~GARY YOUNG, 14005 SE PAULINA VALLEY RD, PAULINA, OR 97751~~

Copies sent to:

- ~~1. WRD - File # R-86934~~
- ~~2. Water Availability: Ken Stahr~~

Copies Mailed
By: <u>TCB</u>
(SUPPORT STAFF)
on: <u>6/8/09</u>
(DATE)

PFO and Map Copies sent to:

- ~~3. WRD - Watermaster # 11~~

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

- ~~10. Newton Consultants Inc, 521 SW 6th Street, Suite 100, Redmond, OR 97756~~
- ~~11. Kimberly Priestly, WaterWatch, 213 SW Ash St., Ste. 208, Portland OR, 97204~~

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER : Geffenba



October 30, 2007

Water Rights Section
Water Resources Department
725 Summer Street N.E., Suite A
Salem, OR 97301

RECEIVED
OCT 31 2007
WATER RESOURCES DEPT
SALEM OREGON

Re: Comments, Application R-86935, R-86934, Gary Young, Blue Mountain Ranch, Storage, Beaver Creek tributary to the Crooked River

Dear Water Rights Section,

Thank you for the opportunity to comment on applications R-86934 and R-86935, in the name of Gary Young, Blue Mountain Ranch. WaterWatch is a nonprofit river conservation group dedicated to protecting and restoring Oregon's rivers. We have nearly 1000 members throughout the state, including some the Deschutes and Crooked River Basins.

Blue Mountain Ranch has proposed to build two off channel-reservoirs, one for 61.25 acre feet, the other for 72.11 acre on Beaver Creek, a tributary to the Crooked River. Given the overappropriated state of the Crooked and Deschutes River system, WaterWatch has the following concerns with the WRD's initial review of these applications.

1. The Scenic Waterway Analysis for these applications is flawed.

The proposed reservoirs are above the Deschutes Scenic Waterway. The Deschutes Scenic Waterway includes approximately 186 miles of the Deschutes River's 252-mile length and a segment of the Metolius River. See ORS 390.826 (1), (5). The lower Deschutes River segment, from its confluence with the Columbia River, upstream approximately 100 miles to the Pelton reregulating dam, was one of the original rivers designated by citizen initiative for protection in 1970. In 1991, the Water Resources Commission (WRC) evaluated and set the levels of stream flow (often referred to as Diack flows¹) that are necessary to support the values of the Lower Deschutes Scenic Waterway and other segments on the Deschutes scenic waterway.

The State Scenic Waterway Act declares that the highest and best uses of the waters within a state scenic waterway are recreation, fish, and wildlife uses. ORS 390.835(1). The Act mandates that the free-flowing character of these waters be maintained in quantities necessary for recreation, fish and wildlife. Id. WRD rules specifically state that "[a]llocations to new out-of-stream uses in and above State Scenic Waterways shall not interfere with the maintenance of flow levels necessary for the purposes of the Scenic Waterways." OAR 690-410-070(2)(g).

We found no detailed analysis of the scenic waterway implications of this new appropriation in the file. Instead, the WRD has simply indicated in the Initial Review (IR) that the blanket condition for

¹ Scenic waterway flows - those necessary to support the public values of the scenic waterway - are often referred to as *Diack* flows because of the landmark Supreme Court case involving the Scenic Waterway Act. See *Diack v. City of Portland*, 306 Or 287, 298-299, 759 P2d 1070 (1988).

groundwater permits in areas where measurable reduction has not been found will attach.² See ORS 390.835(9)(g). This is not an adequate review nor response to this application, which is for a surface water storage right above a state scenic waterway in a system where the WRD has made the determination that scenic waterways have been, and are, being measurably reduced by consumptive water users. Given this fact, the WRD needs to do a thorough analysis of this application beyond the normal "storage" review.

Specifically, to ensure that this water use would not further reduce the downstream scenic waterway, the WRD needs to do a much more protective water availability review. The Scenic Waterway Act is clear, when scenic waterway flows are not being met, it prohibits WRD from issuing new water rights within or above state scenic waterways unless the proposed use meets the exception for limited human consumption and/or livestock use and the state can make a number of findings, including a finding that issuing the right will not significantly impair the free flowing characters of these water in the quantities necessary for recreation, fish and wildlife. ORS 390.835(1) and (6).

This application was evaluated on a 50% exceedence level. This means that scenic waterway flows are exceeded in the two months in question only 50% of the time. That means that 50% of the time they are not being met. The Act does not allow new appropriations if scenic waterway flows are not being met, period. Thus, to determine if any flows are available above the scenic waterway flows that would allow this application to move forward, the WRD should evaluate the application at a 100% exceedence level. Even at an 80% exceedence level, there is no water available during any month of the year. See *WRD water availability model for Beaver Creek, tributary to Crooked at 80% exceedence*.

2. Peak flows need to be considered and protected in any new storage right.

ODFW has stated that this application will result in the net loss of habitat for state sensitive redband trout, and that the proposed use will harm the species by, among other things, directly impacting peak and channel maintenance flows. ODFW Division 33 Application Review Sheet, 8/17/07. In the past year ODFW has developed a peak flow guidance policy in an effort to help the WRD in its water allocation decisions, especially in regard to new applications. We saw no mention of this peak flow guidance policy, nor any analysis of the peak flows needed for this system.

The WRD analyzed these applications at a 50% exceedence level. As the 50% exceedence level represents the exception to the 80% exceedence level for live flow, the WRD had a duty to look at instream flow protections beyond established instream water rights and scenic waterway flows. For storage projects, the rules specifically call upon the WRD to look at protective measures such as by-pass flows and seasons of use that would protect flows needed to support public uses. OAR 690-410-070(2)(c). WRD rules give WRD wide discretion to incorporate the analysis of instream values into its water availability analysis beyond those afforded by instream water rights. See e.g. OAR 690-410-030(1), 2(a). Moreover, where streamflows have been depleted to the point that public uses have been impaired, such as they have in the Crooked and Deschutes, the WRD is directed to develop and implement methods to restore flows. *Id.* at (1).

Given the implications for a state sensitive species, the WRD should conduct a peak flow analysis, and, if the application is approved, attach conditions to the permit that protect peak flows. **OCT 31 2007**

3. The proposed use will harm state sensitive species

ODFW's Division 33 review states that this application will result in the net loss of habitat for state sensitive redband trout. ODFW Division 33 application review sheet, 8/17/07. Spawning, incubation, rearing passage and habitat are all at risk. *Id.* ODFW has indicated that no conditions can

² The Condition reads: Use of water under this authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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SALEM, OREGON

be applied to mitigate the impact to the essential habitat of redband trout. Id. Given such, these applications should be denied.

4. The proposed conditions are inadequate to protect the resource

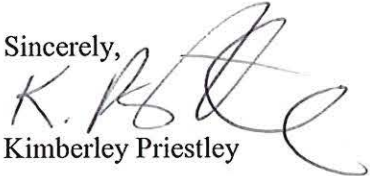
The conditions identified in the IR are inadequate to protect redband trout habitat, and to ensure that water is in fact only captured when downstream scenic waterway flows and instream water rights are being met. As noted, there was no analysis of the peak flows and channel maintenance flows needed for fish, nor any condition of use requiring protection of these flows. The Scenic Waterway Act condition is wholly inappropriate given the fact that this is a surface water right, in a basin where the WRD has already determined scenic waterway flows are not being met. And, despite the fact the proposed season of use is very short, there are no required reporting conditions to ensure that water is in fact captured only during the months proposed.

5. The proposed use is not consistent with the Deschutes Basin Program.

The Upper Crooked Basin Plan makes it clear that any structures are declared to be prejudicial to the public interest if they do not give proper cognizance to the multiple-purpose concept. OAR 690-505-0030(1)(c). There is no mention of a multipurpose aspect of these proposed storage projects, thus the WRD must declare them to be prejudicial.

Conclusion: Given the overappropriated state of the Crooked and Deschutes River systems, and the harm these new appropriations would have on a state sensitive species, these applications should be denied.

Sincerely,


Kimberley Priestley

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OCT 31 2007

WATER RESOURCES DEPT
SALEM, OREGON

Brook Geffen

From: Mathias Perle [mperle@newtonconsultants.com]
Sent: Thursday, August 09, 2007 10:48 AM
To: Brook Geffen
Subject: Application R-86934

Dear Brook,

This email is meant to address Application R-86934 and the description of the Point of Diversion (POD) listed on the application map. The current location is described on the map as being "726 feet west of NE corner of Section 26 and 1,640 feet south of NE corner of Section 26". While the POD is correctly located on the map, the descriptor is incorrect.

We would like to request via this email that the location descriptor be changed to ""726 feet west of NE corner of Section 26 and 2,640 feet south of NE corner of Section 26.".

Please let us know if you have any further questions concerning Application R-86934.

Sincerely,

Mathias Perle

Mathias Perle
Hydrologic / Engineering Technician
Newton Consultants, Inc.
541-504-9960 Ext. 233
Fax: 541-504-9961
mperle@newtonconsultants.com

For email sent
8/9/07,
POD has been
corrected.

690-310-0240

Approval, Condition or Rejection of Permit Application Generally

(1) When an application discloses the probability of wasteful use or undue interference with existing wells or that any proposed use or well will impair or substantially interfere with existing rights to appropriate surface water by others, or that any proposed use or well will impair or substantially interfere with existing rights to appropriate ground water for the beneficial use of the water less than 250 degrees Fahrenheit for its thermal characteristics, the Department may impose conditions or limitations in the permit to prevent the same or reject the application after hearing, or, in the Department's discretion, request the Water Resources Commission to initiate a rulemaking proceeding to declare the affected area a critical ground water area under ORS 537.730 to 537.740.

(2)(a) When an application discloses the probability that a proposed use or well will impair or interfere with the ability to extract heat from a well with a bottom hole temperature of at least 250 degrees Fahrenheit, the Department may:

(A) Approve the permit;

(B) Impose conditions or limitations in the permit to prevent the probable interference or impairment;

(C) After a hearing under ORS 537.622, reject the application; or

(D) Request the Commission to initiate a rulemaking proceeding to declare the affected area a critical ground water area under ORS 537.730 to 537.740.

(b) In deciding whether to issue, deny or condition a permit under this subsection, the Department shall consider any orders or permits applicable to the ground water reservoir issued by the State Geologist or the governing board of the State Department of Geology and Mineral Industries under ORS chapter 522.

(3) The Department may issue a permit for a water use that is conditioned or modified from the use originally proposed in the application only if the conditioned or modified use does not change the source of the water, increase the amount of land appurtenant to the water use or enlarge the proposed use of water in any way.

Stat. Auth.: ORS 536.027

Stats. Implemented: ORS 537.190 & ORS 537.629

Hist.: WRD 1-1996, f. & cert. ef. 1-31-96

R-86934
↓
R-86935

RECEIVED

SEP 04 2007

WATER RESOURCES DEPT
SALEM, OREGON



August 31, 2007
Project No. 1050-103

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

RE: FEES FOR APPLICATION R-86934 & R-86935

Dear Brooke,

Attached to this letter is a check for \$35.00 to cover the additional fees associated with Storage Applications R-86934 and R-86935. The check breakdown of should be as follows:

- \$23.00 should go toward Storage Applications R-86934
- \$12.00 should go toward Storage Applications R-86935

Thank you for your help and let me know if you have any other questions concerning these applications.

Sincerely,

NEWTON CONSULTANTS, INC.

A handwritten signature in blue ink that reads "Mathias Perle".

Mathias Perle
Hydrologic / Engineering Technician



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

August 24, 2007

GARY YOUNG
BLUE MOUNTAIN RANCH
14005 SE PAULINA VALLEY RD
PAULINA, OR 97751

Reference: File R-86934

Dear Mr. Young:

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

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

Initial Review Determinations:

1. The application proposed the storage of 72.11 acre feet (AF) of water in Beaver Creek East Reservoir from Beaver Creek, a tributary of Crooked River for irrigation. The proposed dam height is 13 feet and the proposed area to be submerged by the reservoir is 7.37 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from Beaver Creek, a tributary of Crooked River, is allowable under the Deschutes Basin Program.
4. Surface water is available for storage March 1 through April 14.
5. OAR 690-033-0120(2) prohibits the use of water from April 15 through September 30 of each year.
6. Prior to beginning construction of the project or issuance of a permit, dam designs and

specifications must be submitted to the Department, and the Department's dam safety section must approve the plans and specifications in writing.

7. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Initial Determinations

The storage of 72.11 AF from Beaver Creek, a tributary of Crooked River is allowable during March 1 through April 14.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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

Additional Information Required:

Additional information is required prior to permit issuance. Please provide the following items:

- Exam fee in the amount of \$23.00
- Recording fee in the amount of \$300.00

Permit will not be issued until the above items are received. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in

writing by **Friday, September 7, 2007**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water 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.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
4. Conditions may be added upon approval of dam designs and specifications.

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

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture

(ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0808 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in black ink that reads "Brook Geffen". The signature is written in a cursive, flowing style.

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-86934
WAB 5-70605
POU 5-70605
GW

APPLICATION FACT SHEET

Application File Number: R-86934

Applicant: GARY YOUNG BLUE MOUNTAIN RANCH

County: Crook

Watermaster: 11

Priority Date: June 29, 2007

Source: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

Use: STORAGE IN BEAVER CREEK EAST RESERVOIR

Quantity: 72.11 ACRE FEET

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 2A BEAVER CR

Point of Diversion: SENE, SECTION 26, T16S, R23E, W.M.; 2640 FEET SOUTH AND 726 FEET WEST FROM NE CORNER, SECTION 26

Place of Use:

NE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 26
TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 7, 2007

PUBLIC NOTICE DATE: Tuesday, August 28, 2007

30 DAY COMMENT DEADLINE DATE: Thursday, September 27, 2007

Mailing List for IR Copies

Application #R-86934

IR Date: August 24, 2007

Original mailed to applicant:

GARY YOUNG, BLUE MOUNTAIN RANCH, 14005 SE PAULINA VALLEY RD, PAULINA, OR 97751

Copies sent to:

- WRD - File # R-86934
- WRD - Water Availability: Ken Stahr

Copies Mailed By: <u>TCB</u> (SUPPORT STAFF) on: <u>8/24/07</u> (DATE)
--

IR, Map, and Fact Sheet Copies sent to:

- WRD - Watermaster # 11: Jeremy Giffin (include Division 33 form)
- ODFW: Terry Schrader (include Division 33 form)
- DEQ: Eric Nigg (include Division 33 form)
- Department of Agriculture
- Columbia River Intertribal Fish Commission
- US Fish & Wildlife
- NW Power Planning Council

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

- Mathias Perle, Newton Consultants Inc, 521 SW 6th Street, Suite 100, Redmond, OR 97756

Caseworker: Brook Geffen

COPYSH.T.IR



Transmittal

To: Oregon Water Resources Department
Date: July 6, 2007
From: Katie Turner
Project Name: Blue Mountain Ranch
Subject: Additional Information
Project No.: 1050.103

We are sending you via Mail the following items:

Copies	Date	Description
1	07/02/07	Land Use Information Form, for Reference # 86934
1	07/02/07	Land Use Information Form, for Reference # 86935
1	07/02/07	Land Use Information Form, for Reference # 86936
1	06/28/07	Original Signature Page for Reference # 86934
1	06/28/07	Original Signature Page for Reference # 86935
1	06/28/07	Original Signature Page for Reference # 86936

These are transmitted:
 For Approval
 For Your Use, As Discussed
 As Requested
 For Review and Comment

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 SALEM, OREGON

Remarks:
 Enclosed is the additional information requested for the permit applications submitted June 29, 2007. Questions regarding the application should be directed to Mathias Perle at 541-504-9960 ext. 233.

Copy To: _____

Signed: Katie



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Store Water in a Reservoir

(Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet *and* with a dam more 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

Applicant: Gary Young
First Last

Mailing Address: Blue Mountain Ranch - 14005 SE Paulina Valley Road

Paulina OR 97751
City State Zip

Phone: 541-477-3705
Home Work Other

*Fax: 541-477-3700 *E-Mail Address: gyoung@youngsfarminc.com

**Optional Information*

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is Beaver Creek East Reservoir.

2. SOURCE OF WATER for the proposed use: Beaver Creek,
 a tributary of Crooked River.

Is the proposed use an enlargement of an existing dam/reservoir? YES NO

If the reservoir is not in channel of a stream, state how it is to be filled: In stream pump with appropriate fish screens will pump into reservoir through an eight inch diameter pipe.

App. No. <u>R86934</u>	For Department Use	RECEIVED JUN 29 2001 WATER SALEM, OREGON
Permit No. _____	Date _____	

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 13 feet above streambed or ground surface at the centerline of the crest of the dam.

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

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

If "other" give description: _____

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: The outlet
conduit through the dam will be a 12 inch diameter pipe located at the center of the dam

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

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel: The emergency spillway will be
located on the south side of the earth fill dam and will consist of a twenty four inch diameter pipe.

6. THE USE(s) of the impounded water will be: Use of impounded water will be for irrigation in the
Beaver Creek valley

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R86934

7. **THE AMOUNT OF WATER** to be stored is: 72.11 (Including Evaporative Losses) acre-feet.
The area submerged by the reservoir, when filled, will be 7.37 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: October 2008
Proposed date construction work will be completed: March 2010
Proposed date water use will be completed: September 2011

9. PROPERTY OWNERSHIP

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

- Yes (*Skip to section 10*)
- 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).

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

List the names and mailing addresses of all affected landowners:

** Attach additional sheet(s) if necessary.*

10. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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R 86934



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: Gary Young, Blue Mountain Ranch
Mailing Address: 14005 SE Paulina Valley Road
City: Paulina State: OR Zip: 97751 Day Phone: 541-477-3705

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	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
16S	23E	26	NESE	100	EFU1	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir
16S	23E	26	SENE	100	EFU1	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 72.11 cubic feet per second gallons per minute acre-feet

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

Briefly describe: Application is for a storage right to store water from Beaver Creek in proposed Beaver Creek East Reservoir
(see attached map). An application for a supplemental permit to irrigate in Beaver Creek Valley on lands currently irrigated by Primary
Rights is being filed jointly

R 86934

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

Crook County Planning Department
 300 NE 3RD ST
 Prineville, OR, 97754
 541-416-3905

RECEIPT

Date

Inv. num

First name

Last name

File no

Amount

Type of payment

Check_Number

Received by

101-40-341-4185 Conditional Use	<input type="text" value="\$0.00"/>
101-40-341-4192 Land Partition	<input type="text" value="\$0.00"/>
101-40-341-4194 Subdivision	<input type="text" value="\$0.00"/>
101-40341-4188 Zoning	<input type="text" value="\$0.00"/>
101-40-341-4189 County Appeal	<input type="text" value="\$0.00"/>
101-40-341-4180 Variance	<input type="text" value="\$0.00"/>
101-40-341-4181 Temporary Use	<input type="text" value="\$0.00"/>
101-40-341-4195 Text Amendment	<input type="text" value="\$0.00"/>
101-40-341-4182 Comp Plan Amend	<input type="text" value="\$0.00"/>
101-40-341-4183 Site Plan Review	<input type="text" value="\$120.00"/>
101-40-341-4190 Road Approach	<input type="text" value="\$0.00"/>
101-40-341-4196 Road Vacation	<input type="text" value="\$0.00"/>
101-40-341-4191 Lot of Record	<input type="text" value="\$0.00"/>
101-40-341-2110 Program Supplies	<input type="text" value="\$0.00"/>
101-40-341-4186 Copies, Misc Revenue	<input type="text" value="\$0.00"/>
101-40-341-4197 Map Amendment	<input type="text" value="\$0.00"/>
<hr/>	
350-00-334-3455 GIS State Grants	<input type="text" value="\$0.00"/>
350-003-41-4101 GIS application fees	<input type="text" value="\$0.00"/>
350-101-3-38-3850 Intergovernmental Fee	<input type="text" value="\$0.00"/>
350-101-347-4715 Other Community Re	<input type="text" value="\$0.00"/>
350-101-341-4101 GIS Data, Maps	<input type="text" value="\$0.00"/>
<hr/>	
202-300-3-40-4011 Road Dept Appl. Fee	<input type="text" value="\$0.00"/>
202-300-3-69-6909 GIS pay to Road Dept	<input type="text" value="\$0.00"/>

Notes

Daily Report



Notice to all applicants

The Crook County Planning Department is required to review all applications for accuracy and to determine whether the staff and/or Planning Commission have the information needed to make a decision. County Ordinances allow the County 30 days to determine whether the application is complete. If the Planning Department determines that your application is incomplete, you will be requested in writing to provide the missing information and a decision on your application will be postponed until the information is received. State Law requires that all information to support an application be available for public inspection at our office 20 days before a public hearing. Any information submitted after this date may require postponement of a hearing date. Please make sure your application is complete. The burden on proof lies with the applicant.

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 SALEM, OREGON

R86934

AFTER RECORDING RETURN TO:
JEFFREY M. WILSON, OSB#84109
MILLER NASHLLP
446 NW THIRD STREET, STE. #230
PRINEVILLE OR 97754
TEL: 541-447-5777

Crook County Official Records 2007-218203
DEED-D 01/22/07 12:28 PM
C/N=1 S/n=8 C/COUNTER
\$25.00 \$11.00 \$5.00 \$10.00 \$51.00



I, Deanna Berman, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Deanna Berman



SEND TAX STATEMENTS TO;
GARY D. YOUNG
P.O. BOX 14
PAULINA OR 97751

BARGAIN AND SALE DEED

YOUNG ACRES, INC., an Arizona Corporation as to an undivided 60.37% interest; JEANNINE A. YOUNG, a married woman dealing with her sole and separate property as to an undivided 10.91% interest; GARY D. YOUNG and JEANNINE A. YOUNG, as Co-Trustees of the Gary D. and Jeannine A. Young Living Trust Dated July 26, 2002 as to an undivided 8.18% interest; AARON D. YOUNG, a married man dealing with his sole and separate property as to an undivided 10.27% interest; and SARAH E. TESKEY (also known as Sarah E. Young), a married woman dealing with her sole and separate property as to an undivided 10.27% interest, herein collectively "Grantors", convey to Young's Farm Blue Mountain Holdings LLC that certain real property located in Crook County, Oregon, more fully described on Exhibit "A" attached hereto and by this reference incorporated herein, free of encumbrances except as specifically set forth herein.

TOGETHER WITH any and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including without limit, all water and water rights from any source, ditches and ditch rights, all timber and other surface rights, all minerals and other subsurface rights appurtenant thereto.

The true and actual consideration for this conveyance, is zero dollars (\$0) plus other good and valuable consideration, that is the whole consideration.

ORS 93.040 Warning. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS OR LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Disclaimer: BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.903 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED this 12 day of January, 2007

Young Acres, Inc.

By: *[Signature]*
Gary D. Young, Director

[Signature]
Jeannine A. Young

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Page 1 of 3
JUN 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

R86934

Gary D. and Jeannine A. Young Living Trust
Dated July 26, 2002

By: [Signature]
Gary D. Young, Trustee

By: [Signature]
Jeannine A. Young, Trustee

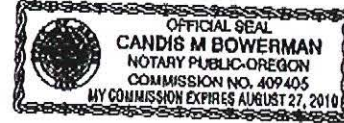
[Signature]
Aaron D. Young

[Signature]
Sarah E. Teskey

STATE OF OREGON)
) ss.
COUNTY OF CROOK)

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007, by Gary D. Young on behalf of Young Acres, Inc.

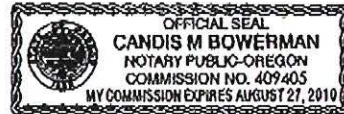
[Signature]
Notary Public for Oregon



STATE OF OREGON)
) ss.
COUNTY OF CROOK)

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007, by Jeannine A. Young.

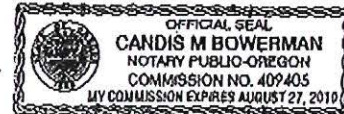
[Signature]
Notary Public



STATE OF OREGON)
) ss.
COUNTY OF CROOK)

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007 by Gary D. Young, Trustee of the Gary D. Young and Jeannine A. Young Living Trust Dated July 26, 2002.

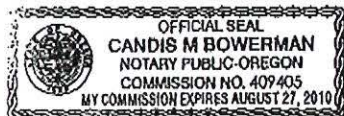
[Signature]
Notary Public



STATE OF OREGON)
) ss.
COUNTY OF CROOK)

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007 by Jeannine A. Young, Trustee of the Gary D. Young and Jeannine A. Young Living Trust Dated July 26, 2002.

[Signature]
Notary Public



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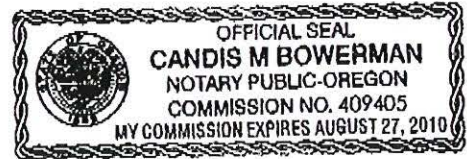
WATER
SALEM, OR

R86934

STATE OF OREGON)
)ss.
COUNTY OF Cook)

The foregoing Bargain and Sale Deed was acknowledged before me this 16th day of January, 2007, by Aaron D. Young.

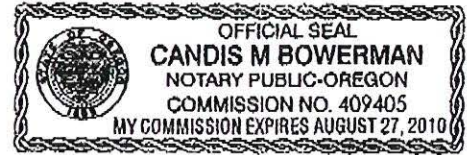
Candis M Bowerman
Notary Public



STATE OF OREGON)
)ss.
COUNTY OF Cook)

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007, by Sarah Teskey.

Candis M Bowerman
Notary Public



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W. SALEM, OREGON

R86934

EXHIBIT "A"

Located in CROOK COUNTY, OREGON:

TRACT I

In Township 15 South, Range 23 East of the Willamette Meridian:

Section 23: W $\frac{1}{2}$.

Section 25: W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$.

Section 26: W $\frac{1}{2}$, and SE $\frac{1}{4}$.

Section 35: NW $\frac{1}{4}$.

Section 36: All.

In Township 15 South, Range 24 East of the Willamette Meridian:

Section 31: All.

In Township 16 South, Range 23 East of the Willamette Meridian:

Section 1: All.

Section 2: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING: Beginning at a point 277 feet North of the SW corner of Section 2, Township 16 South, Range 23 East of the Willamette Meridian, thence East 300 feet, thence North 300 feet, thence West 300 feet, thence South 300 feet to the point of beginning, TOGETHER WITH right of ingress and egress to County Road nearby.

Section 3: All.

Section 5: All.

Section 7: All.

Section 8: All.

Section 9: All.

Section 10: NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

Section 11: All.

Section 13: All.

Section 15: All.

Section 16: All.

Section 17: All.

Section 18: Lots Three (3) and Four (4), NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 19: All.

Section 20: All.

Section 21: All.

Section 22: W $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$,

Section 23: All.

Section 25: All.

Section 26: All.

Section 27: All.

Section 28: SE $\frac{1}{4}$, SW $\frac{1}{4}$.

Section 29: All.

Section 30: E $\frac{1}{2}$.

Section 31: All.

Legal Continued on next page

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R86934

Section 33: All, EXCEPTING Lots Five (5), Six (6), Seven (7) and Eight (8) in Block One (1) of Charles Alshul's 1st Addition to Paulina, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, and EXCEPTING those portions deeded to Telephone Utilities of Eastern Oregon, Inc., by Deeds recorded on Deeds Nos. 63469 and 71724, Records of Crook County, Oregon.

Section 34: All.
Section 35: All.

In Township 16 South, Range 24 East of the Willamette Meridian:

Section 29: All that portion lying South of a line drawn diagonally from the Northeast corner to the Southwest corner of said Section 29 and lying North of the county road known as Beaver Creek Road, as the same is now located and constructed.

Section 30: N $\frac{1}{2}$, N $\frac{1}{4}$ S $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

In Township 16 South, Range 22 East of the Willamette Meridian:

Section 13: All.
Section 24: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{4}$.
Section 36: E $\frac{1}{2}$.

In Township 17 South, Range 22 East of the Willamette Meridian:

Section 1: All.

TRACT II

Lots Four (4), Five (5) and Six (6) in Block Thres (3) of PAULINA, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon.

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WATER RESOUR.
SALEM, OREGON

286934

Standard Application Completeness Checklist

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

Application R 86934 Township _____
Priority Date _____ Range _____
Use(s) _____ Section _____
Rate _____ POD Loc _____
County _____ POU Loc _____
W.M. _____ Caseworker _____

- Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink.
- Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400)
- Property ownership indicated.
 - If applicant does not own all the land, the affected landowner's name and mailing address must be listed.
 - If applicant does not own all the land, a statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.
- Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report.
- Proposed use of water. If supplemental, list primary water right acreage if applicable.
- Enclosed Supplemental Form for each proposed use.
 - Form I (Irrigation)
 - Form M (Municipal or Quasi-Municipal)
 - Form R (Mining)
 - Form Q (Commercial or Industrial)
 - Spring Description Sheet
- Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)
- Period of use
- Water management section (Please estimate if the water system has not been designed).
- Resource Protection Section (Page 6, Section 5).

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WATER RES.
SALEM, OREGON

prelims.

- Project schedule (If system is already completed, indicate "existing").
- For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.
- If the above is statement is checked, the map must be prepared by a CWRE.
- All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.
- You must include a Legal description of the property involved that includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.
- A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Date of signature must be within the past 6 months.*

The map must meet all the minimum requirements of OAR 690-310-0050.

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes
- Place of use, 1/4, 1/4's and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
- Location of each diversion point well or dam by reference to a recognized public land survey corner
- North Directional Symbol
- Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture
- Other _____
- Reference corner on map
- Each point of diversion coordinate

Fees: Amount of water requested 50 ac ft

Base Fee \$ <u>300</u>	Total Exam Fee \$ <u>540⁰⁰</u>
1st CFS/AF <u>2.00</u>	Total Paid \$ <u>540⁰⁰</u>
<u>40</u> Addtn'l CFS/ AF @ <u>1</u> = <u>40</u>	Amount Due \$ _____
____ Addtn' POD @ _____ = _____	

Reviewed by _____ Date _____



Oregon Water Resources Department
Land Use Information Form

Reference # 86934

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: Gary Young, Blue Mountain Ranch
Mailing Address: 14005 SE Paulina Valley Road
City: Paulina State: OR Zip: 97751 Day Phone: 541-477-3705

This application is related to a Measure 37 claim. [] Yes [x] 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.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Reservoir). Rows include data for 16S 23E 26 NESE and SENE.

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

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B. Description of Proposed Use

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

- [x] 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 [x] Surface Water (name) Beaver Creek

Estimated quantity of water needed: 72.11 [] cubic feet per second [] gallons per minute [x] acre-feet

Intended use of water: [x] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other

Briefly describe: Application is for a storage right to store water from Beaver Creek in proposed Beaver Creek East Reservoir (see attached map). An application for a supplemental permit to irrigate in Beaver Creek Valley on lands currently irrigated by Primary Rights is being filed jointly

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

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CCO 18.16.010 (j)

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

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SALEM, OREGON

Name: Gordon Meeks Title: Assistant Director
 Signature: [Signature] Phone: 541-447-8156 Date: 7/2/07
 Government Entity: Crook County

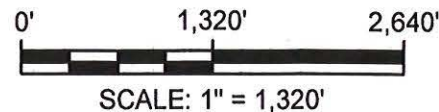
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

NOTES

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.

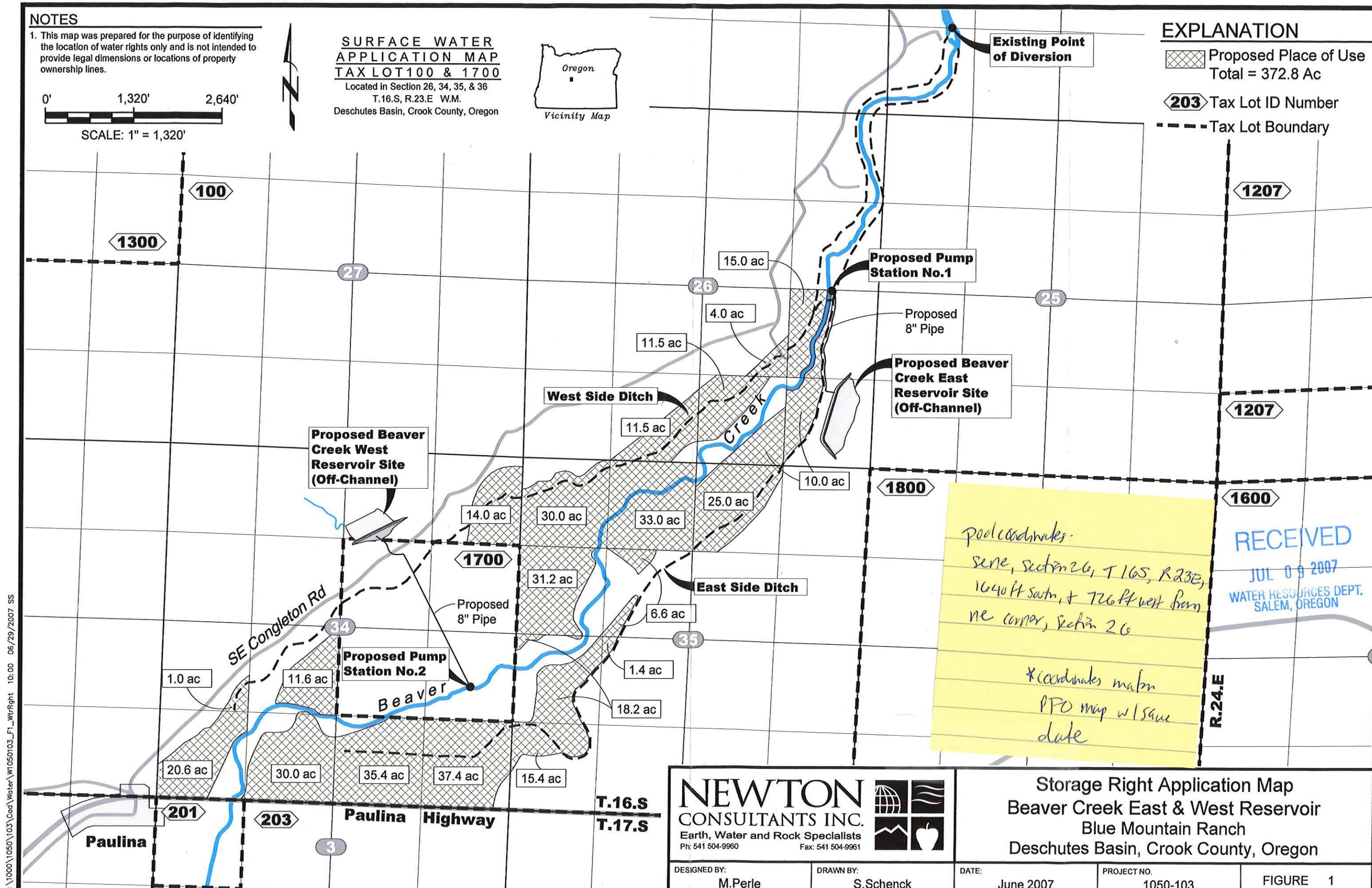


SURFACE WATER APPLICATION MAP
TAX LOT 100 & 1700
 Located in Section 26, 34, 35, & 36
 T.16.S, R.23.E W.M.
 Deschutes Basin, Crook County, Oregon



EXPLANATION

- Proposed Place of Use
Total = 372.8 Ac
- 203 Tax Lot ID Number
- Tax Lot Boundary



*pool coordinates:
 Sene, section 26, T 16S, R 23E,
 1640 ft south, + 726 ft west from
 ne corner, section 26*

**coordinates match
 PFO map w/ same
 date*

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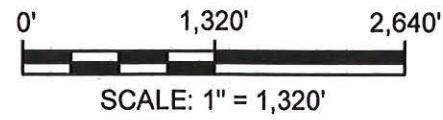
NEWTON CONSULTANTS INC. Earth, Water and Rock Specialists Ph: 541 504-9960 Fax: 541 504-9961		Storage Right Application Map Beaver Creek East & West Reservoir Blue Mountain Ranch Deschutes Basin, Crook County, Oregon	
DESIGNED BY: M. Perle	DRAWN BY: S. Schenck	DATE: June 2007	PROJECT NO. 1050-103
			FIGURE 1

appno R 86934

G:\1000\1050\103\Cad\Water\W1050103_F1_WtrRight 10:00 06/29/2007 SS

NOTES

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.



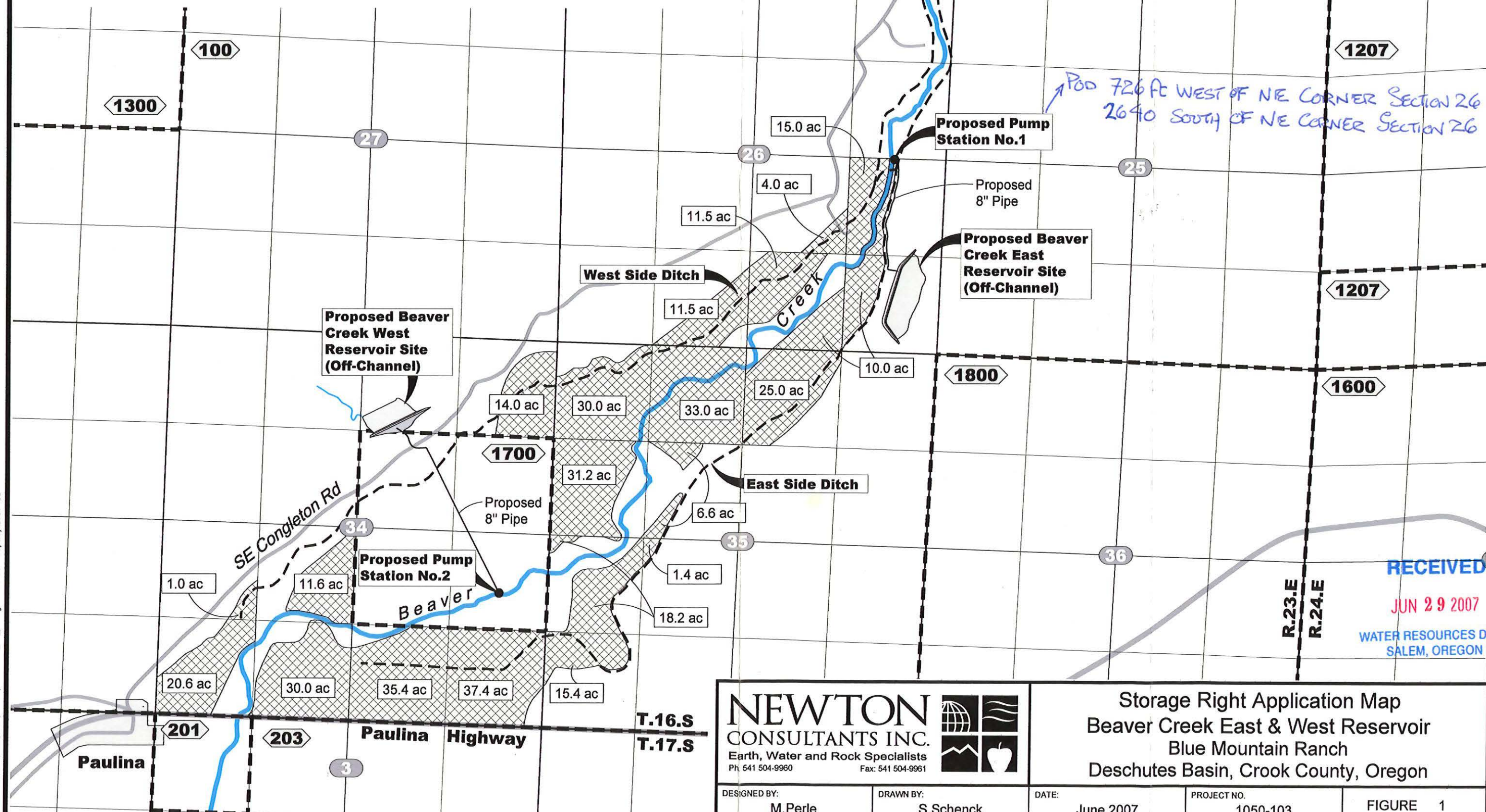
**SURFACE WATER APPLICATION MAP
TAX LOT 100 & 1700**

Located in Section 26, 34, 35, & 36
T.16.S, R.23.E W.M.
Deschutes Basin, Crook County, Oregon



EXPLANATION

- Proposed Place of Use
Total = 372.8 Ac
- 203 Tax Lot ID Number
- Tax Lot Boundary



*POD 726 FT WEST OF NE CORNER SECTION 26
2640 SOUTH OF NE CORNER SECTION 26*

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SALEM, OREGON

NEWTON CONSULTANTS INC.
Earth, Water and Rock Specialists
Ph: 541 504-9960 Fax: 541 504-9961

Storage Right Application Map
Beaver Creek East & West Reservoir
Blue Mountain Ranch
Deschutes Basin, Crook County, Oregon

DESIGNED BY: M. Perle	DRAWN BY: S. Schenck	DATE: June 2007	PROJECT NO. 1050-103	FIGURE 1
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appno R 86934