87930

Application No. R 87930 ALT

Permit No. ~~R-15228~~ R-15320

Certificate No.

Name
By
Address

Sunny Valley Sand & Gravel, Inc. (R-87930)
Attn: Andreas Blech
1867 Williams Hwy Ste 260
Grants Pass, OR 97527-5804

C-23

Priority 9-12-13

County Josephine WM# 14

	Date	Volume	Page
DENIED			
MISFILED			
WITHDRAWN			
CANCELLED			

FEES PAID

Date	Amount	Receipt No.
9-12-13	$2900.00	109941
4-5-23	$780.00	140430
3-8-24	$950.00	142531
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

RELATED FILES

DEVELOPMENT

Completion ~~September 14, 2022~~ March 22, 2023

Extended to

Final Proof received

Proposed Cert. Mailed

ASSIGNMENTS

Date	To Whom	Address

REMARKS

MAP LOCATION

Rev. 04/03

SMEAD 63 HSP000846

JS 9/13/2023

WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

Water Rights Division
Oregon Water Resources Department
Attn: Will Davidson
725 Summer St. NE, STE A
Salem, OR 97301-1266

Received
APR 29 2024
OWRD

April 25, 2024

RE: Correction to WaterWatch protests to EOT PFOs for permits R-87319 and R-87320

Dear Mr. Davidson:

It has come to our attention that language was inadvertently left in WaterWatch's protests to the extension of time proposed final orders for permits R-87319 and R-87320. Specifically, section V, "How to Correct the Errors and Deficiencies" contained extraneous language. We are attaching a corrected page 25 for each of these protests, in both strikethrough and clean documents. As there has been no proceeding instituted regarding WaterWatch's protests, the correction will not unduly delay any proceeding or unfairly prejudice the parties. Please place these corrected pages with the protests.

Please do not hesitate to reach out with any questions. Thank you.

S/ Lisa A. Brown

Lisa A. Brown, OSB 025240
Victoria F. White, OSB 226463
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039
Fax: 503.295.2791
lisa@waterwatch.org
tory@waterwatch.org
Of Attorneys for WaterWatch of Oregon

5. Form of Findings of Fact

The form of the findings of fact, where generally what the Applicant claims is stated as an indented numbered paragraph, followed by a non-indented determination by OWRD, should be changed to make clear that OWRD's determination is a finding of fact. If that is not the intent, WaterWatch objects to the EOT PFO for failing to make the required findings of fact.

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APR 29 2024
OWRD

6. Conclusions of Law that are in Error.

Including for the reasons described above, WaterWatch asserts that Conclusions of Law 3, 4 and 5 are in error.

7. Reservation.

WaterWatch reserves the right to raise any additional issues and arguments including those not reasonably ascertainable on the currently available record.

V. How to Correct the Errors and Deficiencies

The errors and deficiencies should be corrected by denying the extension.

Citation of Legal Authority

Applicable legal authorities, where known, are cited above.

VI. Protest Fee

The required fee of $950.00 is included with this protest.

VII. Request for Hearing

Protestant requests a hearing.

5. Form of Findings of Fact

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Certificate of Service

I certify that on this date, a copy of the foregoing letter with corrections to protests was served on each of the following by the method indicated:

Sunny Valley Sand and Gravel Inc.
Andreas Blech
1867 Williams Hwy #260
Grants Pass, OR 97527
By: placing in the US Postal Mail, first class postage prepaid

Received
APR 29 2024
OWRD

Schwabe Williamson and Wyatt
Elizabeth Howard; Lindsay Thane
1211 SW 5th Avenue, Suite 1900
Portland, OR 97204
By: placing in the US Postal Mail, first class postage prepaid;
and by email to: Howard, Elizabeth E. <EHoward@SCHWABE.com>

Water Rights Division
Oregon Water Resources Department
Attn: Will Davidson
725 Summer St. NE, STE A
Salem, OR 97301-1266
By: placing in the US Postal Mail, first class postage prepaid;
*and by email to: DAVIDSON Will D * WRD <Will.D.DAVIDSON@water.oregon.gov>*

Dated: April 25, 2024

S/ Victoria White
Victoria White
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204

OREGON
WATER RESOURCES DEPARTMENT

Received by OWRD
MAR 08 2024
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Water Watch of Oregon
213 SW 4th St. STE 208, Portland OR 97204

Transaction Type: Protest

Fees Received: $ 950.00

☐ Cash ☒ Check: **Check No.** 15675

Name(s) on Check: Same as above

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Cone Lovrien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "*RECEIVED OVER THE COUNTER*" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (*application/other document*) in the top drawer of filing cabinet.

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 # 142531 INVOICE # _____

RECEIVED FROM: WaterWatch of Oregon, Inc
BY:

APPLICATION	R-87930
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 15675 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 950.00

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

47235

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

WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

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

0223 OTHER (IDENTIFY) Protest $ 950.00

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 (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

_____ TREASURY OTHER / RDX

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

RECEIPT: 142531 DATED: 3-8-24 BY: M Mills

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

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 # 142531 INVOICE # _____

RECEIVED FROM: WaterWatch of Oregon, Inc
BY:

APPLICATION	R-87930
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 15675 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 950.00

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

47235

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_____ TREASURY OTHER / RDX

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OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ $

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

WATERWATCH OF OREGON, INC. 15675

Oregon Water Resources Department 3/5/2024

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
3/5/2024	Bill	R-15820	950.00	950.00		950.00
					Check Amount	950.00

Received
MAR 08 2024
OWRD

Onpoint Checking 950.00

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MAR 08 2024
Salem, OR

Oregon Water Resources Department
Water Rights Division

In the Matter of the Application for an Extension of Time for Permit R-15320, Water Right Application R-87930, in the name of Andreas Blech; Sunny Valley Sand and Gravel, Inc.	)))))	PROTEST OF WATERWATCH OF OREGON

I. Name, Address, and Telephone Number of Protestant

WaterWatch of Oregon
213 SW Ash Street, Suite 208
Portland, OR 97204
Phone: 503.295.4039
Fax: 503.295.2791
Contacts:
Lisa Brown, lisa@waterwatch.org
Victoria White, tory@waterwatch.org

II. Interests Of WaterWatch of Oregon

WaterWatch of Oregon (WaterWatch) is a non-profit river conservation and restoration group that has invested time and money protecting and restoring in-stream flows and surface waters in Oregon, including in Grave Creek and the Rogue River which would be affected by development of permit R-15320. WaterWatch has approximately 1000 individual and organizational members, many of whom regularly use and enjoy Grave Creek and the Rogue River and who would be affected by the proposed use for fishing, bird watching, and other activities.

WaterWatch also represents the public's interest in protecting Oregon's waterways, instream water rights, and groundwater resources for public uses, including maintaining aquatic habitats, and protecting waterways from exploitation and waste. Here, that interest includes ensuring the instream water right (certificate 72697) is fully protected and that no diversion to the reservoir occurs when the instream water right is

not being met. Further, this interest includes ensuring that water right decisions are made fairly and in accordance with Oregon's statutes and rules.

WaterWatch has committed extensive resources and time to maintaining and restoring streamflows throughout Oregon, where all water is a public owned resource. ORS 537.110. This has included investment of significant time and resources to restore streamflows and rivers in the Rogue Basin, including on Grave Creek which provides spawning, rearing, and migration habitat for federally threatened coho salmon, and state sensitive summer steelhead and Pacific lamprey and also ranks as a stream in the highest need of flow restoration. (*See* Order on Reconsideration of Final Order to Deny Limited License 1434 (1/14/2013) at p. 2). WaterWatch and its members have also invested time and money promoting sound water policy. WaterWatch works to achieve these goals including through advocacy for legislation and through administrative and judicial proceedings; participation in the water permitting process, including reviewing and filing protests, as appropriate, to water permitting decisions; participation in the public review process for Water Management and Conservation Plans; work with the Oregon legislature, other governmental entities and on rules advisory committees; and participation in other stakeholder groups.

WaterWatch helped draft and pass Oregon's first of its kind Instream Water Rights Act (ORS 537.332), and has committed significant time and resources since the Act's passage in 1987 to advocate for instream water rights and instream flow protection in Oregon.

WaterWatch has expended significant time and resources participating in many water permitting processes specifically on the affected reach of Grave Creek pertaining to

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development of the mining site associated with the extensions of time for R-15319 and R-15320. This work includes, but is not limited to, commenting on and filing a petition for reconsideration regarding R-15319 and R-15320; commenting on and protesting T-12837; and commenting on numerous other related water right applications such as R-87929, R-87931, G-17580, S-88508, LL-1914, LL-1434 and LL-1879.

For all of these reasons, WaterWatch and its members and the public interest will be adversely and practically affected if the extension of time (EOT) is issued as described in the Proposed Final Order (PFO).

III. Approval of the Extension as Described in the PFO Would Impair And Be Detrimental To WaterWatch's Interests

1. Approval of the EOT would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring that the state not extend water rights that were issued in contravention of Oregon's water code and rules.

2. Approval of the EOT would impair and be detrimental to WaterWatch's interest and the public's interest in protecting Grave Creek and the Rogue River, and their fish, aquatic ecosystems and public uses, including but not limited to protecting the instream water right in Grave Creek and protecting streamflows, native aquatic species including the federally threatened coho salmon and state sensitive summer steelhead and Pacific lamprey, recreational water uses, and existing water users.

3. Approval of the EOT would impair and be detrimental to WaterWatch's interest and the public's interest in ensuring Oregon's water laws are properly implemented and Oregon's water resources are managed fairly.

IV. How Approval of the EOT Would Be in Error and Deficient

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WaterWatch files this timely protest raising the following deficiencies in the EOT PFO. WaterWatch reserves the right to raise any additional issues and arguments, including those not reasonably ascertainable on the currently available record. WaterWatch also supports certain aspects of the EOT PFO, as described below.[1]

1. The extension should be denied because there is not good cause to approve it.

In order to approve the EOT, OWRD must find that there is good cause. ORS 537.230(4); ORS OAR 690-315-0040(1)(d). Criteria to consider in making that determination, include but are not limited to, those provided at ORS 539.010 and OAR 690-315-0040(2). Here, for reasons including but not limited to those described below, the EOT fails to meet these criteria, and others that OWRD should consider on the applicable facts, and the EOT should be denied for lack of good cause. As such, the EOT PFO determination of good cause (p. 9) is in error.

OAR 690-315-0040(2) provides several criteria that OWRD shall consider in making a finding of good cause. (*Stating,* "In order to make a finding of good cause to approve the extension, the Department shall consider, but is not limited to, the following criteria:"). Those criteria, and the EOT PFO findings regarding them, are addressed below.

A. OAR 690-315-0040(2)(a): "Whether the applicant has demonstrated reasonable diligence in previous performance under the permit[.]"

OAR 690-315-0040(3) provides a number of factors for the reasonable diligence determination, including those addressed below.

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[1] According to OWRD, the agency may not accept a standing statement in support of an EOT PFO because this is not provided for in rule. In accordance, OWRD returned a standing statement and check that WaterWatch filed on a different EOT PFO.

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(i) **OAR 690-315-0040(3)(b):** "The amount of beneficial use made of the water during the permit or previous extension time limits[.]"

There has been no beneficial use under the permit. As such, WaterWatch supports OWRD's determination under findings of fact 11 and 12.

However, WaterWatch objects to finding of fact 11, because Sunny Valley Sand and Gravel, Inc. (Applicant, permit holder, or appropriator) has unlawfully stored water in the reservoir (*see* section regarding OAR 690-315-0040(3)(c) below) without complying with the reservoir liner condition, which is storage of water (even though it was not a beneficial use. Finding of fact 11 should be modified to state that Applicant *unlawfully* stored water in the reservoir.

WaterWatch also objects to finding of fact 12 because it is not supported by the evidence. Applicant secured clay to use for a liner by calling other aggregate mining operations. (*See* R-87930 EOT Application at 8). Therefore, the evidence shows that Applicant was not reliant on T-12837 to secure clay to line the reservoir.

(ii) **OAR 690-315-0040(3)(c):** "Water right permit holder conformance with the permit or previous extension conditions[.]"

The permit holder did not comply with the conditions of the permits, including but not limited to, the following problems. First, permit holder filled the reservoir associated with permit R-15320 (reservoir 2) without installing the required liner. Permit holder claims it filled the reservoir from a point of diversion other than the point of diversion for permits R-15319 and R-15320, under certificate 3943 as a "bulge in the system." (*See* Schwabe "LTR OWRD re response to comments 5.26.2023.pdf" at p. 6 (available in the OWRD file)). Leaving questions about the plausibility and legality of that aside, permit R-15320 does not include any exception to the permit condition

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requiring a liner before water is stored in the reservoir. The permit states that "[t]he liner shall be in place prior to the diversion of water from Grave Creek and storage of water in the reservoir." (Permit R-15320 at p. 2). A bulge in the system is "storage of water" and as such the permit holder violated its permit when it diverted water, from Grave Creek, and stored it in the reservoir in this fashion. Given this, the EOT PFO determination under finding 10 (p. 4-5) is deficient for failing to state that the permit holder has violated its permit conditions.

Second, it also appears that the permit holder was unlawfully diverting water from the point of diversion for the reservoirs, some of which may have also been stored in the reservoir. *See* WaterWatch comments regarding extension of time applications for applications R-87930 (permit R-15320) and R-87932 (permit R-15319) in name of Sunny Valley Sand and Gravel Inc. (May 11, 2023) (WaterWatch EOT Comments) (available in OWRD file) for more discussion and images.

WaterWatch agrees with the information in finding of fact 10 (p. 4-5), including the determinations stated under that finding, that there is a lack of compliance with permit conditions, but asserts it is incomplete for failure to recognize the compliance issues described above. WaterWatch also therefore objects to the finding of fact 10 statement that "it is the intent of the permit holder to comply with all permit conditions at the time the conditions become applicable."

(iii) **OAR 690-315-0040(3)(d):** "Financial investments made toward developing the beneficial water use[.]"

WaterWatch objects to the determination under finding of fact 13 (p. 5) that states that permit holder made an investment "which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficia use." First

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WaterWatch reserves the right to challenge Applicant's claims regarding the amount of investment once the record is fully developed. Second, even if this amount of money was invested, it does not provide "evidence of good cause" to extend the permit, nor does it demonstrate an intent to beneficially use the water, *i.e.* use the water consistent with the conditions of the permit.

B. OAR 690-315-0040(2)(b): "The cost to appropriate and apply the water to a beneficial purpose[.]"

See OAR 690-315-0040(3)(d) above, incorporated here in full.

C. OAR 690-315-0040(2)(c): "The good faith of the appropriator[.]"

The appropriator has not demonstrated good faith. Issues include but are not limited to appropriator's storage of water in violation of permit R-15320; and likely diversion of water from the POD in violation of its permits. (*See* WaterWatch EOT Comments at p. 5-6).

Further, appropriator has engaged in other activities that demonstrate appropriator's lack of good faith, as indicated by, but not limited to, the following. The appropriator began mining this site for gold without a DOGAMI permit. Appropriator also directed a substantial "CAT"™ excavator to drive through Grave Creek, which damaged the creek and the riparian area. (*See e.g.* public comment and photos submitted by Ms. Smith on G-17580 (Rec'd by OWRD 12/06/2012)). As described below, appropriator misrepresented to Josephine County during the land use process that it would only use water when water is available, but now advocates in comments that storage under this permit should be allowed during January and March when water is not available at 50% exceedance, and has sought a transfer (T-12837) that injures instream water right (*i.e.* uses water when it is *not* available). Appropriator also caused a person to

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use a drone, that was not licensed for commercial use, to fly overhead, surveil and photograph WaterWatch staff, experts and others, for more than an hour, as they stood on public roads, in contravention of applicable FAA and ODA statutes and rules. These activities, taken together, do not reflect good faith and therefore WaterWatch objects to the EOT PFO finding of fact 29 and the determination under it.

D. OAR 690-315-0040(2)(d) "The market for water or power to be supplied;" and OAR 690-315-0040(2)(e) "The present demands for water or power to be supplied[.]"

Pursuant to ORS 537.409, OWRD conducts an expedited public review process for "Alternate" reservoir permit applications such as this one. That review includes: "(a) water availability; b) Potential determinantal impact to existing fishery resources; and c) Potential injury to existing water rights." ORS 537.409(6).

With regard to the withdrawal of surface water for storage projects, the state can only issue new rights that are within the capacity of the resource. OAR 690-410-0070(1). OWRD must protect the waters of this state from over-appropriation by new out-of-stream uses or surface water or new uses of groundwater. *Id.* In fact, the state is prohibited from issuing new water rights when the streams are over-appropriated. *Id.* at (2)(a). Over-appropriation is defined in rule as a condition of water allocation in which the quantity of surface water available during a specified period is not sufficient to meet the expected demands from all water rights at least 80 percent of the time during that period. OAR 690-400-0010(11)(a)(A).[2] This is known as the 80% exceedence rule and it

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[2] OAR 690-410-0010(11): "Intentionally left blank —Ed.
(a)"Over-Appropriated" means a condition of water allocation in which:
(A) The quantity of surface water available during a specified period is not sufficient to meet the expected demands from all water rights at least 80 percent of the time during that period; or (B) The appropriation of groundwater resources by all water rights

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"shall apply to water availability determination for permit applications submitted after July 17, 1992." OAR 690-400-0010(11)(b). The applicable portion of Grave Creek is over-appropriated year round under the 80% exceedence standard.

Instead of applying the 80% exceedence rule, at time of permit issuance, OWRD erred in applying a 50% exceedence standard to Applicant's reservoir applications. Even if this were allowed, "[i]n setting a storage season, consideration shall be given to avoiding periods of the year when flows are low and seldom exceed the needs of water rights and when additional flows are needed to support public uses." OAR 690-410-0070(2)(c).

At time of permit issuance, OWRD's Surface Water Availability Reporting System (SWARS), which OWRD uses to assess water availability, contained an error - failure to include the instream water right (certificate 72697) - which caused it to incorrectly show water available at 50% exceedance for the months of January and March. (*See* EOT PFO at 6, findings of fact 14-16; Attachment 1 (SWARS table for WAB Grave Creek above Burgess Creek at time of permit issuance (dated 5/17/2017); Attachment 2 (SWARS table for WAB Grave Creek above Burgess Creek (dated 5/11/2023); WaterWatch EOT Comments at p. 15-16). However, water is not available in January or March at 50% exceedance (*see* corrected SWARS table at Attachment 2), and is not available January, February, or March at 80% exceedance, according to OWRD's Surface Water Availability Reporting System (SWARS). Under OAR 690-400-

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exceeds the average annual recharge to a groundwater source over the period of record or results in the further depletion of already over-appropriated surface waters.
(b) The standards for determining over-appropriation described in paragraph (A) of this subsection shall apply to water availability determination for permit applications submitted after July 17, 1992."

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0010(1)(a)(A), the system is over-appropriated all year, including during the storage season for this permit. Had OWRD reviewed the permit application with the correct water availability data, it would have either issued a permit with a storage season limited to February, or denied the permit altogether due to the extremely constrained storage season. The permit was issued for a storage season of January through March only because OWRD's water availability data was in error.

OWRD's rules provide factors to consider for this part of the review. OAR 690-315-0040(4) (*stating* "[i]n determining the market and the present demand for water or power to be supplied pursuant to subsections (2)(d) and (e) above, the Department shall consider, but is not limited to, the following factors[.]"). We address certain of those factors, and the PFO's relevant findings, below.

(i) **OAR 690-315-0040(4)(a):** "The amount of water available to satisfy other affected water rights and scenic waterway flows[.]"

There is not water available to satisfy other affected water rights, notably the instream water right certificate 72697. This is clearly shown by OWRD's corrected SWARS tables. The storage months of January and March fail to meet even the 50% exceedence standard of water availability, and no water is available at 80% exceedence in February.

WaterWatch generally agrees that findings of fact 14-16 describe the problem with the SWARS tables. However, finding of fact 15 should be clarified to state that water is only available in February at 50% exceedence, and is unavailable year-round at 80% exceedence. Findings 14-16 do not weigh the factor and do not account for OAR 690-410-0070(2)(c) ("In setting a storage season, consideration shall be given to avoiding periods of the year when flows are low and seldom exceed the needs of water rights and

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when additional flows are needed to support public uses."). The EOT PFO does not explain why it is applying 50% exceedence in this setting where additional flows are needed to support public uses and the decision to use 50% exceedence appears in error in light of the corrected SWARS data.

Consideration of this factor requires denial of the extension.

(ii) **OAR 690-315-0040(4)(c):** "The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife[.]"

The EOT PFO errs in making no finding or determination under this critical factor. *See* page 6-7, skipping from OAR 690-315-0040(4)(b) to OAR 690-315-0040(4)(d). This is a critical factor here where the instream water right, whose purpose is to protect the habitat needs of sensitive and threatened fish, was unaccounted for at time of permit issuance due to the SWARS error. The EOT PFO is defective for failing to weigh this centrally important factor.

There is no evidence that OWRD has consulted with Oregon Department of Fish and Wildlife (ODFW) about this EOT, as required by this rule. This is especially critical here because ODFW's review and recommendation regarding the permit application utilized OWRD's defective SWARS data which made it appear that the instream water right was much less at risk than it actually is.

OWRD previously found, in denying one of many other attempts by this applicant to gain water for the proposed mining operation that "Grave Creek provides spawning, rearing, and migration habitat for federally threatened Coho salmon, and state sensitive summer steelhead and Pacific lamprey. Grave Creek also ranks as a stream in the highest need of flow restoration, and water use should be allowed only when instream water right

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flows are met." (Order on Reconsideration of Final Order to Deny Limited License 1434 (1/14/2013) at p. 2, Finding of Fact 7 (denying limited license)). Therefore, OWRD, in consultation with ODFW, must consider the impacts of this EOT on these fish. That consultation should include full consideration of the designation by both agencies that the reach is ranked as in the "highest" need for streamflow restoration. (*See e.g.* EOT PFO at finding of fact 20).

Further, weighing this factor shows why a finding of good cause is in error because the corrected SWARS data shows that the permit's storage season includes two months (January and March) where the instream water right is not met at a 50% exceedance level. That instream water right, certificate 72697, is for the purpose of "[p]roviding required streamflows for coho and fall [C]hinook salmon, cutthroat trout, and winter and summer steelhead for migration, spawning, egg incubation, fry emergence, and juvenile rearing." The fact that water is not available (and was not at the time of permit issuance either) to meet this right - which exists to protect the habitat needs of sensitive, threatened or endangered species - requires a finding that there is not good cause to extend the permit.

(iii) **OAR 690-315-0040(4)(d):** "Economic investment in the project to date[.]"

WaterWatch reserves the right to challenge finding of fact 21 (p. 7) after development of the record.

(iv) **OAR 690-315-0040(4)(e):** "Other economic interests dependent on completion of the project[.]"

WaterWatch objects to finding of fact 22 (p. 7) which pertains to this factor. There is no evidence that any employees are directly employed by the permitee, or that

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any that exist would be adversely affected if the extension is denied. There is also no evidence that state or federal infrastructure projects intend to utilize any "aggregate" that could come from permittee's proposed mining project, or that the mining project will ever produce said "aggregate."

(v) **OAR 690-315-0040(4)(f):** "Other factors relevant to the determination of the market and present demand for water and power[.]"

(a) The permit was unlawfully issued due to the defective SWARS data.

This reservoir permit was issued as an "Alternate" reservoir permit pursuant to ORS 537.409. The conclusions of law required by that statute for permit issuance were made in error because all of them were based on a defective SWARS table. *See* Order on Reconsideration of the Final Order on Application R-87930 and Permit R-15230 (March 22, 2018). Conclusion of Law 1 that "water is available for the proposed use in the time period requested, January 1 through March 31" was wrong; and Conclusion of Law 2 that "as conditioned the proposed use will not injure existing water rights, or pose a significant detrimental impact to fisheries resources." (*Id.* at p. 2). The fact that the permit was unlawfully issued for a storage season when water was not available is a factor that has not been adequately considered. By failing to limit the storage to conform to existing law and rule, the EOT would perpetuate the problem created by the error in its SWARS table. This unfairly shifts the risk to the fish, the public uses of the water and the people for whom OWRD holds the instream water in trust.

(b) In light of the corrected SWARS data, OWRD should apply the 80% exceedance standard which shows no water available during the storage season January through March.

By rule, "[i]n setting a storage season, consideration shall be given to avoiding periods of the year when flows are low and seldom exceed the needs of water rights and

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when additional flows are needed to support public uses." OAR 690-410-0070(2)(c). The corrected water availability tables shows that flows in the creek are needed to support the public uses protected by the instream water rights during all months of the storage season of this permit. As such, the OWRD should apply the 80% exceedence standard as set forth in the rule. At the 80% exceedence standard, flows in Grave Creek are over-appropriated year-round and there is no water available for appropriation. Therefore, OWRD should deny the extension.

(c) The proposed "Monitoring and Diversion Condition" is inadequate to protect the instream water right or rectify the error in permit issuance.

WaterWatch appreciates OWRD's inclusion of the "Monitoring and Diversion Condition," described in finding of fact 23 (p. 7), but asserts that it is not adequate as drafted to protect the instream water right. OWRD clearly has the authority to add this condition to the permit, and, if the extension is allowed, supports inclusion of an improved form of the condition. WaterWatch does not support the condition as written because there is no assurance it will protect the instream water right, as required by the permit, law and rule. The condition is inadequate to support issuance of the extension for reasons that include, but are not limited to, the fact that the protocol is to be developed by the permittee at some later date and is subject to approval by OWRD, but the public has no mechanism to assess its efficacy prior to the extension being issued, or any recourse later if OWRD approves an ineffective condition; and the condition does not cover February. Further, the EOT PFO does not include a reporting condition, so the public would have no way to know whether the condition were effective, or whether diversions were occurring that unlawfully injure the instream water right. Finally, Applicant has sought, and OWRD has agreed, to allow diversions that would injure this instream water

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right (T-12837), elevating concerns that the proposed condition here may not actually function to protect the instream water right. In sum, if any extension is issued, WaterWatch supports inclusion of a condition that would assure no diversion occurs at any time unless the instream water right being met and that includes mechanisms for public accountability.

F. OAR 690-315-0040(2)(f): "The income or use that may be required to provide fair and reasonable returns on investment[.]"

WaterWatch objects to finding of fact 25 (p.8) because it lacks evidentiary support.

G. OAR 690-315-0040(2)(g): "Whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection the right[.]"

WaterWatch supports OWRD's discussion and determination under finding of fact 26 (p. 8). WaterWatch objects to the language in finding of fact 26 repeating Applicant's incorrect assertion that there was an "inability of the watermaster to approve the installed lining" and that it, and issues with T-12837, are relevant to this factor. Rather, Applicant is responsible for the delay in meeting the permit conditions and perfecting the right.

H. OAR 690-315-0040(2)(h): "Any unforeseen events over which the water right permit holder had no control and which delayed development under the permit[.]"

WaterWatch objects to finding of fact 27 (p. 8), which simply repeats what the application stated but lacks evidentiary support. The permit holder had five years to inquire as to what type of liner would be sufficient. The fact that the permit holder needed to install a sufficient liner was never an unforeseen circumstance. Extensive records associated with T-12837 demonstrate that permit holder, and its attorney and

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consultants, were in extensive contact with OWRD during this time and could have easily inquired on this issue. The fact that it failed to do so, regarding a known permit condition, does not transform the liner requirement into an "unforeseen event." Further, Applicant secured clay to use for a liner by calling other aggregate mining operations (*see* R-87930 EOT Application at 8); therefore, the implication in this finding that it could not install the liner is not supported by evidence. Finally, based on a thorough review of the extensive record associated with T-12837, there is no evidence that COVID-19 resulted in delayed processing of that transfer and thus this part of the finding also lacks evidentiary support.

I. OAR 690-315-0040(2)(i) "Whether denial of the extension will result in undue hardship to the applicant and that there are no other reasonable alternatives exist for meeting water use needs[.]"

WaterWatch objects to finding of fact 28 (p. 8). There is no evidence that permittee will suffer "undue hardship" from denial of the extension. Further, if any "hardship" exists, it stems from Applicant's attempt to develop a mining project that requires extensive amount of water from Grave Creek, which is already over-appropriated year-round, not from any action that may be taken on this extension. (*See* Application R-87930 EOT 2013 at p. 16, stating that Applicant needs 3,000 gallons per minute (or 6.68 cubic feet per second) to operate this washing equipment, and needs this amount of water 8 hours/day, 5 days/week for 50 weeks out of the year). The permittee's need for water that is out of balance with the over-appropriated Grave Creek is the source of any "hardship," not any action on this extension. Finally, any claim that lack of storage under this reservoir permit would be a hardship does not square with the fact that Applicant had five-years to develop the permit and failed to do so.

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J. **OAR 690-315-0040(2)(j): "Any other factors relevant to a determination of good cause."**

WaterWatch incorporates here the argument above under "(f) Other factors relevant to the determination of the market and present demand for water and power."

2. The extension should be denied because the Applicant cannot complete the project in the time allowed.

In order to approve the extension, in addition to finding that there is good OWRD must also find that the "applicant can complete the project within the time period requested for the extension." OAR 690-315-0040(1)(c). Here the record indicates that the Applicant will not be able to complete the project within five years and thus OWRD should have denied the extension.

Applicant will not be able to complete the project within the time period requested, or ever, because water is not available in the amounts or in the months needed to support the Applicant's operation as described in the extension applications. We also note here, Applicant lacks any permit to use the water out of the reservoirs for his operation.

Applicant states that its "operation would require approximately 110.5 acre-feet to operate the washing equipment." R-87930 EOT 2023 at 16. Applicant needs 3,000 gpm, or 6.68 cubic feet to operate this washing equipment. *Id.* It is unclear whether Applicant could meet this need if limited to February fill, consistent with water availability, and if bypassing the 135 cfs instream water right, as required. (The Applications detail why T-12837, if approved, would provide significantly less water than needed. *Id.*).

Further, the Applications explain that Applicant needs "water for up to 50 weeks of the year" and that the "operation is unlikely to be profitable if its operating year is cut

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short." *Id.* It appears, based on SWARS, that Applicant cannot obtain water to use during the 50 weeks each year that is needed for the operation. There is no water available for storage during January or March. T-12837 is a surface water right transfer and thus any water approved may not be stored, and certainly not for months on end outside of the season of use (April 1 through October 31). Therefore, based on water availability and according to the Application, it appears Applicant cannot complete the project within the time requested.

Finally, Applicant lacks any right to use water for mining, including any secondary water use permit to use water from the reservoirs for mining. Water availability, among many other factors, certainly militates against issuance of any such permit. There is no certainty that Applicant can get the water it needs for its extensive mining operation along Grave Creek in Sunny Valley.

Additionally, even defining the project narrowly to only consider development of the reservoir, if Applicant complies with the permit and does not divert any water when the instream water right is met, it appears Applicant cannot store the water it seeks. Thus, it can't complete the narrow reservoir project either.

In sum, even if the extensions are granted (which they should not be), Applicant can't complete the project in the time requested and the extensions should be denied. OAR 690-315-0040(1)(c). As such, finding of fact 30 (p. 9) and the determination under it are in error.

3. Approval of the extension with the proposed water measurement protocol condition would fail to protect the instream water right and would violate OWRD's trust duty.

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Instream water right certificate 72697 exists to protect streamflows in the reach where the point of diversion for this reservoir is located. OWRD holds this instream water right in trust for the people of Oregon for the purpose of maintaining streamflows. ORS 537.332(3) (stating that an "'[i]n-stream water right' means a water right held in trust by the Water Resources Department for the benefit of the people of the State of Oregon to maintain water in-stream for public use…"); *see also* ORS 537.341 (stating that instream water right certificates "shall be in the name of the Water Resources Department as trustee for the people of the State of Oregon). OAR 690-077-0010(11) provides that ""Held in Trust by the Water Resources Department" means that the water right must be enforced and protected for the public uses listed in the water right. Actions by the Department affecting instream water rights are limited by public trust obligations." OAR 690-077-0010(11).

"Trustee" and "public trust," while not defined in the water code or OWRD's rules, are terms with meanings that apply to a broad range of contexts. Basic legal definitions explain the foundational trust law framework consisting of a trustee, a beneficiary, and trust property. (Black's Law Dictionary, Abridged,1225 (7th ed. 1999)). The trustee holds the trust property subject to fiduciary duties for the benefit of the beneficiary. (Id.). Fiduciary duties include the "utmost good faith, trust, confidence, and candor owed by a fiduciary to a beneficiary," the duty to "act with the highest degree of honesty and loyalty" and "in the best interest" of the beneficiary. (Id. at 506, 410). The trust created by statute regarding instream water rights likely falls under Oregon's Uniform Trust Code (UTC), which provides several terms and definitions for trusts. ORS 130.001-.910. Under the UTC, one method of creating a trust is "[p]ursuant to a statute or

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judgment that requires property to be administered in the manner of an express trust." ORS 130.150.(1)(e). An "express trust" is a "[d]irect trust" that is "created or declared in express terms, and usually in writing, as distinguished from one inferred by the law from the conduct or dealings of the parties" and is "directly created for specific purpose in contrast to a constructive or resulting trust which arises by implication of law or the demands of equity." (Black's Law Dictionary, 1511 (6th ed. 1990)). The instream water right trust is created by statute "directly [] for a specific purpose," and is certainly more than merely "inferred by the law from the conduct or dealings of the parties" or "arising by implication of law or the demands or equity," and thus is properly treated as a trust subject to the UTC.

Under the UTC, trustees "shall administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries," and a trustee has a duty of loyalty to "administer the trust solely in the interests of the beneficiaries. ORS 130.650(1); ORS 130.655(1). The exercise of trustee power is subject to the fiduciary duties prescribed in the UTC. ORS 130.720(2). A transaction entered into by a trustee may conflict with the trustee's fiduciary duties if the transaction serves the trustee's personal interests or if the trustee imposes terms and conditions on the transaction that treat the trust beneficiary substantially less favorably than the trustee would treat others. ORS 130.655(3)-(4).

Even if the statutory trust established for instream water rights were found not to be wholly encompassed by the UTC, application of some of the UTC trust principles would be appropriate in the instream water right context. In *Chernaik v. Brown*, the Oregon Supreme Court considered the application of the common-law public trust

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doctrine to issues relating to damage from climate change. 367 Or. 143 (2020). The *Chernaik* Court reiterated that "some" principles of private trust law may be consistent with the doctrine, and that the "basic principle of trust law" requires a trustee to protect trust property and manage it in a way that will benefit all trust beneficiaries. *Id.* at 168, *citing Kramer v. City of Lake Oswego*, 365 Or. 422, 446 (2019). Further, the Court explained that a long-standing understanding of the state's role as trustee is that "even when a trustee has discretion with respect to how trust property is managed, the trustee's actions must satisfy the 'general standard of reasonableness' in exercising that discretion." *Id.* at 167-168, *citing Kramer* at 446. Although OWRD's statutory trust duties are distinct from common-law doctrine duties, this language helps inform what those statutory duties encompass.

Beyond the UTC, it is also instructive to consider Oregon jurisprudence regarding the term "public trust," which is used in OWRD's rule defining "Held in Trust by the Water Resources Department." OAR 690-077-0010(11) (""Held in Trust by the Water Resources Department" means that the water right must be enforced and protected for the public uses listed in the water right. Actions by the Department affecting instream water rights are limited by public trust obligations."). Although public trust is explicitly stated in this statute, "[t]he public trust runs deeper than statute." Mary Christina Wood, The Oregon Forest Trust: An Ecological Endowment for Posterity, 101 No. 3 Oregon Law Journal 515, 591 (2023). Discussing the Court of Appeals opinion that it upheld, the *Chernaik* Court explained that that court had determined that "nothing in Oregon's public trust doctrine suggested that the doctrine imposed fiduciary obligations on the state to

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prevent damage to trust resources from the effects of greenhouse gases and climate change," but "[i]nstead, the court concluded that Oregon's public trust doctrine "is rooted in the idea that the state is restrained from disposing or allowing uses of public-trust resources that substantially impair the recognized public use of those resources."" 367 Or. at 154 (internal citations omitted) (emphasis in original).

A 2023 law review article, written by leading public trust scholar Professor Wood, provides a compilation of the substantive and procedural public trust duties that courts have identified mainly in the context of water trust law:

> "The Trustee's Obligations Courts have adapted time-honored standards from private trust law to hold government accountable in managing the people's ecological res. Iterating a set of duties that are both substantive and procedural, courts have elaborated these most in the context of water trust law, but they equally pertain to any public trust resource. There are six substantive duties:
>
> 1) protect the wealth of the trust against "substantial impairment;"
> 2) guard against waste of the res, which would deprive future generations of their just inheritance;
> 3) maximize the value of trust resources to the public;
> 4) refrain from privatizing trust resources or managing the trust for the "primary benefit" of private parties;
> 5) restore trust resources when damaged; and
> 6) recoup damages (called natural resource damages) from third parties that despoil the trust.
>
> The five procedural duties are as follows:
>
> 1) maintain uncompromised loyalty and impartiality to the beneficiaries, eliminating sources of bias;
> 2) supervise agents;
> 3) exercise good faith and reasonable skill in managing trust assets;
> 4) exercise (pre)caution; and
> 5) furnish information to beneficiaries (an accounting) so that they may evaluate their trustee's performance."

Wood, supra at 589.12.

Here, the instream water right should have been afforded protection at least during the months of January and March (at 50% exceedence), at time of permit issuance, by excluding those months from the storage season due to lack of water availability.

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WaterWatch also asserts, as further described above, that had the corrected SWARS data been available, and in accordance with OAR 690-410-0070(2)(c), OWRD should have applied the 80% exceedence rule and not allowed any storage in the months of January, February and March, resulting in denial of the permit. OWRD mistakenly failed to provide these protections because its water availability model failed to account for this instream water right.

OWRD's attempt to remedy this with the addition of the "Monitoring and Diversion Condition" falls short of its trust duty. As discussed above, there is no assurance that the "Monitoring and Diversion Condition," as described in the EOT PFO, will protect the instream water right during January or March, nor in February when the condition does not apply. Issuance of the EOT with the inadequate condition, in light of the corrected water availability data, fails to fulfill OWRD's trust duty. Further, in T-12837 (which is also sought by Sunny Valley Sand and Gravel, Inc. to provide water for the proposed mining project), OWRD has proposed to allow this same instream water right to be injured, calling further into question OWRD's intent and ability to fulfill its trust duty here regarding the instream water right with this unclear condition.

Additionally, the mining project for which Applicant seeks this permit will have additional adverse impacts on the instream water right, including significant adverse flow and stream temperature impacts. In discharging its statutory trust duties with regard to the instream water right, OWRD erred in approving this EOT without considering these impacts. OWRD should also have considered the good faith of the appropriator.

In sum, approval of the EOT PFO would violate OWRD's duty to the people of Oregon for whom it holds instream water right certificate 72697 in trust.

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4. The land use approval that was required for permit issuance is based on incorrect findings regarding water.

The land use approval that was necessary to secure this permit appears to be based on incorrect findings, and incorrect information provided by the Applicant, regarding water use. WaterWatch flags this here to reserve as an issue. For instance, the land use approval states: "Third, the Board finds that Applicant has demonstrated that all water necessary for the proposed operation has been appropriated to the Property and is legally available." (Findings of Fact and Conclusions of Law and Decision on Remand by Josephine County Board of Commissioners (2016) (Item 5, Page 61). That is not accurate. Applicant has not appropriated the nearly 7 cfs of water it says it needs. Further, the implications of this are that the storage season for this permit must be limited to February when water is legally available. Additionally, Applicant represented to the County Commission that it was proposing to only water when available, yet has advocated here for maintaining a storage season when water is *not* available, and has sought T-12837 which would use water when the instream water right is not met. (*See also* Perkins Coie LTR to Ms. Cheryl Walker, Board of County Commissioners of Jospehine County (7/14/2014) (Item 7, Page 169) stating "The Steelheaders' letter also states that water use should be allowed from Grave Creek "only when instream water rights are met." SVSG agrees with this premise, and has previously provided evidence to show that the proposed use of water for reservoir storage would occur only when water is "available.""') These, and similar discrepancies, may invalidate Applicant's land use approval for this site.

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5. Form of Findings of Fact.

The form of the findings of fact, where generally what the Applicant claims is stated as an indented numbered paragraph, followed by a non-indented determination by OWRD, should be changed to make clear that OWRD's determination is a finding of fact. If that is not the intent, WaterWatch objects to the EOT PFO for failing to make the required findings of fact.

6. Conclusions of Law that are in Error.

Including for the reasons described above, WaterWatch asserts that Conclusions of Law 3, 4 and 5 are in error.

7. Reservation.

WaterWatch reserves the right to raise any additional issues and arguments including those not reasonably ascertainable on the currently available record.

V. How to Correct the Errors and Deficiencies

The errors and deficiencies should be corrected by denying the extension, or at a minimum limiting the storage season to February in accordance with the corrected water availability table that OWRD should have used at time of permit issuance.

VI. Citation of Legal Authority

Applicable legal authorities, where known, are cited above.

VII. Protest Fee

The required fee of $950.00 is included with this protest.

VIII. Request for Hearing

Protestant requests a hearing.

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Dated: March 8, 2024.

S/ Lisa A. Brown
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Attachments (2):
Attachment 1 – SWARS table for Grave Cr. Above Burgess Gulch at 50% dated 5/17/2017
Attachment 2 - SWARS table for Grave Cr. Above Burgess Gulch at 50% dated 5/11/2023

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ATTACHMENT 1

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POD #1

Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 11:59 AM

[redacted] Limiting Watersheds Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Select	5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Select	**6**	**31531009**	**GRAVE CR> ROGUE R- AB BURGESS G**	**Yes**	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**Yes**

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ATTACHMENT 1

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Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Download Data

Exceedance Level: 50%
Time: 12:00 PM

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Site
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60
APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-172.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-773.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,520.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	31531009	GRAVE CR > ROGUE R - AB BURGESS G	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 266 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	18,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,180.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,890.00	568.00	2,120.00	0.00	2,000.00	122.00
AUG	1,990.00	506.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

ATTACHMENT 1

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.89	0.03	6.13	2.29	0.09	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	6.14	2.29	0.11	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	6.14	2.29	0.11	2,240.00
APR	1,020.00	101.00	381.00	3.69	0.03	6.14	2.29	0.11	1,510.00
MAY	2.89	163.00	263.00	3.59	0.03	6.14	2.29	0.11	443.00
JUN	0.09	230.00	264.00	3.59	0.03	6.13	2.29	0.10	508.00
JUL	0.01	300.00	248.00	3.59	0.03	6.12	2.29	0.10	568.00
AUG	0.00	254.00	238.00	3.59	0.03	6.12	2.29	0.10	505.00
SEP	0.00	185.00	230.00	3.59	0.03	6.12	2.29	0.10	409.00
OCT	8.73	52.10	184.00	3.59	0.03	6.12	2.29	0.10	258.00
NOV	112.00	0.07	179.00	3.59	0.03	6.13	2.29	0.10	305.00
DEC	255.00	0.07	307.00	3.59	0.03	6.13	2.29	0.09	571.00

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Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,800.00	3,500.00	3,500.00
Maximum		**3,300.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,800.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531008 [Map]
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,790.00	962.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,460.00	477.00	983.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	487.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,880.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,600.00	2,690,000.00	0.00	2,120,000.00	826,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	658.00	0.07	311.00	2.79	0.01	6.14	2.18	0.09	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	6.14	2.18	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.18	0.11	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	6.14	2.18	0.11	1,490.00
MAY	2.59	154.00	251.00	2.69	0.01	6.14	2.18	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.18	0.10	479.00
JUL	0.01	283.00	232.00	2.69	0.01	6.11	2.18	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.18	0.10	477.00
SEP	72.90	157.00	218.00	2.69	0.01	6.12	2.18	0.10	457.00

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OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	283.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	298.00
DEC	158.00	0.07	290.00	2.69	0.01	6.14	2.16	0.09	458.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY915038	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531001 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,080.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00
MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	462.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,380.00	480.00	900.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,530.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	268.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	552.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	538,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,090.00	0.07	381.00	3.20	0.01	6.83	2.22	0.11	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,070.00	98.70	389.00	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	230.00	3.10	0.01	6.83	2.22	0.10	462.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	298.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

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Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY915C3C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,800.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,800.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71035 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	226.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.63
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.52
JUL	16.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.68	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	56.20	0.57	54.80	0.00	55.20	-0.57
DEC	254.00	0.89	253.00	0.00	125.00	119.00
ANN	112,000.00	1,930.00	110,000.00	0.00	58,900.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.85	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.83	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.89

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
I571035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 5/17/2017

Received by OWRD
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Watershed ID #: 71034 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.60
FEB	254.00	0.39	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.63
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.60	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.58	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30
NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,300.00	59,200.00	0.00	66,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.58
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
I371034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.60	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		**135.00**	**135.00**	**135.00**	**119.00**	**50.60**	**40.00**	**8.89**	**5.09**	**40.00**	**40.00**	**80.00**	**135.00**

Detailed Reports for Watershed ID #31531009

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	125.00	0.05	125.00	0.00	0.00	125.00
FEB	164.00	0.06	164.00	0.00	0.00	164.00

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MAR	124.00	0.05	124.00	0.00	0.00	124.00
APR	86.40	0.04	85.50	0.00	0.00	85.50
MAY	40.40	1.49	38.90	0.00	0.00	38.90
JUN	15.80	2.09	13.70	0.00	0.00	13.70
JUL	6.10	2.79	3.31	0.00	0.00	3.31
AUG	3.40	2.30	1.10	0.00	0.00	1.10
SEP	3.10	1.51	1.59	0.00	0.00	1.59
OCT	5.30	0.50	4.80	0.00	0.00	4.80
NOV	24.40	0.04	24.40	0.00	0.00	24.40
DEC	85.70	0.04	85.70	0.00	0.00	85.70
ANN	41,100.00	720.00	40,300.00	0.00	0.00	40,300.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
FEB	0.02	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.06
MAR	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
APR	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04
MAY	0.00	1.45	0.00	0.00	0.00	0.04	0.00	0.00	1.49
JUN	0.00	2.05	0.00	0.00	0.00	0.04	0.00	0.00	2.09
JUL	0.00	2.75	0.00	0.00	0.00	0.04	0.00	0.00	2.79
AUG	0.00	2.26	0.00	0.00	0.00	0.04	0.00	0.00	2.30
SEP	0.00	1.47	0.00	0.00	0.00	0.04	0.00	0.00	1.51
OCT	0.00	0.46	0.00	0.00	0.00	0.04	0.00	0.00	0.50
NOV	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04
DEC	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

Received by OWRD
MAR 08 2024
Salem, OR

ATTACHMENT 2

Water Availability Analysis | Oregon Secretary of State Adm

apps.wrd.state.or.us/apps/wars/wars_display_wa_tables/display_wa_table.aspx?ws_id=31531009&exlevel=50&scenario_id=1

Oregon Water Resources Department
Water Availability Analysis

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Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN

Water Availability as of 5/11/2023

Watershed ID #: 31531009 (Map)
Date: 5/11/2023

Exceedance Level: 50%
Time: 11:16 AM

Water Availability | Limiting Watersheds | Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Select	5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Select	6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	No	Yes	No	No	No	No	No	No	No	No	No	No	Yes

Download Data (Text - Formatted | Text - Tab Delimited | Excel)

Type here to search | 3:47 PM 5/11/2023

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Watershed ID	Exceedance Level	Month	Natural Stream Flow	Consumptive Use	Expected Stream Flow	Reserved Stream Flow	Instream Requirement	Net Water Avail	Download Date
31531009	50	JAN	125	0.042	125	0	125	-0.042	5/9/2023
31531009	50	FEB	164	0.071	164	0	135	28.9	5/9/2023
31531009	50	MAR	124	0.042	124	0	124	-0.042	5/9/2023
31531009	50	APR	86.4	0.942	85.5	0	86.4	-0.942	5/9/2023
31531009	50	MAY	40.4	1.49	38.9	0	40.4	-1.49	5/9/2023
31531009	50	JUN	15.8	2.09	13.7	0	15.8	-2.09	5/9/2023
31531009	50	JUL	6.1	2.79	3.31	0	6.1	-2.79	5/9/2023
31531009	50	AUG	3.4	2.3	1.1	0	3.4	-2.3	5/9/2023
31531009	50	SEP	3.1	1.51	1.59	0	3.1	-1.51	5/9/2023
31531009	50	OCT	5.3	0.501	4.8	0	5.3	-0.501	5/9/2023
31531009	50	NOV	24.4	0.041	24.4	0	24.4	-0.041	5/9/2023
31531009	50	DEC	88.7	0.042	88.7	0	88.7	-0.042	5/9/2023
31531009	50	ANN	41100	720	40300	0	39400	1620	5/9/2023

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Certificate of Service

I certify that on this date, a copy of the foregoing protest was served on each of the following by the method indicated:

Sunny Valley Sand and Gravel Inc.
Andreas Blech
1867 Williams Hwy #260
Grants Pass, OR 97527
By placing in the US Postal Mail, first class postage prepaid

Schwabe Williamson and Wyatt
Elizabeth Howard; Lindsay Thane
1211 SW 5th Avenue, Suite 1900
Portland, OR 97204
By placing in the US Postal Mail, first class postage prepaid

Water Rights Division
Oregon Water Resources Department
725 Summer St. NE, STE A
Salem, OR 97301-1266
By hand delivery

Dated: March 8, 2024

S/ Victoria White
Victoria White
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039
Fax: 503.295.2791
tory@waterwatch.org

Received by OWRD
MAR 08 2024
Salem, OR

Mailing List for Extension PFO Copies

PFO Date: January 23, 2024

Application: R-87930
Permit: R-15320

Copies Mailed

By: KMWF
On: JAN 23 2024

Original mailed to Applicant:

Andres Blech; Sunny Valley Sand and Gravel
187 Williams HWY., Suite 260
Grants Pass, OR 97527

Copies sent to:

1. WRD - App. File R-87930/ Permit R-15320

2. Lindsay Thane
   Schwabe
   1211 SW 5th., Suite 1900
   Portland, OR 97204

3. Other permit holders of record besides applicant

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

5. WRD - Watermaster District 14, Scott Ceciliani

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for Permit R-15320, Water Right Application R-87930 in the name of Andres Blech; Sunny Valley Sand and Gravel	) PROPOSED) FINAL) ORDER

Permit Information

Application:	R-87930
Permit:	R-15320
Basin:	Rogue / Watermaster District 14
Date of Priority:	September 12, 2013
Source of Water:	Grave Creek, tributary to Rogue River
Storage Facility:	Reservoir #2
Purpose or Use:	multiple purpose
Maximum Volume:	70.0 acre-feet (AF)
Storage Season:	January 1 through March 31 of each year

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

In summary, the Department proposes to:

- Grant an extension of time to apply water to full beneficial use from March 22, 2023, to October 1, 2028.[1]
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

[1] Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE
Application – Application for Extension of Time
Department – Oregon Water Resources Department
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
FOF – Finding of Fact
AF - acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is "good cause" to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a "good cause" determination.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

1. On March 22, 2018 Permit R-15320 was issued by the Department. The permit authorizes the storage of up to 70.0 AF of water in Reservoir #2 from the Grave Creek, tributary to Rogue River, for multiple purpose use. The permit specified construction of the water system was to begin and the permitted volume of water was to be stored within five years from the date of permit issuance, being March 22, 2023.

2. On April 5, 2023, Andres Blech, president of Sunny Valley Sand and Gravel, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit R-15320 be extended from March 22, 2023, to October 1, 2028. This is the first permit extension requested for Permit R-15320.

3. On April 11, 2023, notification of the Application for Permit R-15320 was published in the Department's Public Notice. Comments were received from WaterWatch of Oregon and neighboring landowners. The comments submitted by WaterWatch of Oregon identified concerns with the storage season authorized by the permit, and that instream flow requirements provided by IS-71034 (Certificate 72697), were improperly evaluated at the time the permit was issued because the Water Availability Basin (WAB) failed to include the instream flow requirements. Additionally, the comments submitted by WaterWatch and other commentors urged the Department to deny the Application for Extension of Time due to impacts on the creeks in the area and the neighboring lands.

4. On June 2, 2023, Attorneys for the permit holder submitted a response to the comments submitted by WaterWatch.

5. On November 20, 2023, the permit holder submitted additional information. The information provided was in response to the watermaster approval of the plan for installing a liner in the reservoir.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

6. On April 5, 2023, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

7. According to the Application, construction of the point of Diversion began April 1, 2018, with the installation of the pipeline from the point of diversion to Reservoir #2, excavation of the reservoir area, and construction of berms.

Based on Findings of Fact (FOF) 7, the Department has determined the permit holder began construction prior to March 22, 2023.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction [OAR 690-315-0040(3)(a)]

The amount of construction completed within the time allowed in the permit or previous extension.[2]

8. Construction of the water system or reservoir began prior to the March 22, 2023 deadline specified in the permit.

9. During the original development time frame under Permit R-15320, work accomplished includes:

    - excavation of the reservoir;
    - construction of berms;
    - installation of a clay liner; and
    - installation of an approved fish screen

The Application provides evidence that progress of physical work, enough to qualify as the minimum necessary, has been made towards completion of the water system for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

The water right permit holder's conformance with the permit or previous extension conditions.

10. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: the record does not show that a liner, sufficient to prevent intrusion of groundwater, has been installed to the satisfaction of the watermaster. The Department recognizes that it is the intent of the permit holder to

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[2] **"Actual Construction"** is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

comply with all permit conditions at the time the conditions become applicable.

The Department has determined that the permit holder has not demonstrated compliance with all permit conditions as required by Permit R-15320.

In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]
The amount of beneficial use made of the water during the permit time limits or previous extension time limits.

11. According to the Application, no water has been stored in Reservoir #2.

12. A delay of full beneficial use of water under Permit R-15320 was due, in part, to the inability of the watermaster to approve the liner installed in the reservoir.

The Department has determined that beneficial use of water has not yet been demonstrated under this permit because no water has been stored, and not all permit conditions were satisfied by March 22, 2023.

Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

13. The permit holder has invested approximately $201,900, which is about 98.535871157 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional $11,000 investment is needed for the completion of this project.

Based on FOF 13, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator *[OAR 690-315-0040(2)(a)]*

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

The Market and Present Demands for Water *[OAR 690-315-0040(4)(a-f)]*
The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be

supplied:

- *(a)The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

14. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was completed at the time of issuance of Permit R-15320, however, the WAB utilized to determine the water availability was incomplete, and was missing the instream flow requirement provided by IS-71034 (Certificate 72697).

15. A review of the amount of water available to satisfy other affected water rights, including the instream flow requirement provided by IS-71034 (Certificate 72697), indicate that water is only available during the month of February.

16. Current Water Availability Analysis for the Grave Creek, (Tributary to Rogue River) above Burgess Gulch (watershed ID 31531009) show that water is only available during the month of February at the 50% exceedance level.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

17. The point of diversion is located on Grave Creek, tributary to Rogue River, and is not located within a Withdrawn Area.

18. Grave Creek, tributary to Rogue River is located above the Rogue Scenic Waterway.

19. The point of diversion is in a location listed by the Department of Environmental Quality as a water quality limited stream.

    a. Grave Creek, River Mile 0, to 33.1 listed under Water Quality Limited for; Sedimentation, Habitat Modification, Flow Modification, and Aquatic Weeds and Algae.

b. Grave Creek, River Mile 0, to 37.6 listed under Water Quality Limited for; Temperature, Alkalinity, pH, E. Coli, Chlorophyll a, Dissolved Oxygen, Ammonia, Biologic Criteria, and Phosphate Phosphorus.

OAR 690-315-0040(4)(c)
The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

20. Grave Creek, tributary to Rogue River is located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)
Economic interests dependent on completion of the project.

21. An approximate total of $201,900 has been invested in the project.

OAR 690-315-0040(4)(e)
Other economic interests dependent on completion of the project.

22. Employees directly employed by the permit holder would be adversely affected if the permit extension is denied. Additionally, the aggregate provided from the mining operations may be utilized in state and federal infrastructure projects.

OAR 690-315-0040(4)(f)
Other factors relevant to the determination of the market and present demand for water and power.

23. Other factors relevant to the market and present demand, which include a re-evaluation of water availability resulting from the correction of information regarding water availability when IS-71034 (Certificate 72697) is correctly applied to the WAB for watershed ID 31531009. OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit. The Department has determined the need to place a "Monitoring and Diversion Condition" on the extension of time to limit the diversion of water to only the month of February. This condition is specified under Item 1 of the "Limitations and Conditions" section of this PFO to meet this condition.

24. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 2 of the "Limitations and Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

25. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0042(2)(g)]

26. The Application identifies the inability for the watermaster to approve the installed lining, and issues pertaining to the review and processing of Water Right Transfer T-12837 as additional government requirement which delayed the development of the project.

Though the Department recognizes that the permit holder was reliant upon approval of the installed liner and approval of the above transfer to complete the development authorized by this permit, the Department does not consider these additional government requirements because; 1) the condition requiring the approval of the liner by the watermaster prior to storage has been a requirement under the permit since it was issued, and 2) Water Right Transfer T-12837 is a separate process that was started by the permit holder in regard to other water rights, and was not a requirement under the development of this permit.

Unforeseen Events *[OAR 690-315-0040(2)(h)]*

27. The Application identifies unforeseen events extended the length of time needed to fully develop and perfect Permit R-15320, in that the permit holders believed the installation of a clay liner would be sufficient to prevent groundwater intrusion into the reservoir; and in that the COVID-19 Pandemic resulted in additional delays in processing Water Right Transfer T-12837.

Denial of an Extension Would Result in Undue Hardship *[OAR 690-315-0040(2)(i)]*

28. A denial of the extension would result in undue hardship, and there are no other reasonable alternatives exist for meeting water use needs. The Applicant identifies they also hold Water Right Certificate 3943, which is currently the subject of Water Right Transfer T-12837, and Water Right Permit R-15319, which provide a portion of the water needed for operations at the facility, however these rights are not sufficient to enable operation of the facility for the intended 50 weeks per year.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

29. The Application provides evidence of good faith of the appropriator under Permit R-15320.

Based on FOF 7, 8, 9, 13, and 21, the Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

30. As of April 5, 2023, the permit holder states the remaining work to be completed consists of completing installation of the liner in Reservoir #2, gaining approval of the liner by the watermaster, and storing the volume of water authorized by the permit.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2028, to accomplish storage of water and the application of water to beneficial use under the terms and conditions of Permit R-15320 is both reasonable and necessary.

Good Cause *[OAR 690-315-0040(1)(d)]*

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to mitigate the effects of the subsequent development on competing demands on the resource. Based on FOF 14, 15, 16, and 23, the Department determined the need to place a "Monitoring and Diversion Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of water use permit. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary because of the use of an unauthorized point of appropiation; place of use has occurred under this permit.

2. OAR 690-315-0050(6) requires a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 2 of the "Conditions" section of this PFO to meet this condition.

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).

2. The Applicant complied with construction timeline requirements to begin construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

3. Based on Finding of Facts 7, through 29, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2028[3], as required by OAR 690-315-0040(1)(c).

4. The Applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development an apply water to beneficial use. OAR 690-315-0050(5).

5. The Applicant has demonstrated good cause for the extension. OAR 690-315-0050(5).

6. For extensions exceeding five years, the Department shall establish progress checkpoints to determine if diligence is being excised in the development and perfection of the water use permit. Intervals between progress check points will not exceed five years periods, as required by OAR 690-315-0050(6).

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit R-15320 from March 22, 2023, to October 1, 2028.

Subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Monitoring and Diversion Condition**
The storage of any water under Permit R-15320 is subject to this condition. No water may be diverted for storage from Grave Creek during the period of January 1, thru

[3]Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

January 31, and March 1, thru March 31, of each year unless the instream flows provided by Water Right Certificate 72697 are met, being 135.0 cfs for the month of January and 135.0 cfs for the month of March at a point immediately downstream of the point of diversion. The water user is responsible for development of a monitoring protocol, which is subject to the approval of Oregon Water Resources Department. No water may be diverted for storage during these periods until the monitoring protocol is approved, in writing by the Department. Failure to develop and gain approval of a monitoring protocol shall result in the storage season on any Water Right Certificate resulting from Permit R-15320 being limited to the month of February.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2027.** ***A form will be enclosed with your Final Order.***

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: January 23, 2024

Dwight French, Administrator
Water Right Services Division

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

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order.

Protests must be received by the Water Resources Department no later than **March 8, 2024,** at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of $480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of $950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

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

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative

may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 979-3213.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
- Address any correspondence to : Water Right Services Division
  725 Summer St NE, Suite A
  Salem, OR 97301-1266

  Fax: 503-986-0901

PIERCEALL Jeffrey D * WRD

From: ANDREWS Ryan M * WRD
Sent: Friday, July 14, 2023 1:15 PM
To: PIERCEALL Jeffrey D * WRD
Cc: LOVELLFORD Rachel M * WRD
Subject: RE: Sunny Valley Sand and Gravel, Permits R-15319 an R-15320 WAB questions

Hi Jeffrey,

In summary, I agree that the instream right should have been entered which would have eliminated any water availability in January and March, and that the use information was entered for the incorrect WAB. However, I do not agree with WaterWatch that the instream is now only partially correct for WAB 31531009 – it correctly reflects IS-71034B due to the need to limit the flow requirement to reflect the natural streamflow of the WAB (i.e., the instream requirement shouldn't be greater than the natural streamflow); though there were some data entry errors for a few months that need to be corrected. Also, from my assessment it seems that WAB 31531009 should be the one debited for the storage authorization based on the POD location information in the permits. I think the confusion stems from the area to be submerged, which includes part of WAB 71034, and the fact that there are two PODs for reservoir applications. Regarding your last question, I'm not sure what you mean by any adjustments needing to be made.

Let me know if you want to discuss further. Depending on how this plays out we will likely need to adjust WARS, so please keep me up to date on any changes. Thanks!

Ryan Andrews
Hydrologist
Oregon Water Resources Department
Pronouns: he/him/his
971-345-7481

From: PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov>
Sent: Tuesday, June 13, 2023 3:49 PM
To: ANDREWS Ryan M * WRD <Ryan.M.ANDREWS@water.oregon.gov>
Subject: Sunny Valley Sand and Gravel, Permits R-15319 an R-15320 WAB questions

Ryan,
I believe you are the correct contact to ask this question, but if not, please forward it on to who could best discuss this with me.

I have received two applications for extensions of time for the above referenced permits. Comments have been received by a number of interested parties, and a couple specifically had Dwight and I pondering parameters of the determinations for the extension of time.

WaterWatch made a comment that when the permit was issued, SWARS did not have included instream right under Cert 72697 in WAB 31531009 Grave CR. Rogue R – AB Burgess G., resulting in SWARS showing water was available in Jan, Feb, and March, and the permits in question being issued to allow storage all of these months. Once the instream values are deducted from SWARS, the WAB would have shown water was only available in February. The comments provided copies of the SWARS printouts from May 2017, around the time when the permit was reviewed for issuance. A printout from 2012 was also included which shows the no instream right. The comment further indicates that the error has been

partially corrected, however, the flows represented for instream in January and March are still incorrect (Jan shows 124 cfs, March 125 cfs, Cert identifies 135 cfs). (See comment 1a of attachment)

In addition, they also commented that WRIS is showing two authorized PODs for each permit. One in the above watershed, and the other in WAB 71034. Though this is the result of how WRIS displays PODs for reservoir applications, it was indicated that there was concern that this WAB was utilized to make the water availability determination, as well as, the permitted water under the associated permits may have been withdrawn from this WAB rather than WAB 31531009. (See comment 1c of attachment)

Attached is a copy of the comments

Do you agree with the assessment from WaterWatch that instream cert 72697 was not considered when determining water availability when the permits were issued?

Would you be able to determine if the storage authorized under these two permits was debited from the correct WAB, and if yes, what is needed to make the adjustments?

Thank you in advance.

Jeffrey D. Pierceall
Extension Specialist
Oregon Water Resources Department
503-979-3213
Jeffrey.D.Pierceall@water.oregon.gov

OREGON
WATER
RESOURCES
DEPARTMENT

PIERCEALL Jeffrey D * WRD

From: Thane, Lindsay M. <LThane@SCHWABE.com>
Sent: Friday, June 2, 2023 10:59 AM
To: PIERCEALL Jeffrey D * WRD
Cc: Howard, Elizabeth E.
Subject: RE: Response to Comments Regarding Extension Applications for Permits R-15319 and R-15320 [IWOV-PDX.FID4765006]
Attachments: LT OWRD re response to comments 5.26.2023.PDF

Good Morning Jeffrey,

Can you please confirm that you received the attached response to comment letter for the extension applications for Permits R-15319 and R-15320?

Thank you,
Lindsay

Lindsay Thane

Shareholder
Pronouns: she, her, hers
(503) 796-2059
lthane@schwabe.com

Schwabe

From: Thane, Lindsay M.
Sent: Friday, May 26, 2023 11:15 AM
To: jeffrey.d.pierceall@water.oregon.gov
Cc: Howard, Elizabeth E. <EHoward@SCHWABE.com>; andreas blech.us <andreas@blech.us>
Subject: Response to Comments Regarding Extension Applications for Permits R-15319 and R-15320 [IWOV-PDX.FID4765006]

Good Morning Jeffrey,

Please find attached to this email a Response to the Public Comments submitted regarding the Extension Applications for Permits R-15319 and R-15320. Please include this Response as part of the administrative record considered for these extension applications.

Thank you,
Lindsay

Lindsay Thane

Shareholder

Schwabe

May 26, 2023

Lindsay Thane
Admitted in Oregon, Washington and Montana
D: 503-796-2059
C: 406-214-1918
lthane@schwabe.com

VIA E-MAIL
(JEFFREY.D.PIERCEALL@WATER.OREGON.GOV)

Jeffrey Pierceall
Oregon Water Resources Department
725 Summer Street NE A
Salem, OR 97301

RE: Response to Public Comments Regarding Extension of Time Applications for Applications R-87930 (Permit R-15320) and R-87932 (Permit R-15319)
Our File No.: 123805-182220

Dear Jeffrey:

Our office represents Andreas Blech and Sunny Valley Sand & Gravel Inc. (the "Permittee"). On the Permittee's behalf, we submit this response to public comments on the Permittee's extension applications for Permits R-15319 and R-15320 (the "Applications"). The public comments submitted in opposition to the Applications do not raise issues that warrant denial of the Applications. For the reasons outlined below, we ask that OWRD issue a proposed final order granting the extension requests pursuant to OAR 690-315-0050(2).

1. **OWRD determined water is available for the permitted uses and if water is not available at times, regulation is the appropriate tool, but this concern is not good cause to deny the Applications.**

WaterWatch contends that OWRD's surface water availability reporting system ("SWARS") shows there is no water available for the permitted uses. However, OWRD correctly found at the time of issuing Permits R-15319 and R-15320 (collectively, the "Permits") that water was available for the proposed storage. (*See* Order on Reconsideration, Application R-87932, FOF #8, and Order on Reconsideration, Application R-87930, FOF #8). In fact, WaterWatch filed a Petition for Reconsideration of OWRD's Final Orders to approve the Permits. In its Petition for Reconsideration, WaterWatch argued there was not water available from Grave Creek for the proposed use, but not for the reasons it now raises. The Permittee responded as to why water was available. After considering their arguments, OWRD determined water was available for the storage and issued the Permits.

WaterWatch is in effect requesting OWRD reconsider its decision to approve the Permits. WaterWatch does not point to any legal authority to support its request that OWRD reconsider

its permit final orders, and there is none. This request is outside the scope of OWRD's authority in considering extension applications. The time to challenge OWRD's final orders approving the Permits has passed. (*See* ORS 183.484(2) (a petition for judicial review of a final order must be filed within 60 days of the final order)).

Next, WaterWatch contends that if the Permits are extended, they should limit the storage season based on WaterWatch's assessment of surface water availability using SWARS and how WaterWatch thinks instream Certificate 72697 should be accounted for in SWARS. WaterWatch's contention that there are errors in SWARS that require limiting the storage season is incorrect. The OWRD caseworker's review for the Permits demonstrates that OWRD considered water availability in two water availability basins ("WABs"). OWRD evaluated water availability in Grave Cr . Rogue R – AB Burgess G ("AB Burgess Gulch WAB") because that WAB is where the POD is located. The OWRD caseworker also looked at water availability in Grave Cr . Rogue R – AB Wolf Cr ("AB Wolf Cr. WAB") because that is the WAB in which the reservoir dams are located. When OWRD made the determination that water was available for the proposed uses, SWARS showed the entirety of instream right Certificate 72697 as an instream flow requirement in the AB Wolf Cr. WAB. The AB Wolf Cr. WAB encompasses the AB Burgess Gulch WAB and extends downstream of the AB Burgess Gulch WAB. (*See* Attachment 2 (WRIS Water Right Mapper for AB Wolf Cr. WAB). Therefore, OWRD accounted for the instream water right in determining water availability. The OWRD checklist for both Permits, which is attached as Attachment 1 to this letter, demonstrates OWRD considered water availability in both WABs and found water was available for the proposed use. The availability of water in both WABs for January, February, and March is shown in the attachments to OWRD's checklist, a portion of which are attachment 2, page 2 to WaterWatch's comments. SWARS is only an *estimate* of water availability at a given location on a creek.[1] Importantly, SWARS does not give an estimate of water availability at the precise location of the authorized points of diversion ("PODs") under the Permits.[2] In approving an extension application, OWRD does not have authority to reconsider its permit final orders as WaterWatch seemingly requests.

Additionally, approval of the Applications need not include additional conditions to mitigate the effects of development of beneficial use under the Permits and competing demands on the resource as WaterWatch requests. The Permittee has already installed to the satisfaction of the watermaster the required totalizing flow meter to measure water usage under the Permits. The meter is installed at a location where the watermaster can check the meter. WaterWatch's request that the Permittee also regularly report the amount of water he diverts, install a streamflow measurement device with a real time transponder, bypass the instream flow amounts prior to diverting water, and make the data gathered by the transponder publicly available on OWRD's website are unnecessary conditions that are overly burdensome on OWRD and the Permittee.

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[1] See Richard Cooper, *Determining Surface Water Availability in Oregon*, OWRD Report SW 02-002, at p. 56 (June 2002) https://www.oregon.gov/owrd/WRDPublications1/DeterminingSurfaceWaterAvailabilityInOregon.pdf.
[2] *Id.* at p. 4.

OWRD has presented watermaster testimony (pertaining to a different water right) that in situations when it believes there is illegal water use, as WaterWatch is implying here, OWRD would prefer to access and read the flow meter rather than rely on the water user to report the amount of water diverted. And, streamflow measurement and transponder data are unnecessary as OWRD already mitigates the effects of competing demands on the resource by regulating Grave Creek during the irrigation season when there are calls by senior appropriators. OWRD already has the necessary tools to regulate Grave Creek during the authorized storage season under the Permits. Additionally, given the history of complaints submitted to the watermaster by neighbors and WaterWatch about the Permittee's water use, all of which OWRD has determined are not violations, the Permittee has serious concerns that the data could be misused to bog down OWRD with questions, information requests, and concerns while also impacting the Permittee's ability to lawfully develop the permitted water use. The Permittee's installation of a totalizing flow meter, accessible by and approved by the watermaster, is adequate to mitigate the effects of the development on competing demands on the resource without the need for additional conditions. (OAR 690-315-0050(5)(b)).

WaterWatch's contention that there is not water available for the permitted uses is not supported by the facts. There is evidence in the Applications that the Permittee will complete the project in the time requested and there is good cause to approve the Applications. (OAR 690-315-0040(1)(c), (d)).

2. **The Permittee demonstrated in the Applications that he will complete beneficial use in the requested 5 years. (OAR 690-315-0040(1)(c)).**

Next, WaterWatch contends that the Permits should not be extended because water is not available to complete beneficial use. However, the Applications demonstrate that the Permittee can complete the project within the time period requested in the Applications. (OAR 690-315-0040(1)(c)). As discussed in the Applications, the Permittee is awaiting final approval of the Reservoir 2 liner before the Permittee will begin storing water in Reservoir 2. Once that liner is approved, the Permittee will know what the watermaster will require to approve the liner in Reservoir 4 and the Permittee will proceed to install that liner, obtain the watermaster's approval, and then begin storing water. WaterWatch's argument rests on an assumption that there will not be water available in Grave Creek for the Permittee to divert the full volumes authorized under the Permits if the Applications are approved. As explained in Section 1, OWRD determined there is water available for the proposed uses at the time of issuing the Permits, and there has been no intervening change in conditions affecting the availability of the water resource—such as the issuance of new water rights on Grave Creek—since the Permits were approved.

WaterWatch also appears to argue that OWRD must evaluate the Permittee's other water rights to determine whether the Permittee can complete the project within the time requested in the Applications. This type of analysis is beyond the purview of OWRD's extension application criteria, which require OWRD to focus on "the right [to be] perfected." (ORS 537.230(4)). The

Permittee demonstrated in the Applications that he can complete beneficial use under the Permits in the time requested in the Applications.

Finally, WaterWatch contends that because the Permittee lacks permits to use water out of the reservoirs he cannot "complete" the project. Again, this goes beyond the Permits and applicable extension criteria. It is within the Permittee's discretion to determine when to apply for a secondary use water right. Whether the Permittee has applied for one now, or intends to later does not indicate whether or not the Permittee can complete beneficial use. There is no requirement that the Permittee use water from the reservoirs for mining use within the 5 years under which the Permittee requests these Permits be extended. Further, the Permittee would not expect it to take OWRD five years to issue a final order on a secondary use permit application, even if WaterWatch intends to protest such application.

For the above reasons, the Applications demonstrate the Permittee can complete beneficial use in the time requested. (OAR 690-315-0040(1)(c)).

3. **The Applications demonstrate there is good cause for approval. (OAR 690-315-0040(1)(d)).**

    a. **There is a market and present demand for the water. (OAR 690-315-0040(2)(d), (e), and 690-315-0040(4)).**

As stated above, OWRD determined when it issued the Permits that there was water available for the storage use under these Permits. The market and present demand for the water demonstrates there is good cause to approve the Applications. (OAR 690-315-0040(2)(d), (e)). There have been no new water rights approved in the AB Burgess Gulch WAB or in the AB Wolf Cr. WAB since the Permits were issued. OWRD found when issuing the Permits that there was water available for the Permits and the amount of water available to satisfy other water rights has not changed. (OAR 690-315-0040(4)(a)). As explained above, in determining the amount of water available to satisfy other water rights, SWARS is only an estimate based on either stream gages or modeling, neither of which reflect actual water availability at the authorized POD under the Permits.[3] Stream gage data on Grave Creek is not precise to the Permittee's POD. The stream gage upstream of the POD (station ID 14371500) was discontinued in 1989 and is over 7 miles upstream of the POD. The stream gage downstream of the POD (station ID 14372000) was discontinued in 1955 and is approximately 1.5 miles downstream of the POD. Given the absence of new appropriations or changed water availability information in the years since the Permits have been issued, there is no new information to support WaterWatch's contention that there is no water available to satisfy other affected water rights and scenic waterway flows.

[3] See *Determining Surface Water Availability in Oregon*, p. 1 (explaining that surface water availability and "exceedance stream flows are determined directly from gage records or for ungaged streams, by estimation through modeling.").

Additionally, there are no "special water use designations established since permit issuance on Grave Creek. (OAR 690-315-0040(4)(b)).

Further, like OWRD, ODFW analyzed the Permits prior to their approval and found that the "proposed use will not pose a significant detrimental impact to existing fishery resources." (*See* Final Order Approving the Storage of Surface Water, Application 87930, FOF #8 and Final Order Approving the Storage of Surface Water, Application 87932, FOF #8 (attributing findings to ODFW).[4] ODFW concurred in the allowed season of use for the Permits when they were issued. (*See* Attachment 1 (OWRD Reservoir Checklists for the Permits), pp. 1 and 43). WaterWatch relies on its arguments that errors in OWRD's use of SWARS means ODFW would now determine the habitat needs of species weigh against approving the Applications. However, as explained above and incorporated herein, SWARS was not in error when the Permits were issued. SWARS did account for the Permits in the correct WABs, each of which demonstrated water was available in the season of use for the proposed storage, and the instream water right was appropriately accounted for in the AB Wolf Cr. WAB, which is downstream of the AB Burgess Gulch WAB. Therefore, there is no new information or circumstances affecting species, and as such "the habitat needs of sensitive, threatened or endangered species" do not merit denial of the Applications. (OAR 690-315-0040(4)(c)).

b. The Permittee has demonstrated due diligence in completing beneficial use. (OAR 690-315-0040(2)(a)).

The Applications provide extensive facts that demonstrate the Permittee's due diligence in developing the Permits that supports OWRD's finding of good cause to approve the Applications. (OAR 690-315-0040(2)(a)), (3). First, the Permittee has fully constructed the reservoir under Permit R-15320 (Reservoir 2) and has nearly constructed the reservoir under Permit R-15319 (Reservoir 4), only needing to finish clearing the ground of obstructions so that it can be effectively lined. (OAR 690-315-0040(3)(a); *see* Applications pp. 4-5). The Permittee has also completely constructed the POD for the Permits, installed an approved fish screen and totalizing flow meter in compliance with the permit conditions, constructed the pipeline from the POD to Reservoir 2, and obtained the materials to construct a pipeline to Reservoir 4. *Id.* The Permittee has also installed a liner in Reservoir 2, and is making some additional improvements to it at the request of the watermaster, but is otherwise awaiting the watermaster's approval of the liner. (*See* Application for Permit R-15320, pp. 8-9). Once approved, the Permittee will install a similar liner in Reservoir 4. (*See* Application for Permit R-15319, pp. 7-9). WaterWatch's argument that the Permittee has not completed sufficient construction to demonstrate good cause to approve the Applications is not supported by the facts, which are further outlined in the Applications and incorporated herein.

[4] Note that after each Final Order, OWRD issued Orders on Petition for Reconsideration and Request for Stay that included a similar conclusion of law to FOF #8.

c. The Permittee has acted in good faith. (OAR 690-315-0040(2)(c)).

WaterWatch contends that it does not believe the Permittee is acting in good faith, so OWRD should deny the Applications. As further explained, each of WaterWatch's contentions are unfounded and based on incorrect assumptions. The Oregon Court of Appeals has held that issues of fact are not created when based on "speculation and guesswork". *DeBerry v. Summers*, 255 Or App 152, 166-67 (2013) (granting summary judgment where there were no issues of fact). Here, WaterWatch attempts to create issues of fact based on speculation, and those unsubstantiated speculations cannot support findings that are used to deny the Applications. While all of the questions WaterWatch raises are unrelated to these Applications, the Permittee will address why each of WaterWatch's assertions do not call into question the Permittee's good faith for purposes of these Applications.

First, the photo that WaterWatch refers to as Attachment 6 (although it appears the photo is actually Attachment 7) does not depict an illegal impoundment. The area filled with water is the location where the Permittee excavated material to build a sound berm, which the Permittee was required to construct pursuant to his local land use approvals. The area where the Permittee excavated the material has filled with groundwater and rainwater. What WaterWatch questions as a connection to the POD is not. The trench extending from the pond in a northwest direction and a northeast direction (similar to the shape of a Nike swoosh) ends in the northeast direction at approximately the location of WaterWatch's superimposed white dash line in Attachment 7. The Permittee dug the trench to determine at what location he would excavate dirt to build the sound berm based on the content of the dirt. There is no connection between the trench and the POD.

Second, the photo WaterWatch refers to as Attachment 7 (although it appears the photo is actually Attachment 8) may show a few inches of water in Reservoir 2. There is no date stamp on the photo so it requires speculation. However, the Permittee has not stored water in Reservoir 2. It appears likely that the water shown in Reservoir 2 is from rainwater (there is also water in Reservoir 4, indicating rainwater in that reservoir as well). There is likely more water in Reservoir 2 than Reservoir 4 because the Permittee lawfully used Reservoir 2 as a bulge-in-system as part of his irrigation water use under Certificate 3943. In fact, the watermaster (at the request of a neighbor or WaterWatch) made a site visit in 2022 to inspect the Permittee's use of Reservoir 2 as a bulge-in-system and did not find that the Permittee was unlawfully storing water.

Third, the photo WaterWatch refers to Attachment 8 (although it appears the photo is actually Attachment 9) shows woody debris in Grave Creek near the location of the POD. This woody debris is one of four woody debris structures that the Permittee's consultants have placed in Grave Creek in compliance with the Permittee's consent to injury mitigation plan for T-12837, which was approved by ODFW and is incorporated into OWRD's proposed final order for T-12837.

Fourth, DOGAMI's inspection report from its site visit with DEQ and anything stated therein about water use is outside OWRD's purview, particularly because neither DOGAMI nor DEQ was making observations for purposes of determining the Permittees' compliance with his water rights, nor does either agency have the authority to do so. The observations WaterWatch raises, as WaterWatch concedes, were explained by the Permittee as actions to dewater his valve box where his totalizing flow meter is located and not a diversion of water from the POD for irrigation.

Accordingly, the comments submitted for the Applications do not raise questions of fact other than mere speculation. The Permittee has never received a notice of violation from OWRD. The Permittee has acted in good faith, which supports a finding of good cause to approve the Applications.

4. **The Permittee's economic investment in the project and other economic interests support a finding that there is market and present demand for the water. (OAR 690-315-0040(2)(d), (e), 690-315-0040(4)(d), (e)).**

Finally, WaterWatch contends that because the Permittee has not obtained secondary use permits, the Permittee cannot justify the economic investment in the project to date. WaterWatch misconstrues OWRD's rules considering what constitutes good cause and OWRD's evaluation of the demand for water and power. Whether the Permittee has a secondary use permit for the use of the water stored in the reservoirs is unrelated to whether the applicant can complete beneficial use under the Permits. In particular, the Permits both authorize the storage of water for "multiple purpose." As described in the permit applications, multipurpose covers all uses, including fish and wildlife, aesthetics, and irrigation, for example. Therefore, the Permittee could utilize the reservoirs for wildlife or aesthetics, which may increase his property value and would not require a secondary use permit. The Permittee has requested an additional 5 years to complete beneficial use, and he can complete beneficial use under the Permits in that time.

In sum, the Applications provide OWRD with factual support to approve the Applications. (OAR 690-315-0040(1)). The Permittee has demonstrated that he has completed extensive construction and complied with nearly all the conditions under the Permits, he can complete the project in the requested extension period, and there is good cause to approve the Applications.

Jeffrey Pierceall

Please let me know if you have any questions. We appreciate your consideration of this response to comments on the Applications.

Sincerely,

Lindsay M. Thane

Lindsay Thane

LTH:lmt
Enclosures
cc: Andreas Blech (*via email only*)
Elizabeth Howard (*via email only*)
PDX\123805\182220\LTH\36661487.1

ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

FILE # : R-87930
WM DIST: 14
REGION: SWR
WID #: 15 - 31531009
PUBLIC NOTICE: 9/24/2013

Res name: Reservoir # 2 Use: Multiple Purpose

Volume: 70 AF Dam height: ☐ zero ☒ < 10 ft ☐ ____ ft

✓ Land use ☒ allowed outright ☐ not approved ☐ being pursued ☐ county notified ☐ needed ☐ NA

✓ SWW ☐ Out ☐ In (may not be allowed) ☒ Above* ROGUE SW
*Make sure to add SWW language from S:\groups\wr\Resource Center\language\Scenic Waterway gages-language

✓ Electronic/written comments? ☐ No ☒ Yes ____ Comment eval? ☐ N/A ☐ No ☒ Yes

✓ App w/in a District boundary ☒ No ☐ Yes, cc: ____

✓ In Umatilla ☒ No ☐ Yes - cc: Confederated Tribes of the Umatilla Indian Reservation, Nixyaawii Governance Center 46411 Timine Way, Pendleton, Oregon 97801

Water available: JAN - MAR

Allowed season: JAN FEB MAR ~~APR~~ ~~MAY~~ ~~JUN~~ ~~JUL~~ ~~AUG~~ ~~SEP~~ ~~OCT~~ ~~NOV~~ ~~DEC~~ per odfw per WAB

Measurement Conditions: ☐ Small (≤9.2 af) | ☒ Medium (> 9.2, but < 100 af) | ☐ Large (≥100 af or govt. entity)
*use ☐ staff gage if source is runoff or if res is in-channel

Other Conditions: use ☐ fishmay if ODFW doesn't request screen/by-pass condition ____
NO DIVERSION APRIL THROUGH DECEMBER
b51a FISH DIV 33
B57 TFM

✓ Fees Paid? ☒ Yes ☐ No, need: ____
($300 base, $25 per af, & $400 recording) OR ($350 base, $30 per af, & $450 recording)

Base ($300 or $350)	350	Recording Fee ($400 or $450)	450
AF ($25, or $30 per af)	2100		
Total Exam Fees	2450		
Exam Fees Paid	2450	Recording Fee Paid	450

✓ FO w/ permit # XXXXXX

__ FO w/ draft permit; still needed:
__ fees
__ easement
__ land use

Remarks: ____

Completed by Scott on 5/18/2017. Peer review:

Revised 6/20/16

Oregon Water Resources Department
Point of Diversion Characteristics

Main Help
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Point of Diversion Characteristics

Right:	App: R 87930 *
Name:	SUNNY VALLEY SAND AND GRAVEL INC. ANDREAS BLECH

TRSQQ: 34.00S-05.00W-08-NWSE

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB BURGESS G (31531009)
GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR @ 14372000 (OWRD: Good, ODFW: High) (31531009)
GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited: Yes

TRSQQ: 34.00S-05.00W-08-SESW

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited:

Oregon Water Resources Department
Water Rights with Coincident Places of Use

Main Help
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Place of Use Conflict Report

No Conflict

The following rights have acreage in the same quarter-quarter as App: R 87930 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
APP: LL 1612 *	ANDREAS BLECH		LL-1612			10/19/2015	NC	ST	34.00S-05.00W-08-NESW			
APP: R 87931 *	ANDREAS BLECH		R-87931			9/12/2013	NC	MP	34.00S-05.00W-08-SESW			
CERT:3943 OR *	CHARLES W KIRK		S-6597	S-4128	3943	6/23/1919	NC	IR	34.00S-05.00W-08-NESW			10.0000
								IR	34.00S-05.00W-08-SESW			25.0000

Oregon Water Resources Department
Water Availability Analysis

Main Help
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POD #1

Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 11:59 AM

[redacted] | Limiting Watersheds | Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Select	5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Select	6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Download Data (Text - Formatted , Text - Tab Delimited , Excel)

Oregon Water Resources Department
Water Availability Analysis

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Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Download Data

Exceedance Level: 50%
Time: 12:00 PM

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60
APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.60
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-122.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-770.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,570.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	31531009	GRAVE CR > ROGUE R - AB BURGESS G	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 266 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,600.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,800.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,693.00	568.00	2,130.00	0.00	2,000.00	122.00
AUG	1,950.00	508.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,735.00	0.00	3,500.00	1,235.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.69	0.02	8.13	2.29	0.09	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	8.14	2.29	0.11	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	8.14	2.29	0.11	2,240.00
APR	1,020.00	101.00	361.00	3.69	0.03	8.14	2.29	0.11	1,510.00
MAY	2.89	163.00	263.00	3.59	0.03	8.14	2.29	0.11	443.00
JUN	0.09	230.00	264.00	3.59	0.03	8.13	2.29	0.10	508.00
JUL	0.01	309.00	246.00	3.59	0.03	8.12	2.29	0.10	568.00
AUG	0.00	254.00	228.00	3.59	0.03	8.12	2.29	0.10	506.00
SEP	0.00	165.00	230.00	3.59	0.03	8.12	2.29	0.10	409.00
OCT	8.73	52.10	154.00	3.59	0.03	8.12	2.29	0.10	259.00
NOV	112.00	0.07	179.00	3.59	0.03	8.12	2.29	0.10	305.00
DEC	255.00	0.07	302.00	3.59	0.03	8.13	2.29	0.09	571.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY31503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531008 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,400.00	477.00	923.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,660.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,000.00	2,660,000.00	0.00	2,120,000.00	828,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	659.00	0.07	311.00	2.79	0.01	6.14	2.16	0.09	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	6.14	2.16	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.16	0.11	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	6.14	2.16	0.11	1,490.00
MAY	2.59	154.00	251.00	2.69	0.01	6.14	2.16	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.16	0.10	479.00
JUL	0.01	293.00	232.00	2.69	0.01	6.11	2.16	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.16	0.10	477.00
SEP	72.90	157.00	216.00	2.69	0.01	6.12	2.16	0.10	457.00

OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	258.00
DEC	156.00	0.07	290.00	2.69	0.01	6.14	2.16	0.09	458.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY31503B	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531001 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00
MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	482.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	288.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	552.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,090.00	0.07	361.00	3.20	0.01	6.83	2.22	0.11	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,020.00	96.70	369.00	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.22	0.10	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	288.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71035 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	228.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.60
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	35.40	4.72	33.70	0.00	38.30	-4.62
JUL	16.30	6.16	10.10	0.00	15.00	-4.88
AUG	9.00	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.40	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.89	253.00	0.00	135.00	118.00
ANN	112,000.00	1,930.00	110,000.00	0.00	56,000.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.85	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.89

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71034 (Map)
Date: 5/17/2017

Exceedance Level: | 50% |
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.60
FEB	254.00	0.39	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.80	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30
NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	69,500.00	1,300.00	59,200.00	0.00	55,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.05	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.80	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		135.00	135.00	135.00	119.00	50.60	40.00	8.89	5.09	40.00	40.00	80.00	135.00

Detailed Reports for Watershed ID #31531009

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: | 50% |
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	125.00	0.05	125.00	0.00	0.00	125.00
FEB	164.00	0.06	164.00	0.00	0.00	164.00

MAR	124.00	0.05	124.00	0.00	0.00	124.00
APR	86.40	0.54	85.50	0.00	0.00	85.50
MAY	40.40	1.49	38.90	0.00	0.00	38.90
JUN	15.80	2.09	13.70	0.00	0.00	13.70
JUL	6.10	2.79	3.31	0.00	0.00	3.31
AUG	3.40	2.30	1.10	0.00	0.00	1.10
SEP	3.10	1.51	1.59	0.00	0.00	1.59
OCT	5.30	0.50	4.80	0.00	0.00	4.80
NOV	24.40	0.04	24.40	0.00	0.00	24.40
DEC	68.70	0.04	68.70	0.00	0.00	68.70
ANN	41,100.00	720.00	40,300.00	0.00	0.00	40,300.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
FEB	0.02	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.06
MAR	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
APR	0.00	0.90	0.00	0.00	0.00	0.04	0.00	0.00	0.94
MAY	0.00	1.45	0.00	0.00	0.00	0.04	0.00	0.00	1.49
JUN	0.00	2.05	0.00	0.00	0.00	0.04	0.00	0.00	2.09
JUL	0.00	2.75	0.00	0.00	0.00	0.04	0.00	0.00	2.79
AUG	0.00	2.26	0.00	0.00	0.00	0.04	0.00	0.00	2.30
SEP	0.00	1.47	0.00	0.00	0.00	0.04	0.00	0.00	1.51
OCT	0.00	0.46	0.00	0.00	0.00	0.04	0.00	0.00	0.50
NOV	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04
DEC	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

Oregon Water Resources Department
Water Availability Analysis

Main Help
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POD #2

Water Availability Analysis

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 4/28/2017

Watershed ID #: 71034 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	**71034**	**GRAVE CR> ROGUE R- AB WOLF CR**	**Yes**	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**Yes**

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60

APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-122.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-770.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,520.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 4/28/2017

Watershed ID #: 266 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,690.00	568.00	2,120.00	0.00	2,000.00	122.00
AUG	1,980.00	506.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.69	0.02	8.13	2.29	0.09	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	8.14	2.29	0.11	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	8.14	2.29	0.11	2,240.00
APR	1,020.00	101.00	381.00	3.69	0.03	8.14	2.29	0.11	1,510.00
MAY	2.90	163.00	263.00	3.59	0.03	8.14	2.29	0.11	443.00
JUN	0.09	230.00	264.00	3.59	0.03	8.13	2.29	0.10	508.00
JUL	0.01	309.00	246.00	3.59	0.03	8.12	2.29	0.10	568.00
AUG	0.00	254.00	238.00	3.59	0.03	8.12	2.29	0.10	506.00
SEP	0.00	165.00	230.00	3.59	0.03	8.12	2.29	0.10	409.00
OCT	8.73	52.10	184.00	3.59	0.03	8.12	2.29	0.10	259.00
NOV	112.00	0.07	179.00	3.59	0.03	8.12	2.29	0.10	305.00
DEC	255.00	0.07	302.00	3.59	0.03	8.13	2.29	0.09	571.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 4/28/2017

Watershed ID #: 31531008 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available

JAN	6,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,460.00	477.00	983.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,660.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,000.00	2,660,000.00	0.00	2,120,000.00	826,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	659.00	0.07	311.00	2.79	0.01	6.14	2.16	0.09	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	6.14	2.16	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.16	0.11	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	6.14	2.16	0.11	1,490.00
MAY	2.60	154.00	251.00	2.69	0.01	6.14	2.16	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.16	0.10	479.00
JUL	0.01	293.00	232.00	2.69	0.01	6.11	2.16	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.16	0.10	477.00
SEP	72.90	157.00	216.00	2.69	0.01	6.12	2.16	0.10	457.00
OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	259.00
DEC	156.00	0.07	290.00	2.69	0.01	6.14	2.16	0.09	458.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503B	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 31531001 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00

MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	482.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	288.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	552.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,090.00	0.07	381.00	3.20	0.01	6.83	2.22	0.11	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,020.00	96.70	369.00	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.22	0.10	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	288.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH

ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 71035 (Map)

Date: 4/28/2017

Exceedance Level: 50%

Time: 11:27 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	228.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.60
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.62

JUL	16.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.68	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.89	253.00	0.00	135.00	118.00
ANN	112,000.00	1,930.00	110,000.00	0.00	56,900.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.85	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.89

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		**135.00**	**135.00**	**135.00**	**135.00**	**135.00**	**38.30**	**15.00**	**6.00**	**8.39**	**12.40**	**55.20**	**135.00**

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR

ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 71034 (Map)

Date: 4/28/2017

Exceedance Level: 50%

Time: 11:27 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.60
FEB	254.00	0.39	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.80	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30

NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,300.00	59,200.00	0.00	55,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.05	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.80	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		**135.00**	**135.00**	**135.00**	**119.00**	**50.60**	**40.00**	**8.89**	**5.09**	**40.00**	**40.00**	**80.00**	**135.00**

POD #1

Print Report

Oregon Water Resources Department Attribute Report

Report Date: May 17, 2017

General:

TRSQQ:	WM34.00S5.00W8NESW
DLC:	-
Latitude:	42.6294003385
Longitude:	-123.3202446011
Buffer (ft):	1
Elevation (ft):	1408
Basin Name:	Rogue
Basin Plan:	5-Middle Rogue
County:	Josephine
WM District:	14
WM Region:	SOUTHWEST
ODFW Region, District:	Southwest Region, Upper Rogue District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM34.00S5.00W8
Well Logs:	Logs for WM34.00S5.00W8

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

Division 33 (Area, Watershed, species):	STATEWIDE, *Grave Creek*, Coho Salmon, Chinook Salmon, Steelhead
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	**The Rogue Scenic Waterway** *390.826 (9)* Rogue River from the boundary of Crater Lake National Park, as constituted on December 8, 1988, downstream to the boundary of the Rogue River National Forest, as constituted on December 8, 1988 (near river mile 173), and from the confluence of the Rogue Status: ABOVE

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1710031003
HUC Watershed:	Grave Creek
WAB Wshed Order:	8
WAB Analysis:	GRAVE CR > ROGUE R - AB BURGESS G
Streamflow:	OWRD Opportunities: Good ODFW Needs: High Combined Priority: Current resources priority
Gaging Station Data:	-

Sources:

General
Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.
Elevation. ESRI World Elevation. February 2000. 1:121,000.

POD #2

Print Report

Oregon Water Resources Department
Attribute Report

Report Date: Apr 28, 2017

General:

TRSQQ:	WM34.00S5.00W8NESW
DLC:	-
Latitude:	42.6266058927
Longitude:	-123.3205342797
Buffer (ft):	1
Elevation (ft):	1394
Basin Name:	Rogue
Basin Plan:	5-Middle Rogue
County:	Josephine
WM District:	14
WM Region:	SOUTHWEST
ODFW Region, District:	Southwest Region, Upper Rogue District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM34.00S5.00W8
Well Logs:	Logs for WM34.00S5.00W8

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

Division 33 (Area, Watershed, species):	STATEWIDE, *Grave Creek*, Coho Salmon, Chinook Salmon, Steelhead
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	**The Rogue Scenic Waterway** *390.826 (9)* Rogue River from the boundary of Crater Lake National Park, as constituted on December 8, 1988, downstream to the boundary of the Rogue River National Forest, as constituted on December 8, 1988 (near river mile 173), and from the confluence of the Rogue Status: ABOVE

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1710031003
HUC Watershed:	Grave Creek
WAB Wshed Order:	7
WAB Analysis:	GRAVE CR > ROGUE R - AB WOLF CR
Streamflow:	OWRD Opportunities: Very good ODFW Needs: Highest Combined Priority: Current resources priority
Gaging Station Data:	-

Sources:

General
Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.
Elevation. ESRI World Elevation. February 2000. 1:121,000.

ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

FILE # : R-87930
WM DIST: 14
REGION: SWR
WID #: 15 - 31531009
PUBLIC NOTICE: 9/24/13

Res name: _____ Use: _____

Volume: _____ Dam height: ☐ zero ☐ < 10 ft ☐ _____ft

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

___ Secondary app necessary ☐ Yes, App S-_____ ☐ No

___ Stream withdrawn ☐ Yes ☐ No

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

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

___ Appropriate Fees ☐ Yes ☐ No, need: _____
($80 base, $20 per af) OR ($300 base, $25 per af, & $400 recording) OR ($350 base, $30 per af, & $450 recording)

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

___ If in Umatilla: Confederated Tribes of the Umatilla Indian Reservation, Nixyaawii Governance Center
46411 Timine Way, Pendleton, Oregon 97801

Mail forms to appropriate Interagency Review Team members. Mailed on February 15, 2015

ODFW Contact:
DEQ Contact:
Watermaster: Kathy Smith

Water available: not available

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

Measurement Conditions: ☐ Small (≤9.2 af) | ☐ Medium (> 9.2, but < 100 af) | ☐ Large (≥100 af or govt. entity)
*use staff gage if source is runoff or if res is in-channel

Other Conditions: use fishmay if ODFW doesn't request screen/by-pass condition _____

_____

_____

_____

Assign permit number R-_____

Remarks: _____

_____

_____

Completed by Kim French on 1/23/2015. Peer review:

Point of Diversion Characteristics

Right:	App: R 87930 *
Name:	SUNNY VALLEY SAND AND GRAVEL INC. ANDREAS BLECH

TRSQQ: 34.00S-05.00W-08-NWSE

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB BURGESS G (31531009)
GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR @ 14372000 (OWRD: Good, ODFW: High) (31531009)
GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited: Yes

TRSQQ: 34.00S-05.00W-08-SESW

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited:

Water Availability Analysis

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 71034 (Map)
Date: 1/23/2015

Download Data

Exceedance Level: 50%
Time: 1:30 PM

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531000	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60
APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-128.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-776.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,530.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,330.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-294.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,430.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 266 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,100.00	12,000.00	0.00	3,500.00	8,500.00
FEB	16,900.00	2,400.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,600.00
MAY	8,190.00	444.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	510.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,690.00	574.00	2,120.00	0.00	2,000.00	116.00
AUG	1,980.00	512.00	1,470.00	0.00	2,400.00	-932.00
SEP	1,930.00	410.00	1,520.00	0.00	2,400.00	-885.00
OCT	2,420.00	260.00	2,160.00	0.00	1,600.00	560.00
NOV	5,040.00	307.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	573.00	11,700.00	0.00	3,500.00	8,200.00
ANN	5,700,000.00	654,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	759.00	0.07	324.00	3.69	0.02	8.15	2.29	0.02	1,100.00
FEB	2,080.00	0.07	394.00	3.69	0.03	8.15	2.29	0.04	2,490.00
MAR	1,800.00	0.09	428.00	3.69	0.03	8.15	2.29	0.04	2,240.00
APR	1,020.00	101.00	362.00	3.69	0.03	8.15	2.29	0.04	1,510.00
MAY	2.88	163.00	264.00	3.59	0.03	8.15	2.29	0.04	444.00
JUN	0.03	230.00	269.00	3.59	0.03	8.14	2.29	0.03	513.00
JUL	0.01	309.00	251.00	3.59	0.03	8.14	2.29	0.03	574.00
AUG	0.00	255.00	243.00	3.59	0.03	8.13	2.29	0.03	512.00
SEP	0.00	166.00	235.00	3.59	0.03	8.13	2.29	0.03	415.00
OCT	8.73	52.20	185.00	3.59	0.03	8.14	2.29	0.03	260.00
NOV	112.00	0.07	180.00	3.59	0.03	8.14	2.29	0.03	307.00
DEC	255.00	0.07	303.00	3.59	0.03	8.15	2.29	0.02	573.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 31531008 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,780.00	985.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	421.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	485.00	2,860.00	0.00	2,700.00	165.00
JUL	1,920.00	542.00	1,380.00	0.00	2,000.00	-622.00
AUG	1,450.00	482.00	978.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	463.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	254.00	1,440.00	0.00	1,600.00	-164.00
NOV	2,660.00	260.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	460.00	3,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	617,000.00	2,660,000.00	0.00	2,120,000.00	825,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	661.00	0.07	313.00	2.79	0.01	6.16	2.15	0.02	985.00
FEB	1,960.00	0.07	383.00	2.79	0.01	6.16	2.15	0.04	2,350.00
MAR	1,690.00	0.09	417.00	2.79	0.01	6.16	2.15	0.04	2,120.00
APR	1,020.00	96.20	371.00	2.79	0.01	6.16	2.15	0.04	1,490.00
MAY	2.61	155.00	253.00	2.69	0.01	6.16	2.15	0.04	421.00
JUN	0.01	218.00	256.00	2.69	0.01	6.14	2.15	0.03	485.00
JUL	0.01	294.00	238.00	2.69	0.01	6.13	2.15	0.03	542.00
AUG	0.10	242.00	230.00	2.69	0.01	6.13	2.15	0.03	482.00
SEP	72.90	157.00	222.00	2.69	0.01	6.14	2.15	0.03	463.00
OCT	30.10	49.80	174.00	2.69	0.01	6.14	2.15	0.03	264.00

NOV	80.10	0.07	169.00	2.69	0.01	6.14	2.15	0.03	260.00
DEC	157.00	0.07	292.00	2.69	0.01	6.15	2.15	0.02	460.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503B	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,000.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,000.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 31531001 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,080.00	4,980.00	0.00	3,500.00	1,480.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00
MAY	4,870.00	423.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	456.00	2,570.00	0.00	2,700.00	-126.00
JUL	1,770.00	546.00	1,220.00	0.00	2,000.00	-778.00
AUG	1,360.00	485.00	875.00	0.00	2,400.00	-1,530.00
SEP	1,400.00	392.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	244.00	1,310.00	0.00	1,600.00	-294.00
NOV	2,300.00	289.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	554.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	640,000.00	2,310,000.00	0.00	2,120,000.00	534,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	752.00	0.07	313.00	3.20	0.01	6.85	2.21	0.02	1,080.00
FEB	2,090.00	0.07	393.00	3.20	0.01	6.85	2.21	0.04	2,480.00
MAR	1,800.00	0.07	417.00	3.20	0.01	6.85	2.21	0.04	2,230.00
APR	1,020.00	96.00	371.00	3.20	0.01	6.85	2.21	0.04	1,500.00
MAY	2.61	156.00	253.00	3.10	0.01	6.85	2.21	0.04	423.00
JUN	0.01	220.00	236.00	3.10	0.01	6.84	2.21	0.03	456.00
JUL	0.01	296.00	238.00	3.10	0.01	6.84	2.21	0.03	546.00
AUG	0.00	244.00	230.00	3.10	0.01	6.84	2.21	0.03	485.00
SEP	0.00	159.00	222.00	3.10	0.01	6.84	2.21	0.03	392.00
OCT	8.73	50.00	174.00	3.10	0.01	6.84	2.21	0.03	244.00
NOV	108.00	0.07	169.00	3.10	0.01	6.84	2.21	0.03	289.00
DEC	250.00	0.07	292.00	3.10	0.01	6.85	2.21	0.02	554.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY51503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 71035 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.16	363.00	0.00	135.00	228.00
FEB	478.00	1.45	477.00	0.00	135.00	342.00
MAR	338.00	1.11	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	79.00
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.62
JUL	16.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.58	5.16	4.42	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.90	253.00	0.00	135.00	118.00
ANN	112,000.00	1,540.00	110,000.00	0.00	58,500.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.64	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.16
FEB	0.02	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.45
MAR	0.58	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.11
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.98	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.90

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN

Water Availability as of 1/23/2015

Watershed ID #: 71034 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.40	193.00	0.00	135.00	57.60
FEB	254.00	0.47	254.00	0.00	135.00	119.00
MAR	183.00	0.39	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.80	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30
NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,310.00	59,200.00	0.00	55,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.09	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.40
FEB	0.15	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.47
MAR	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.80	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		135.00	135.00	135.00	119.00	50.60	40.00	8.89	5.09	40.00	40.00	80.00	135.00

Res. 2

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application R-87930 County Josephine
Priority Date 9-12-13 Township 34 S Range 5W Section 8 SW Taxlot 400
Use Multipurpose Caseworker Mary R.
Amount (AF) 70 Watermaster Kathy Smith, #14

Minimum Requirements (ORS 537.409)

☑ **Completed Watermaster review sheet** signed and dated by Watermaster.
Will the reservoir injure an existing water right? ☐ YES ☑ NO
If YES, can conditions be applied to mitigate the injury? ☐ YES ☐ NO **If NO, return the application.** NA
Did the watermaster determine when water is available for the proposed use? ☐ YES ☐ NO NA
The Watermaster review sheet must have been completed within the last 6 months.
If the watermaster determined that water is NOT available, return the application.
☑ **Completed ODFW review sheet** signed and dated by ODFW representative.
Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☑ YES ☐ NO
If YES, can conditions be applied to mitigate the impact? ☑ YES ☐ NO **If NO, return the application.**
The ODFW review sheet must have been completed within the last 6 months.
☑ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
☑ **Landowner Name, Mailing Address** and Telephone Number.
☑ **Source** *and* tributary listed. ***NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!***
☑ **Reservoir Location**- Township, Range, Section, Quarter Quarter, Taxlot
☑ **Dam height**, if applicable 5 ft.
☑ **Total Quantity** of Storage Requested: 70 af
☑ **Proposed Use of the water....**Cannot accept application for use of this stored water at the same time (E2)
☑ **Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located .....**or**..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
☑ Provide the **legal description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement
☑ **Environmental Impact** section completed?
☑ **Application signed by the landowner(s)**? All parties noted as applicants must sign the application.
Must be an original "wet" signature.
☑ **Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the *applicant.***
☑ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
☑ Scale of the Map (not less than 1" = 1320') **
☑ Reference corner on map
☑ North Directional Symbol **
☑ ¼¼'s clearly identified
☑ Reservoir clearly identified **
☑ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**
☐ Fees enclosed**? Examination: Base Fee$ 350 Permit Recording Fee$ 450
plus$ ~~5ft x 30 = 150~~ AM
plus$ 70 af x 30 = 2100

Total Paid $ 2900 **Total Fees $** 2900
Completeness Check by: AM & JS Date: 9-13-13 *Revised 2011-3-3*

ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

FILE # : R-87932
WM DIST: 14
REGION: SWR
WID #: 15 - 31531009
PUBLIC NOTICE: 9/24/2013

Res name: RESERVOIR #4 Use: Multiple Purpose

Volume: 80.0 AF Dam height: ☐ zero ☒ < 10 ft ☐ ____ ft

✓ Land use ☒ allowed ~~outright~~ ☐ not approved ☐ being pursued ☐ county notified ☐ needed ☐ NA

✓ SWW ☐ Out ☐ In (may not be allowed) ☒ Above* ROGUE SWW
*Make sure to add SWW language from S:\groups\wr\Resource Center\language\Scenic Waterway gages-language

✓ Electronic/written comments? ☐ No ☒ Yes ____ Comment eval? ☐ N/A ☐ No ☒ Yes

✓ App w/in a District boundary ☒ No ☐ Yes, cc: ____

✓ In Umatilla ☒ No ☐ Yes - cc: Confederated Tribes of the Umatilla Indian Reservation, Nixyaawii Governance Center 46411 Timine Way, Pendleton, Oregon 97801

Water available: JAN - MAR

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

Measurement Conditions: ☐ Small (≤9.2 af) | ☒ Medium (> 9.2, but < 100 af) | ☐ Large (≥100 af or govt. entity)
*use ☐ staff gage if source is runoff or if res is in-channel

Other Conditions: use ☐ fishmay if ODFW doesn't request screen/by-pass condition ____
fish div 53
b512 Jan - March only
B57 TFM

✓ Fees Paid? ☒ Yes ☐ No, need: ____
($300 base, $25 per af, & $400 recording) OR ($350 base, $30 per af, & $450 recording)

Base ($300 or $350)	350	Recording Fee ($400 or $450)	450
AF ($25, or $30 per af)	2100		
Total Exam Fees	2450		
Exam Fees Paid	2450	Recording Fee Paid	450

X FO w/ permit # X-XXXXX

__ FO w/ draft permit; still needed:
__ fees
__ easement
__ land use

Remarks: ____

Completed by Scott on 5/18/2017. Peer review:

Revised 6/20/16

Oregon Water Resources Department
Point of Diversion Characteristics

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Point of Diversion Characteristics

Right:	App: R 87932 *
Name:	SUNNY VALLEY SAND AND GRAVEL INC. ANDREAS BLECH

TRSQQ: 34.00S-05.00W-07-SESE

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB BURGESS G (31531009)
GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR @ 14372000 (OWRD: Good, ODFW: High) (31531009)
GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited:

TRSQQ: 34.00S-05.00W-08-NWSE

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB BURGESS G (31531009)
GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR @ 14372000 (OWRD: Good, ODFW: High) (31531009)
GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited: Yes

Oregon Water Resources Department
Water Rights with Coincident Places of Use

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: R 87932 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
APP: R 87931 *	ANDREAS BLECH		R-87931			9/12/2013	NC	MP	34.00S-05.00W-08-SWSW			
CERT:3943 OR *	CHARLES W KIRK		S-6597	S-4128	3943	6/23/1919	NC	IR	34.00S-05.00W-08-NWSW			5.0000
								IR	34.00S-05.00W-08-SWSW			10.0000
								IR	34.00S-05.00W-07-SESE			15.0000
CERT:39777 OR *	JOHN E WHEELER		S-41790	S-31284	39777	1/17/1966	NC	IR	34.00S-05.00W-07-SESE			0.1000
CERT:68210 OR *	JOSEPH CHANKIN		S-49206	S-36885	68210	5/4/1972	NC	IR	34.00S-05.00W-07-NESE			0.7000
CERT:57509 OR *	JOE R BEAUDRO		S-54998	S-41211	57509	12/3/1976	NC	IR	34.00S-05.00W-07-NESE			1.0000

Oregon Water Resources Department
Water Availability Analysis

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POD #1

Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 11:59 AM

[redacted] Limiting Watersheds | Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Select	5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Select	6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Download Data (Text - Formatted , Text - Tab Delimited , Excel)

Oregon Water Resources Department
Water Availability Analysis

Main Help
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Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Site
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531004	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60
APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-45.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-127.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-770.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,520.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	31531009	GRAVE CR > ROGUE R - AB BURGESS G	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 266 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,960.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,163.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,600.00
MAY	8,180.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,800.00	508.00	4,340.00	0.00	2,700.00	1,600.00
JUL	2,690.00	568.00	2,120.00	0.00	2,000.00	122.00
AUG	1,990.00	506.00	1,470.00	0.00	2,400.00	-929.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.59	0.02	8.13	2.29	0.09	1,090.00
FEB	2,050.00	0.07	393.00	3.59	0.03	8.14	2.29	0.11	2,490.00
MAR	1,600.00	0.09	427.00	3.59	0.03	8.14	2.29	0.11	2,240.00
APR	1,070.00	101.00	391.00	3.59	0.03	8.14	2.29	0.11	1,510.00
MAY	2.89	163.00	263.00	3.58	0.03	8.14	2.29	0.11	443.00
JUN	0.00	230.00	264.00	3.58	0.03	8.13	2.29	0.10	508.00
JUL	0.01	309.00	246.00	3.59	0.03	8.12	2.29	0.10	568.00
AUG	0.00	264.00	238.00	3.59	0.03	8.12	2.29	0.10	506.00
SEP	0.00	165.00	230.00	3.59	0.03	8.12	2.29	0.10	409.00
OCT	0.73	62.10	184.00	3.59	0.03	8.12	2.29	0.10	260.00
NOV	112.00	0.07	179.00	3.59	0.03	8.12	2.29	0.10	305.00
DEC	255.00	0.07	302.00	3.59	0.03	8.13	2.29	0.09	571.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SW91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531008 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-615.00
AUG	1,460.00	477.00	983.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,660.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,000.00	2,660,000.00	0.00	2,120,000.00	826,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	659.00	0.07	311.00	2.79	0.01	6.14	2.16	0.09	982.00
FEB	1,560.00	0.07	381.00	2.79	0.01	6.14	2.16	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.16	0.11	2,120.00
APR	1,020.00	98.90	380.00	2.79	0.01	6.14	2.16	0.11	1,490.00
MAY	2.59	154.00	251.00	2.69	0.01	6.14	2.16	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.16	0.10	479.00
JUL	0.01	293.00	232.00	2.69	0.01	6.11	2.16	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.16	0.10	477.00
SEP	72.90	157.00	218.00	2.69	0.01	6.12	2.16	0.10	457.00

OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	258.00
DEC	156.00	0.07	264.00	2.69	0.01	6.14	2.16	0.09	450.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY915038	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531001 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00
MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,000.00	482.00	2,560.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-290.00
NOV	2,300.00	288.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	3,700.00	552.00	3,160.00	0.00	3,500.00	1,660.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,000.00	0.07	381.00	3.20	0.01	6.83	2.22	0.11	2,400.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,020.00	56.70	[illegible]	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.22	0.10	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	0.73	49.60	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	288.00
DEC	290.00	0.07	264.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,500.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,500.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71035 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	228.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	79.00
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	35.40	4.72	33.70	0.00	38.30	-4.60
JUL	16.30	6.16	10.10	0.00	15.00	-4.90
AUG	9.59	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.83	253.00	0.00	135.00	118.00
ANN	112,000.00	1,930.00	110,000.00	0.00	56,500.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.84	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.53

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71034 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.60
FEB	254.00	0.50	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.60	3.47	18.20	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30
NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,300.00	59,200.00	0.00	55,500.00	12,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.05	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.22	0.00	0.11	0.00	0.00	1.72
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.60	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		135.00	135.00	135.00	119.00	50.60	40.00	8.89	5.09	40.00	40.00	80.00	135.00

Detailed Reports for Watershed ID #31531009

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	125.00	0.05	125.00	0.00	0.00	125.00
FEB	164.00	0.09	164.00	0.00	0.00	164.00

MAR	124.00	0.05	124.00	0.00	0.00	124.00
APR	86.40	0.94	85.50	0.00	0.00	85.50
MAY	40.40	1.49	38.90	0.00	0.00	38.90
JUN	15.80	2.09	13.70	0.00	0.00	13.70
JUL	6.10	2.79	3.31	0.00	0.00	3.31
AUG	3.40	2.30	1.10	0.00	0.00	1.10
SEP	3.10	1.51	1.59	0.00	0.00	1.59
OCT	5.20	0.90	4.30	0.00	0.00	4.30
NOV	24.40	0.04	24.40	0.00	0.00	24.40
DEC	85.70	0.04	85.70	0.00	0.00	85.70
ANN	41,100.00	720.00	40,300.00	0.00	0.00	40,300.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
FEB	0.02	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.06
MAR	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
APR	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04
MAY	0.00	1.45	0.00	0.00	0.00	0.04	0.00	0.00	1.49
JUN	0.00	2.05	0.00	0.00	0.00	0.04	0.00	0.00	2.09
JUL	0.00	2.75	0.00	0.00	0.00	0.04	0.00	0.00	2.79
AUG	0.00	2.26	0.00	0.00	0.00	0.04	0.00	0.00	2.30
SEP	0.00	1.47	0.00	0.00	0.00	0.04	0.00	0.00	1.51
OCT	0.00	0.46	0.00	0.00	0.00	0.04	0.00	0.00	0.50
NOV	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04
DEC	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

Oregon Water Resources Department
Water Availability Analysis

Main Help
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POD #2

Water Availability Analysis

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 4/28/2017

Watershed ID #: 71034 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	**71034**	**GRAVE CR> ROGUE R- AB WOLF CR**	**Yes**	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**Yes**

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60

APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-122.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-770.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,520.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 4/28/2017

Watershed ID #: 266 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,690.00	568.00	2,120.00	0.00	2,000.00	122.00
AUG	1,980.00	506.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.69	0.02	8.13	2.29	0.09	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	8.14	2.29	0.11	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	8.14	2.29	0.11	2,240.00
APR	1,020.00	101.00	381.00	3.69	0.03	8.14	2.29	0.11	1,510.00
MAY	2.90	163.00	263.00	3.59	0.03	8.14	2.29	0.11	443.00
JUN	0.09	230.00	264.00	3.59	0.03	8.13	2.29	0.10	508.00
JUL	0.01	309.00	246.00	3.59	0.03	8.12	2.29	0.10	568.00
AUG	0.00	254.00	238.00	3.59	0.03	8.12	2.29	0.10	506.00
SEP	0.00	165.00	230.00	3.59	0.03	8.12	2.29	0.10	409.00
OCT	8.73	52.10	184.00	3.59	0.03	8.12	2.29	0.10	259.00
NOV	112.00	0.07	179.00	3.59	0.03	8.12	2.29	0.10	305.00
DEC	255.00	0.07	302.00	3.59	0.03	8.13	2.29	0.09	571.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 31531008 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available

JAN	6,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,460.00	477.00	983.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,660.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,000.00	2,660,000.00	0.00	2,120,000.00	826,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	659.00	0.07	311.00	2.79	0.01	6.14	2.16	0.09	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	6.14	2.16	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.16	0.11	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	6.14	2.16	0.11	1,490.00
MAY	2.60	154.00	251.00	2.69	0.01	6.14	2.16	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.16	0.10	479.00
JUL	0.01	293.00	232.00	2.69	0.01	6.11	2.16	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.16	0.10	477.00
SEP	72.90	157.00	216.00	2.69	0.01	6.12	2.16	0.10	457.00
OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	259.00
DEC	156.00	0.07	290.00	2.69	0.01	6.14	2.16	0.09	458.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503B	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR

ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 31531001 (Map)

Date: 4/28/2017

Exceedance Level: 50%

Time: 11:27 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00

MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	482.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	288.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	552.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,090.00	0.07	381.00	3.20	0.01	6.83	2.22	0.11	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,020.00	96.70	369.00	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.22	0.10	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	288.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH

ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 71035 (Map)

Date: 4/28/2017

Exceedance Level: 50%

Time: 11:27 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	228.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.60
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.62

JUL	16.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.68	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.89	253.00	0.00	135.00	118.00
ANN	112,000.00	1,930.00	110,000.00	0.00	56,900.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.85	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.89

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		**135.00**	**135.00**	**135.00**	**135.00**	**135.00**	**38.30**	**15.00**	**6.00**	**8.39**	**12.40**	**55.20**	**135.00**

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR

ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 71034 (Map)

Date: 4/28/2017

Exceedance Level: 50%

Time: 11:27 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.60
FEB	254.00	0.39	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.80	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30

NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,300.00	59,200.00	0.00	55,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.05	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.80	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		**135.00**	**135.00**	**135.00**	**119.00**	**50.60**	**40.00**	**8.89**	**5.09**	**40.00**	**40.00**	**80.00**	**135.00**

POD #1

Print Report

Oregon Water Resources Department
Attribute Report

Report Date: May 17, 2017

General:

TRSQQ:	WM34.00S5.00W8NESW
DLC:	-
Latitude:	42.6294003385
Longitude:	-123.3202446011
Buffer (ft):	1
Elevation (ft):	1408
Basin Name:	Rogue
Basin Plan:	5-Middle Rogue
County:	Josephine
WM District:	14
WM Region:	SOUTHWEST
ODFW Region, District:	Southwest Region, Upper Rogue District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM34.00S5.00W8
Well Logs:	Logs for WM34.00S5.00W8

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

Division 33 (Area, Watershed, species):	STATEWIDE, *Grave Creek*, Coho Salmon, Chinook Salmon, Steelhead
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	**The Rogue Scenic Waterway** *390.826 (9)* Rogue River from the boundary of Crater Lake National Park, as constituted on December 8, 1988, downstream to the boundary of the Rogue River National Forest, as constituted on December 8, 1988 (near river mile 173), and from the confluence of the Rogue Status: ABOVE

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1710031003
HUC Watershed:	Grave Creek
WAB Wshed Order:	8
WAB Analysis:	GRAVE CR > ROGUE R - AB BURGESS G
Streamflow:	OWRD Opportunities: Good ODFW Needs: High Combined Priority: Current resources priority
Gaging Station Data:	-

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. ESRI World Elevation. February 2000. 1:121,000.

POD #2

Print Report

Oregon Water Resources Department
Attribute Report

Report Date: Apr 28, 2017

General:

TRSQQ:	WM34.00S5.00W8NESW
DLC:	-
Latitude:	42.6266058927
Longitude:	-123.3205342797
Buffer (ft):	1
Elevation (ft):	1394
Basin Name:	Rogue
Basin Plan:	5-Middle Rogue
County:	Josephine
WM District:	14
WM Region:	SOUTHWEST
ODFW Region, District:	Southwest Region, Upper Rogue District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM34.00S5.00W8
Well Logs:	Logs for WM34.00S5.00W8

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

Division 33 (Area, Watershed, species):	STATEWIDE, *Grave Creek*, Coho Salmon, Chinook Salmon, Steelhead
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	The Rogue Scenic Waterway *390.826 (9)* Rogue River from the boundary of Crater Lake National Park, as constituted on December 8, 1988, downstream to the boundary of the Rogue River National Forest, as constituted on December 8, 1988 (near river mile 173), and from the confluence of the Rogue Status: ABOVE

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1710031003
HUC Watershed:	Grave Creek
WAB Wshed Order:	7
WAB Analysis:	GRAVE CR > ROGUE R - AB WOLF CR
Streamflow:	OWRD Opportunities: Very good ODFW Needs: Highest Combined Priority: Current resources priority
Gaging Station Data:	-

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. ESRI World Elevation. February 2000. 1:121,000.

Res. 4

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application R87932 County Josephine
Priority Date 9-12-13 Township 34S Range 5W Section 7 & 8 Taxlot 400, 1200, 1300
Use Multipurpose Caseworker Mary R.
Amount (AF) 65 Watermaster Kathy Smith, #14

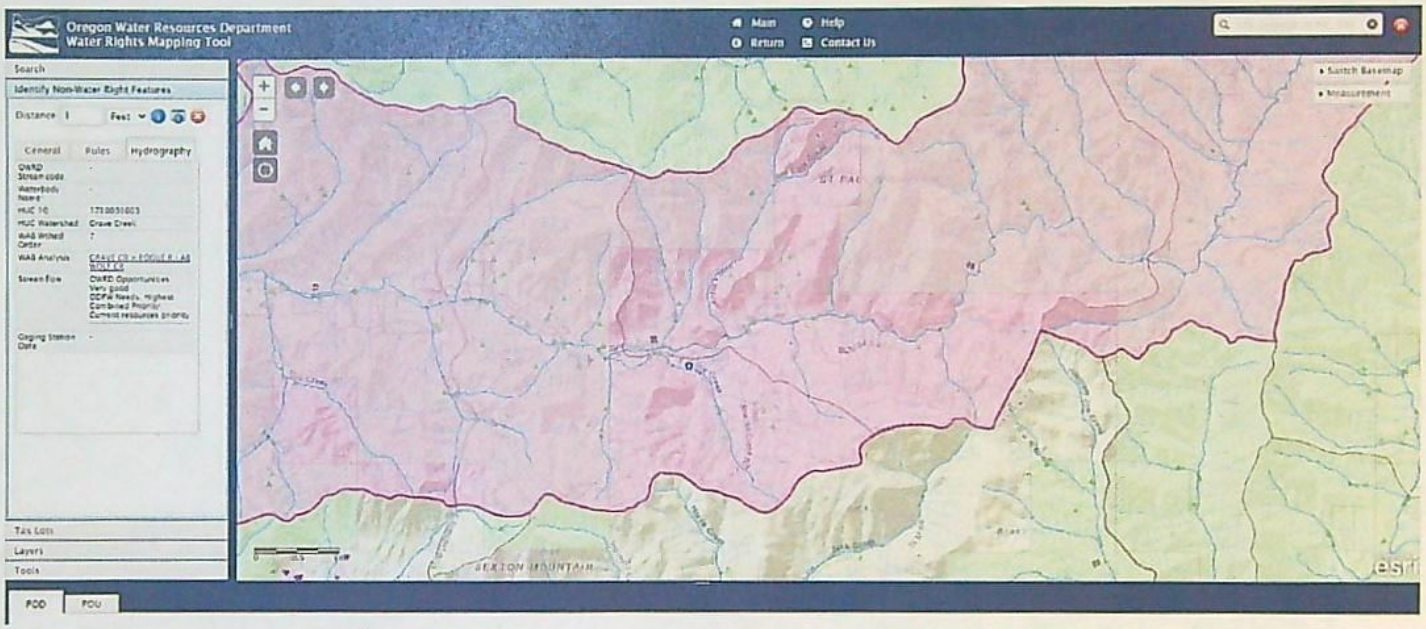
Minimum Requirements (ORS 537.409)

☑ **Completed Watermaster review sheet** signed and dated by Watermaster.
Will the reservoir injure an existing water right? ☐ YES ☑ NO
If YES, can conditions be applied to mitigate the injury? ☐ YES ☐ NO **If NO, return the application.**
Did the watermaster determine when water is available for the proposed use? ☐ YES ☐ NO
The Watermaster review sheet must have been completed within the last 6 months. NA
If the watermaster determined that water is NOT available, return the application.
☑ **Completed ODFW review sheet** signed and dated by ODFW representative.
Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☑ YES ☐ NO
If YES, can conditions be applied to mitigate the impact? ☑ YES ☐ NO **If NO, return the application.**
The ODFW review sheet must have been completed within the last 6 months.
☑ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
☑ **Landowner Name, Mailing Address** and Telephone Number.
☑ **Source** *and* tributary listed. *NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!*
☑ **Reservoir Location**- Township, Range, Section, Quarter Quarter, Taxlot
☑ **Dam height**, if applicable 5 ft
☑ **Total Quantity** of Storage Requested: 65 af
☑ **Proposed Use of the water....**Cannot accept application for use of this stored water at the same time (E2)
☑ **Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located .....**or**..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
☑ Provide the **legal description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement
☑ **Environmental Impact** section completed?
☑ **Application signed by the landowner(s)**? All parties noted as applicants must sign the application.
Must be an original "wet" signature.
☑ **Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the *applicant.***
☑ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
☑ Scale of the Map (not less than 1" = 1320') **
☑ Reference corner on map
☑ North Directional Symbol **
☑ ¼¼'s clearly identified
☑ Reservoir clearly identified **
☑ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**
☑ Fees enclosed**? Examination: Base Fee$ 350 Permit Recording Fee$ 450
plus$ 65 af x 30 = 1950
plus$

Total Paid $ 2750- **Total Fees $** 2750-
Completeness Check by: AM & JS Date: 9-13-13 *Revised 2011-3-3*

Attachment 2

Map showing Grave Cr > Rogue R >AB Wolf Cr. – AB Wolf Cr. Water Availability Basin. There is a blue dot at the approximate location of the dam for Reservoir 4 (Permit R-15319). The WAB is shaded in purple. Source: WRIS Water Right Mapper.



WATERWATCH

WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

OWRD
Extensions caseworker Jeffrey Pierceall
By email to: jeffrey.d.pierceall@water.oregon.gov

May 11, 2023

RE: WaterWatch comments regarding extension of time applications for applications R-87930 (permit R-15320) and R-87932 (permit R-15319) in name of Sunny Valley Sand and Gravel Inc.

Dear Mr. Pierceall:

Thank you for the opportunity to comment on the extension applications for reservoir applications R-87930 (permit R-15320) and R-87932 (permit R-15319). Please place these comments in the file for each application.

WaterWatch urges denial of the extensions for the reasons described below.

1. Water was not available for these applications at time of issuance for January or March, and thus it was unlawful to issue the permits; the permits should not be extended and should be cancelled (or at a minimum revised downward to comply with the water availability requirement and to include conditions requiring accountable measurement systems).

The two reservoir permits would allow for a combined storage of 150 acre-feet from Grave Creek over the months of January, February and March (80 acre-feet for permit R-15320 and 70 acre-feet for permit R-15319). As detailed below, OWRD made an error in issuing these reservoir permits when no water was not available for the use in January or March. At the time of permit issuance, OWRD's Surface Water Availability Reporting System (SWARS) for the relevant Water Availability Basin (WAB) incorrectly included zeroes for Instream Flow Requirement, when in fact there is an instream water right for the reach. Pursuant to ORS 537.153(2), and related rules, it was unlawful to issue the permits. As a result, OWRD should decline to extend the permits, under which no beneficial use has yet occurred, and should cancel the permits. As further described in (2)-(3) below, denial of the extensions based on the fact that water is not available for the season of use (and was not when the permits were issued) is supported by OAR 690-315-0040(1)(c) and (2)(d)-(e); and OAR 690-315-0040(4)(a) and (c)-(f).

a) Water was not available for the permits at time of issuance (or now) for the months of January and March in which the permits allow diversion for storage.

At time of permit issuance, SWARS for the relevant WAB failed showed an Instream Flow Requirement of zero for each month, even through there is an instream water right for this reach.

SWARS has since been somewhat corrected, confirming that there was not at time of permit issuance, and is not now, water available for the use in January or March.

The point of diversion (POD) at issue, that the reservoir permits share, is within the WAB GRAVE CR > ROGUE R - AB BURGESS G (AB Burgess Gulch WAB). *See* Attachment 1. SWARS data for this WAB that was used in determining whether water was available for the reservoir permits incorrectly showed zeros for Instream Flow Requirement (*see* Attachment 2; Attachments 3 shows this data from 2012).

In fact, Certificate 72697 establishes an instream water right for this reach, described in the certificate as "Grave Creek from Boulder Creek at River Mile 26.0 (NESW, Section 6, Township 34S, Range 4W WM); To Wolf Creek at River Mile 9.8 (NWNW Section 1, Township 34S, Range 7W WM)." *See* Attachment 4. That reach includes the POD for the reservoirs and the instream water right for the months of January, February and March is 135 cfs.

That SWARS error has since been partially corrected by OWRD, although SWARS incorrectly shows an Instream Flow Requirement of only 124 cfs and 125 cfs in January and March respectively, instead of the required 135 cfs. We request that SWARS be further corrected to account for the full 135 cfs instream water right for January and March.

The partially corrected SWARS data now shows that at 50% exceedance, there was/is no water available in January or March. *See* Attachment 5. As detailed in (c) below, the reservoir permits have not been removed from the water availability for the AB Burgess Gulch WAB, so this is not an artifact of the reservoir permits being removed from water availability..

b) OWRD's Water Rights Information System (WRIS) includes an unpermitted POD for each of the reservoirs and shows the reservoirs in the wrong WAB.

Each of the reservoir permits contains only one authorized point of diversion, which is described in the permits as: "2500 feet north and 2400 west from SE corner, Section 8."

However, WRIS shows an additional unauthorized POD for each reservoir:

For permit R-15320 (Reservoir #2):
POD 1 - GRAVE CREEK > ROGUE RIVER
2550 FEET NORTH AND 2400 FEET WEST FROM SE CORNER, SECTION 8
POD 1 - GRAVE CREEK > ROGUE RIVER
1140 FEET NORTH AND 3800 FEET WEST FROM SE CORNER, SECTION 8

For permit R-15319 (Reservoir #4)
POD 1 - GRAVE CREEK > ROGUE RIVER
2550 FEET NORTH AND 2400 FEET WEST FROM SE CORNER, SECTION 8
POD 2 - A RESERVOIR > GRAVE CREEK
"A reservoir in Grave Creek" - 840 FEET NORTH AND 5360 FEET WEST FROM SE CORNER, SECTION 8

Each "POD 2" shown in WRIS is *unauthorized* and needs to removed from WRIS immediately. There is no authorized second POD on Grave Creek for permit R-15320 and there is no authorized POD on "A reservoir" for permit R-15319. Inclusion of these unauthorized PODs in WRIS may be contributing to confusion over water availability and regulation of these permits. The errors needs to be corrected immediately.

c) SWARS shows the reservoir use in the wrong WAB.

To further complicate things, SWARS lists these reservoir permits in the WAB GRAVE CR > ROGUE R - AB WOLF CR (AB Wolf Cr. WAB). There is no POD for these reservoirs in that WAB. Unless and until the permits are cancelled or adjusted downward, the 150 acre-feet of storage associated with permits R-15319 and R-15320 should be removed from the AB Burgess Gulch WAB.

d) OWRD should decline to extend the permits and should cancel them; in the alternative, at a minimum, the permits must be limited to the corrected water availability with accountable measurement devices installed.

WaterWatch requests that OWRD decline to extend the permits and then cancel the permits. OWRD lacked authority to issue the permits because water was not available in January or March. The extension applications confirm that no beneficial use has occurred under either of the permits.

If OWRD allows any extensions, at the very minimum, the permits must be amended to limit storage in accordance with water availability by only allowing storage in February and to clarify that Applicant must bypass the 135 cfs instream water right prior to any diversion.

Further, if any extensions are granted, then consistent with the permits and pursuant to OAR 690-315-0050(5)(b) (allowing OWRD to add extension conditions to "Mitigate the effects of the subsequent development on competing demands on the resource"), the Director should require the permit holder to install streamflow measurement device(s) to ensure that live flow is not impeded outside of the storage season. In this situation, the permit holder should be required to install an approved streamflow measurement device on Grave Creek to ensure that the instream flow amount of 135 cfs is bypassed prior to any diversions. The measurement device should have a real time transponder and the data should be made publicly available on OWRD's website. Further, the permit holder should be required to regularly report any diversion amounts.

Given OWRD error regarding water availability, and the resulting failure to comply with the water permitting statute (ORS 537.153(2)), as well as many related rules of the Commission, in issuing the permits - combined with the history of this site - it is imperative to establish a robust, accountable way of ensuring that the instream water right is not injured by diversions associated with these unlawfully issued permits.

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2. The extensions should be denied because the Applicant cannot complete the project within the time period requested for the extension. (OAR 690-315-0040(1)(c)).

Applicant will not be able to complete the project within the time period requested, or ever, because water is not available in the amounts or in the months needed to support the applicant's operation as described in the extension applications. We also note here, Applicant lacks any permit to use the water out of the reservoirs for his operation.

Applicant states that its "operation would require approximately 110.5 acre-feet to operate the washing equipment." R-87930 EOT 2023 at 16. Applicant needs 3,000 gpm, or 6.68 cubic feet to operate this washing equipment. *Id.* It is unclear whether Applicant could meet this need if limited to February fill, consistent with water availability, and if bypassing the 135 cfs instream water right, as required. (The Applications detail why T-12837, if approved, would provide significantly less water than needed. *Id.*).

Further, the Applications explain that Applicant needs "water for up to 50 weeks of the year" and that the "operation is unlikely to be profitable if its operating year is cut short." *Id.* It appears, based on SWARS, that Applicant cannot obtain water to use during the 50 weeks each year that is needed for the operation. There is no water available for storage during January or March. T-12837 is a surface water right transfer and thus any water approved may not be stored, and certainly not for months on end outside of the season of use (April 1 through October 31). Therefore, based on water availability and according to the Applications, it appears Applicant cannot complete the project within the time requested.

Finally, Applicant lacks any right to use water for mining, including any secondary water use permit to use water from the reservoirs for mining. Water availability, among many other factors, certainly militates against issuance of any such permit. There is no certainty that Applicant can get the water it needs for its extensive mining operation along Grave Creek in Sunny Valley.

In sum, even if the extensions are granted (which they should not be), Applicant can't complete the project in the time requested and the extensions should be denied. OAR 690-315-0040(1)(c).

3. There is not good cause to issue the extensions and they should be denied.

There is not good cause to issue the extensions for reasons including, but not limited to, the following.

a) The market and present demand for the water requires denial of the extensions. (OAR 690-315-0040(2)(d)-(e) and (4)).

As detailed above, there is no water available for the use in January and March, and there wasn't at time of permit issuance. The present demands for the water are shown in the corrected SWARS data for the AB Burgess Gulch WAB and include 135 cfs for an instream water right that was not considered at time of permit issuance. That is a present demand for the water that needs to now be fully accounted for by denying the extensions.

Notably, ODFW's review of these applications (available in the file), presumably in reliance of OWRD's water availability data, also was based on water being available January, February and March. In other words, ODFW likely assumed that the instream water right would be met even with these diversions, which is not supported by the corrected water availability. Grave Creek supports coho salmon protected as Threatened under the federal Endangered Species Act, fall Chinook salmon, winter and summer steelhead, and cutthroat trout, whose needs were not adequately considered at time of permit issuance. There was, at time of permit issuance and there continues to be now, a high need for maintaining streamflow for these fish in this reach. OAR 690-315-0040(4)(c).

There is also not sufficient water available to satisfy other affected water rights, which were not properly considered at time of permit issuance, as shown in the now-corrected SWARS data. OAR 690-315-0040(4)(b). January and March already, without accounting for these reservoirs, have negative water available. The extensions should be denied.

Even without the lack of water availability, the market and present demand for other uses, including supporting runs of salmon and steelhead, outweigh the demand to divert water into reservoirs. The extensions should be denied.

b) Applicant has not demonstrated due diligence. (OAR 690-315-0040(2)(a)).

Applicant failed for more than four years to even start work to comply with the critically important reservoir liner condition for one of his reservoirs (which is a construction requirement), has not apparently started that work in the second reservoir, and did not install the required fish screen for more than four years. No water has been beneficially used under either permit. OAR 690-315-0040(2)(a).

c) OWRD should investigate various issues related to the good faith of the appropriator. (OAR 690-315-0040(2)(c)).

WaterWatch requests that OWRD investigate the following items related to the good faith of the appropriator that may pertain to the POD for these reservoirs (which is not currently authorized as a POD for any other water right). OWRD could request additional information from the Application pursuant to OAR 690-315-0040(6) ("The Department may request additional information necessary to evaluate an application.").

First, publicly available aerial photography shows that Applicant has a large water impoundment that has been full of water at a location that does not coincide with a permitted reservoir. The source of the water is unclear from the imagery. *See* Attachment 6. This ditch, or whatever it is, is angled directly at the POD, but it unclear whether it is connected. Applicant lacks any authorization to use the POD under any water right. We request that OWRD determine what this pit is and if it is a legal impoundment, and how Applicant is filling the pit. If Applicant is or has filled the pit from the POD, the extension must be denied for lack of good faith of the appropriator.

Second, we would also request that OWRD determine how Applicant has filled Reservoir 2, which is shown on publicly available imagery as full in at least 2022 and potentially additional years. *See* Attachment 7. Additionally, reviewing the reservoir permits, we do not think it is lawful to fill the reservoir (even from another POD) because Applicant has not complied with the reservoir permit conditions.

Third, publicly available aerial photography raises questions about whether Applicant has placed a structure, or dam of some kind, across Grave Creek at the location of this POD. *See* Attachment 8. We request that OWRD ascertain whether there is or has been a structure across Grave Creek here. Given that Applicant has not yet lined the reservoirs, Applicant lacks any legal authority to divert water from this POD and thus it would appear that damming up the river in any manner at this location is prohibited and likely a violation of these permits.

Fourth, at a November 10, 2022 field visit by DOGAMI and DEQ, Applicant's diversion with a fish screen, which would be the POD for the reservoirs, was "currently being used to irrigate tree plantings (marked with flags) and other irrigation needs of the Permittee/landowner." *See* Attachment 10 at p. 2. Applicant did state later in an email to the agencies that this water was from dewatering a valve box. We request that OWRD ascertain whether Applicant was using this POD unlawfully to water riparian plantings or for any other use. If water was being unlawfully used from this POD, the extensions should be denied in full.

d) OWRD should find that there is not good cause to issue the extensions because the permits were issued in error and water is not available for the use. (OAR 690-315-0040(2)(j)).

OAR 690-315-0040(2)(j) specifies that OWRD may consider "[a]ny other factors relevant to a determination of good cause." Here, OWRD should consider that fact that the permits should not have been issued, because there was not water available, to support a finding that there is not good cause to issue the extensions. It's unclear how the error with SWARS occurred, if the error was always in the system, or how long it had been in the system - but in any case, we request that OWRD should remedy the fact that the permits were issued contrary to law by now denying the extensions.

e) Applicant's economic investments in the project have been made without securing the needed water rights and should not therefore be used as justification to issue the extensions. (OAR 690-315-0040(2)(d)).

The Applications detail expenditures, but all of those expenditures have been made while Applicant lacks any right to use any water for mining, despite the stated need for large amounts of water to operate at the 8 hours per day, five days per week, 50 weeks every year required to be profitable. R-87930 EOT 2023 at 16. The reservoir permits at issue here do not give Applicant any right to use water for mining, and Applicant has not secured any secondary permit to use any of the water it could have stored in the reservoirs. Applicant also lacks final approval for T-12837 (which in any case, as the EOT Applications detail, is vastly insufficient to support the operation). Further, in the event that the reservoir permits are extended and not cancelled, the fact that water was not, and is not, available for the reservoir storage at least in January and

March will weigh heavily in any attempt to secure a secondary permit to use that water for mining, especially in light of the instream water right and the listed fish that use Grave Creek. Notably, Applicant also lacks the necessary stormwater water discharge permit from the Oregon Department of Environmental Quality.

The fact that Applicant made significant expenditures on an operation—in an extremely water limited area of Oregon on a stream that supports threatened coho salmon and runs of Chinook salmon and winter and summer steelhead—without securing the large amounts of water it says it needs is not a reasonable basis for extending the permits.

4. Conclusion

OWRD erred in issuing the permits when water was not available for the use. For the reasons described above, OWRD should deny the extensions and cancel the permits. If any extensions are considered, WaterWatch requests that OWRD first finish correcting SWARS by removing the full 135 cfs instream water right for January and March. Any extensions should then restrict the use consistent with the corrected water availability, which at a minimum entails limiting any reservoir fill to the month of February only (and may require reducing the storage amount depending on what the further corrected SWARS shows). Additionally, if any extension is granted, it should be conditioned, pursuant to OAR 690-315-0050(5)(b), to require installation of an accountable and transparent streamflow and diversion measurement system prior to any diversion to ensure that the senior instream water right—which was not accounted for by ODFW or OWRD when the permits were issued—is fully protected at all times.

Thank you for your consideration of these comments. Please do not hesitate to contact me with any questions.

Sincerely,

Lisa A. Brown

Lisa A. Brown
Staff Attorney
P: 503.295.4039 x102
lisa@waterwatch.org

TABLE OF ATTACHMENTS

Attachment 1	Maps Showing Grave Cr > Rogue R – AB Burgess G Water Availability Basin and POD for reservoirs
Attachment 2	Surface Water Availability Reporting System data for Application R-87930 from OWRD file, dated 5-17-2017, with added yellow highlighting showing incorrect Instream Flow Requirements of zero for AB Burgess Gulch Water Availability Basin (from OWRD file for R-87930)
Attachment 3	Surface Water Availability Reporting System data, dated 10-04-2012, for Grave Cr > Rogue R – AB Burgess G Water Availability Basin incorrectly showing Instream Flow Requirements of zero (from OWRD file for R-87930)
Attachment 4	Instream Water Right Certificate 72967
Attachment 5	Surface Water Availability Reporting System data, dated 5-09-2023, for Grave Cr > Rogue R – AB Burgess G Water Availability Basin showing Instream Flow Requirements
Attachment 6	Surface Water Availability Reporting System data, dated 10-02-2012, for Grave Cr > Rogue R – AB Wolf Cr Water Availability Basin
Attachment 7	Aerial photo showing impoundment
Attachment 8	Aerial photo showing Reservoir 2
Attachment 9	Aerial photo showing the POD
Attachment 10	DOGAMI/DEQ Field Inspection Report (12-01-2022)

Attachment 1: Maps showing Grave Cr > Rogue R – AB Burgess G Water Availability Basin and POD for the reservoirs

Figure 1. Map of WAB Grave Cr > Rogue R – AB Burgess G. Source: WRIS Water Right Mapper.

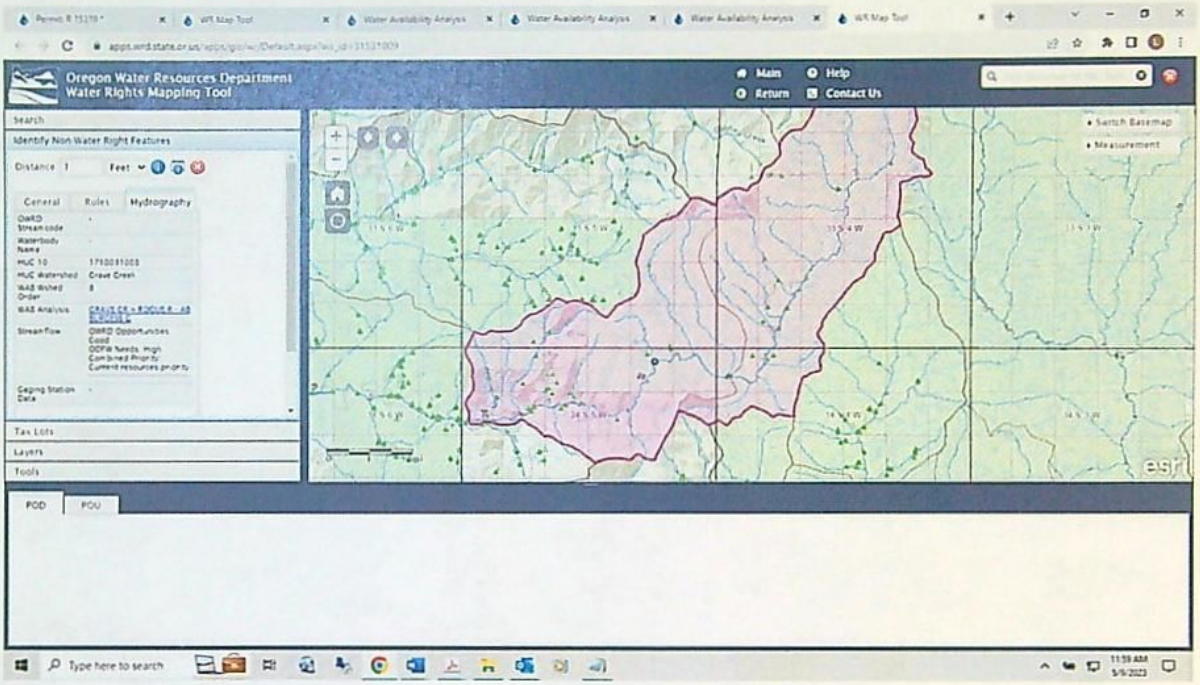
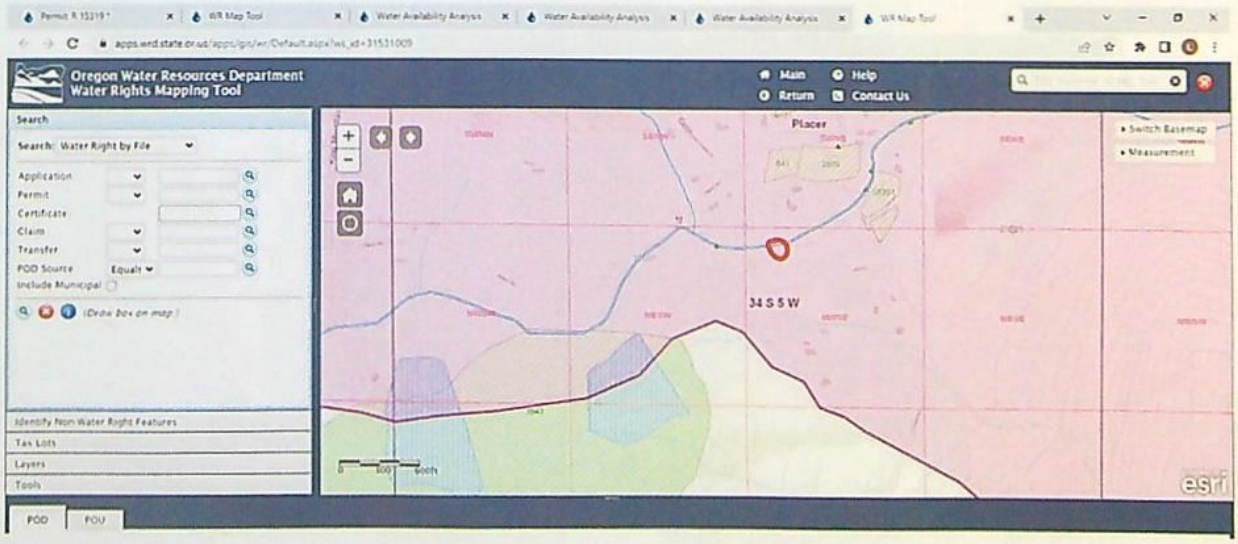


Figure 2. POD for reservoirs (circled in red to enhance visibility) shown within WAB Grave Cr > Rogue R – AB Burgess G (shaded light purple). (Reservoirs also shown cross-hatched in blue). Source: WRIS Water Right Mapper.



Oregon Water Resources Department
Water Availability Analysis

Main Help
Return Contact Us

POD #1

Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 11:59 AM

[redacted]

Limiting Watersheds | Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Select	5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Select	6	**31531009**	**GRAVE CR> ROGUE R- AB BURGESS G**	**Yes**	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**Yes**

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Oregon Water Resources Department
Water Availability Analysis

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Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Site
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60
APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-122.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-770.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,520.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	31531009	GRAVE CR > ROGUE R - AB BURGESS G	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 266 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,890.00	588.00	2,120.00	0.00	2,000.00	122.00
AUG	1,990.00	505.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

ATTACHMENT 2

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.69	0.02	0.13	2.29	0.09	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	0.14	2.29	0.11	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	0.14	2.29	0.11	2,240.00
APR	1,020.00	101.00	381.00	3.69	0.03	0.14	2.29	0.11	1,510.00
MAY	2.69	163.00	263.00	3.59	0.03	0.14	2.29	0.11	443.00
JUN	0.09	230.00	264.00	3.59	0.03	0.13	2.29	0.10	508.00
JUL	0.01	309.00	246.00	3.59	0.03	0.12	2.29	0.10	568.00
AUG	0.00	254.00	238.00	3.59	0.03	0.12	2.29	0.10	506.00
SEP	0.00	165.00	230.00	3.59	0.03	0.12	2.29	0.10	409.00
OCT	0.73	52.10	164.00	3.59	0.03	0.12	2.29	0.10	259.00
NOV	112.00	0.07	179.00	3.59	0.03	0.12	2.29	0.10	305.00
DEC	255.00	0.07	307.00	3.59	0.03	0.13	2.29	0.09	571.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF265A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531008 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	8,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,620.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,460.00	477.00	983.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,860.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,500.00	815,000.00	2,660,000.00	0.00	2,120,000.00	826,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	859.00	0.07	311.00	2.79	0.01	0.14	2.18	0.09	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	0.14	2.18	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	0.14	2.18	0.11	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	0.14	2.18	0.11	1,490.00
MAY	2.59	154.00	251.00	2.69	0.01	0.14	2.18	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	0.13	2.18	0.10	479.00
JUL	0.01	293.00	232.00	2.69	0.01	0.11	2.18	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	0.11	2.18	0.10	477.00
SEP	72.90	157.00	218.00	2.69	0.01	0.12	2.18	0.10	457.00

OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	258.00
DEC	158.00	0.07	290.00	2.69	0.01	6.14	2.16	0.09	458.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY915038	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531001 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00
MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	482.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,013.00	0.00	2,400.00	-1,380.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	288.00	2,012.00	0.00	3,500.00	-1,490.00
DEC	5,750.00	552.00	5,190.00	0.00	3,500.00	1,690.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,090.00	0.07	381.00	3.20	0.01	6.83	2.22	0.11	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,020.00	96.70	369.00	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.22	0.10	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	288.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

ATTACHMENT 2

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,800.00	3,500.00	3,500.00
Maximum		3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,800.00	3,500.00	3,500.00

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71035 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	228.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.60
MAY	68.70	3.49	65.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.62
JUL	18.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.68	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.89	253.00	0.00	135.00	118.00
ANN	112,000.00	1,930.00	110,000.00	0.00	56,900.00	57,600.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.65	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.26	0.00	0.27	0.01	0.00	0.89

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
I5710035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71034 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.80
FEB	254.00	0.39	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.80	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.58	4.33	0.00	8.89	-4.58
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30
NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,300.00	59,200.00	0.00	65,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.58
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
I371534A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.80	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		**135.00**	**135.00**	**135.00**	**119.00**	**50.60**	**40.00**	**8.89**	**5.09**	**40.00**	**40.00**	**80.00**	**135.00**

Detailed Reports for Watershed ID #31531009

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	125.00	0.05	125.00	0.00	0.00	125.00
FEB	164.00	0.06	164.00	0.00	0.00	164.00

ATTACHMENT 2

MAR	124.00	0.05	124.00	0.00	0.00	124.00
APR	86.40	0.94	85.50	0.00	0.00	85.50
MAY	40.40	1.49	38.90	0.00	0.00	38.90
JUN	15.80	2.09	13.70	0.00	0.00	13.70
JUL	6.10	2.79	3.31	0.00	0.00	3.31
AUG	3.40	2.30	1.10	0.00	0.00	1.10
SEP	3.10	1.51	1.59	0.00	0.00	1.59
OCT	5.30	0.50	4.80	0.00	0.00	4.80
NOV	24.40	0.04	24.40	0.00	0.00	24.40
DEC	88.70	0.04	88.70	0.00	0.00	88.70
ANN	41,100.00	720.00	40,300.00	0.00	0.00	40,300.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
FEB	0.02	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.06
MAR	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
APR	0.00	0.90	0.00	0.00	0.00	0.04	0.00	0.00	0.94
MAY	0.00	1.45	0.00	0.00	0.00	0.04	0.00	0.00	1.49
JUN	0.00	2.05	0.00	0.00	0.00	0.04	0.00	0.00	2.09
JUL	0.00	2.75	0.00	0.00	0.00	0.04	0.00	0.00	2.79
AUG	0.00	2.26	0.00	0.00	0.00	0.04	0.00	0.00	2.30
SEP	0.00	1.47	0.00	0.00	0.00	0.04	0.00	0.00	1.51
OCT	0.00	0.46	0.00	0.00	0.00	0.04	0.00	0.00	0.50
NOV	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04
DEC	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

Water Availability Tables

WATER AVAILABILITY TABLE

GRAVE CR > ROGUE R - AB BURGESS G

Watershed ID #: 31531009 **Basin: ROGUE** **Exceedance Level: 80**
Time: 11:01 AM **Date: 10/04/2012**

# Watershed Nest	ID Number	Stream Name	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	STOR
1	266	ROGUE R > PACIFIC OCEAN - AT MOUTH	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES
2	31531008	ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
3	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
4	71035	GRAVE CR > ROGUE R - AT MOUTH	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
5	71034	GRAVE CR > ROGUE R - AB WOLF CR	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
6	31531009	GRAVE CR > ROGUE R - AB BURGESS G	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

GRAVE CR > ROGUE R - AB BURGESS G

Watershed ID #: 31531009 Basin: ROGUE Exceedance Level: 80
Time: 8:12 AM Date: 10/02/2012

Monthly values are in cfs.
Storage is the annual amount at 50% exceedance in ac-ft.

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
JAN	50.50	0.05	50.50	0.00	0.00	50.50
FEB	80.10	0.08	80.00	0.00	0.00	80.00
MAR	79.60	0.05	79.50	0.00	0.00	79.50
APR	49.70	0.94	48.80	0.00	0.00	48.80
MAY	25.30	1.49	23.80	0.00	0.00	23.80
JUN	10.50	2.09	8.41	0.00	0.00	8.41
JUL	5.00	2.79	2.21	0.00	0.00	2.21
AUG	3.30	2.30	1.00	0.00	0.00	1.00
SEP	2.40	1.51	0.89	0.00	0.00	0.89
OCT	3.00	0.50	2.50	0.00	0.00	2.50
NOV	8.50	0.04	8.46	0.00	0.00	8.46
DEC	27.80	0.04	27.80	0.00	0.00	27.80
ANN	41,100	722	40,300	0	0	40,300

RECEIVED BY OWRD

NOV 15 2017

SALEM, OR

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97310

The specific limits for the use are listed below along with conditions of use.

Source: GRAVE CR tributary to ROGUE R

County: JOSEPHINE

Proposed use: Providing required stream flows for coho and fall chinook salmon, cutthroat trout, and winter and summer steelhead for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

GRAVE CREEK FROM BOULDER CREEK AT RIVER MILE 26.0 (NESW, SECTION 6, TOWNSHIP 34S, RANGE 4W WM); TO WOLF CREEK AT RIVER MILE 9.8 (NWNW, SECTION 1, TOWNSHIP 34S, RANGE 7W WM)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is 12/ 7/1990.

The following conditions apply to the use of water under this certificate:

1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
135.0	135.0	135.0	119	50.6	21.8	8.89	5.09	4.35	6.74	31	135

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.

3. For purposes of water distribution, this instream right shall not have priority over human or livestock consumption.

4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.

5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.

Witness the signature of the Water Resources Director, affixed AUGUST 30, 1996.

Martha O. Pagel

Martha O. Pagel

Recorded in State Record of Water Right Certificate number 72697.

IS71034

ATTACHMENT 5

Water Availability Analysis | Oregon Secretary of State Adm

apps.wrd.state.or.us/apps/wars/wars_display_wa_tables/display_wa_table.aspx?ws_id=31531009&exlevel=50&scenario_id=1

Oregon Water Resources Department
Water Availability Analysis

Main | Help | Return | Contact Us

Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN

Water Availability as of 5/11/2023

Watershed ID #: 31531009 (Map)
Date: 5/11/2023

Exceedance Level 50%
Time: 11:16 AM

Water Availability | Limiting Watersheds | Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Sho
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Select	5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Select	6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	No	Yes	No	No	No	No	No	No	No	No	No	No	Yes

Download Data (Text - Formatted, Text - Tab Delimited, Excel)

Type here to search | 3:47 PM 5/11/2023

ATTACHMENT 5

Watershed ID	Exceedance Level	Month	Natural Stream Flow	Consumptive Use	Expected Stream Flow	Reserved Stream Flow	Instream Requirement	Net Water Avail	Download Date
31531009	50	JAN	125	0.042	125	0	125	-0.042	5/9/2023
31531009	50	FEB	164	0.071	164	0	135	28.9	5/9/2023
31531009	50	MAR	124	0.042	124	0	124	-0.042	5/9/2023
31531009	50	APR	86.4	0.942	85.5	0	86.4	-0.942	5/9/2023
31531009	50	MAY	40.4	1.49	38.9	0	40.4	-1.49	5/9/2023
31531009	50	JUN	15.8	2.09	13.7	0	15.8	-2.09	5/9/2023
31531009	50	JUL	6.1	2.79	3.31	0	6.1	-2.79	5/9/2023
31531009	50	AUG	3.4	2.3	1.1	0	3.4	-2.3	5/9/2023
31531009	50	SEP	3.1	1.51	1.59	0	3.1	-1.51	5/9/2023
31531009	50	OCT	5.3	0.501	4.8	0	5.3	-0.501	5/9/2023
31531009	50	NOV	24.4	0.041	24.4	0	24.4	-0.041	5/9/2023
31531009	50	DEC	88.7	0.042	88.7	0	88.7	-0.042	5/9/2023
31531009	50	ANN	41100	720	40300	0	39400	1620	5/9/2023

Application G-17580 Date: Page 11

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

GRAVE CR > ROGUE R - AB WOLF CR

Watershed ID #: 71034 Basin: ROGUE Exceedance Level: 80

Time: 8:15 AM Date: 10/02/2012

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
		Monthly values are in cfs. Storage is the annual amount at 50% exceedance in ac-ft.				
JAN	76.20	0.40	75.80	0.00	135.00	-59.20
FEB	120.00	0.49	120.00	0.00	135.00	-15.50
MAR	117.00	0.40	117.00	0.00	135.00	-18.40
APR	69.50	1.70	67.80	0.00	119.00	-51.20
MAY	33.70	2.55	31.10	0.00	50.60	-19.50
JUN	13.70	3.47	10.20	0.00	40.00	-29.80
JUL	7.02	4.56	2.46	0.00	8.89	-6.43
AUG	4.97	3.80	1.17	0.00	5.09	-3.92
SEP	3.61	2.59	1.02	0.00	40.00	-39.00
OCT	4.06	1.03	3.03	0.00	40.00	-37.00
NOV	10.50	0.32	10.20	0.00	80.00	-69.80
DEC	38.30	0.34	38.00	0.00	135.00	-97.00
ANN	60,500	1,310	59,200	0	55,500	13,100

Version: 08/15/2003

ATTACHMENT 7

OREGON EXPLORER

Map - Sunny Valley Sand and Gravel

ATTACHMENT 8

1: 6,500

Legend

- County Boundaries (2015)
- Dark Gray Canvas Reference
- Dark Gray Canvas Base

Notes

0.2 0 0.10 0.2 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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Data layers that appear on this map may or may not be accurate, current, or reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION.

OREGON EXPLORER

Map - POD for Permits R-15319 and R-15320

ATTACHMENT 9

Legend

- County Boundaries (2015)
- Dark Gray Canvas Reference
- Dark Gray Canvas Base

Notes

0.0 0 0.01 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Oregon Department of Geology and Mineral Industries
1200-A NPDES Industrial Stormwater Permit
Facility Inspection Report

General Information			
Registrant Name	Sunny Valley Sand & Gravel Inc.	Report Date	12/1/22
DEQ File Number	122874	Inspection Date	11/10/22
EPA File Number	ORR32-8099	Entry/Exit Time	11 AM- 2:30 PM
DOGAMI Permit ID	17-0145/17-0150	Facility Type	Aggregate mine
Inspector	Lisa Reinhart	Primary Inspection Type	Application
Other Inspector	Kathy Jacobsen (DEQ)	Weather Conditions	50's, dry, cloudy

Facility Information			
Common Name	Sunny Valley Sand & Gravel		
Physical Address	153 & 274 Daisy Mine Road, Placer		
DEQ Region	Western		
Original Issuance Date	5/17/13	Renewal Date	
Receiving Waterbody	Grave Creek & Shanks Creek		
Primary SIC Code	1442		
Date of Last Inspection	2/12/13		
Prior Enforcement Actions	8/16/21, WLOC, Failure to submit DMR by deadline 8/16/17, WLOC, Failure to submit DMR by deadline		
Site Representative(s)	Andreas Blech, Site Owner/Operator Dan Drinkwater, Rocky Mountain Construction		

Facility Description

The site is located in historic Placer, Oregon approximately 4 miles east of I-5. Exploration activities have ceased and the facility wishes to conduct mining activity including excavation of a series of sand and gravel pits in the terraces south of Grave Creek to a depth of 40-80 feet bgs, with the excavated materials processed in the southeast portion of the site. This facility has the potential to discharge stormwater from the industrial facility to waters of the state and conveyance ditches to those waters. This facility also plans on generating and storing wastewater from aggregate washing activities.

Inspection Narrative

Background:

Due to not having County Land Use approval for mining activities at the time of the original application, this facility was issued a 1200-A Permit FOR EXPLORATION ACTIVTIES ONLY in May 2013 (note the DOGAMI Exploration Permit at that time was ID 17-0150). Permit coverage is explicitly for exploration activities only and does not cover mining operations. As noted in the Response to Comments when the 1200-A Exploration Permit was issued (available upon request), "to proceed with permanent commercial mining activities, [Sunny Valley Sand and Gravel] SCSG must receive a Conditional Use Permit from Josephine County, apply for and receive a DOGAMI Operating Permit, and if needed, reapply to DEQ for additional 1200-A permit coverage". DOGAMI issued the Operating Permit in 2016 and Josephine County issued a development permit (PL-2022-00783) on August 30, 2022. Pursuant to DOGAMI's Operating Permit, condition 16, the Permittee is not allowed to conduct mining activities other than for onsite road construction without prior approval from DOGAMI. DOGAMI has repeatedly informed the Permittee that the facility must obtain coverage under the 1200-A permit for mining activities before allowing mining activities under the Operating Permit. The Permittee has questioned if the 1200-A is required or if the WPCF 1000 would be more appropriate.

Sunny Valley Sand & Gravel has maintained coverage under the Exploration Only 1200-A Permit, File 122874, by paying the annual fee and submitted a renewal application for continued coverage in 2017.

Oregon Department of Geology and Mineral Industries
1200-A NPDES Industrial Stormwater Permit
Facility Inspection Report

Inspection Narrative:
A map and photos are enclosed to accompany the following narrative.

Due to the complicated matters of this site, I requested assistance from DEQ for this site inspection. Kathy Jacobsen (DEQ) and I accessed the site off Daisy Mine Road and noted the bridge has a weight capacity of 36 tons. We met with Andreas Blech (Permittee/Landowner) and Dan Drinkwater (Rocky Mountain Construction – future operator) at the northeast corner of the property to evaluate current site conditions and determine if the site needs coverage under the NPDES 1200-A permit or if a WPCF 1000 permit is adequate for proposed processing operations.

After a brief introduction, we observed a fish screen located within Grave Creek. (Photo 1) The fish screen is a diversion inlet (which Mr. Blech stated was approved through Oregon Division of Water Resources) that pulls water from Grave Creek and is currently being used to irrigate tree plantings (marked with flags) and other irrigation needs of the Permittee/landowner. We observed several marked stakes that Mr. Blech said were monitoring locations for the riparian mitigation project. The diversion would be used to feed the future processing plant with fresh water for washing of aggregate. South of this location is a linear sound berm (photo 2) that parallels the eastern permit boundary. The sound berm appeared to be approximately 10-12' in height, 500' in length, at approximately H1.5:1V, and had some vegetation established to minimize erosion.

We then travelled southwest by vehicle to a water filled pit approximately 80' in length in 30' in width and unknown depth (herein referenced as a borrow pit) (photo 3). Mr. Blech stated this pit was developed when they needed material to build the eastern sound berm and upon DOGAMI approval, mining will begin in this area (starting on the east end and moving west). We noted trenches extending to the east and the west from the pond (photo 4 & 5).

While traveling to reservoir 1, we noted a ditch running perpendicular to the road and towards Grave Creek. We stopped the vehicle and walked the heavily vegetated ditch (see yellow dotted line on photo map) to the location where it intersects the Creek (photo 6). Mr. Blech later explained these ditches are used to covey water from Grave Creek for agricultural irrigation purposes. We also noted a pump with screen (photo 7) along the road. The use of the pump and screen was not discussed. We stopped along the eastern boundary of a ~5-acre reservoir (herein noted as reservoir 1) (photo 8). A settling basin/swale (photos 9 & 10) was observed on the south end of the reservoir and Mr. Blech explained how process wastewater would discharge from the processing plant into the setting basin and eventually feed into the larger reservoir. The processing plant is proposed to be located just east of the reservoir (photo 11).

South of the processing area we observed several storage containers and a covered storage area (photo 12). There were no observations of oil, grease, or fuel storage, however; an oil stain was noted along the road just west of this area (photo 13). Mr. Blech was asked to promptly clean this spill up and remove contaminated soil.

We then travelled by foot past the care takers residence to the existing quarry which is actively used for extraction of material for building interior roads. Miscellaneous equipment and vehicles are stored around the residence (photo 14). Directly behind the residence is an old screening plant that did not appear to have been recently used (photos 15 & 16). We walked clockwise through the quarry and noted the highwall to be approximately 650 liner feet and vary from 0-30'

in height (photos 17 & 18). Stormwater within the quarry area appears to drain internally or drain down the access road on the southwestern portion of the quarry (photo 19). The area had recently received heavy rain and pools of stormwater were noted in several basins along the road (photos 20 & 21). We noted that the mapped intermittent streams in the area were not flowing surface water at the time. A larger setting basin was noted at the base of the access road (photo 22) and any overflow from this basin would drain to an ephemeral drainage system via a culvert. We also noted an abundance of scrap materials, tires, and equipment located within the quarry area (photos 23 & 24). We notified Mr. Blech that Oregon DEQ has regulations around solid waste and if more than 100 waste tires (or other solid waste) are stored a waste permit is required. It did not appear that more than 100 waste tires were stored at the time of the inspection. A mobile fuel tank and other heavy equipment were located in the southwestern corner of the quarry (photo 25).

We then traveled along the southwestern perimeter of reservoir 1 and noted a white pipe (photo 26) that could be used to drain the reservoir. Mr. Blech stated this outlet was a requirement for the reservoir. Although it was not discussed during the inspection; a discharge from a reservoir (photo 27) that contains process water is not allowed under the 1200-A permit and the discharge of process wastewater (from the wash plant that drains to the reservoir) to waters of the state requires an Individual NPDES permit. We then traveled to the radio tower and observed a spill container that did not contain adequate spill supplies (photo 28).

We then traveled westerly to the location of a "low water crossing" at Shanks Creek (photos 29 & 30). Mr. Blech explained that a neighbor uses this crossing as access to their residence and the water typically only flows during the rainy months. I explained to Mr. Blech that a water crossing like this is not allowed under the 1200-A permit because it is essentially placing sediment (from vehicles and wheels) directly into the stream without any treatment. Mr. Blech stated that he may be able to limit any mining operations from crossing the stream but as the landowner he would need to be able to access it. He also expressed the intent to conduct forestry operations on the timbered land south of Shanks Creek. We did not observe any mining activity in the area south of Shanks Creek but did observe a few empty drums of oil and herbicide (photo 31).

We then travelled towards the western permit boundary and noted the western sound berm which appeared approximately 10-15' in height and ~600' in length (photo 32). Stormwater appears to drain to this location and pond up at the base of the sound berm.

We then reversed direction and traveled easterly back to the location of the radio tower and then travelled north to the new bridge that allows for heavy equipment and haul trucks to cross Grave Creek (photo 33). A mobile screener was noted near the new bridge (photo 34). The bridge is bermed along the sides with concrete pavers, however it appears that stormwater on either side of the bridge entrance will drain down into Grave Creek which is considered discharge to waters of the state (photo 35 & 36). We continued uphill along the access road (photos 37 & 28) north to the paved entrance/exit at Placer Road (photo 39). Sheet erosion from Placer Road was noted along the newly developed entrance/exit (photos 40 & 41). It appears that stormwater from the access road drains down a ditch along the north side of the road and is diverted under the road towards Grave Creek. Any stormwater that drains from the access road and reaches Grave Creek is a stormwater discharge that must be managed and treated prior to discharging to Grave Creek. A settling basin at the junction of the access road and Placer Road directs stormwater from Placer Road to drain under the access road and discharge from a culvert (photo 42) near the entrance. It

Oregon Department of Geology and Mineral Industries
1200-A NPDES Industrial Stormwater Permit
Facility Inspection Report

was not apparent if stormwater diversions along the access road would drain to Grave Creek or infiltrate in the vegetated hillside. Mr. Blech stated a berm exists at the base of the hillside to prevent a discharge from the slope to Grave Creek. Further investigation on these potential discharges is warranted.

We closed out the inspection at the entrance/exit and Mr. Blech provided records of site inspections, lab analysis reports, the existing SWPCP (dated 2/20/13), and monitoring variance request forms.

Based on the inspection, I have determined this site does have the potential to discharge stormwater from the industrial facility to waters of the state and requires coverage under the 1200-A permit. Furthermore, if wastewater from reservoir 1 is discharged to the nearby conveyance, an Individual NPDES permit is likely required. DEQ issues and administers Individual permits. I asked Mr. Blech to work with his consultant to revise the SWPCP to clearly show the site operations for their planned mine site. I told Mr. Blech that given the 1200-A permit is expired, and new coverage can't be issued, Kathy and I would investigate how this facility can get coverage. Options include updating the existing permit registration for the Exploration Only permit (DEQ File #12287) or obtaining coverage under the expired permit by Mutual Agreement and Order (MAO) through DEQ.

We departed the site at approximately 2:30 PM.

Oregon Department of Geology and Mineral Industries
1200-A NPDES Industrial Stormwater Permit
Facility Inspection Report

EVALUATION OF PERMIT COMPLIANCE				
Schedule A Narrative Technology-Based Effluent Limits (TBEL)				
TBEL	Acceptable			Evaluation
Erosion and Sediment Control *Schedule A(1)(a)*	Yes ☐	No ☒	N/A ☐	Newly exposed areas along the new access road are not stable and do not prevent sedimentation. The permit registrant must employ additional erosion control methods such as vegetating exposed areas and installing velocity dissipation BMPs. Until vegetation is established, use mulching or other interim practices such as soil tackifiers, compost blankets, or erosion control blankets/mats to minimize erosion.
Minimize Exposure *Schedule A(1)(b)*	Yes ☒	No ☐	N/A ☐	Exposure from fuels, oil, grease, hydraulic fluid, and used containers/barrels have been minimized by using closed containers.
Oil & Grease *Schedule A(1)(c)*	Yes ☐	No ☒	N/A ☐	An oil spill was noted along the road near the fueling area.
Waste Chemicals and Material Disposal *Schedule A(1)(d)*	Yes ☐	No ☒	N/A ☐	Scrap materials and waste (woody debris and used tires) are located near the quarry and caretakers residence. The permit registrant is advised that if waste materials are stored on-site for more than 6 months a solid waste permit may be required.
Debris Control *Schedule A(1)(e)*	Yes ☒	No ☐	N/A ☐	Waste and other floatable debris was not observed in stormwater drainage systems.
Housekeeping *Schedule A(1)(f)*	Yes ☒	No ☐	N/A ☐	Exposed areas that may contribute pollutants to stormwater appeared clean and orderly.
Spill Prevention and Response *Schedule A(1)(g)*	Yes ☐	No ☐	N/A ☐	Not evaluated
Preventative Maintenance *Schedule A(1)(h)*	Yes ☐	No ☐	N/A ☐	Not evaluated
Employee Education *Schedule A(1)(j)*	Yes ☐	No ☐	N/A ☐	Not evaluated
Non-Stormwater Discharges *Schedule A(1)(k)*	Yes ☒	No ☐	N/A ☐	There were no non-stormwater discharges observed.

Control Measures for Technology Based Effluent Limits (Indicate BMPs Evaluated)			
☒	Rock check-dams	☒	On-site Bioswale
☒	Vegetated Buffers	☐	Stormwater Recycle/Re-Use
☒	Settling Basin	☐	Constructed Wetlands
☐	Source Control	☐	Sweeping
☐	Off-site Stormwater Diversion	☐	Stormwater Treatment System
☐	Settling Ponds	☐	Sediment Fence
☐	Other (describe)		
Facility shows documented evidence of adaptive management to control pollutants?			No

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Comments
The permit registrant must select, design, install, implement and maintain control measures to meet the narrative technology based effluent limits in Schedule A.1. For technology based effluent limits that require the permit registrants to minimize pollutants in the discharge, the permit registrant must reduce or eliminate pollutants to the extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice. In selecting the appropriate control measures to meet these limits, the permit registrant may consider the age of the equipment and facilities involved, the processes employed, the engineering aspects of the application of various types of control techniques, the pollutant reductions likely to be achieved, any adverse environmental or energy effects of potential measures, and the costs of achieving pollutant reductions.

Stormwater Pollution Control Plan			
SWPCP is Onsite	Yes	SWPCP is Current	No
Most Recent Revision	5/8/13	Mining Activity	Inactive
Comments			
The SWPCP was reviewed as part of the inspection and was found deficient to meet the requirements of the proposed active mining operation. A revised SWPCP that identifies how mining activity will commence and what BMPs will be implemented to minimize pollution to the extent practicable and achievable is required.			

Corrective Actions for Impairment Pollutants and Benchmark Exceedances			
Tier I Reports	N/A	Tier II Status	N/A
Tier II Install Date		Post-Install Exceedance Reports	
Mass Reduction Waiver		Natural Background Waiver	
Tier II Corrective Action			
Do the Tier II Treatment Measures Match the Accepted Corrective Action Plan?			
List Installed Tier II Treatment Measures			
Comments			
Based on the historical annual DMR submissions, it appears samples from above the mine and below the mine have been taken but those are not "representative" of what is discharged from the site. The site is currently inactive and therefore qualifies for a monitoring waiver. See photos 44 & 45 for Grave Creek upstream and downstream from the facility (no visible difference in turbidity).			

Schedule B Monitoring Requirements			
Number of Discharge Points in SWPCP	0	Sampling Personnel	
Number of Discharge Points Observed		Number of Sampled Discharge Points	
Outfalls Match SWPCP		Sampling is Representative of Discharge	
Comments			
The permit registrant must identify the appropriate monitoring locations for future sampling. Samples must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in the SWPCP and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of the Director. The permit registrant is not required to conduct monitoring for the remainder of the permit term if a site is inactive and has effective erosion and sediment control measures in exposed areas. The permit registrant must provide documentation with the DMR form indicating that the site is temporarily inactive and must be signed and certified in accordance with Schedule F.			

Turbidity NTU:	Above Discharge		Below Discharge		Discharge		%↑	
Turbidity NTU:	Above Discharge		Below Discharge		Discharge		%↑	
For Current Permit Cycle								

Oregon Department of Geology and Mineral Industries
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Monitoring Variance	Yes	Date Granted		*Supporting data required. Select reason for granting below:*
Facility holds Monitoring Waiver(s)?	Yes	How many affected Discharge Points?		
List outfalls that have waivers and the specific circumstance of each waiver.				
Revocation of Waivers Required?		*If yes, select reason below. If no, provide rationale in comment:*		
Comments				
Schedule B Inspection Requirements				
Inspection Records	Reviewed	Maintenance Records		
Inspection Criteria	See below	Record Retention	3 years	
Sector Specific Inspections		Meets Sector Specific Inspection Requirements		
Treatment System Operation & Maintenance Plans available, accurate, and current?				
Comments				

Active Sites:
Condition 7 of the permit requires daily (when operating) inspections of dikes, containment systems, and pond freeboard. Pond freeboard may be inspected on a weekly basis if an alarm system or float valve is used. Mining clearing, grading, and excavation areas must be inspected daily when there is stormwater runoff. All streams within 300 feet of an active seepage pond must be inspected monthly for visible turbid seepage. Areas where industrial activities are exposed to stormwater (BMPs, material storage and stockpile areas, entrance/exits) must be inspected monthly. Monitoring points must be inspected monthly when discharging. Stormwater control facilities and drainage systems must be inspected annually before the wet weather season.

Temporarily Inactive Sites:
The permit registrant must inspect the site once, prior to the site becoming inactive, to ensure that erosion and sediment control measures are in working other. Any necessary maintenance and repair must be made prior to leaving the site. Once the site becomes inactive, inspect the site every three months during the wet weather season unless it is inaccessible due to adverse weather conditions. If the site resumes activity, immediately resume inspections according to the frequency in Table 6.

Document the following in an inspection report that is retained on-site and submitted to DEQ or Agent upon request:

1. Description of adverse weather conditions, if site inaccessible.
2. The inspection date, time and hours of operation.
3. Control measures needing cleaning, replacement, maintenance, reconditioning or repair;
4. The condition of the drainage/conveyance system and need for maintenance.
5. Previously unidentified sources of pollutants.
6. Monthly observations of stormwater and mine dewatering discharges and whether the discharges contained floating solids (associated with industrial activity), foam, visible oil sheen, and was discolored. If these pollutants are present in the discharge, describe the corrective action(s) taken or that will be taken to remedy the problem. If no discharge occurred during the month, describe the reason in the report according to the requirements in condition B.3.b.

Form Revised October 2021
By Lisa Reinhart

Oregon Department of Geology and Mineral Industries
1200-A NPDES Industrial Stormwater Permit
Facility Inspection Report

VIOLATION(S)/NON-COMPLIANCE

468B.025 Prohibited activities.
2. No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050.

Conditions of the permit in violation:

SCHEDULE A

1(a). Exposed areas are not stabilized to contain runoff.
1(g). The potential for leaks and spills has not been minimized.
9. The SWPCP does not match current site conditions.

Any noncompliance with any of the requirements of the 1200A permit constitutes a violation of the Clean Water Act and state law. Failure to take a required corrective action constitutes an independent, additional violation of the permit and Clean Water Act.

NOTICE OF ACTION REQUIRED

1. Revise and implement a SWPCP to comply with Schedule A.
2. Submit the revised SWPCP for review and approval.

Enclosure: Photo map and photos

-END OF REPORT-

ATTACHMENT 10

Photo Map Legend

- PermitArea
- Photo Location
- Streams and rivers, Perennial
- Streams and rivers, Intermittent
- Drainage

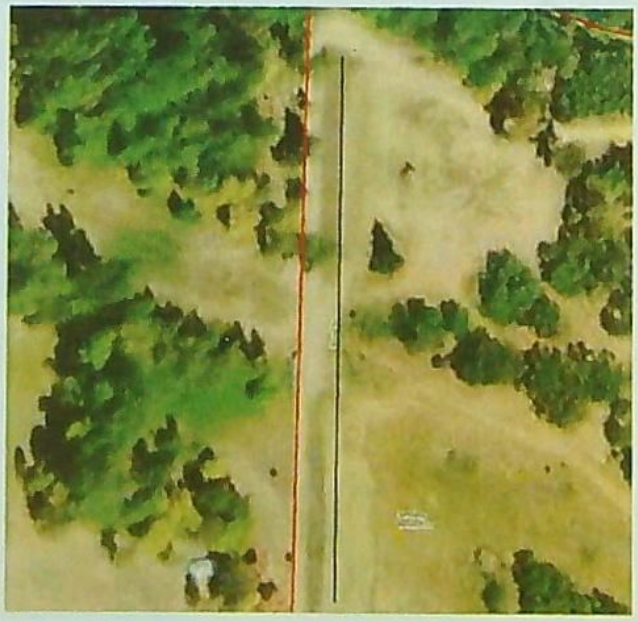
Northeastern Corner of Permit Area

ATTACHMENT 10

Processing Area and Quarry

Low Water Crossing at Shanks Creek

Western Sound Berm



ATTACHMENT 10

New Access Road

Photo 1- Fish screen in Grave Creek

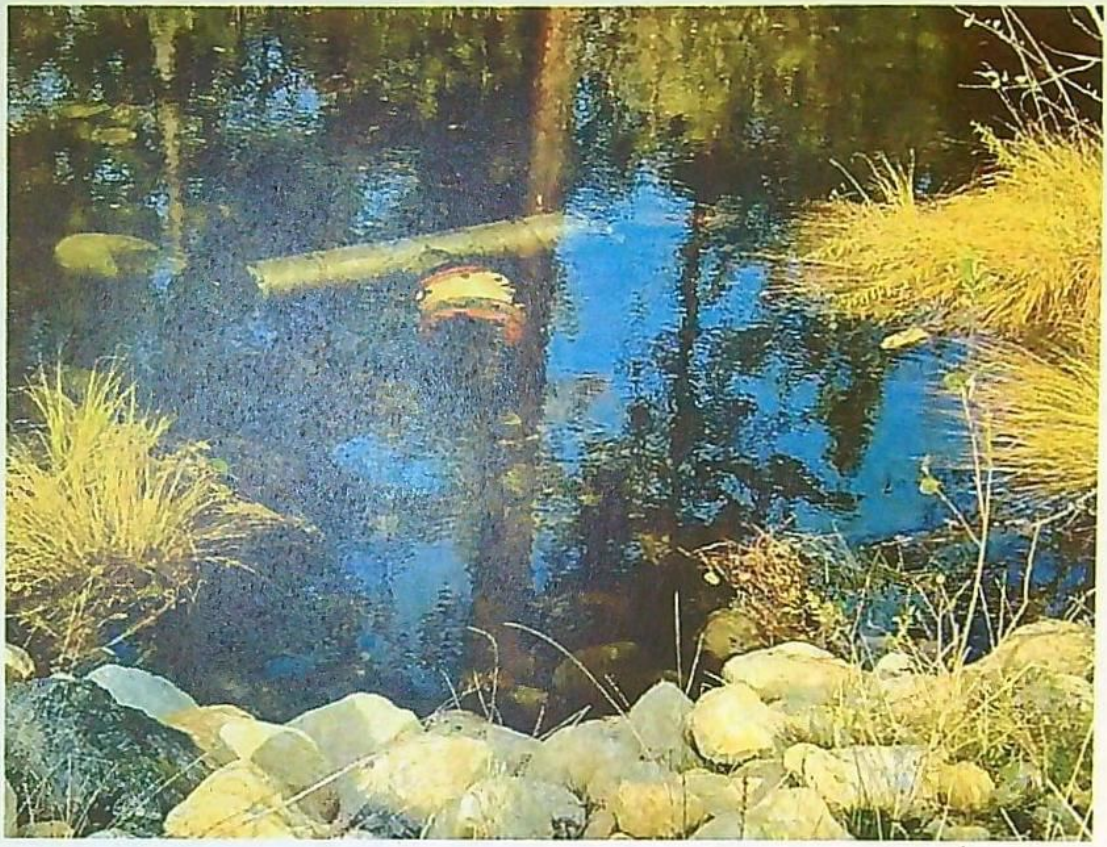


Photo 2- Eastern sound berm

Photo 3- Borrow pit – looking west

Photo 4- Borrow pit- looking east

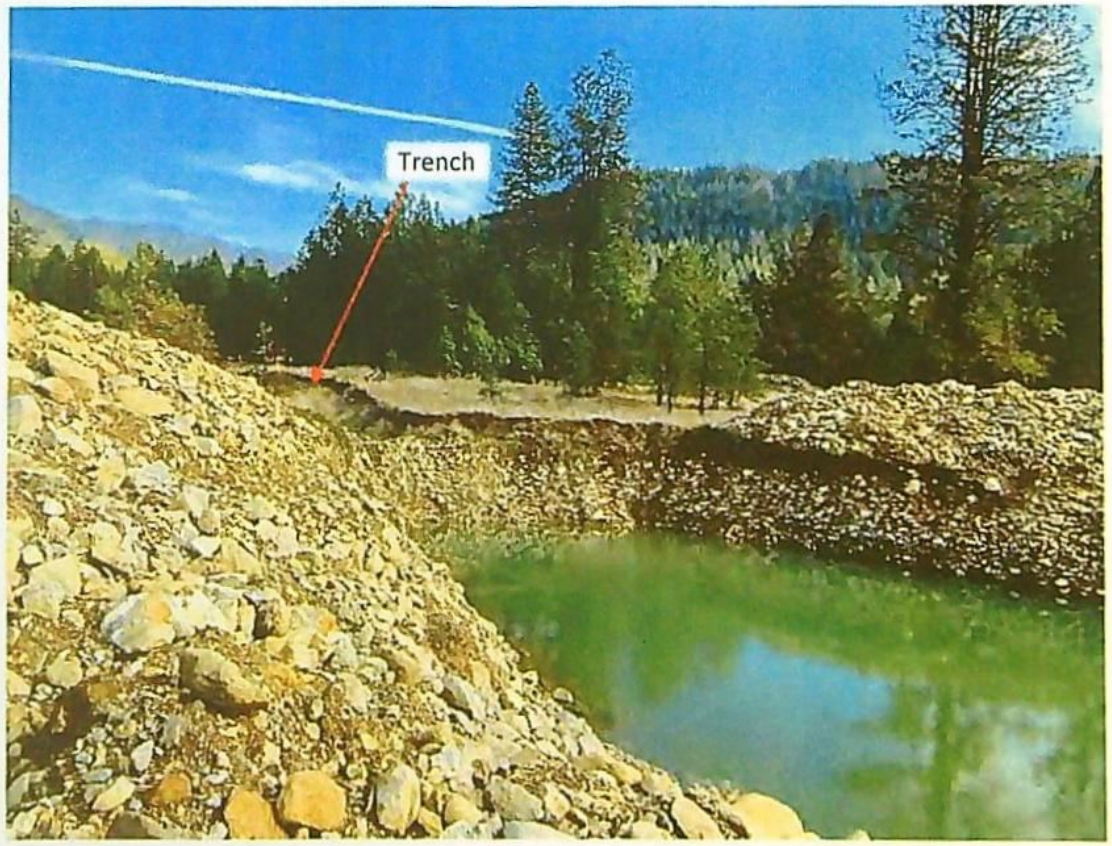


Photo 5 - Trench

Photo 6- Ditch inlet at Grave Creek

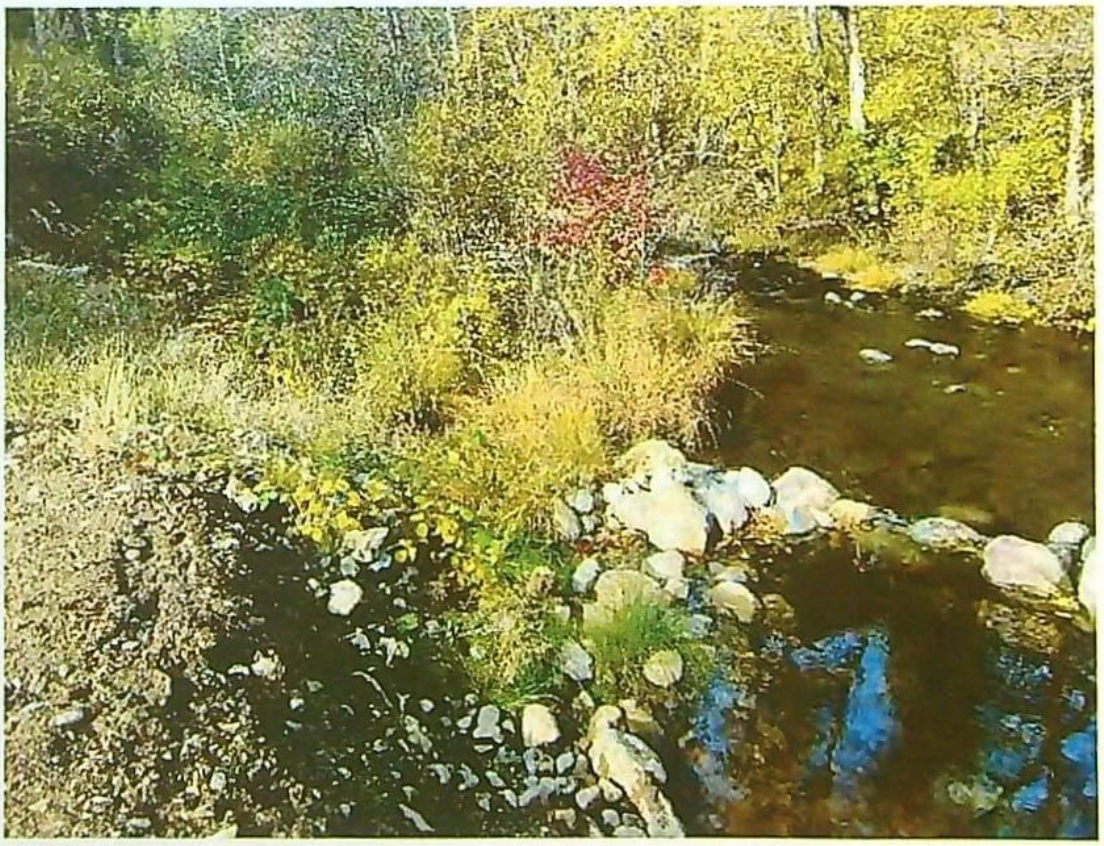


Photo 7- Pump with screen

Photo 8- Reservoir 1

Photo 9- Settling swale

Photo 10- Settling swale overflow into reservoir

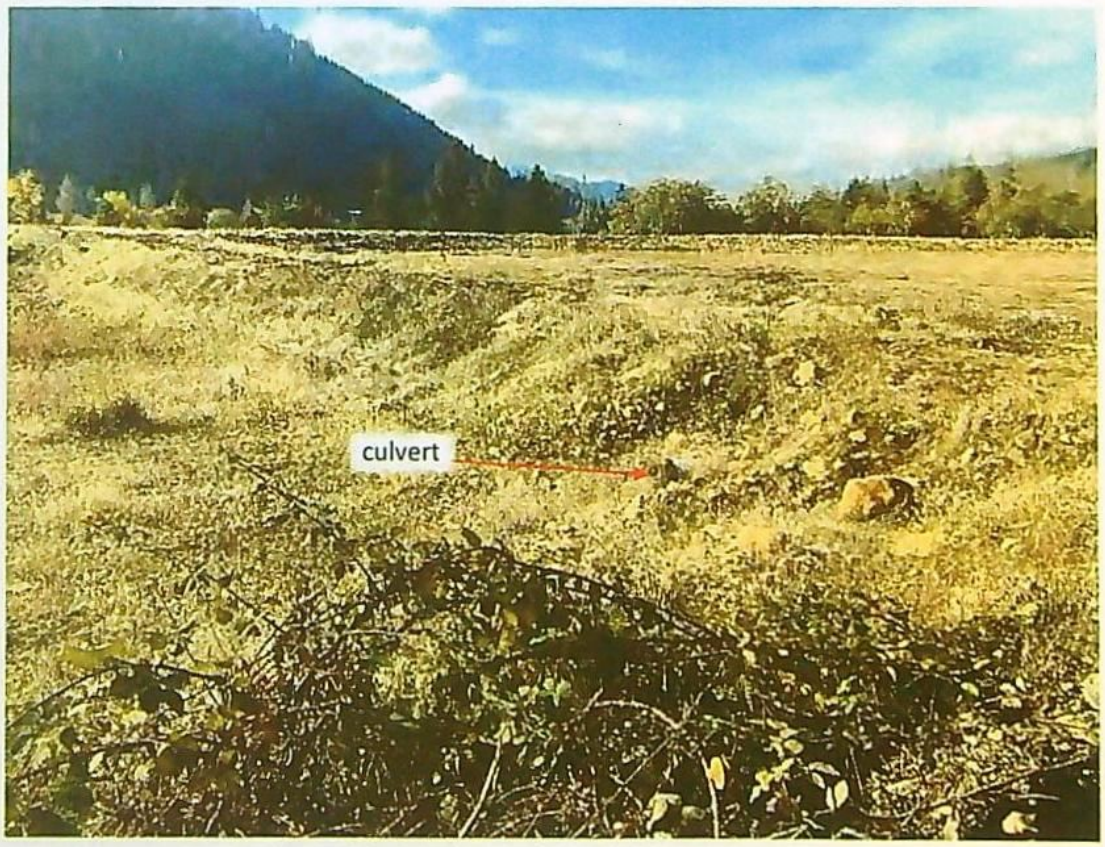


Photo 11- Location of future processing plant

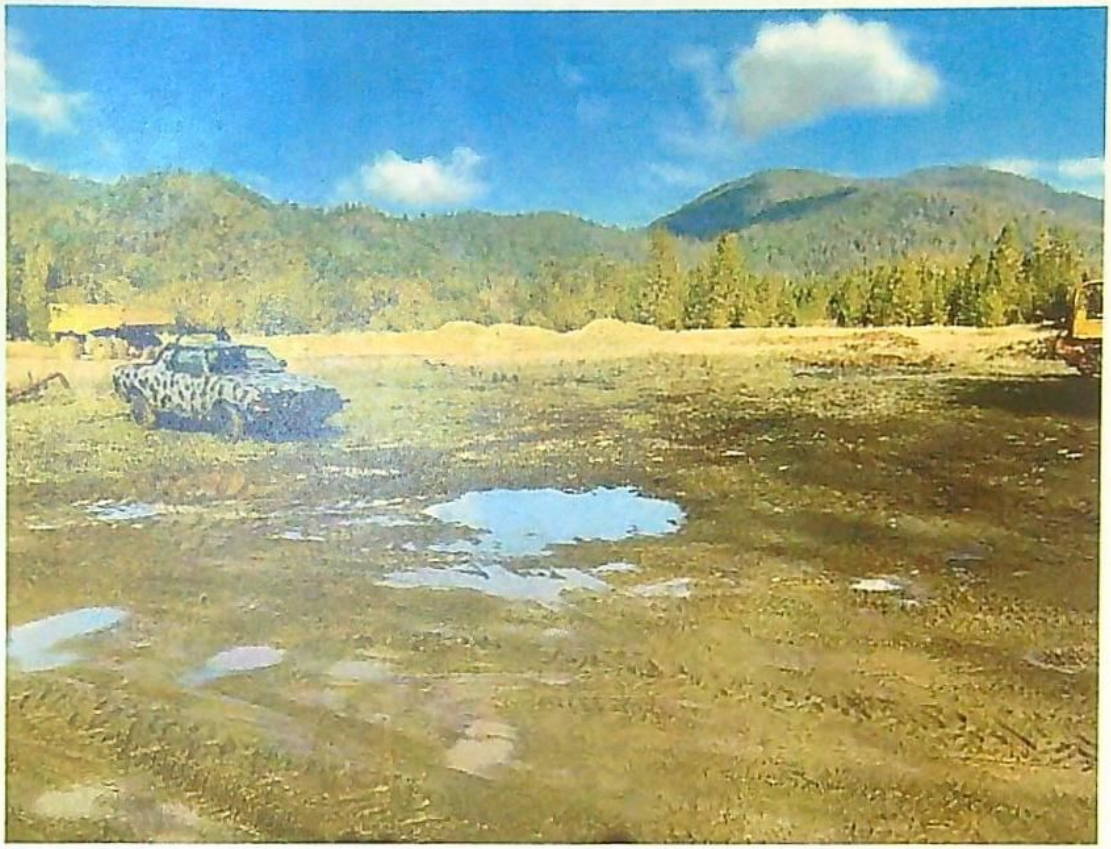


Photo 12 – Covered storage area

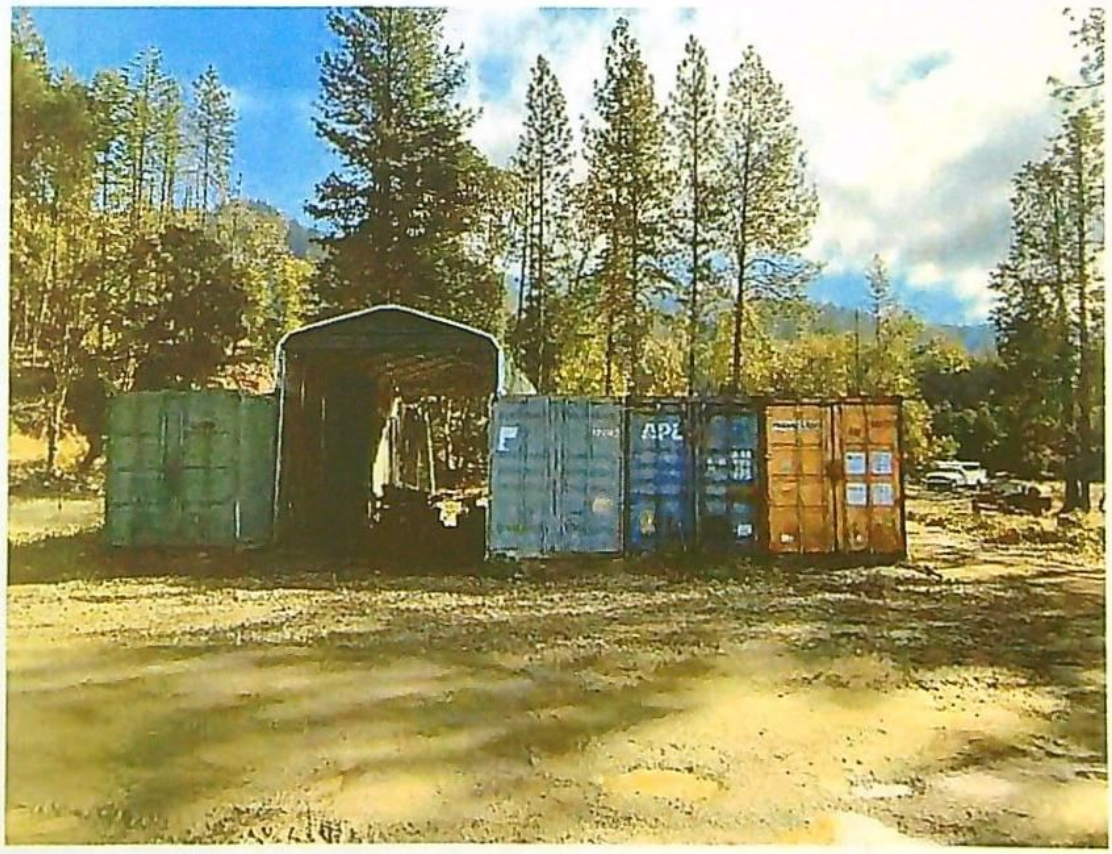


Photo 13 – Oil stain on road

Photo 14- Miscellaneous vehicles and equipment

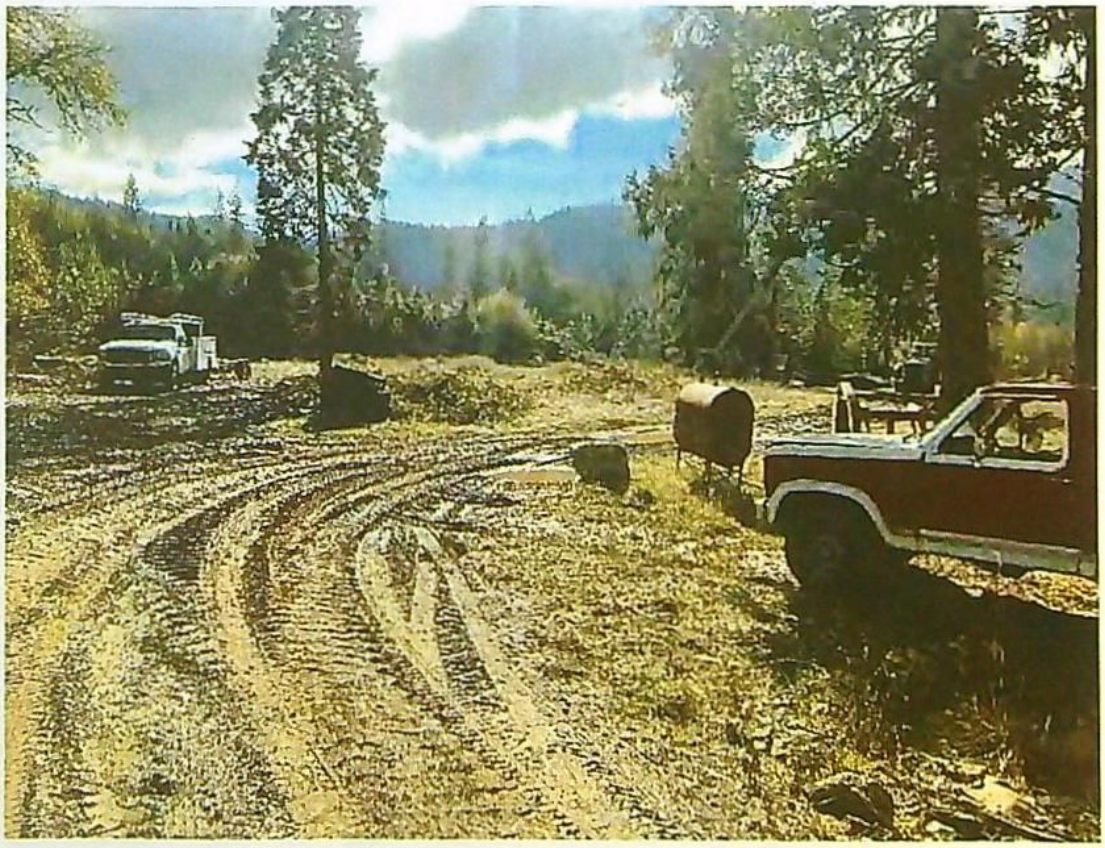


Photo 15- Old screener

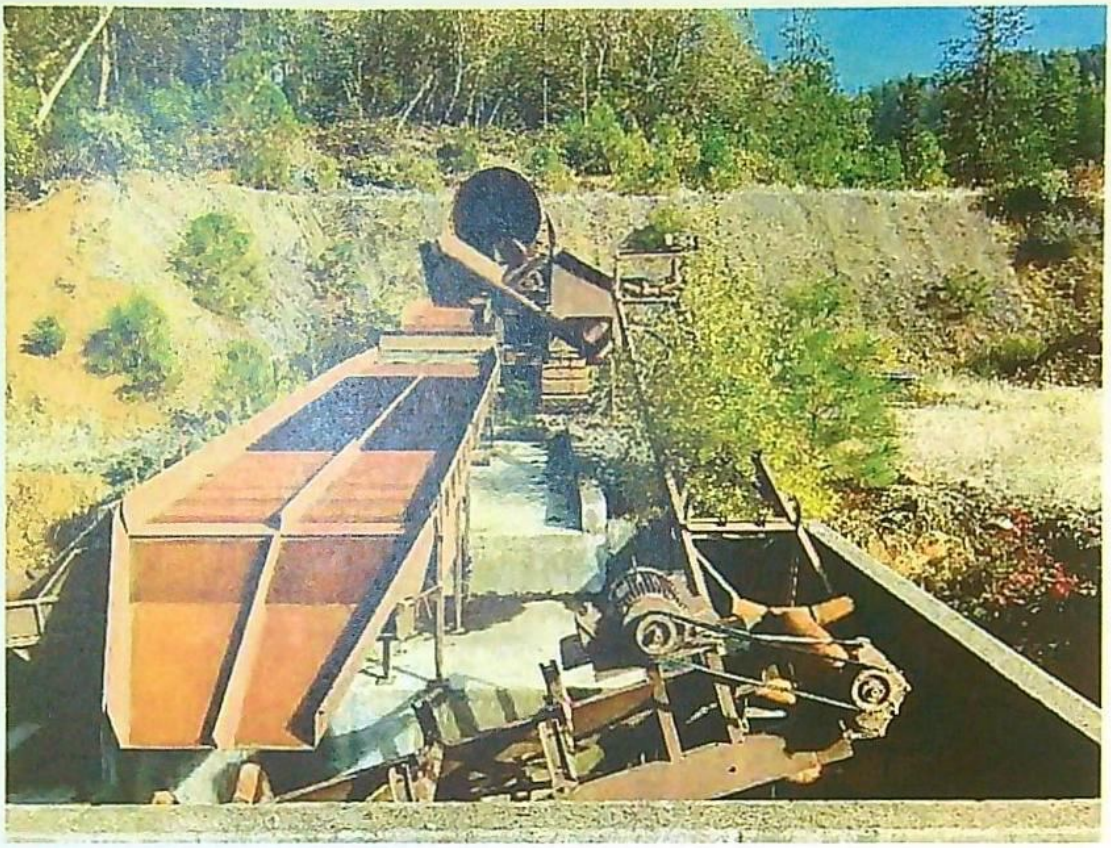


Photo 16- Old screener (side view)

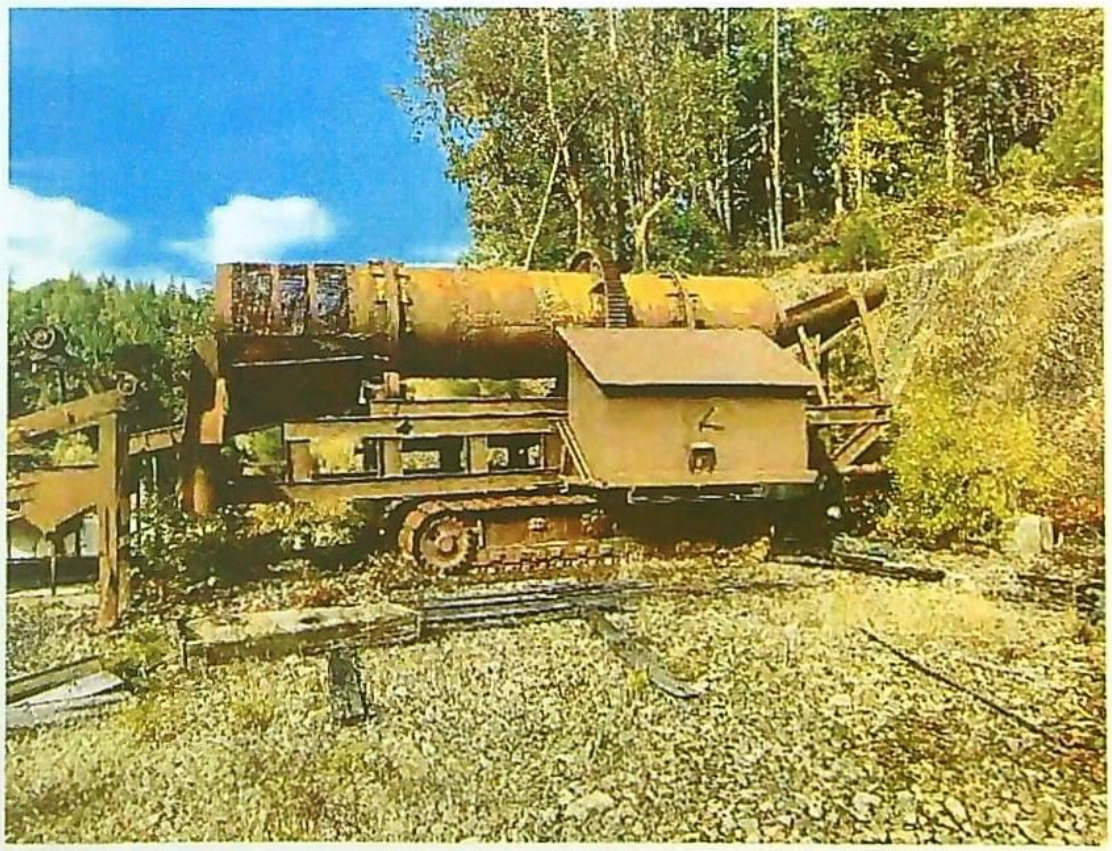


Photo 17 – East side of highwall

Photo 18- Southern highwall and equipment

Photo 19

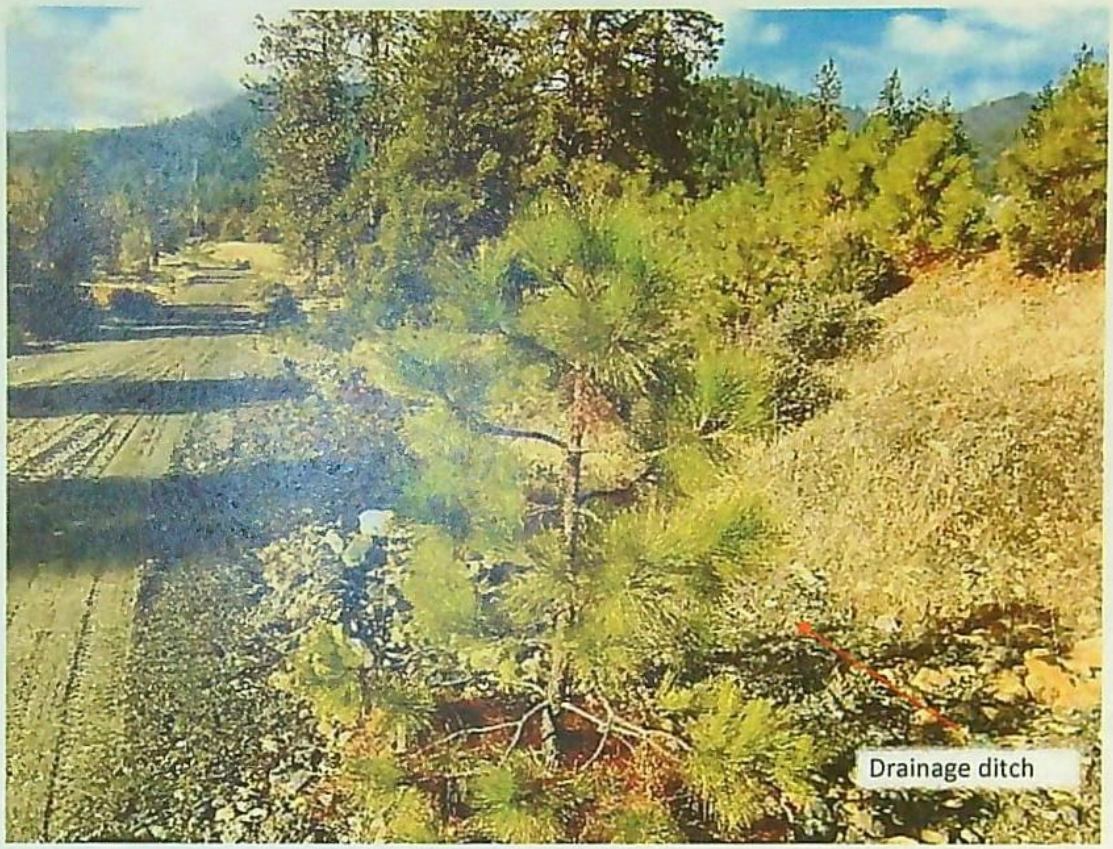


Photo 20 – Infiltration basin

Photo 21- Drainage and settling/infiltration basin

Photo 22 – Settling/Infiltration basin

Photo 23 – Tires and other waste materials

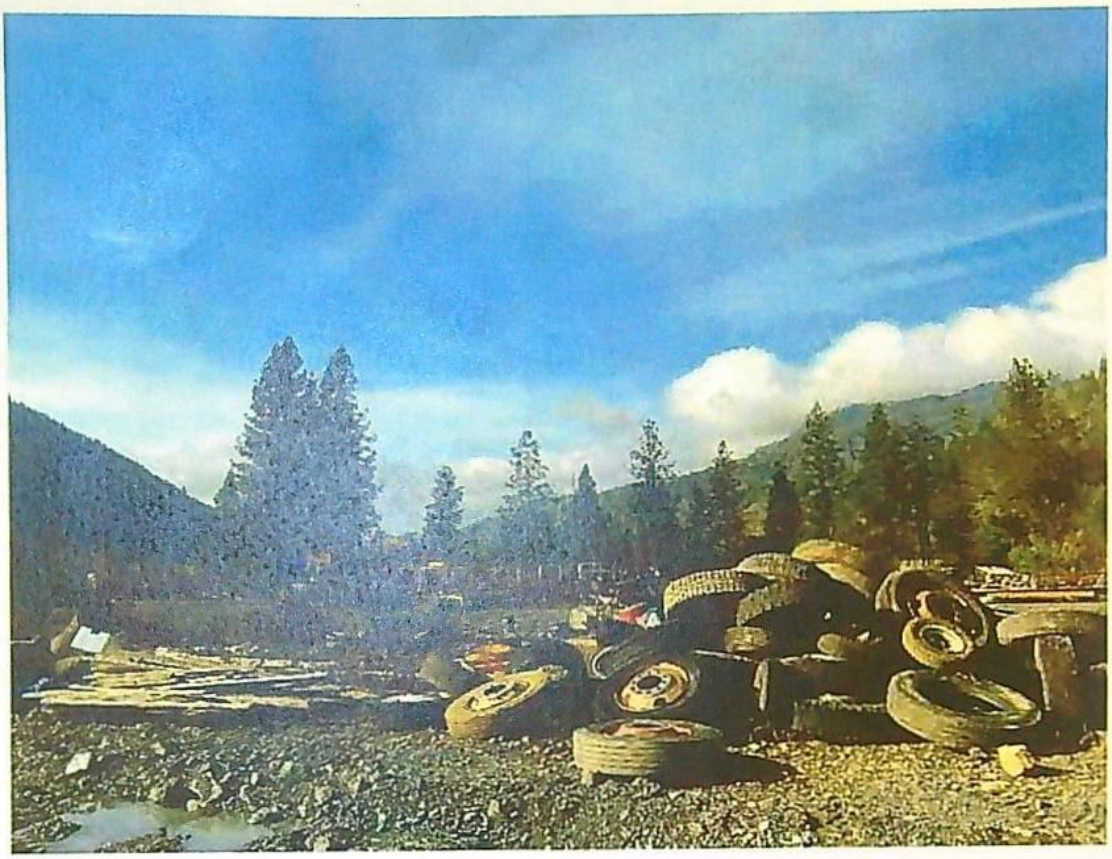


Photo 24 – Scrap material

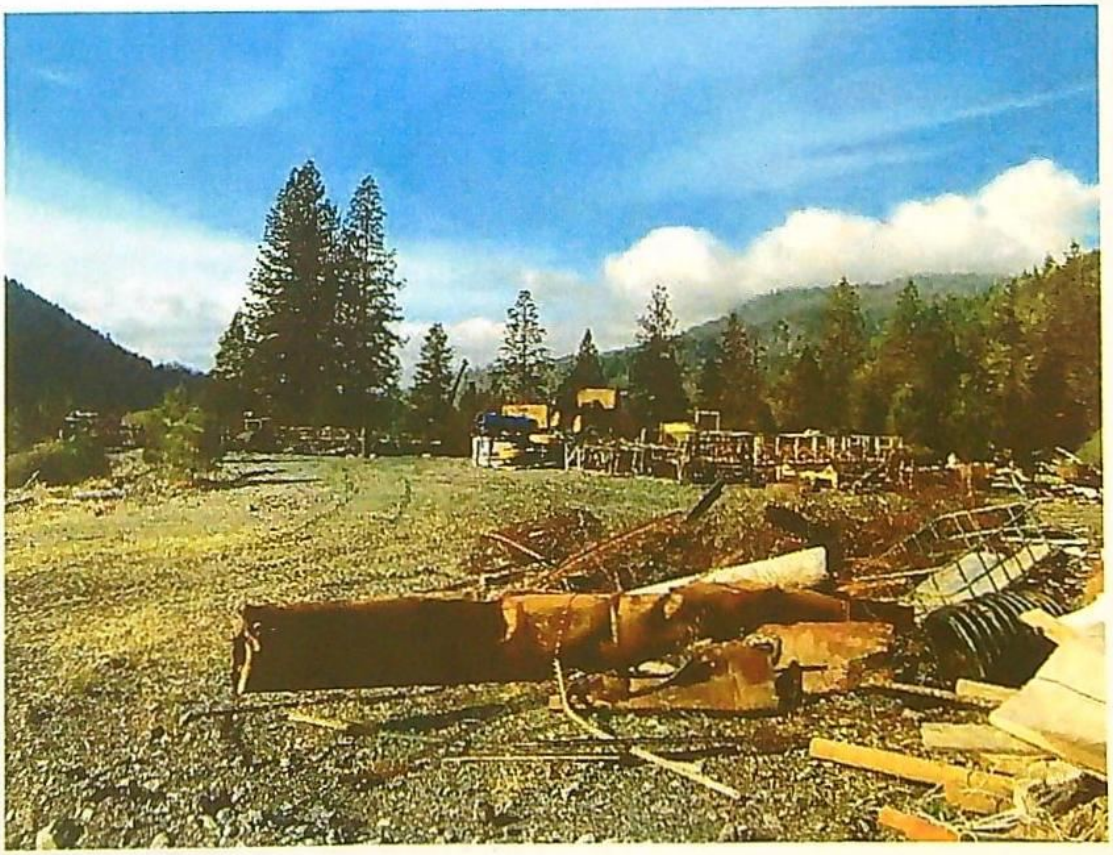


Photo 25 – Mobile fuel tank and heavy equipment

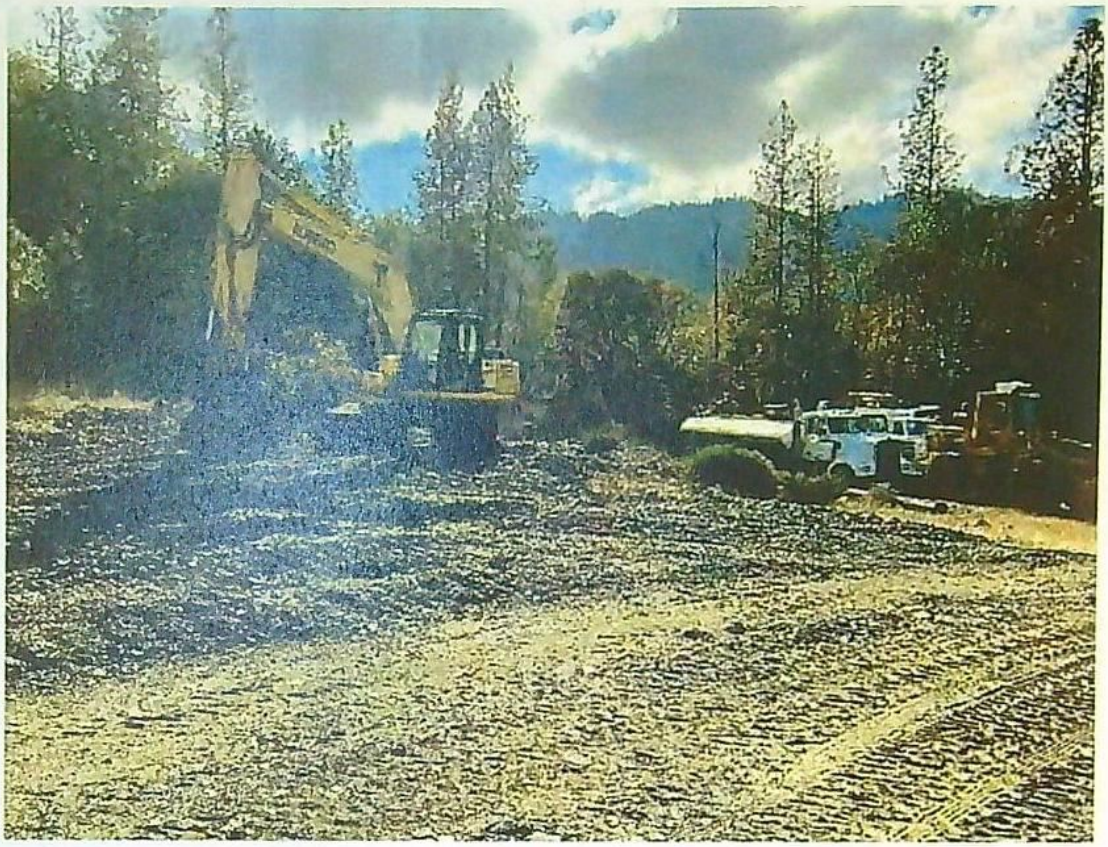


Photo 26 – White pipe – outlet from reservoir

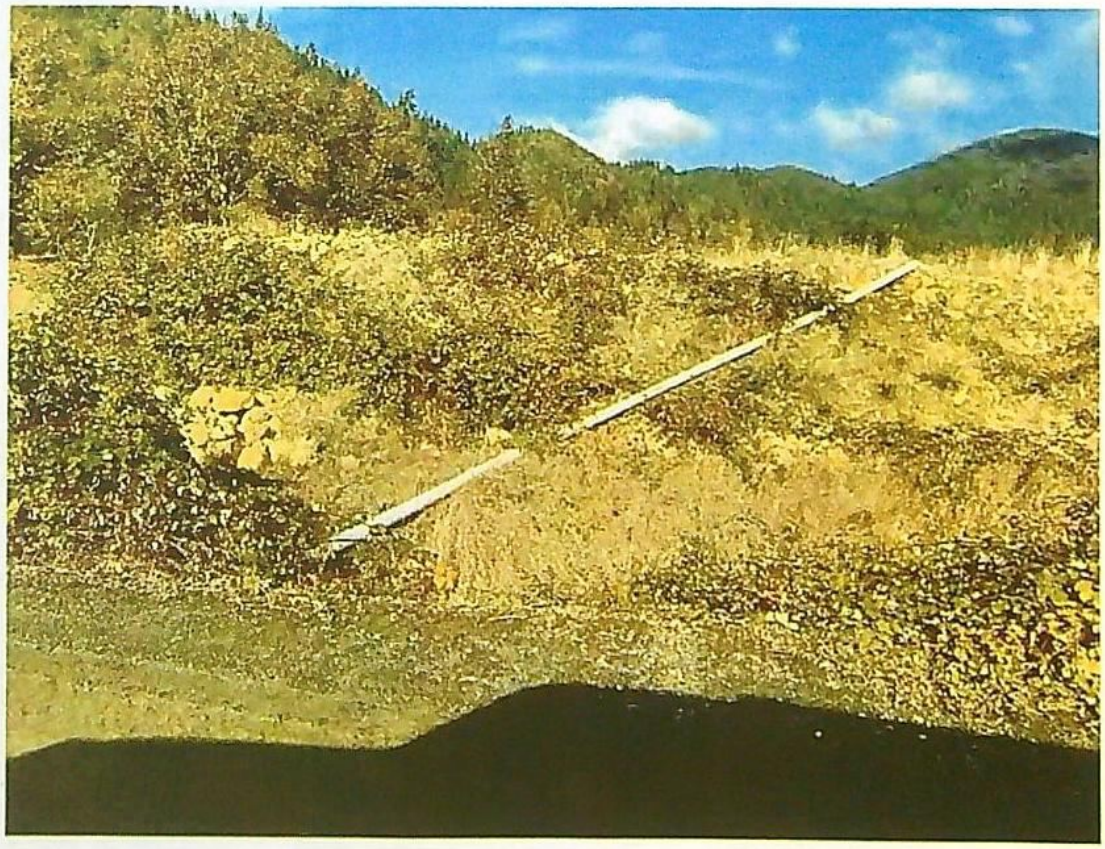


Photo 27 – Discharge location from reservoir

Photo 28 – Spill kit

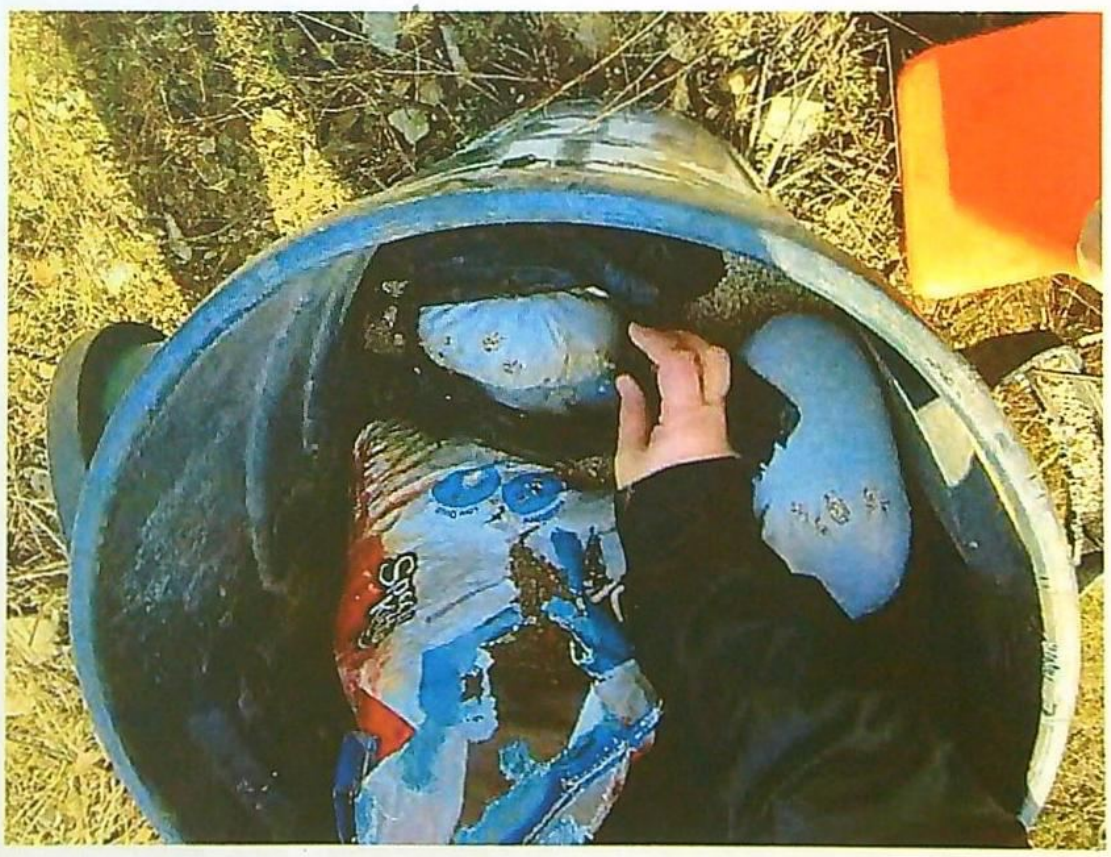


Photo 29 – Low water crossing at Shanks Creek

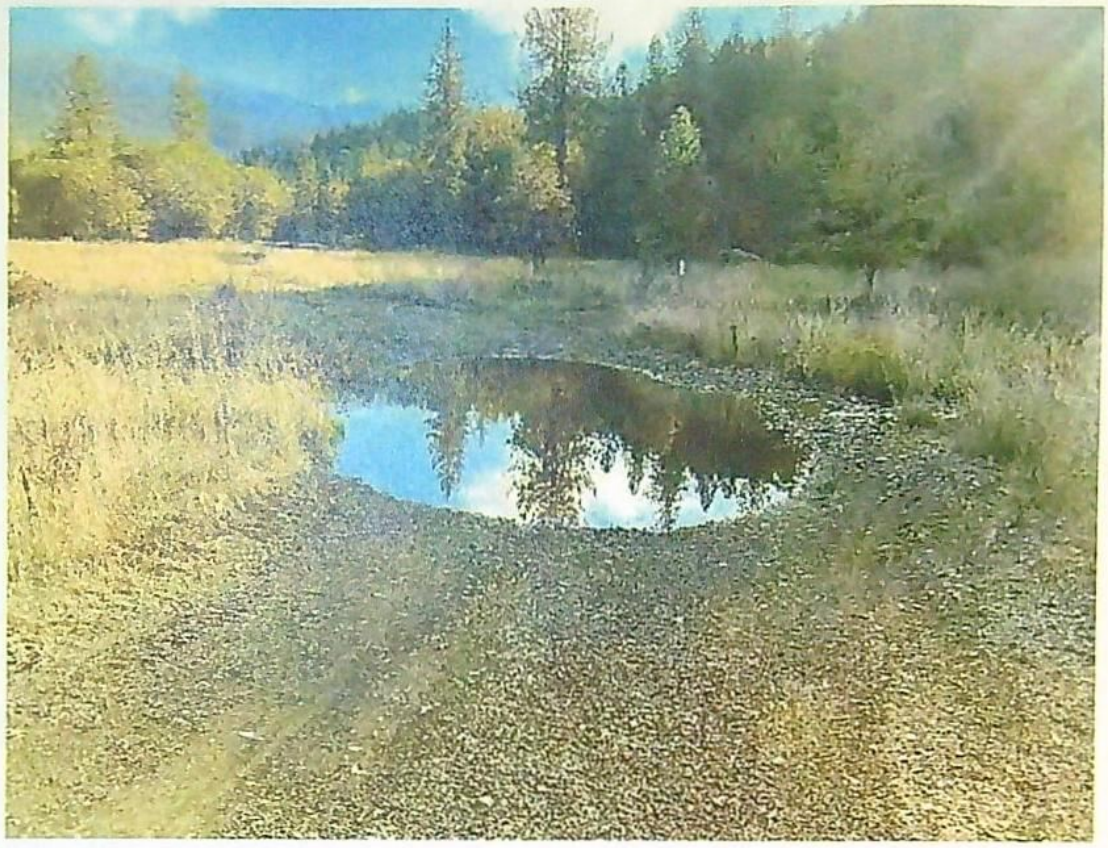


Photo 30 – Looking upstream from water crossing

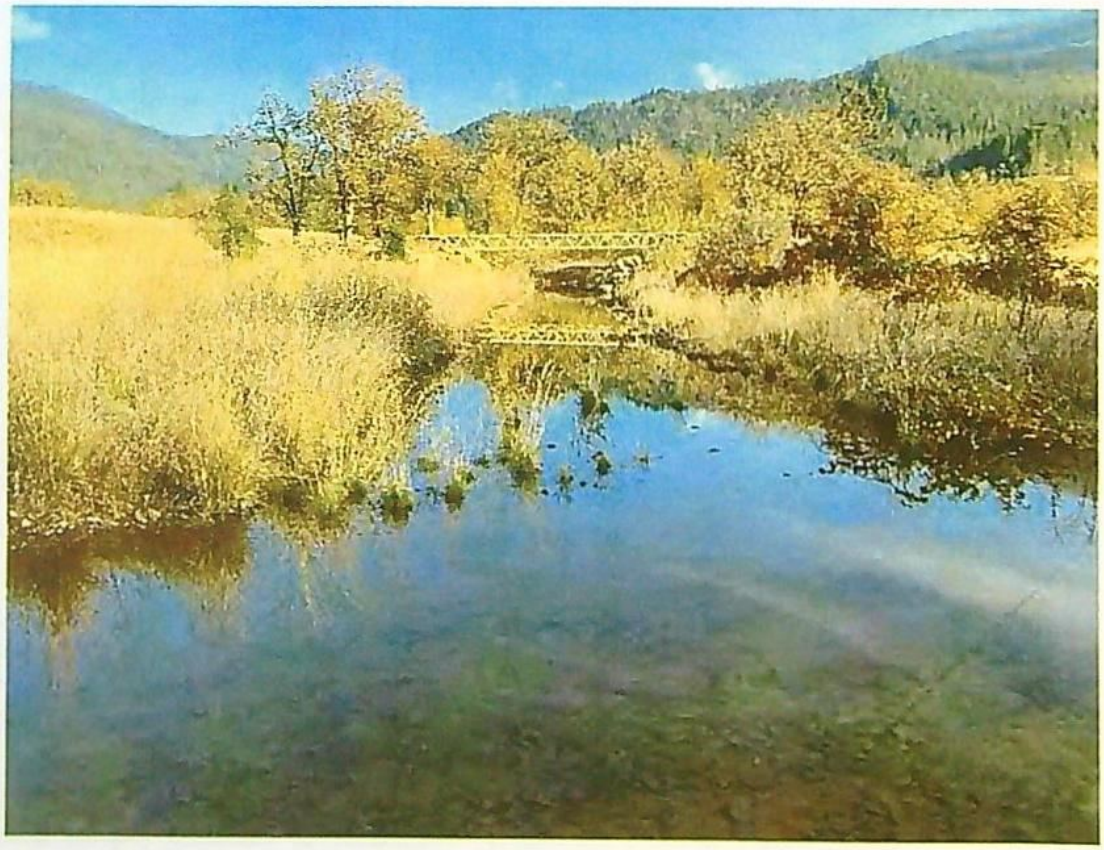


Photo 31 – Drums of waste material

Photo 32 – Western berm and stormwater ponding

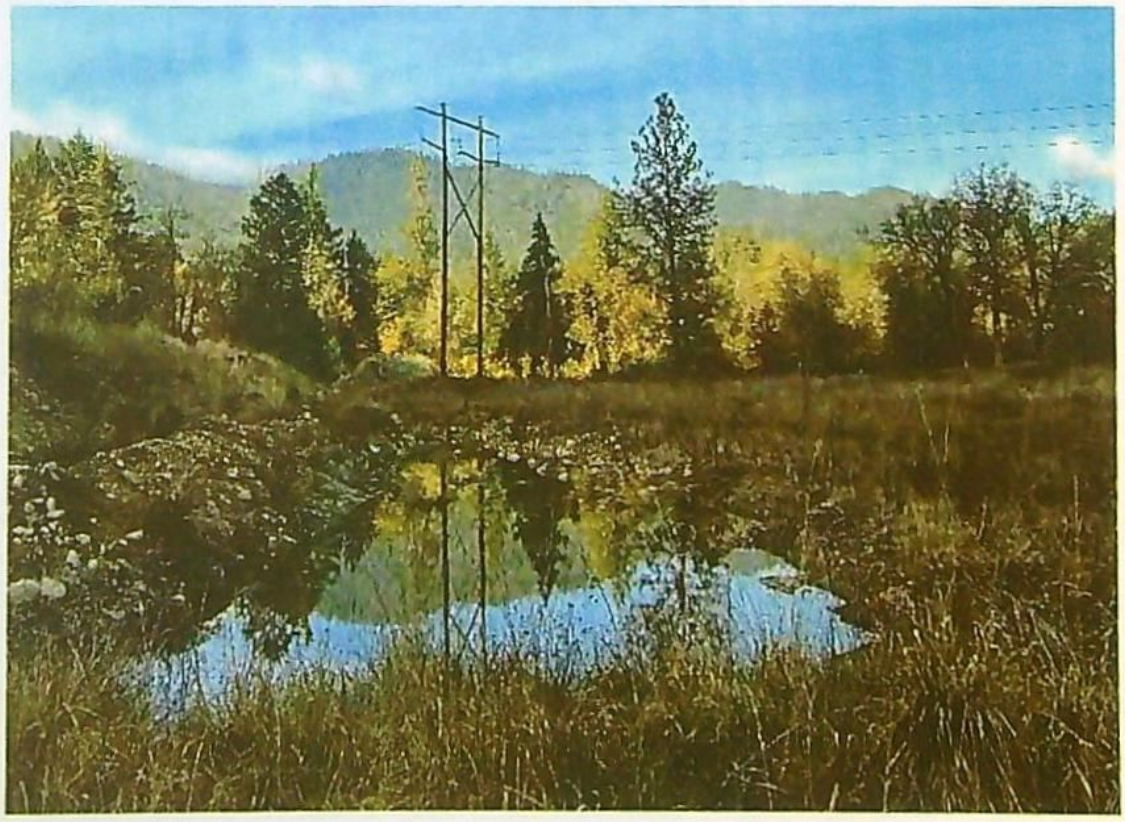


Photo 33 – New bridge with side drainage

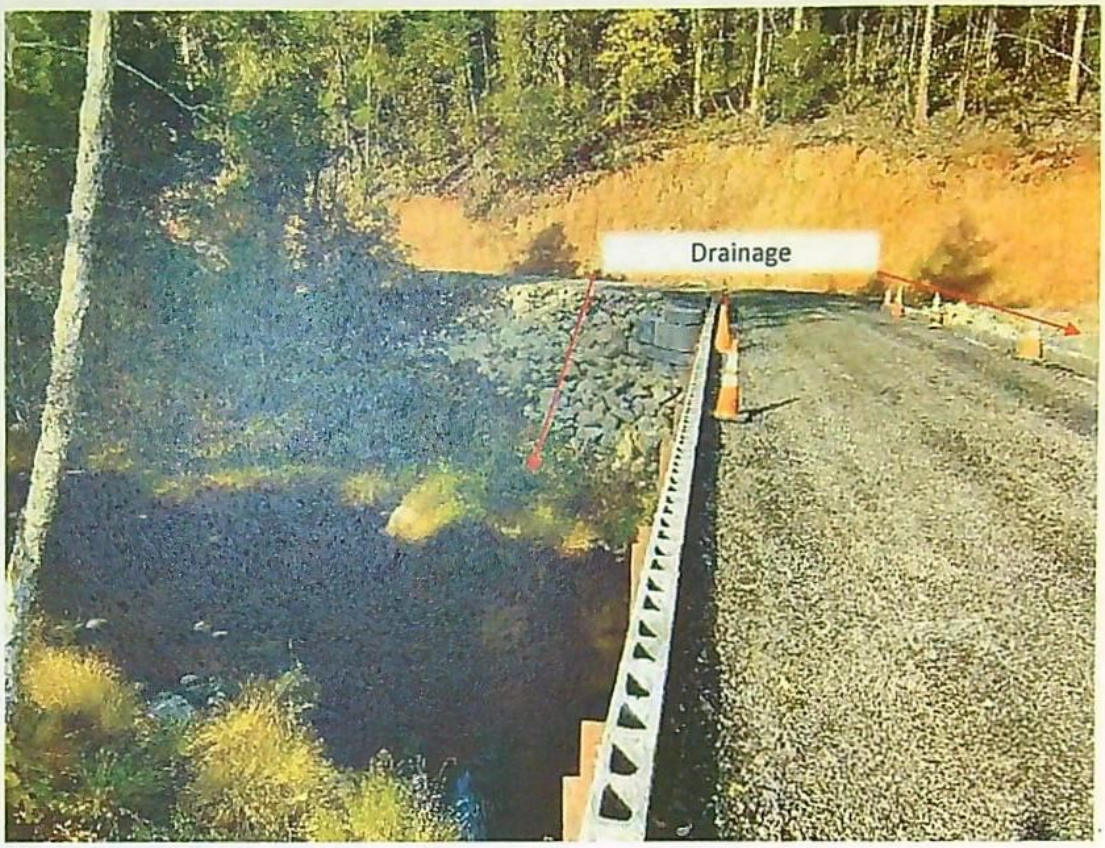


Photo 34 – Mobile screener

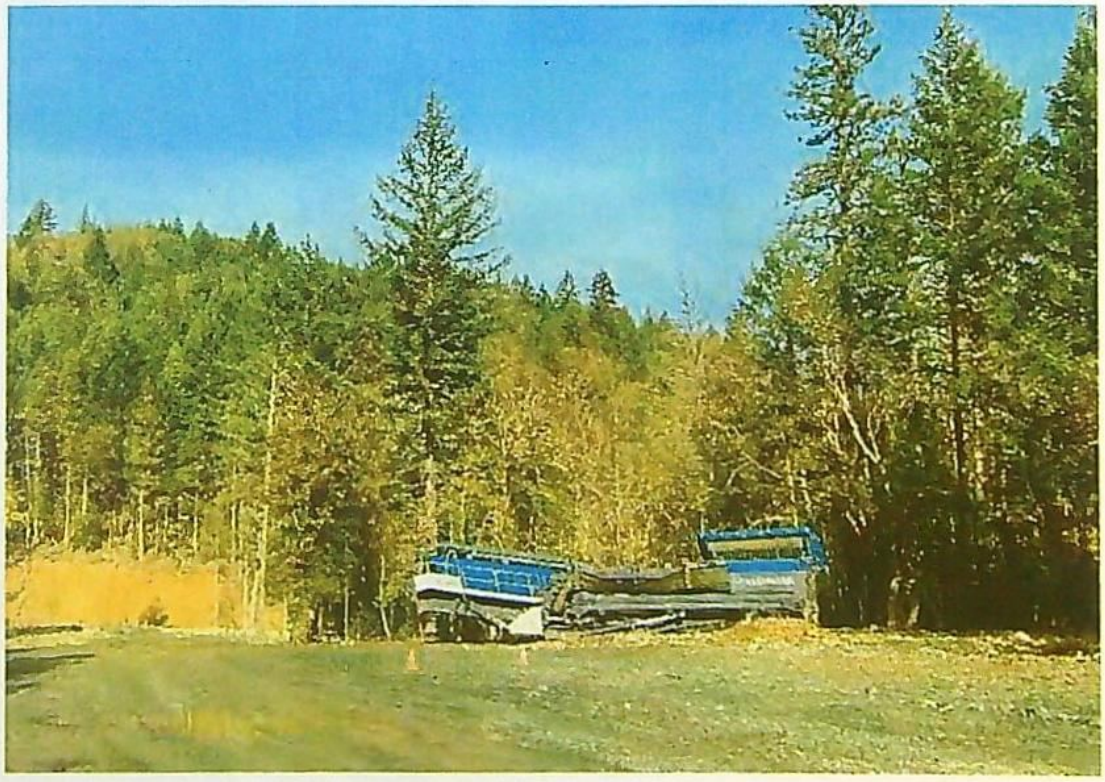


Photo 35 – Drainage to Grave Creek

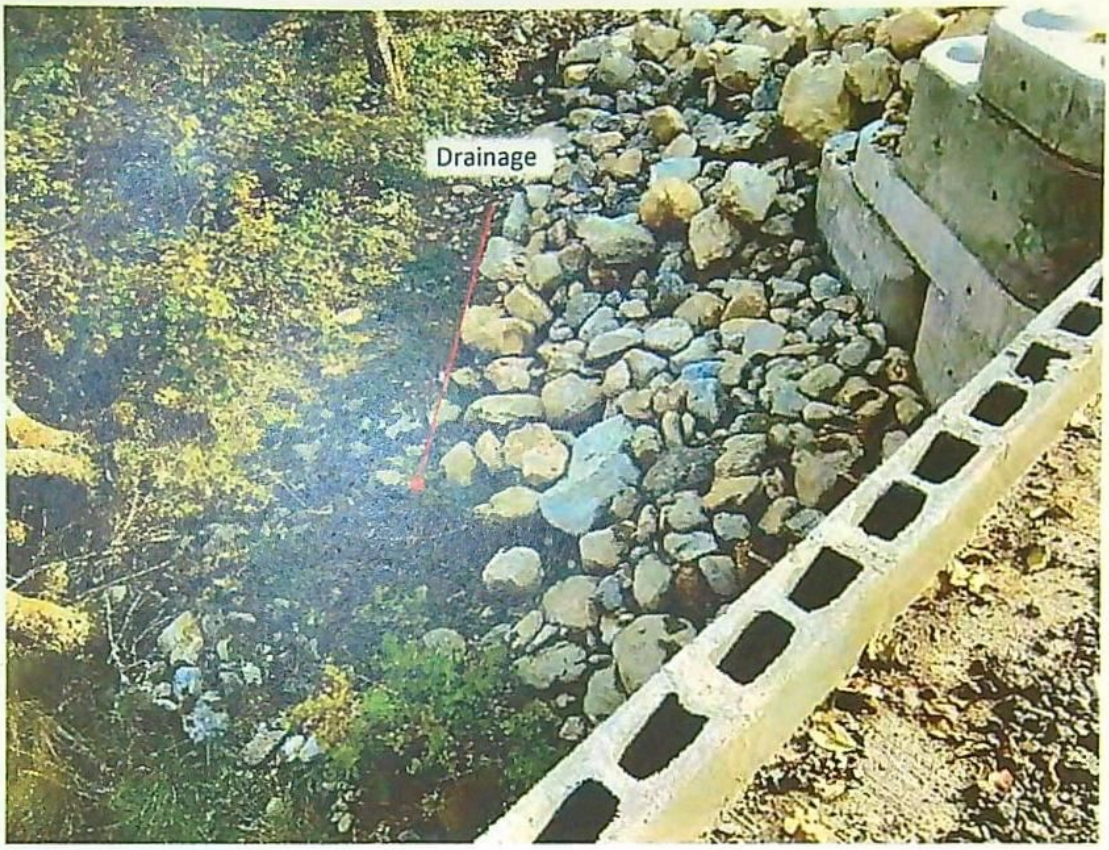


Photo 36 – Drainage to Grave Creek

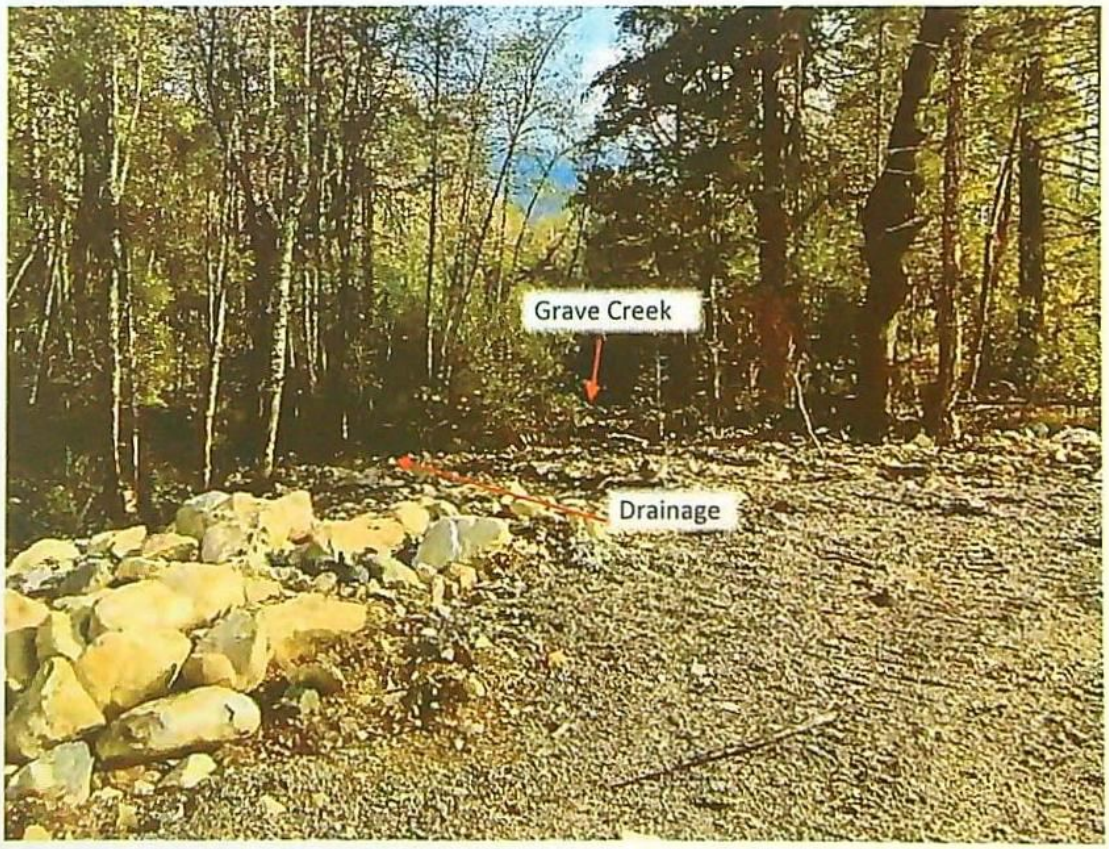


Photo 37 – New access/haul road

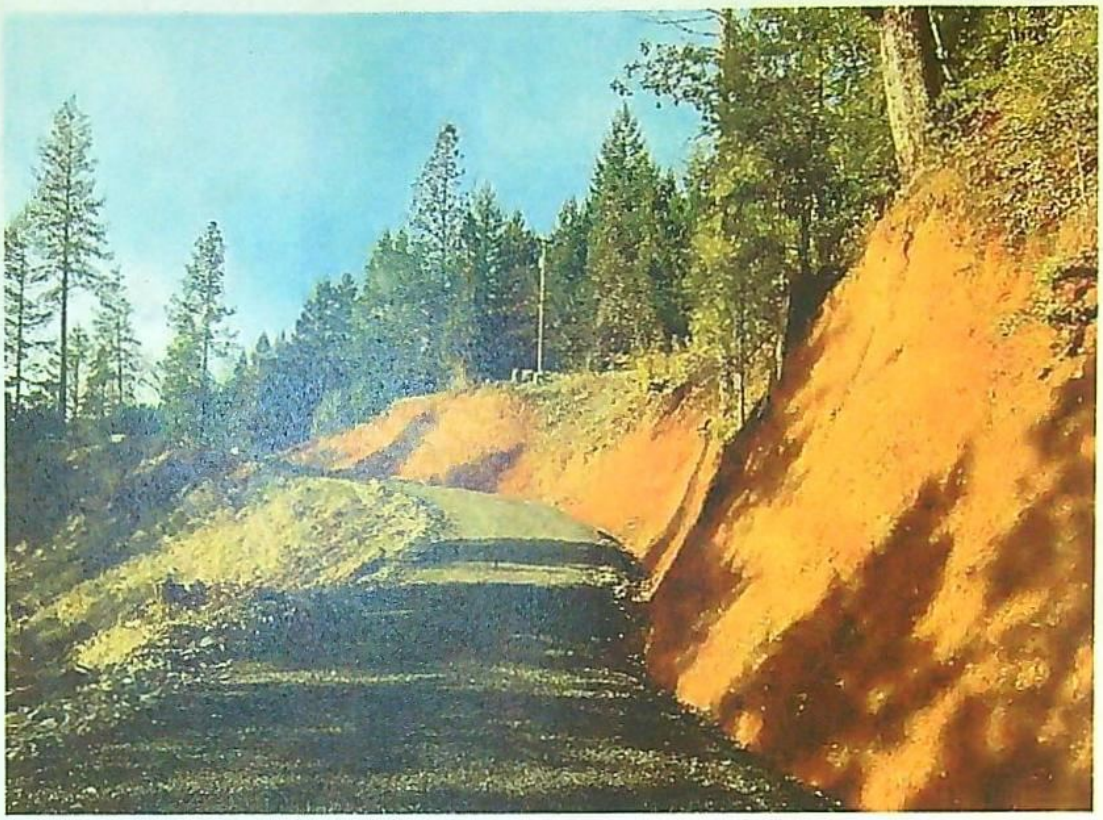


Photo 38 – New access/haul road

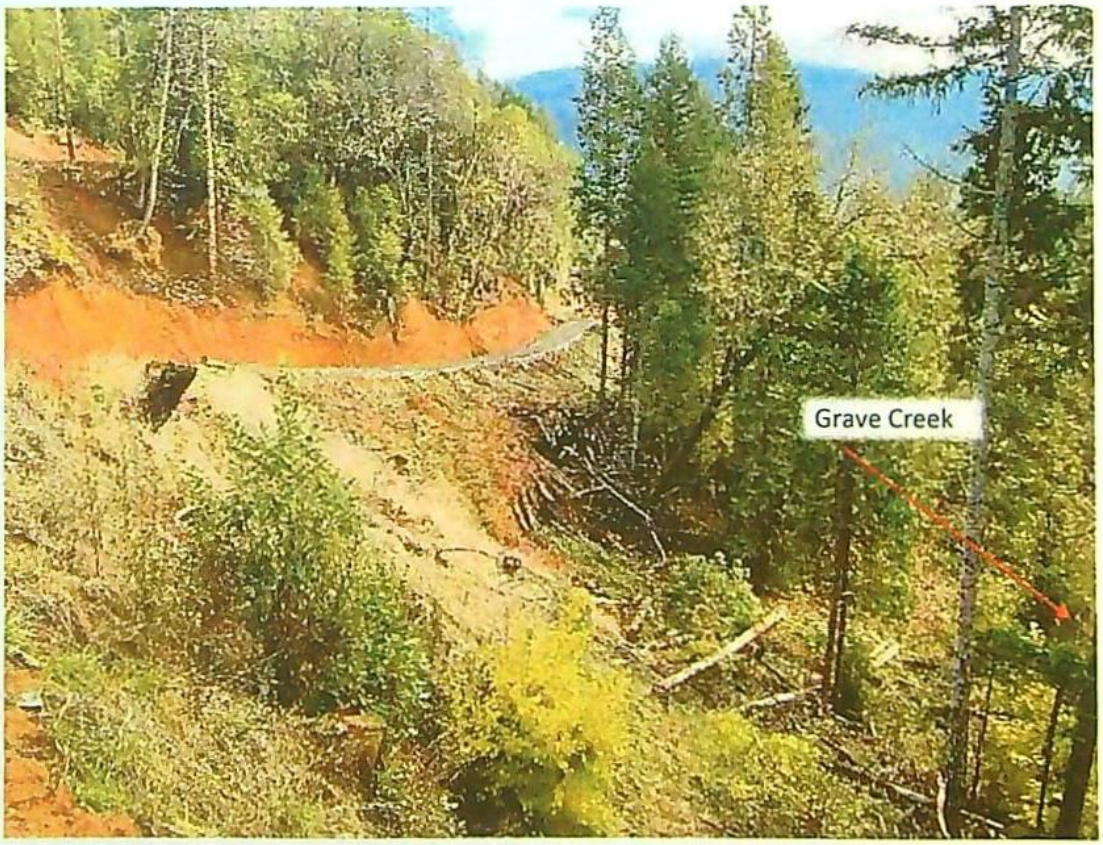


Photo 39 – Entrance/exit

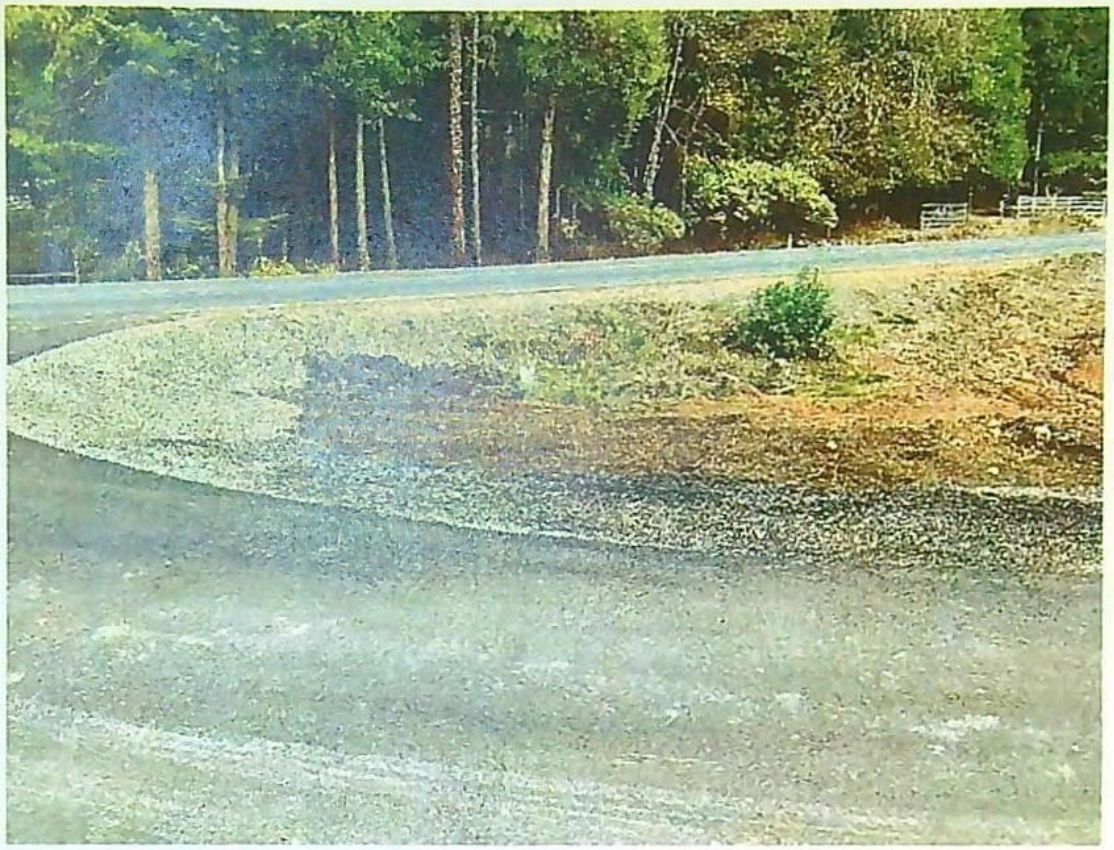


Photo 40 – Erosion at entrance- Needs erosion and sediment control

Photo 41- Roadside drainage- needs erosion and sediment control

Photo 42 – Discharge outlet

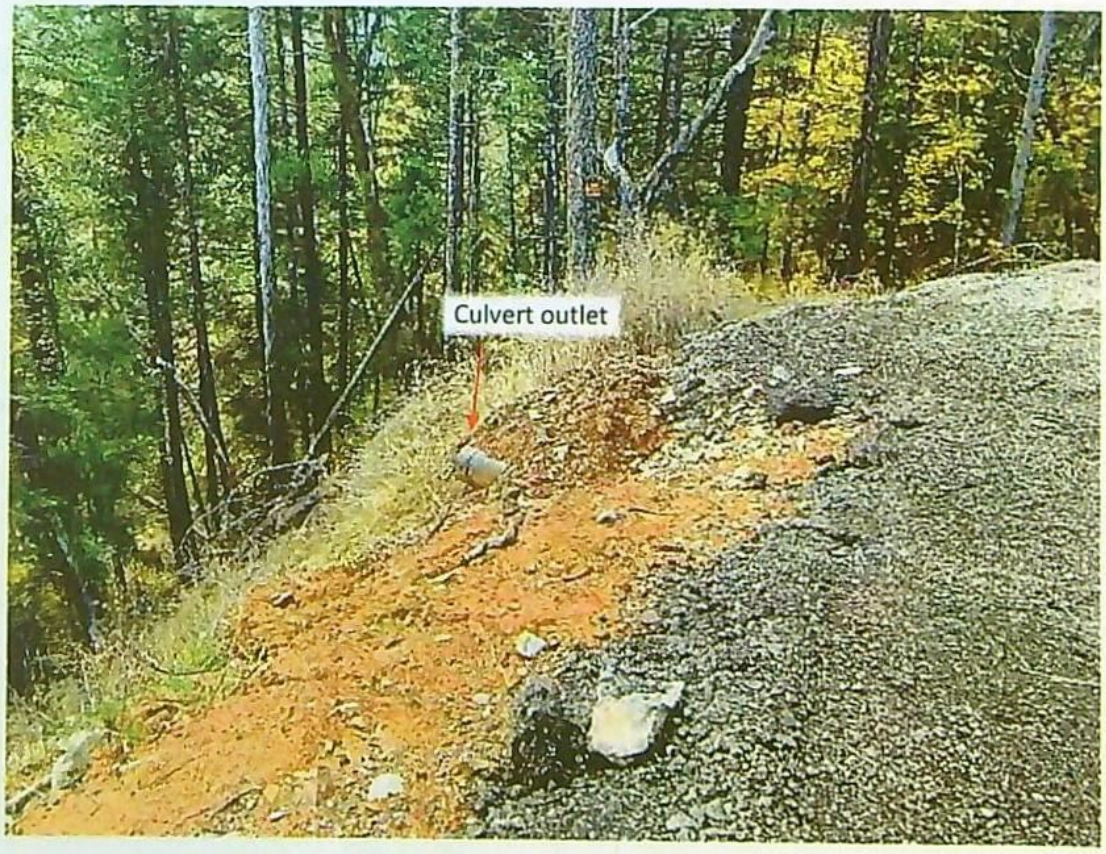


Photo 44- Grave Creek- Downstream of facility

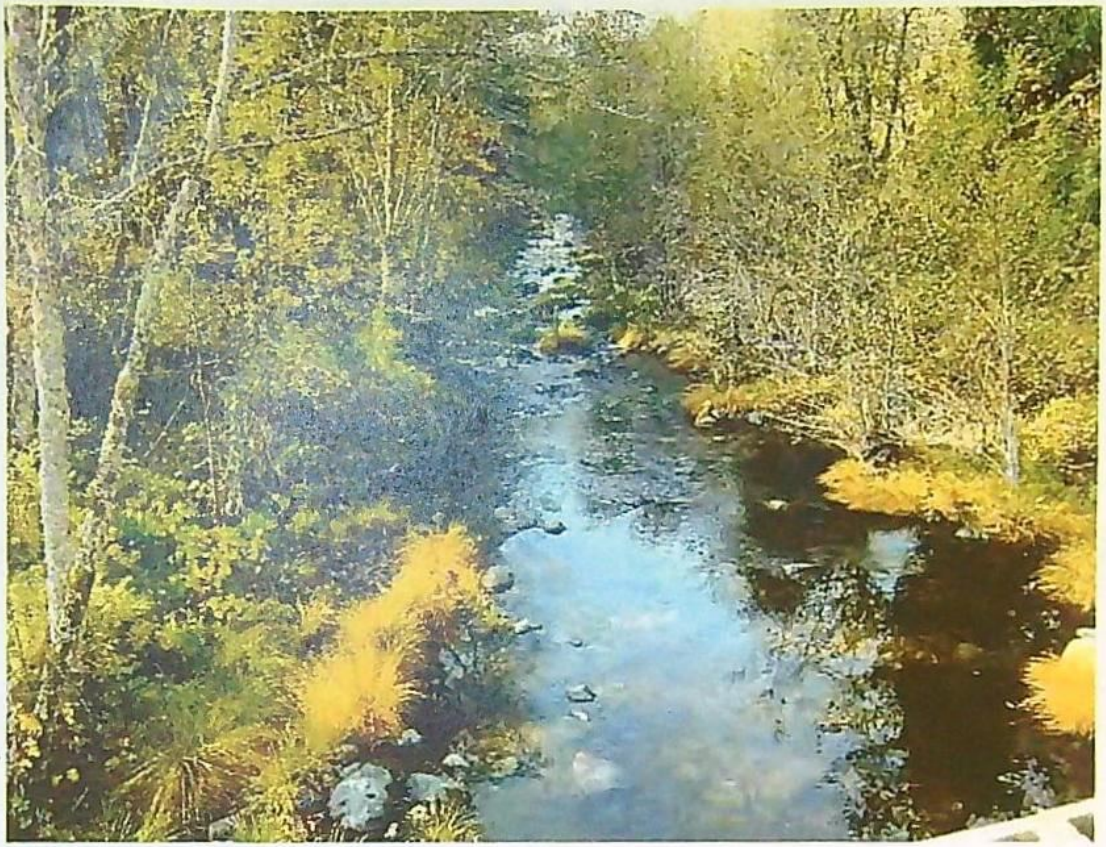
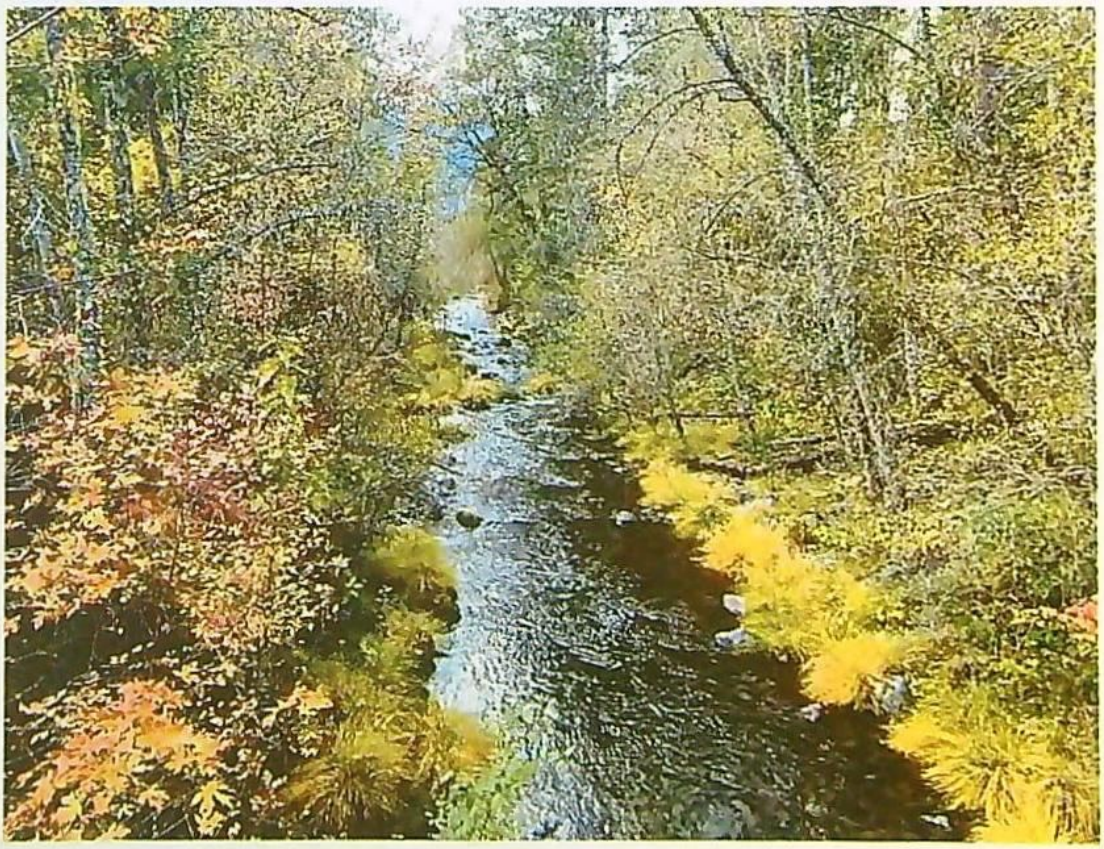


Photo 45- Grave Creek- Upstream from facility



Application: R-87930 Permit: R-15320

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) Sunny Valley Sand and Gravel Inc
1867 Williams Hwy 260
Grants Pass, OR 97527

Proposed Completion Date: 10-1-2028

☐ WRIG...Money Receipted on: 4-5-2023

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

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

☑ ~~Tonya Miller...~~ Kyler

☑ Recent Assignment (Check WRIS for Update)

☑ Publish on Public Notice (initial 30-day comment): Date of notice 4/11/2023

☑ 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 4/11/2023

NOTES:

Oregon
Kate Brown, Governor

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

April 11, 2023

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-87930 **(Permit** R-15320**).** 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**.

OREGON
WATER RESOURCES DEPARTMENT

RECEIVED
APR 05 2023
OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Andreas Blech : Sunny Valley Sand & Gravel
1867 Williams Hwy STE 260, Grants Pass OR 97527

Transaction Type: extension

Fees Received: $ 780.00

☐ Cash ☒ Check; **Check No.** 10109

Name(s) on Check: Sunny Valley Sand & Gravel Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Corie Lovrien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (*i.e., the application or other document*).
- Date-stamp all pages. (*NOTE: Do not stamp check.*)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the *"RECEIVED OVER THE COUNTER"* log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (*application/other document*) in the top drawer of filing cabinet.

OREGON
WATER RESOURCES DEPARTMENT

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Andreas Blech Sunny Valley Sand & Gravel
1867 Williams Hwy STE 260, Grants Pass OR 97527

Transaction Type: extension

Fees Received: $ 780.00

☐ Cash ☒ Check: **Check No.** 10109

Name(s) on Check: Sunny Valley Sand & Gravel Inc.

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

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OWRD Customer Service Staff

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(Name of OWRD staff)

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Schwabe
WILLIAMSON & WYATT®

Lindsay Thane
Admitted in Oregon,
Washington and Montana
D: 503-796-2059
C: 406-214-1918
lthane@schwabe.com

April 4, 2023

VIA OVERNIGHT DELIVERY

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

RE: Application for Extension of Time for Permit R-15320
Our File No.: 123805-182220

To Whom it May Concern:

Please find enclosed with this letter an application for extension of time submitted on behalf of Sunny Valley Sand & Gravel and Andreas Blech to request an extension of time to complete beneficial use under Permit R-15320. Enclosed with the extension application are exhibits to the application and a check for the extension application fee of $780.00.

Please let me know if you have any questions.

Sincerely,

Lindsay M. Thane

Lindsay Thane

LTH:cc
Enclosures
cc: Andreas Blech (*via email*)
Elizabeth Howard (*via email*)

PDX\LTH\36364267.1

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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 # 140430 INVOICE # _____

RECEIVED FROM: Sunny Valley Sand + Gravel Inc
BY: _____

APPLICATION	R-87930
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 10109 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D $ 780.00

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 46111

0407	COPY & TAPE FEES	$
0410	RESEARCH FEES	$
0408	MISC REVENUE: (IDENTIFY) _____	$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	$
0240	EXTENSION OF TIME	$ 780.00

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD#	
0210	MONITORING WELLS	$	CARD#	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

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

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OVER THE COUNTER

RECEIPT: 140430 DATED: 4-5-23 BY: Lisa D - Miller

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

Evergreen Bank 780.00

SUNNY VALLEY SAND & GRAVEL INC.

Oregom Water Resources Dept. 03/14/23 Bill # 03/14/2023 780.00 10109

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Application for

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

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

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.

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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, Andreas Blech; Sunny Valley Sand and Gravel Inc.
NAME OF PERMIT HOLDER *[OAR 690-315-0020(1) and (3)(a)]*

1867 Williams Hwy Suite 260	Grants Pass	OR	97527
ADDRESS	CITY	STATE	ZIP

541-226-8784
PHONE

andreas@blech.us
E-MAIL ADDRESS

the permit holder of: Application Number R-87930

Permit Number R-15320
[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: March **Day:** 22 **Year:** 2023, **be extended to October 1,** 2028, *[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.

Signature	**Date** 3-8-23
Printed Name Andreas Blech	**Title** President Sunny Valley Sand & Gravel

The agent below is authorized to represent the applicant in all matters relating to THIS application.

Permit Holder Initials

Authorized Agent (Print Agent Name) Elizabeth Howard and Lindsay Thane	**Agent contact** ehoward@schwabe.com and lthane@schwabe.com

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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 $780
- 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:

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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.

- 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: _____

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For Surface/Reservoir Permit

Has construction of the water system begun? ☒ **Yes** ☐ **No**

Date construction began Month: April Day: 1 Year: 2018

Details of construction and attach documentation:
Andreas Blech; Sunny Valley Sand and Gravel Inc. (the "Permittee") began constructing the point of diversion ("POD") in April 2018. Construction of the POD required that the Permittee obtain a Clean Water Act Section 404 permit from the Army Corps of Engineers because the POD structure is within the Ordinary High Water ("OHW") elevation of Grave Creek. The Permittee also obtained a removal/fill permit from the Oregon Department of State Lands to construct the POD. The work to construct the POD involved excavation and displacement of boulders, cobbles, gravels, and sands substrates to install the pipeline. The Permittee worked with the Oregon Department of Fish and Wildlife ("ODFW") screenshop to acquire a fish screen suitable for the POD and then installed the ODFW-approved fish screen. The displaced

materials were resituated within the OHW of Grave Creek and utilized to protect the intake structure from erosion. Construction of the POD was completed in 2022.

The Permittee also constructed a pipeline from the POD to this permitted reservoir, which is called Reservoir #2. Within 50 feet of the POD, aligned with the pipeline, the Permittee has installed a totalizing flow meter and valving at a location approved by the watermaster. The flow meter was installed in Fall 2022. The Permittee subsequently reseeded the upland locations around the POD with native vegetation.

The Permittee began constructing the reservoir structure (Reservoir #2) in April 2018. The Permittee excavated the reservoir area, constructed berms along the sides of the reservoir, and graded within the reservoir footprint. A component of the grading work involved clearing the interior of the reservoir of rocks so that the bottom of the reservoir bottom is largely uniform and flat and does not have obtrusions. This was necessary so that the reservoir can be lined, as required by a condition in the permit. The reservoir construction was completed in October 2022.

The clay liner was installed beginning in October 2022. The work was completed November 28, 2022. At the watermaster's request, the Permittee has now obtained a survey, and other data, and is working with a professional to prepare a report to confirm that the reservoir liner will meet the conditions of the permit.

Please see the following attached documents demonstrating completion of the above described construction:

1. Two photos documenting construction of the reservoir shortly before completion of installation of the clay liner (aerial photo of reservoir and dump truck hauling in reservoir liner clay) (Ex. A);
2. Receipts for picking up and hauling the clay material to the property (Ex. B);
3. 3 photos of the installed fish screen and POD emailed to ODFW 9.27.2022 (Ex. C);
4. 2 photos of the completed totalizing flow meter component of the POD (Ex. D).

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

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		
☐	Installation of a meter/totalizing flow meter	☐ Yes ☐ No	

☐	Submittal of annual water usage report	☐ Yes ☐ No	
☐	Submittal of static water level measurements in the month required	☐ Yes ☐ No	
☐		☐ Yes ☐ No	
☐	Special well construction standards	☐ Yes ☐ No	
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
☐	Well ID tag assigned and installed:	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☒	Installation of a meter/totalizing flow meter	☒ Yes ☐ No	A totalizing flow meter was installed prior to 9.30.2022. Installation was approved by the watermaster 12.14.2022. *See* email. (Ex. E).
☐	Submittal of annual water use report	☐ Yes ☐ No	
☒	Installation of a fish screen	☒ Yes ☐ No	*See* 9.27.2022 letter from ODFW approving the fish screen device that is installed. *See* attached photos of the fish screen emailed to ODFW 9.27.2022. (Ex. F).
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☒	Installation of an outlet gate/pipe/ conduit	☒ Yes ☐ No	An outlet pipe was installed between May and July 2020.[1]
☒	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☒ Yes ☐ No	*See* 9.27.2022 letter from ODFW determining that a fish bypass device and fishway are not necessary. (Ex. F).
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☒	RECEIVED APR 05 2023 OWRD Other (Specify): The reservoir shall be constructed to have a minimum bottom elevation above the water table seasonal high.	☒ Yes ☐ No	Reservoir construction was completed October 2022. *See* attached: 1. Survey of reservoir elevation (Ex. G); 2. Groundwater elevations in the area measured by well SVB-1 (Ex. H); and 3. Groundwater review for T-12837, specifically discussion of the depth of

[1] Although the outlet pipe was installed, it has subsequently been removed pending completion of the liner. The outlet pipe will be reinstalled prior to diverting water to fill the reservoir.

			groundwater level at the wells as being multiple feet bls (Ex. I).
☒	Other (Specify): The permit holder shall install a liner in the reservoir sufficient to prevent the intrusion of groundwater at all times. The liner shall be in place prior to the diversion or storage of water in the reservoir. *This condition is broken out from the below condition because the Permittee believes that this liner installation condition has been satisfied. The watermaster stated on 12.12.2022 that he disagreed that the liner had been sufficiently installed. The Permittee believes the requirement in the condition to demonstrate that the liner is sufficient to prevent the intrusion of groundwater into the reservoir has been met because the groundwater elevation in the vicinity of the reservoir is below the elevation of the bottom of the reservoir. The Permittee believes it is unlikely there will be intrusion of groundwater into the reservoir because the seasonal high elevations of groundwater relative to the elevation of the liner in the reservoir demonstrate the reservoir is at an elevation sufficiently higher than groundwater to prevent intrusion.	☒ Yes ☐ No	Reservoir liner installation was finished on 11.28.2022. *See* note in column 2 regarding the watermaster's statements that additional work is required regarding the liner condition. (Ex. E).
☒	Other (Specify): Prior to use of water from the reservoir the permit holder must demonstrate to the satisfaction of the watermaster that the liner is effective in preventing the intrusion of groundwater.	☐ Yes ☒ No	The liner is awaiting watermaster approval. *See* 12.14.2022 email from watermaster requiring a survey of the reservoir. *See* 12.20.2022 email from watermaster requiring evaluation by a professional, such as a geotechnical engineer, to demonstrate the liner prevents intrusion of groundwater. (Ex. E).
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ 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.

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The Permittee requests this extension of time to comply with an outstanding permit condition that must be satisfied before water is diverted into the reservoir, and to have adequate time to fill the reservoir to the authorized level after the condition is satisfied. The Permittee requests this extension to allow additional time to obtain the watermaster's confirmation that the reservoir liner prevents the intrusion of groundwater. This is the only outstanding permit condition before the Permittee can divert water to complete beneficial use. The Permittee has installed the clay reservoir liner; however, obtaining the watermaster's approval of the reservoir liner has required a number of unanticipated steps that were not raised by OWRD in 2018 when the Permittee initially had conversations with the (now, former) watermaster and OWRD management about how to comply with the reservoir liner condition.

As discussed in response to question 15, below, the former watermaster and OWRD management agreed that a clay reservoir liner, as long as the reservoir is above groundwater level, would satisfy the reservoir liner condition. The current watermaster has unexpectedly required more than the Permittee and OWRD contemplated in 2018.

The Permittee was also delayed in installing the clay reservoir liner due to OWRD's delays in completing its review of water right transfer T-12837. OWRD has been on notice for a number of years that approval of T-12837 would be necessary for the Permittee to be able to extract clay from cleaning the sand and gravel mined at the Permittee's project site. This clay is what the Permittee planned to use as a reservoir liner. As early as 2018, the Permittee and OWRD discussed that the reservoir liner would be a clay liner that would be a byproduct of the Permittee's on-site aggregate mining. As discussed with OWRD, for the Permittee to have the clay to line the reservoir, he required a water right for mining use and thus, was seeking approval of a transfer application T-12837. This is documented in Permittee's attorney's notes of conversations with OWRD. (*See also* November 14, 2018 letter from Permittee to OWRD, attached Ex. J). Approval of T-12837 has been delayed, as discussed in response to question 15, below by OWRD and the Oregon Department of Fish and Wildlife ("ODFW"), despite the Permittee's extensive efforts to move the process along as expeditiously as possible.

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Until late summer 2022, a reservoir liner made of clay required approval of T-12837 because the clay anticipated to line the reservoir would be obtained as a byproduct from on-site aggregate mining utilizing water under T-12837. With the completion date approaching and no hearing date set for T-12837, the Permittee first revisited the idea of installing a synthetic liner. He had conversations with a company in Bend about installing a synthetic liner; however, the synthetic liner was cost prohibitive, and the Permittee determined it would be ineffective because rocks below the liner, and resident elk, deer, and other wildlife, could too easily puncture the liner causing it to be ineffective. Accordingly, the Permittee reached out to other aggregate mines in the area to determine whether they had clay from their operations that could be obtained by the Permittee to line the reservoir. The Permittee was—unexpectedly—able to obtain clay from other aggregate mines. The Permittee did not explore this option earlier because he thought it was unlikely that other mines in the area had clay byproduct they would be willing to allow him to haul off-site, and even if they did, he anticipated it would be cost prohibitive. While trucking in the clay from the other mines and screening large rock material out of the bottom of the reservoir to create a level surface for a liner to be installed over, the Permittee found that there was some clay on the reservoir bottom. The Permittee was able to also utilize these sources of clay to line the reservoir. However, the delay of the approval of T-12837 stymied the Permittee's ability to install a reservoir liner earlier in time to comply with the outstanding permit conditions by the completion date.

After the Permittee installed the clay liner, as anticipated in his 2018 conversations with OWRD, the current watermaster determined that a site visit was necessary to view the reservoir liner. The Permittee consulted with the watermaster beginning on September 21, 2022 about his proposed clay reservoir liner plan and installation timeline. On November 28, 2022, the Permittee informed the watermaster that the reservoir liner was complete. The watermaster then informed the Permittee that a site visit was necessary to inspect the liner.

The watermaster conducted a site visit on December 8, 2022. On December 12, 2022, the watermaster informed the permittee for the first time that the Permittee must obtain a survey of six elevation points to confirm the elevations of the reservoir. Obtaining a survey is not a specified component to satisfy the reservoir liner condition. The watermaster then told the Permittee on December 20, 2022 that the Permittee must obtain a report, such as from a geotechnical engineer, to demonstrate that the liner is effective in preventing the intrusion of groundwater into the reservoir. Again, obtaining a report from a geotechnical engineer is not specified as a component of satisfying the reservoir liner condition in Permit R-15320. As noted above, the Permittee and his agent had previously discussed with OWRD and the previous watermaster what would be necessary to comply with the liner condition after Permit R-15320 was issued, and neither a survey nor professional report demonstrating the lack of groundwater intrusion were requirements.

After the watermaster requested a survey in December 2022, the Permittee encountered a lack of surveyor availability. Even though the reservoir was lined over 1 month before the storage season was to begin, the Permittee was unable to have the reservoir surveyed until February 9, 2023. The surveyor was unable to complete his stamped survey report, which must be completed before the Permittee's professional report can be drafted, until March 8, 2023. The Permittee has retained a professional hydrogeologist to comply with the watermaster's request that the reservoir liner be evaluated by a professional to demonstrate that it is effective in preventing the intrusion of groundwater. The Permittee anticipates complying with the final permit condition in the coming months. However, compliance with the final condition is at the watermaster's discretion, and so the Permittee cannot provide a date certain.

There is no additional construction that must be completed or infrastructure that must be installed before the Permittee can divert and store water, so long as the watermaster approves the reservoir liner that the Permittee installed. Once obtaining the watermaster's approval, the Permittee will also require time to fully fill the reservoir as authorized under Permit R-15320 in order to complete beneficial use.

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[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 *List any work done before the permit was issued – eg. well drilled.*	COST*

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED *and* PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER *List work/actions done during the permitted time period.*	COST*
3/22/2018	**Date the permit was signed** - find date above signature on last page of permit.	
4/2018 to 11/2022	Excavation work to clear the land to dig the trench to install the pipeline at the location of the POD, to install the fish screen, and to construct the infrastructure that houses the totalizing flow meter, the pump to keep the totalizing flow meter relatively dry, and the solar panels to power the pump. The disturbed ground was then restored and seeded for new vegetation.	$13,000
4/2018 to 10/2022	Clear ground, excavate, and build berm to construct Reservoir #2. The ground clearing required working inside the reservoir footprint to remove rocks to create a surface relatively free of obtrusions so that a clay liner could be installed.	$44,000
April 2019	Purchase and install 1,600 feet of pipelines and purchase and install valves that comprise the water delivery system and will transport water from the authorized POD to the reservoir. The valves allow the permittee to direct the flow of water into the reservoir.	$28,000
Sept.-Oct. 2020	Seed the berm around the reservoir to assist in erosion control.	$1,000
9/27/2022	Purchase and install an ODFW approved fish screen.	$12,700
10/3/2022 to 11/28/2022	Purchase, mix, truck, and install clay that lines the bottom of Reservoir #2. 3,763 yards of clay were used for the liner. The clay liner is sufficient to prevent the intrusion of groundwater into the Reservoir, as required by the permit.	$87,000
2/9/2023	Obtain a survey with elevation points taken from the bottom of Reservoir #2 to confirm the elevations of the reservoir. This survey was required by the watermaster to comply with the permit development condition requiring demonstrating to the satisfaction of the watermaster that the liner is effective in preventing the intrusion of groundwater.	$3,500
12/8/2022	Purchase and install a totalizing flowmeter and valving. The totalizing flow meter was installed on November 28, 2022. The watermaster approved the meter and installation on December 8, 2022.	$8,700
Late December 2022	Acquire and truck to the property an additional approximately 200 cubic yards of clay to further line the bottom of Reservoir #2.	$5,000
3/22/2023	**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** *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.*	**COST***
	Total Cost for Chart-B	**$202,900**

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

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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 *List all work done during the last authorized extension period.*	COST*
	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
	"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** *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.*	**COST***
	Total Cost of Chart-C	

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

5. Cost of project to date: $202,900.00

(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.

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 = _____ 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):

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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					
			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 this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	- -
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-_____

[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).**

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(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)
April-May 2023	Install additional clay in Reservoir #2 to further line the bottom of the reservoir.	$3,000
March-April 2023	Obtain a report from a professional hydrogeologist that confirms the liner is sufficient to prevent the intrusion of groundwater into the reservoir.	$8,000
Jan. 1-Mar. 31, 2024 (depending on flows)	Divert and store the entire the entire 70 acre-feet in Reservoir #2 as authorized pursuant to this permit. All of the construction is complete and the infrastructure for operations is in place (absent reinstalling the outlet pipe), there merely needs to be sufficient water to allow for diversion into the reservoir during the authorized period in order for the permittee to be able to file a claim of beneficial use. While the permittee hopes to divert the full 70 acre-feet in 2024, this extension requests until 2028 to account for the potential for insufficient water years during the next five years.	$0 *This estimated cost is $0 because the POD is gravity flow, so there should not be costs to the Permittee to divert water.
Year: 2028	**Date intend to apply water to full beneficial use under the terms and conditions of this permit.**	
	Total Cost	**$11,000**

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

11. Estimated remaining cost to complete the project: $11,000

(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.)*

As explained in response to question 2.b above, the Permittee diligently constructed Reservoir #2 and installed the extensive infrastructure required to satisfy the conditions of Permit R-15320. However, there are unanticipated steps being required to obtain the watermaster's confirmation that the reservoir liner condition has been satisfied. The Permittee believes there is no additional construction that must be completed and only minimal additional liner that must be installed before the Permittee can divert and store water, so long as the watermaster approves the installed reservoir liner. As explained in response to questions 2.b and 15, the watermaster indicated on December 12, 2022 that he believes some areas require additional clay liner so that the liner is of greater thickness and uniformity in those areas. The watermaster has also requested: (1) a survey of the bottom elevation of the reservoir to compare its elevation to groundwater elevation in the area, and (2) a professional report evaluating the reservoir lining to demonstrate that it is effective in preventing the intrusion of groundwater. The last permit condition the Permittee must comply with is obtaining the watermaster's confirmation that the Permittee has satisfied the condition that the liner be effective in preventing the intrusion of groundwater. The Permittee obtained the final

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surveyor's report in March 2023 and in March/April 2023 is obtaining a hydrogeologist's report, which will utilize the survey, to demonstrate to the watermaster that the liner is effective in preventing the intrusion of groundwater. It is anticipated that the hydrogeologist's report will satisfy the watermaster's requirement because the report will consider groundwater elevation levels from a monitoring well near the reservoir and show that the liner is sufficient (and in fact is actually not needed based on the elevation of the bottom of the reservoir) to prevent groundwater intrusion. The report will compare the surveyed elevation levels in the reservoir to the groundwater elevation levels, which are well below the reservoir bottom, to demonstrate that there will not be groundwater intrusion into the reservoir.

Once the hydrogeologist's report is complete, the Permittee will provide it and the survey to the watermaster, along with other information requested. At that point, the Permittee will be waiting on the watermaster's determination as to the satisfaction of the reservoir liner permit condition. Upon obtaining the watermaster's approval, the Permittee will apply water to beneficial use in accordance with the conditions of Permit R-15320 during the next year in which flows are sufficient to satisfy the permitted storage. Such flows will be dependent on the type of water year; therefore, this extension requests 5 years to provide sufficient time to complete beneficial use.

The cost to complete beneficial use is at least $11,000. However, it is uncertain whether there will be additional costs that the Permittee must incur to obtain the watermaster's approval of the reservoir liner.

[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 Permittee requests until March 22, 2028 (five years) to complete beneficial use. The Permittee has complied with the permit conditions. However, as explained in response to question 2.b and 12 above, the Permittee needs the watermaster's confirmation that the reservoir liner condition has been satisfied, and the watermaster is requiring a survey and report in order to confirm as much. The Permittee requests an additional 5 years to complete beneficial use in case there are climatic conditions, like drought, that prevent the Permittee from diverting water under this permit during the limited storage season authorized by the permit (Jan. 1 – Mar. 31). The requested extension is expected to provide the Permittee with the opportunity to store the entire authorized 70 acre-feet during a sufficient water year such that the Permittee can file a claim for beneficial use and obtain a certificated water right that provides for the full 70 acre-feet of storage.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

A denial of this extension application will result in undue hardship to the Permittee. The Permittee has invested significant financial resources and nearly 10 years of effort to obtain this water right permit, develop it, and attempt to timely complete beneficial use. This permit is necessary for the Permittee to operate his business in a manner that produces revenue so that the Permittee's business is not operating at a financial loss and can generate a profit. The Permittee has invested $202,900.00 in the physical development of this permit, and hundreds of thousands of dollars more in the Permittee's business venture, the success of which is dependent upon completing beneficial use and perfecting this permit. The Permittee has been working in earnest for the past 10 plus years to obtain the necessary water rights to allow his business to operate, as further explained below. The Permittee also expended significant resources pursuing the necessary land use approvals during that time for his business operation, including appeals of those approvals that twice were appealed to the Oregon Land Use Board of Appeals before the Permittee prevailed.

In addition, the Permittee applied for this permit, but then a Petition for Reconsideration of OWRD's Final Order was filed and the Permittee incurred the cost of filing a response to the Request. The Permittee also had his engineering consultants prepare a report in 2015 (Shannon & Wilson Conceptual Design Guidance Report) ("Shannon & Wilson Report") that was submitted to Ivan Gall, OWRD, to demonstrate that the Permittee's design of berms and the reservoirs would raise the elevation of stored water above the range of typical groundwater fluctuations and prevent groundwater infiltration into the reservoirs. The costs for this work were $10,000. The entirety of the costs invested in pursuing this permit, and the costs for the physical development of the reservoir, will be lost if this extension application is denied.

The Permittee has another reservoir permit and a pending transfer application (T-12837), but with only those water rights and not this permit, the Permittee's business will be unable to generate a profit. As such if this permit is not extended, the Permittee anticipates having to shutter his business venture, which would cause him serious hardship given his financial investment and investment of 10 years' time in the business. The Permittee anticipates these consequences for the following reasons.

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The Permittee's application T-12837 is a live flow water right that if approved, will only authorize the diversion of 0.80 cfs of water for mining use from April 1 to October 31. Even if T-12837 is approved, it will only provide the Permittee with water for seven months (30 weeks) out of the year. The Permittee intends to run his operation for 50 weeks out of the year. The Permittee anticipates that processing aggregate for any less than approximately 42 weeks (10 months) will not generate a profit due to business expenses. Additionally, if there is a short water year such that there is insufficient water in Grave Creek during the latter part of the authorized season of use for T-12837, then T-12837 would provide water for less than 30 weeks out of the year. Additionally, T-12837 does not authorize a high enough rate of diversion for the Permittee to operate his aggregate washing equipment. The Permittee's equipment manufacturer recommended to the Permittee, after talking with the Permittee and consultants who have been

on the Permittee's site, that based on the specifications of the aggregate washing equipment the Permittee plans to use and the clay content on the Permittee's site, the Permittee will likely need to use up to 3,000 gpm of water in the washing equipment. T-12837 authorizes diversion at a rate of 0.80 cfs and as such, is insufficient to provide the full rate of water required for the operation. (3,000 gpm is equivalent to 6.68 cubic feet per second ("cfs").)

Therefore, to operate his business for 50 weeks (for 5 days per week, 8 hours per day), the Permittee requires the storage and use of water from his two permitted reservoirs. (The Permittee intends to use the water that is stored in the reservoirs after the Permittee obtains a secondary water right permit for such use.) The Permittee intends to divert water from the reservoirs for use in the aggregate washing equipment and then reuse the water. The Permittee, in consulting with other aggregate operators, estimates that approximately 10% of the water will be consumed in processing the aggregate and cannot be reused. Accounting for that consumptive loss, when operating 5 days per week for 8 hours per day for 50 weeks per year, using a diversion rate of 3,000 gpm for the equipment, the Permittee's operation would require approximately 110.5 acre-feet to operate the washing equipment. That volume does not account for water the Permittee will need to use in other parts of the operation, such as for dust suppression. The Permittee requires both of his permitted reservoirs to supply this volume of water for his operation because the amount of water in a reservoir will continue to diminish as water is diverted for use in the washing equipment and other parts of the operation, like dust suppression. Additionally, water will evaporate from the reservoirs. In the late summer and fall, the reservoirs will have incurred most of their evaporative losses, water will have been used and consumed in the operation, and if it is a water year in which there is no water available to divert under T-12837 during those months, the Permittee's sole source of water will be stored water. With only one reservoir, the Permittee is nearly certain to run out of water to operate his aggregate washing equipment multiple weeks before the storage season begins on January 1st. As such, if the Permittee's reservoir permit is not extended, his operation cannot run profitably solely by relying on water under T-12837, if approved, and his other reservoir Permit R-15319, if it is extended, because it is simply unlikely that there would be water for up to 50 weeks of the year.

The Permittee's operation is unlikely to be profitable if its operating year is cut short. The Permittee anticipates that it is in last 1-2 months of the year when the business will generate a profit (when looking at the business finances on an annualized basis). The Permittee's profit margins in the business will be driven by the market prices for different types of aggregate (*ie.* sand, gravel, big boulders, small boulders, etc.). However, given the expenses in the business, the Permittee anticipates that without sufficient water to operate for nearly 50 weeks out of the year—which the Permittee will almost certainly be unable to do if this permit is not extended (even if T-12837 is approved and Permit R-15320 is extended)—the Permittee will have to cease his operation.

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Additionally, the Permittee's operation will require that he mine under reservoir #2 and under reservoir #4 to recover aggregate as part of his operation. At the point in time that the Permittee mines under reservoir #4 such that it is no longer used as a reservoir, if this permit for reservoir #2 is not extended, the Permittee's only water right permit or transfer application to supply

water for the aggregate washing equipment would be T-12837, if approved. (Mining in the location of reservoir #2 and reservoir #4 has already been approved by the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Permittee has obtained the necessary Josephine County approvals.) Therefore, the Permittee would have an insufficient rate of water and an insufficient season of water use solely under T-12837 to mine the footprint of reservoir #4, which is one entire mine cell of the only 8 mine cells the Permittee is approved to mine under his DOGAMI-approved mine plan. Given the Permittee's significant financial investments in the physical construction of this reservoir permit and the development of this aggregate operation, an inability to recover aggregate from an entire mine cell would drastically decrease the Permittee's ability to generate revenue to pay off business expenses, such as loans.

Therefore, without this reservoir permit, even if the other reservoir permit (R-15319) and T-12837 are approved, the business will not operate at a capacity and efficiency that the Permittee anticipates will generate a profit or provide the revenue to pay off long-term expenses. The Permittee has invested significant time and resources ($202,900 in just the physical development of this water right) in developing this water right. This does not begin to account for the hundreds of thousands of dollars that the Permittee has invested in this project, both self-financed and borrowed. The Permittee has also devoted over 10 years just to developing the water right components of this business venture.

If the Permit is not extended, the Permittee has no way to protect the significant financial and time investments that he has made in this business venture. If this reservoir permit is not extended, the Permittee will suffer serious hardship because he anticipates that he will have to cease pursuing this business venture given the unlikeliness that it could generate a profit with a shortened operational year due to lack of water. The Permittee will suffer all of this hardship due, in part, to agency delays and shifting agency expectations that were beyond his control. Despite delays beyond the Permittee's control, it is the Permittee who bears the entire burden if the permit is not extended—the burden of losing over 10 years' time investment, of losing his significant financial investments, and of losing his prospective income. Given the inability of the Permittee without this reservoir permit to operate for the necessary annual duration to process an adequate amount of aggregate to pay his expenses and then make a profit, the Permittee will have to shutter the business. Given the amount of money the Permittee has invested in pursuing this operation for over 10 years, he believes that if the permit is not extended such that he cannot operate the business he will be in a dire financial situation.

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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)*

There are no other reasonable alternatives to meet the Permittee's water use needs. Permit R-15320 authorizes the storage of 70 acre-feet of water, which will be used in the Permittee's business operations. The water will be reused in the operations such that the one-time fill of Reservoir #2 will be efficiently used in the operation and conserve water. There is no irrigation district or other water supplier that could deliver water for the permitted uses. Nor is the

Permittee aware of any source from which he could purchase and transfer a similar quantity of water to fill the reservoir.

The Permittee does have another reservoir permit and a pending transfer application. Neither of these are reasonable alternatives to meet the Permittee's water use needs. The Permittee requires the live flow water under the transfer application to wash aggregate. The Permittee requires the storage water right permits to be able to store the wash water and use and (re-use) it in the mining operation. Additionally, the Permittee cannot operate his business efficiently with only one reservoir, as explained further in response to question 14a, above. With only one reservoir, the Permittee would not be able to operate his business at a profit, and would have to shutter his business venture.

[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.)*

The Permittee's ability to timely apply water to beneficial use was significantly delayed due to the watermaster's additional requirements—which are not specified in Permit R-15320—to satisfy the reservoir liner condition. While a reservoir liner that prevents the intrusion of groundwater is a condition of Permit R-15320, there was never a mention of a survey or needing a professional report to satisfy the condition.

To understand the reservoir liner condition, in April 2018, the Permittee's attorney had a conversation with the (now former) watermaster and management at OWRD, including Ivan Gall, to understand what would be required to meet the liner permit condition. OWRD said that it did not have anything in mind for the liner other than it had to be sufficient to prevent water intrusion at all times. OWRD confirmed that compacted clay material—like the Permittee had installed by December 2022—would be adequate as long as it is above groundwater level. The Permittee also provided Ivan Gall with the 2015 Shannon & Wilson report that demonstrated how construction of the reservoir and the groundwater elevation levels in the area would ensure there would not be the intrusion of groundwater into the reservoir. During these conversations, OWRD and the Permittee anticipated installation of a clay liner, not a synthetic liner. As communicated to OWRD, for the Permittee to install a clay liner, the Permittee would apply for a transfer application (T-12837) to obtain the water necessary to begin mining aggregate, and clay is a byproduct of the process, so the Permittee would then have the clay necessary to install the reservoir liner.

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However, approval of T-12837 has been extensively delayed. The Permittee applied for T-12837 in February 2018. The transfer water right was significantly delayed due to OWRD errors in processing the application, particularly in failing to provide notice of a hearing for its consent to injury for the application. (*See* 6.24.2020 emails between Lisa Jaramillo and Elizabeth Howard, attached Ex. K). OWRD initially proposed to deny T-12837. However, in June 2020, a

recommendation from ODFW that OWRD consent to injury was obtained and T-12837 was proposed for approval. However, OWRD pulled its preliminary determination because it had failed to conduct a required hearing. OWRD and ODFW held the public hearing in September 2020. It was not until June 2021—a full year after OWRD pulled its 2020 preliminary determination—that OWRD issued a new preliminary determination approving the transfer. (*See* October 28, 2021 letter to OWRD, attached Ex. L). This was in part because it took ODFW took nearly 1 year to review the public comments that were submitted related to its recommendation that OWRD consent to injury. OWRD subsequently proposed to approve T-12837. However, OWRD's proposed approval was protested in July 2021. OWRD did not refer the protest to a contested case hearing until July 2022, despite extensive efforts by the Permittee to get OWRD to refer the matter for a hearing. (*See* 8.11.2021 email from Blechs' attorney to OWRD, attached Ex. M). These events significantly delayed the time by which the Permittee could obtain the water right needed to extract the clay on-site to install a reservoir liner.

As a result of these delays, the Permittee looked for other alternatives to install a liner. In January 2022, the Permittee applied to OWRD for a limited license to obtain a short-term water use authorization to appropriate water that it could use to extract the clay to line the reservoir. The Permittee offered mitigation in conjunction with its limited license application; however, on March 16, 2022, OWRD denied the limited license application. OWRD had previously approved similar limited license applications, but in January 2022 changed its policy on offering mitigation water for limited licenses like the one applied for. OWRD's denial caused another unanticipated delay in installing the reservoir liner.

This delay caused the Permittee to explore purchasing and installing a synthetic liner. The Permittee wanted to ensure that he was exploring all potential liner options to timely complete beneficial use. As such, in summer 2022, the Permittee explored installation of a synthetic liner in order to meet the completion date given the agencies' delays in approving the transfer application for water that could facilitate extraction of clay for the liner. However, the Permittee discovered the liner would not be an effective option because rocks on the bottom of the reservoir could puncture the liner, as could animals, particularly local elk that might walk across exposed parts of the liner in drier months. These punctures would compromise the liner. Additionally, the liner was exorbitantly expensive as it was approximately ten times the cost of utilizing a natural clay liner, and the project was not generating any income that could pay for the liner.

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Thereafter, the Permittee found an opportunity to truck in clay from other nearby facilities that had the material in surplus, and which would not require the Permittee to utilize water to produce the clay on-site. The Permittee had not previously asked area aggregate mines if they had clay that he could obtain because he did not want to incur the expense and was continuing to pursue T-12837. However, in summer 2022, when a hearing date for T-12837 still had not been set, the Permittee looked to explore other liner options to attempt to complete beneficial use by the completion date. The Permittee immediately started trucking in the clay and utilizing it to line Reservoir #2.

By November 28, 2022, the Permittee had fully installed a clay liner in the reservoir utilizing the material he obtained from off-site sources. However, to demonstrate to the satisfaction of the watermaster that the liner is effective in preventing the intrusion of groundwater, the watermaster informed the Permittee on December 12, 2022 that the Permittee had to obtain a survey of six elevation points to confirm the elevations of the reservoir and a report from a professional hydrogeologist that confirms the liner is sufficient to prevent the intrusion of groundwater into the reservoir. As explained in response to questions 2.b and 12 above, neither of these requirements are specified in Permit R-15320 as a component of satisfying the reservoir liner condition. In fact, the Permittee demonstrated for the new watermaster that the reservoir is above groundwater level by providing him in December 2022 with water level data collected at two monitoring wells. However, the new watermaster required the survey and groundwater liner report, neither of which were previously considered necessary by OWRD. Contracting with the necessary professionals to complete these tasks and finding availability for them to complete the tasks to comply with the watermaster's requests made it infeasible for the Permittee to complete beneficial use by the completion date.

[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)*

The new watermaster's position with respect to satisfying the condition of the permit regarding the reservoir liner's effectiveness in preventing the intrusion of groundwater was an unforeseen event over which the Permittee had no control and for which the Permittee had no forewarning. As a result, the Permittee lost opportunities to store water in the 2023 storage season prior to the completion date. The Permittee incorporates by reference its response to questions 2.b, 12, and 15 as further discussion of the unforeseen events.

The Permittee also encountered an unforeseen inability to obtain the approvals necessary to install the reservoir liner due to agency delays. In 2018, the Permittee began investigating an effective liner to prevent intrusion of groundwater, as required by the permit conditions. The Permittee had discussions with OWRD about the liner condition in the permit and OWRD was aware that the Permittee intended to line the reservoir with clay derived from sand and gravel deposits on the property. In order to extract the clay, the Permittee needed a water right for mining uses and thus, filed transfer application T-12837 in February 2018. The agency delays in obtaining approval of T-12837, as explained in response to question 15, were unforeseen and caused by OWRD's process mistakes and delays in referring the protest to a contested case hearing.

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The delays in processing of T-12837 to allow the Permittee to obtain the water necessary to extract the clay for the reservoir liner were also caused by the COVID pandemic and attendant agency delays that can in part likely be attributed to the challenges of adapting to remote work. The Permittee could not have foreseen the lengthy application processing delays for T-12837 that were caused, in part by COVID, which forced all OWRD and ODFW business to occur

remotely during the time the transfer application was being processed. This unforeseen event delayed the Permittee's ability to line the reservoir.

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

17. Describe any 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.)*

See responses to questions 2.b, 12, 15 and 16 above.

[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.

The Permittee anticipates there may be comments submitted against approving this extension application that argue water is not available to satisfy other affected water rights or habitat needs (OAR 690-315-0040(4)(a)-(c)). These arguments are without merit. When this permit was approved in 2018, OWRD concluded that water was available, the proposed use would not injure existing water rights, and would not pose a significant detrimental impact to existing fishery resources. Given that the proposed use has already been permitted, allowing development of the proposed use would not change these conclusions. Further, since the approval of this permit, the Permittee has implemented the mitigation plan approved by ODFW as part of T-12837. Those efforts have improved the habitat of Grave Creek and the nearby vicinity, including creating complexity in Grave Creek. Therefore, since approval of this permit, the habitat in Grave Creek at the authorized POD has improved. As such, OWRD's conclusions in approving this permit still demonstrate that the proposed use will not injure existing water rights or pose a detrimental impact to the fishery resources.

As explained in response to question 20, the Permittee's proposed aggregate operation will be one of the sole sources of "round rock" in the region. Round rock, as opposed to fractured rock, typically meets the characteristics necessary to be used in state and federal highway projects whereas fractured rock often does not have the necessary characteristics. The Permittee's project would provide the opportunity for contractors bidding on state and federal projects to utilize the Permittee's round rock as part of their bids, including bidding on an upcoming Interstate 5 project in Southern Oregon. Currently, round rock and natural frequently comes from Douglas County or Jackson County. Utilizing the Permittee's aggregate means that aggregate for road construction projects in Josephine County will not have to be trucked as far as otherwise. Utilizing local material like the Permittee's would help reduce climate change impacts from greenhouse gas emissions associated with highway projects by utilizing the Permittee's aggregate rather than trucking in aggregate from farther distances. This would likely lead to a reduction of greenhouse gases that would otherwise be emitted from the trucking of aggregate. Reducing greenhouse gases is critical to addressing the impacts of climate change.

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The Permittee also incorporates its responses to the above questions, specifically pertaining to OWRD's delays in processing and referring T-12837, which was intended to be the source of water for the Permittee to extract the clay for the reservoir liner.

[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. The Permittee has invested approximately $202,900 in the physical development of the reservoir to-date. The Permittee will use water stored in the reservoir for aggregate washing and production. The income from this project will provide a fair and reasonable return as it will allow the Permittee to generate revenue that will provide him and his family with income. When the Permittee is able to utilize the water authorized under this water right permit and under the Permittee's other water right permit and T-12837, the Permittee will generate sufficient revenue such that it can be the Permittee's his sole source of income and the business will generate a profit. (Right now, the Permittee obtains contract employment to provide him with income.) If the Permittee is able to operate at his planned capacity, he will make a profit that will provide a reasonable return on his investment.

The Permittee's investment in this project will also allow the Permittee to provide an income for others as well. For example, the Permittee intends to hire contractors or employees to conduct the mining work. Therefore, the Permittee's operation of the business will be able to provide a source of income for these individuals.

[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?)*

The Permittee's business will support the local economy by providing employment either by direct employment and/or through contracts for services. These businesses and area residents would be unable to benefit from these opportunities if the Permittee's business cannot operate. The Permittee has potential purchasers of the aggregate that will be mined, and hopes to sell the aggregate to a contractor who is selected to complete State of Oregon and federal highway road improvement and bridge projects. In particular, the Permittee will be one of the sole sources of round rock and natural sand in the region. Round rock is the rock that is most sought after to complete the types of aforementioned road improvement projects. Competitor aggregate mines in the region largely only have inferior aggregates, such as fractured rock and they cannot make round rock from fractured rock. As was required by Josephine County during its permitting process, in 2013, the Permittee has had its aggregates tested by a lab in Eugene for its characteristics and ability to meet state and federal highway specifications. The lab results demonstrate that if the Permittee can mine aggregate on his property, it will meet those specifications. In contrast, it is unusual for a fractured rock to meet state or federal specifications. Therefore, the Permittee is in discussion with a contractor who would like to bid on the state and highway projects utilizing the Permittee's aggregate; however, he will be unable to do so utilizing the Permittee's aggregate in his bid unless the Permittee can demonstrate an

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ability to mine by early 2024. The highway construction is anticipated to begin in spring 2024, but stockpiles of aggregate must be produced months prior. The bids will be awarded in late 2023. Therefore, the economic interests of at minimum one contractor and his employees depend upon completion of this project. Additionally, given the unavailability of round rock and natural sand in the area of the proposed project, if the Permittee is able to develop this project, it should contribute to reduced concrete and asphalt costs because those materials are currently trucked into the area from farther away, creating additional costs, traffic, and greenhouse gas emissions.

Attach permit, and documentation to the application

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EXHIBIT A
Page 1 of 2

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Attachment to Application for Extension of Time for Permit R-15320

a) Below are the invoices for the clay and trucking that was delivered to our site for the construction of the liner for reservoir #2. The totals delivered are as follows:

Supplier	Qty
RMC	1,013 cu yds
Brimstone	2,000 cu yds
	750 cu yds of native clay produced on site.
Total	**3,763 yds**

*note that approximately 500 yards not billed by outside trucking were transported by our own trucks.

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Invoice

From: **Rocky Mountain Construction, LLC.**
4815 Tingley Lane #A
Klamath Falls, OR 97603 US

Bill to: **SUNNY VALLEY SAND & GRAVEL INC**
1967 WILLIAMS HWY STE 260
GRANTS PASS, OR 97527
975271

Ship to:
1967 WILLIAMS HWY STE 260
GRANTS PASS, OR 97527

Cust #	Customer Ref.	Invoice #	Invoice Date	Due Date	Disc Date	Terms
16313	Trucking & Material	28704	12/19/22	01/18/23		Net 30 days

Mtl/Trans	Line	Description	Contract	Item		Unit Price	Quantity	Amount
12/22 158	1	Outside Trucking	22003.		36	140.00000	49.750	6,965.00
12/22 158	2	Outside Materials - Clay	22003.		37	3.50000	2,013.260	7,046.41

Notes:

Total	14,011.41
Sales Tax	
Less Retainage	
Total Due	14,011.41

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BRIMSTONE NATURAL RESOURCES

INVOICE

PO Box 1249
Merlin, OR
97532

541-660-9541

CUSTOMER:
Sunny Valley Sand and Gravel
1867 Williams Hwy #260
Grants Pass, OR 97527

Date: 11/10/22

Project Title: n/a
P.O. Number: Verbal Andreas
Invoice Number: 2114
Terms: 30 Days

Description	Quantity	Unit Price	Cost
Dry Natural Clay - cubic yards	2,000	$0.00	$0.00
Customer to remove, load and haul			
		Subtotal	$0.00
	Tax		$0.00
		Total	$0.00

Sincerely yours,

John West

President

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Keith Guy
6189 McLoughlin Dr
Central Point, OR 97502 United States
541-261-9406

Invoice #000005

Issue date
Dec 23, 2022

Invoice #000005

Customer
Sunny Valley Sand And Gravel
andreas@blech.us
541-226-8784
1867 Williams Hwy
Suite 260
Grants Pass, Oregon 97527

Invoice Details
PDF created December 23, 2022
$15,990.00
Service date November 15, 2022

Payment
Due December 23, 2022
$15,990.00

Items	Quantity	Price	Amount
Trucking per load from Brimstone to SVSG	123	$130.00	$15,990.00
Subtotal			$15,990.00

Total Due $15,990.00

View online

To view your invoice go to https://gosq.me/u/B8WkTAEi
Or open the camera on your mobile device and place the QR code in the camera's view

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Hobart Trucking & Excavation LLC

INVOICE

2350 Abegg Road
Merlin, OR 97532
Phone: 541-218-1123

DATE: NOVEMBER 11, 2022

TO:
Andreas Blech
1697 Williams Hwy #260
Grants Pass, OR 97527

Date	DESCRIPTION	Quantity	RATE	AMOUNT
11-14-22	INV #1132 Hauled ¾"0 and clay from Dog Creek pit in Sunny Valley to Placer Rd. ¾"0-2 loads clay-10 loads.	9.75 HRS	$120.00	$1,170.00
11-15-22	INV #1134 Hauled clay material from Knife River Dog Creek pit to Placer Rd. Clay-12 loads.	8.50 HRS	$120.00	$1,020.00
11-16-22	INV #1136 Hauled clay material from Knife River Dog Creek pit to Placer Rd. Clay-7 loads.	5.50 HRS	$120.00	$660.00
11-18-22	INV #1141 1 load of ¾"0 from Dog Creek pit to Placer Rd.	1.75 HRS	$120.00	$210.00
			TOTAL	$3,060.00

Make all checks payable to Hobart Trucking & Excavation LLC
Please remit payment within 10 days.

Thank you for your business!

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Invoice

Tom White Trucking LLC
4017 W Main St
Medford OR 97501

Date	Invoice #
11/16/2022	17583

Bookkeeping Phone #
541-690-5495

Bill To

Rocky Mountain Construction
Ddrinkwater@rmcpave.com

Due Date
12/1/2022

Quantity	Item Code	Description	ticket	Delivered	Price Each	Amount
		Sunny Valley			0.00	0.00
10	Super BT	TWT 10/17 Trk 55	12934		125.00	1,250.00
11	Super BT	TWT 101/18 Trk 55	12935		125.00	1,375.00
6	Super BT	TWT 10/19 Trk 55	13939		125.00	750.00
10	Super BT	TWT 10/20 Trk 55	13940		125.00	1,250.00
11	Super BT	TWT 10/21 Trk 55	13948		125.00	1,375.00
9.5	Super BT	TWT 10/24 Trk 55	13744		125.00	1,187.50
9.5	Mega	TWT 10/25 Trk 17	14094		135.00	1,282.50
8	Mega	TWT 10/26 Trk 17	14095		135.00	1,080.00
10	Mega	TWT 10/26 Trk 24	12383		135.00	1,350.00
10	Super BT	TWT 10/26 Trk 55	13745		125.00	1,250.00
7.75	Mega	BB 10/26 Trk 424	2313		135.00	1,046.25
8	Mega	TWT 10/27 Trk 17	14096		135.00	1,080.00
8.5	Mega	BB 10/27 Trk 424	2314		135.00	1,147.50
					Total	$15,423.75

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From: andreas blech.us
To: rich.m.kilbane@odfw.oregon.gov
Subject: Grave Creek Fish Screen Installation
Date: Tuesday, September 27, 2022 7:27:52 PM

Rich:

As per our conversation at your office earlier today, I've attached below the pictures of our fish screen installation on Grave Creek.
Please let me know if you have any questions.

Please email your ODFW approval letter to this address.

Thanks

Andreas Blech
Sunny Valley Sand & Gravel Inc.
541-226-8784

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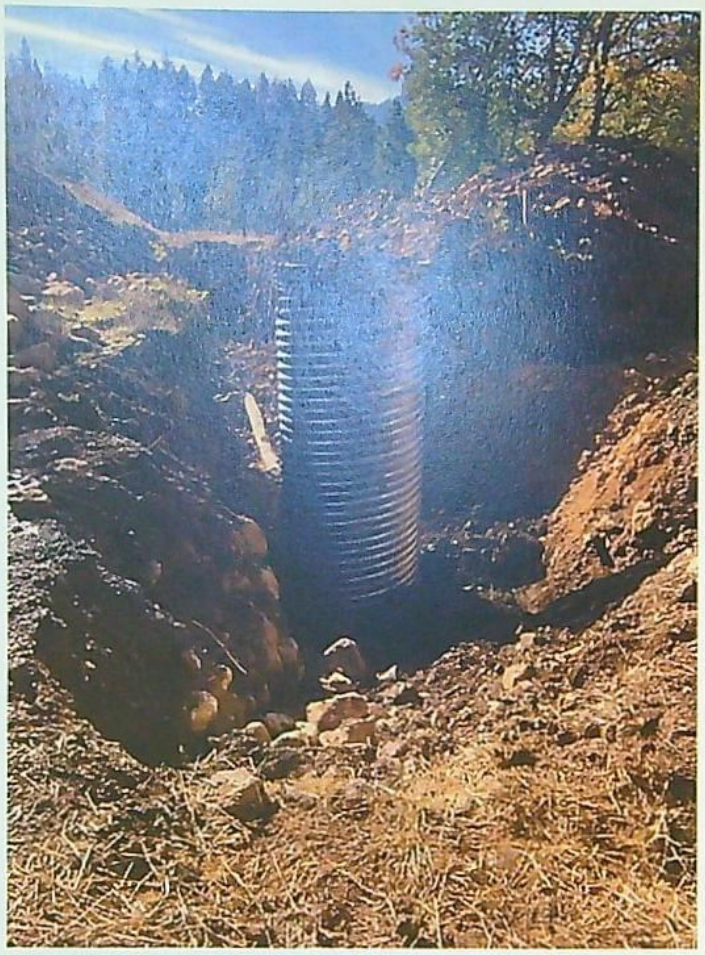

Construction of a portion of the pipeline from the location of the totalizing flow meter, which is in the metal cylinder. The portion of the pipeline that delivers water from the POD is in the foreground of the photo, but not visible.

The finished location of the totalizing flow meter. The solar panels were installed to power a pump that will pump water out of the cylinder to keep the meter relatively dry. The solar panels are being utilized rather than relying on using electricity or diesel to power a pump.

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EXHIBIT D

From:	andreas blech.us
To:	Howard, Elizabeth E.
Cc:	Thane, Lindsay M.
Subject:	Fwd: Sunny Valley Sand & Gravel flow meter and reservoir
Date:	Wednesday, December 21, 2022 7:16:48 PM
Attachments:	image003.png image002.jpg

Begin forwarded message:

From: CECILIANI Scott C * WRD
<Scott.C.CECILIANI@water.oregon.gov>
Subject: RE: Sunny Valley Sand & Gravel flow meter and reservoir
Date: December 20, 2022 at 4:11:52 PM PST
To: andreas blech.us <andreas@blech.us>

Andreas,

Areas void of lining material need to be lined. The reservoir lining needs to be evaluated by a professional, such as a geotechnical engineer, to demonstrate that it is effective in preventing the intrusion of groundwater.

You previously requested that I provide you with a link to the USGS near real-time page for the ROGUE RIVER NEAR AGNESS, ORstream gage (#14372300). You can use the near real-time streamflow data to determine when scenic waterway flows are met.

Screenshot from Permit R-15320

Thank you,

Scott

Scott Ceciliani, GIT
Watermaster, District 14

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700 NW Dimmick St., Grants Pass, OR 97526.
Cell 541-261-2213
Office 541-476-1288

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NOTE: OWRD offices re-open to the public on Monday, May 2, 2022. Given that many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: andreas blech.us <andreas@blech.us>
Sent: Monday, December 19, 2022 1:26 PM
To: CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>
Subject: Re: Sunny Valley Sand & Gravel flow meter and reservoir

Scott:

Can you please update me on my question re what you want us to do specifically for the reservoir bottom clay where you say "The material was not uniform across the bottom of the reservoir and in some areas appeared to be absent of any lining material."?

I am still awaiting the last invoices for the trucking and clay material as well as a call back from the surveyor to schedule him to give us an elevations report for the bottom of the reservoir.

Thanks

Andreas

> On Dec 14, 2022, at 8:17 PM, andreas blech.us <andreas@blech.us> wrote:
>
> Scott:
>
> > On Dec 12, 2022, at 3:08 PM, CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov> wrote:
> >
> > Andreas,
> >
> > I'm sending this email as follow-up to our scheduled meeting at 153 Daisy Mine Road on December 8, 2022.

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—> Thanks

I verified that a McCrometer totalizing flow meter (SN# 18-00653-12) had been installed as required in Permit R-15320. Please keep in mind that the permitee shall maintain the device in good working order.

—> Thanks

We discussed a means for determining if the minimum bottom elevation of Reservoir 2 is above the water table seasonal high as required in Permit R-15320. Utilizing a surveyor to define the lowest bottom elevation within the reservoir is a suitable avenue to verify compliance with this condition. It is important that a survey be tied to the same elevation datum as what was used in evaluating groundwater elevations in monitoring well SVB-1.

—> I have reached out to the surveyor. Waiting to hear back for scheduling. Will forward survey report as soon as it's done.

While inspecting Reservoir 2 you informed me that the material brought in for lining this reservoir was acquired from Copeland Sand and Gravel for which I requested receipts, amount of material brought in, and any photos illustrating the lining process. The material used to line this reservoir appeared to be variable in thickness and composition. The material was not uniform across the bottom of the reservoir and in some areas appeared to be absent of any lining material. The liner condition has not been met. I've attached several photos of Reservoir 2 for reference.

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—> I am awaiting the last invoice from the supplier. I will forward material and trucking receipt copies as soon as we get them all. I will also provide picture of construction at that time. Can you please advise in detail what you want us to do so that we can obtain your final approval.

Thanks

Andreas

Please let me know if you have any questions.

Thank you,

Scott

Scott Ceciliani, GIT
Watermaster, District 14
700 NW Dimmick St., Grants Pass, OR 97526.
Cell 541-261-2213
Office 541-476-1288
<image002.jpg>
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From: andreas blech.us <andreas@blech.us>
Sent: Thursday, December 08, 2022 6:37 AM
To: CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>
Subject: Re: Sunny Valley Sand & Gravel flow meter and reservoir

Thanks

On Dec 8, 2022, at 6:18 AM, CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov> wrote:

Confirmed. I will be at your site at 1pm.

Thank you

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From: andreas blech.us <andreas@blech.us>
Sent: Wednesday, December 7, 2022 6:51:08 PM
To: CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>
Subject: Re: Sunny Valley Sand & Gravel flow meter and reservoir

Scott:

Could you confirm we are meeting at my site in Sunny Valley on Thursday at 1pm.

Thanks

Andreas

> On Dec 5, 2022, at 6:28 AM, andreas blech.us <andreas@blech.us> wrote:
>
> Scott:
>
> > On Dec 2, 2022, at 4:32 PM, CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov> wrote:
> >
> > Andreas,
> >
> > I have time available December 8th after 12pm. Can we schedule for 1pm?

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—> That would be perfect. See you Thursday at 1pm at our east gate just off Daisy Mine Road.

> Did you end up installing the BTL AquaArmor pond liner as we discussed, or did you go a different route?

—> We installed a clay/bentonite liner that is active with many more animal and environmental friendly features than any other option available.

Thanks

Andreas

Thank you,

Scott Ceciliani, GIT
Watermaster,
District 14
700 NW Dimmick St.,
Grants Pass, OR 97526.
Cell 541-261-2213
Office 541-476-1288
<image002.jpg>

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Monday, May 2, 2022. Given that many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

From: andreas blech.us <andreas@blech.us>
Sent: Monday, November 28, 2022 12:23 PM
To: CECILIANI Scott C * WRD <Scott.C.CECILIANI@water.oregon.gov>
Subject: Re: Sunny Valley Sand & Gravel flow meter and reservoir

Scott:

We have competed the meter installation as well as the lining of

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reservoir #2.
I would like to
arrange for you to
come out and
inspect both these
items so that we can
start their use.

I am available any
day and time this
week except Friday
afternoon.

Thanks

Andreas

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Oregon
Kate Brown, Governor

Department of Fish and Wildlife
Rogue Watershed District Office
1495 East Gregory Road
Central Point, OR 97502
(541) 826-8774
Fax: (541) 826-8776
www.odfw.com

September 27, 2022

Andreas Blech
Sunny Valley Sand & Gravel, Inc.
1867 Williams Hwy, Suite 260
Grants Pass, OR 97527

Dear Andreas,

Regarding OWRD water right permits R-15319 & R15320, (applications R-87932 & R-87930), which replaced permits R-15230 & R-15228 respectively, ODFW is satisfied that the requirement for fish screening has been met, and has determined that a fish bypass device and fishway are not necessary. Thank you.

Sincerely,

Rich Kilbane
SW Field Coordinator
Fish Screening and Passage Program

(541) 857-2421

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EXHIBIT F

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EXHIBIT G

EXHIBIT MAP

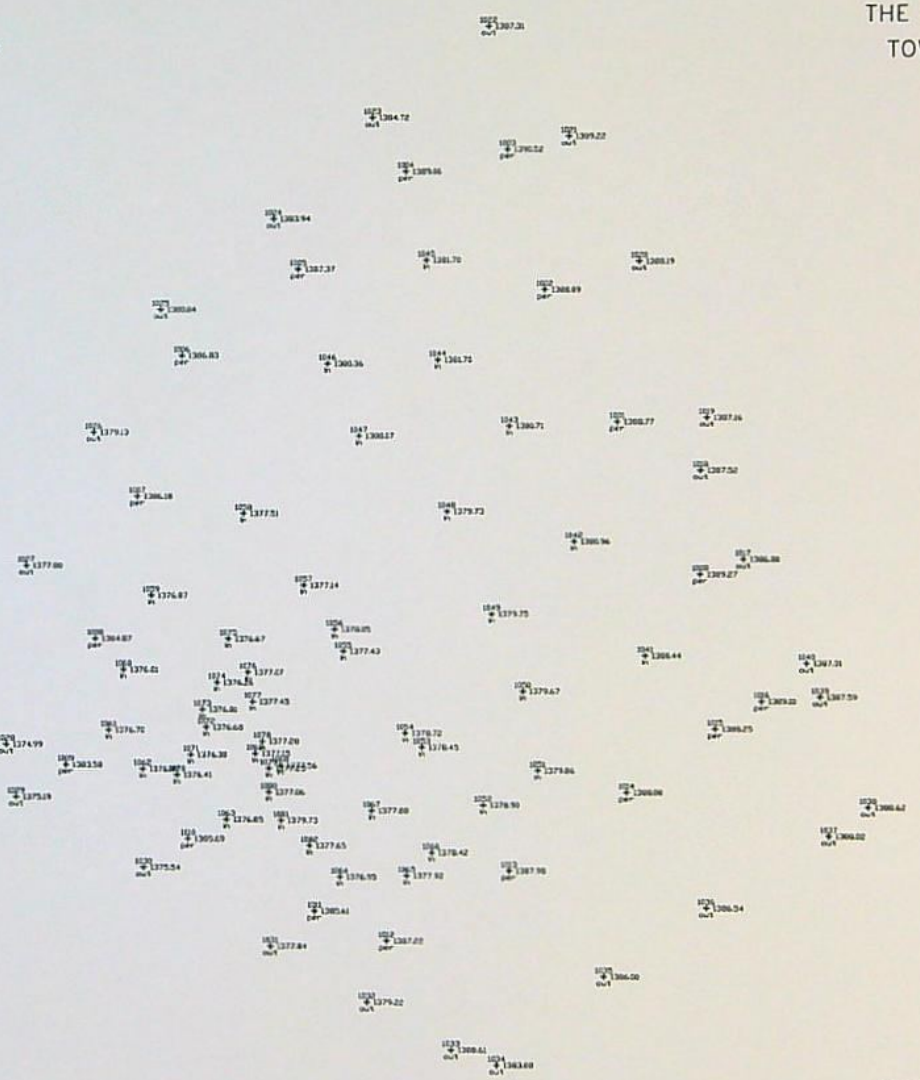
Located in:

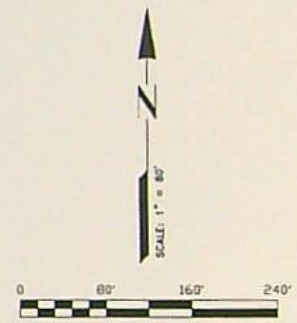
THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 34 SOUTH, RANGE 5 WEST,
WILLAMETTE MERIDIAN,
JOSEPHINE COUNTY, OREGON

For:

SUNNY VALLEY SAND & GRAVEL
153 DAISY MINE ROAD
WOLF CREEK, OREGON

POINT NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
1000	362616.333	4162316.218	1389.269	per
1001	362760.820	4162238.924	1388.766	per
1002	362886.325	4162170.556	1388.094	per
1003	363019.487	4162134.902	1390.516	per
1004	362998.687	4162038.135	1389.059	per
1005	362906.226	4161935.756	1387.365	per
1006	362824.523	4161824.715	1386.832	per
1007	362690.582	4161781.934	1386.180	per
1008	362555.318	4161741.756	1384.867	per
1009	362435.205	4161713.517	1383.582	per
1010	362364.839	4161829.842	1385.689	per
1011	362296.524	4161950.582	1385.606	per
1012	362268.371	4162019.279	1387.216	per
1013	362334.945	4162135.247	1387.977	per
1014	362409.431	4162246.845	1388.080	per
1015	362469.878	4162330.605	1388.253	per
1016	362496.248	4162373.951	1389.100	per
1017	362630.532	4162356.857	1386.800	out
1018	362714.689	4162317.614	1387.522	out
1019	362764.630	4162323.863	1387.138	out
1020	362913.199	4162260.196	1388.190	out
1021	363031.792	4162193.362	1389.217	out
1022	363135.918	4162116.667	1387.305	out
1023	363049.756	4162006.492	1384.723	out
1024	362954.043	4161912.250	1383.941	out
1025	362868.424	4161804.499	1380.844	out
1026	362751.758	4161740.620	1379.133	out
1027	362624.708	4161675.821	1377.801	out
1028	362454.460	4161656.331	1374.991	out
1029	362404.605	4161665.820	1375.192	out
1030	362337.584	4161787.456	1375.543	out
1031	362262.931	4161908.342	1377.843	out
1032	362209.994	4162000.620	1379.220	out
1033	362164.773	4162080.157	1388.612	out
1034	362150.491	4162123.197	1383.881	out
1035	362234.613	4162225.180	1385.996	out
1036	362299.600	4162322.636	1386.542	out
1037	362368.088	4162437.909	1388.020	out
1038	362395.860	4162474.831	1388.623	out
1039	362500.312	4162429.218	1387.590	out
1040	362532.180	4162416.258	1387.308	out
1041	362539.344	4162263.809	1380.439	in
1042	362647.420	4162197.125	1380.956	in
1043	362756.833	4162136.515	1380.706	in
1044	362819.930	4162068.789	1381.696	in
1045	362914.628	4162057.861	1381.697	in
1046	362816.480	4161963.816	1380.359	in
1047	362747.735	4161993.596	1380.072	in
1048	362675.881	4162076.891	1379.732	in
1049	362578.656	4162118.932	1379.754	in
1050	362505.330	4162148.268	1379.669	in
1051	362430.021	4162162.502	1379.861	in
1052	362397.309	4162110.765	1378.899	in
1053	362452.125	4162052.644	1378.446	in
1054	362465.632	4162036.795	1378.716	in
1055	362543.216	4161978.147	1377.430	in
1056	362564.182	4161969.837	1378.045	in
1057	362605.986	4161940.440	1377.137	in
1058	362674.144	4161883.210	1377.511	in
1059	362596.199	4161794.919	1376.870	in
1060	362525.648	4161768.528	1376.811	in
1061	362468.280	4161754.327	1376.703	in
1062	362431.206	4161786.788	1376.990	in
1063	362383.209	4161866.559	1376.852	in
1064	362329.028	4161974.661	1376.945	in
1065	362330.241	4162038.294	1377.924	in
1066	362352.186	4162061.745	1378.417	in
1067	362392.006	4162005.166	1377.881	in
1068	362434.690	4161918.032	1377.564	in
1069	362446.019	4161894.108	1377.151	in
1070	362425.688	4161819.313	1376.407	in
1071	362444.896	4161832.790	1376.303	in
1072	362470.809	4161847.442	1376.675	in
1073	362487.802	4161843.848	1376.812	in
1074	362513.500	4161857.738	1376.259	in
1075	362555.000	4161868.663	1376.673	in
1076	362523.236	4161887.294	1377.073	in
1077	362495.329	4161891.814	1377.453	in
1078	362457.559	4161900.869	1377.284	in
1079	362432.031	4161907.004	1377.246	in
1080	362409.388	4161906.971	1377.056	in
1081	362382.515	4161918.589	1379.728	in
1082	362358.588	4161945.604	1377.650	in





NOTES:

1. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
2. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD 83)(11), EPOCH 2010.00.
3. PROJECTION: STATE PLANE COORDINATES, OREGON SOUTH ZONE (3602).
4. UNITS: GRID COORDINATES, INTERNATIONAL FEET.

LEGEND:

in	INSIDE
out	OUTSIDE
per	PERIMETER

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2023

HOFFBUHR & ASSOCIATES, INC.
SURVEYING • MAPPING
880 GOLF VIEW DR., SUITE 201
MEDFORD, OR 97504
(541) 779-6941
FAX (541) 779-2879

BY: DARRELL L. HUCK	LS 2023
PROJECT:	SUNNY VALLEY SAND & GRAVEL
PROJECT NO.:	21-015
DRAWING FILE NO.:	23011.DWG
SCALE: 1" = 80'	DATE: MARCH 3, 2023
REVISION NO.:	
REVISION DATE:	
SHEET 1 OF 1	
BASIS OF BEARING: OREGON SOUTH ZONE STATE PLANE	
ELEVATION DATUM:	NGVD 88
DRAWN BY:	TWO
REVIEWED BY:	DLH

34 5W 07 TAX LOT 400

2013

SVB-1 Groundwater Data

SVB-1 OWRD tag L110926
Two wells in one casing (double completion) both PVC. From front (unhinged) part of casing.
Location:
lat 42.629209 long -123.318911

Well on Right: **Shallow**
Casing Stickup: 2.03 feet
DTW (top of casing): 13.00 feet
Well Depth (top of casing): 87.85 ft.
Ground Elevation (Kuper):1410 ft MSL
Piezometric surface: 1399.00

Well on Left: **Deep**
Casing Stickup: 1.76 feet
DTW (top of casing): 12.78 feet
Well Depth (top of casing): 24.47 feet
Ground Elevation (Kuper): 1,410 ft MSL
Piezometric surface: 1398.98

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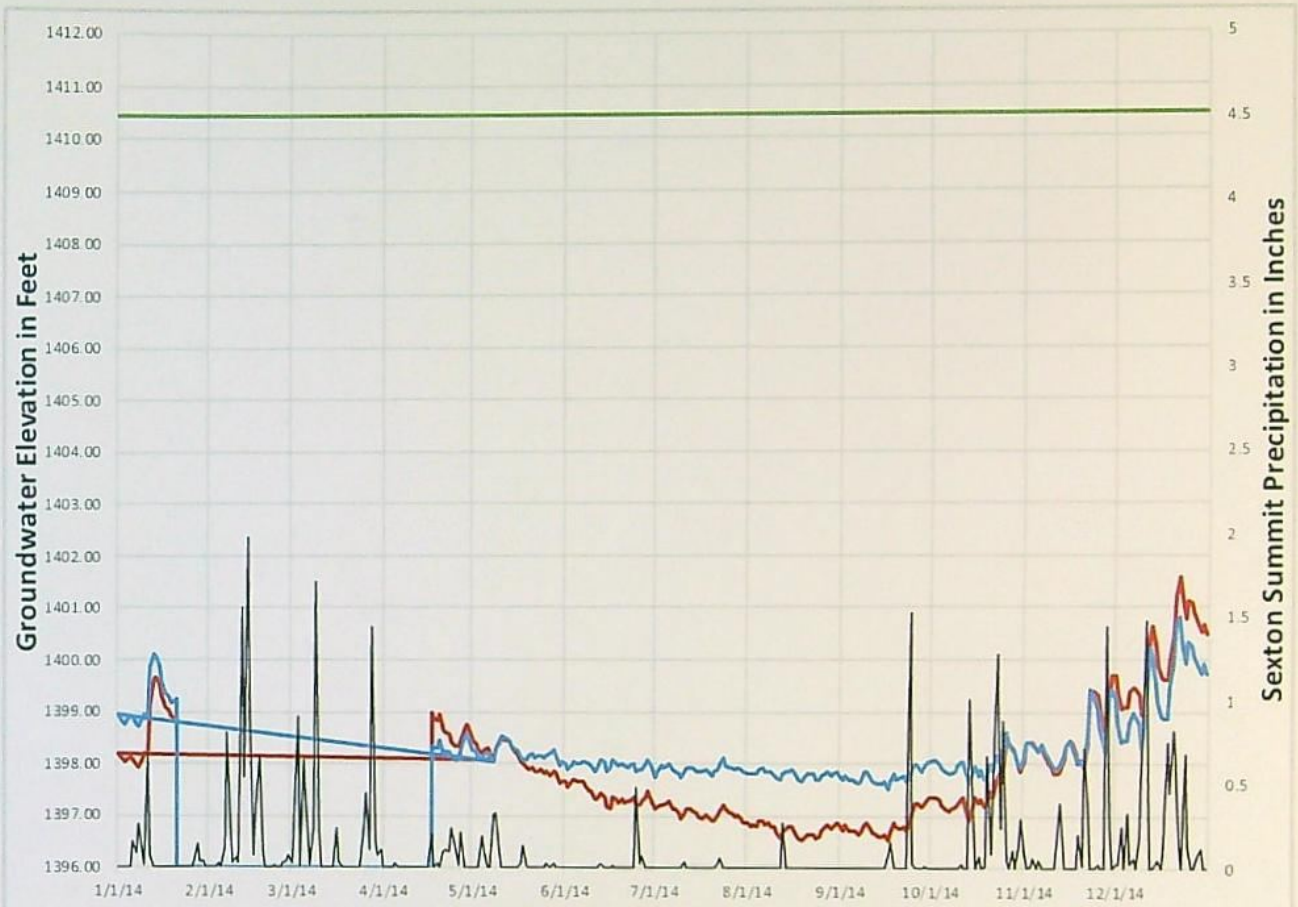
2014

SVB-1 Groundwater Data



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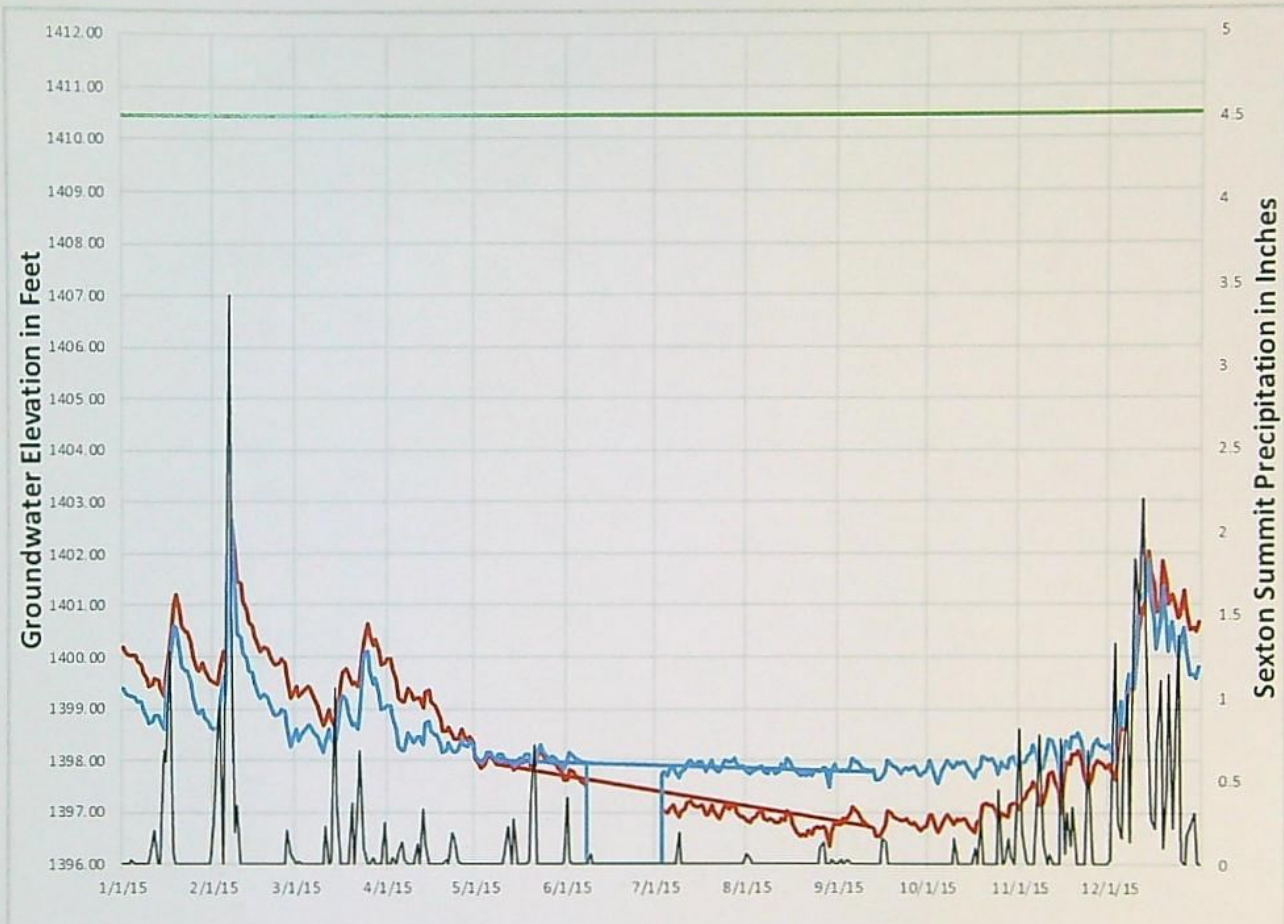
2015

SVB-1 Groundwater Data



SVB-1 Deep
SVB-1 Shallow
Ground Surface
Precipitation at Sexton Summit

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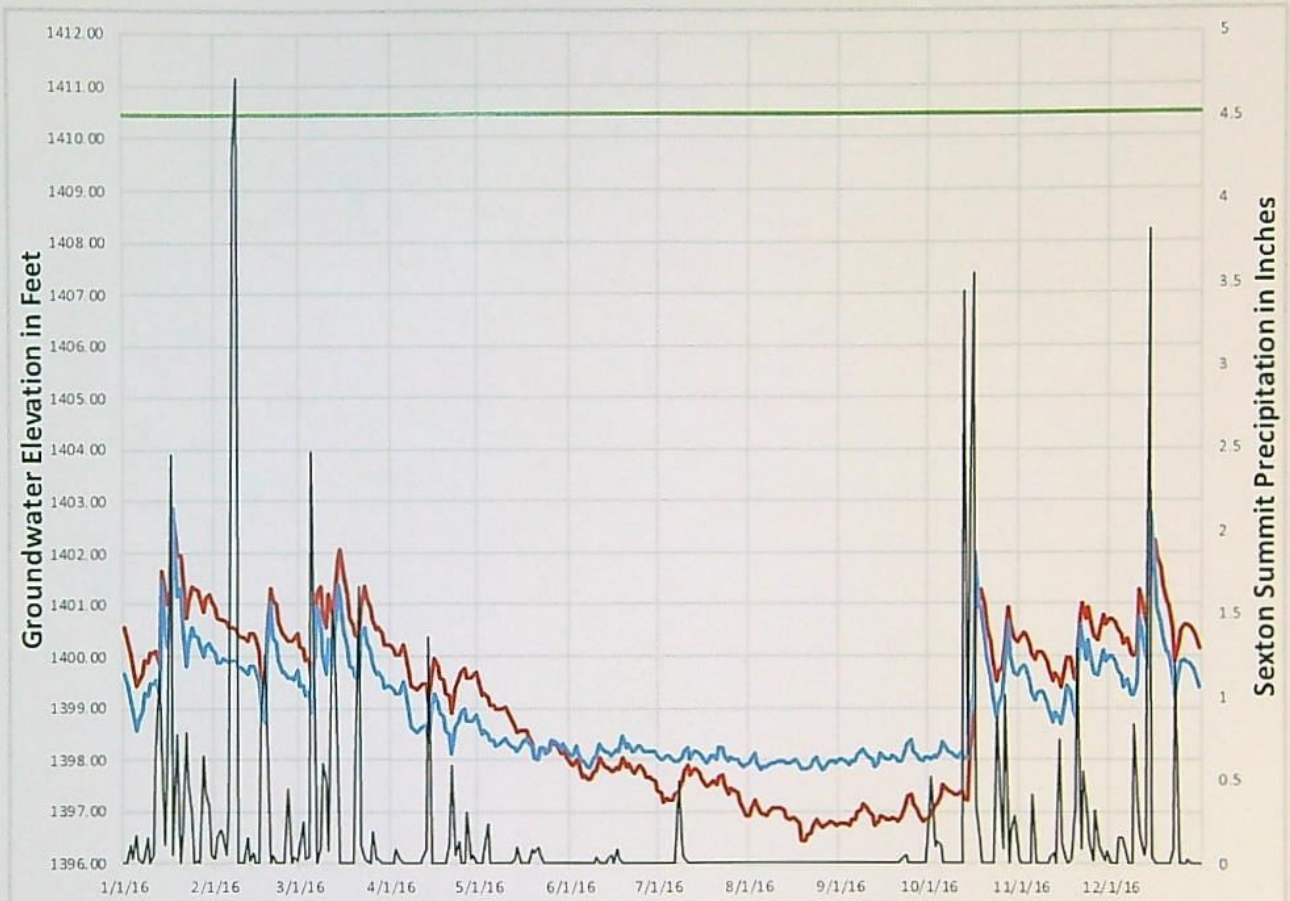
2016

SVB-1 Groundwater Data



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2017

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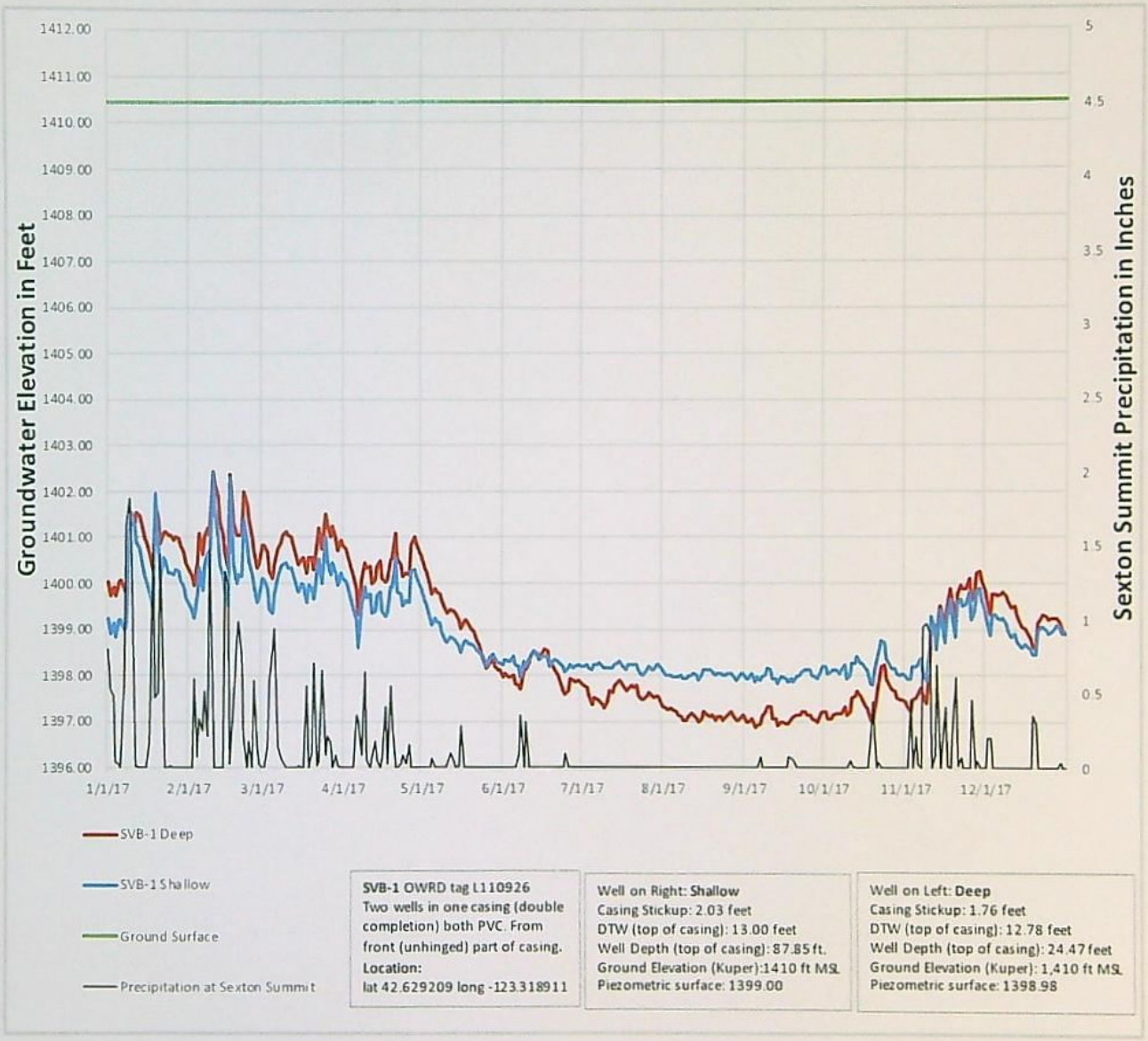

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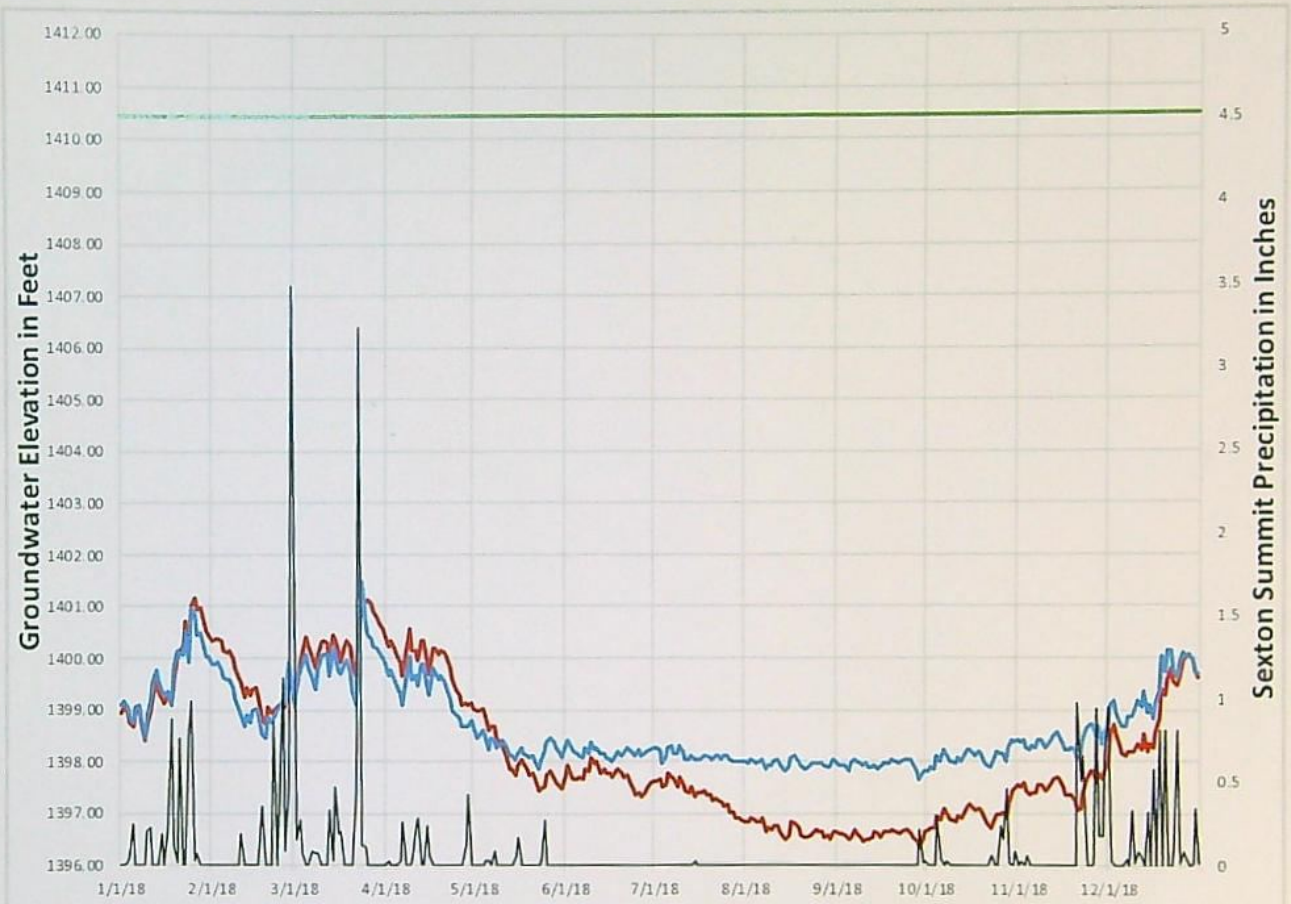
2018

SVB-1 Groundwater Data



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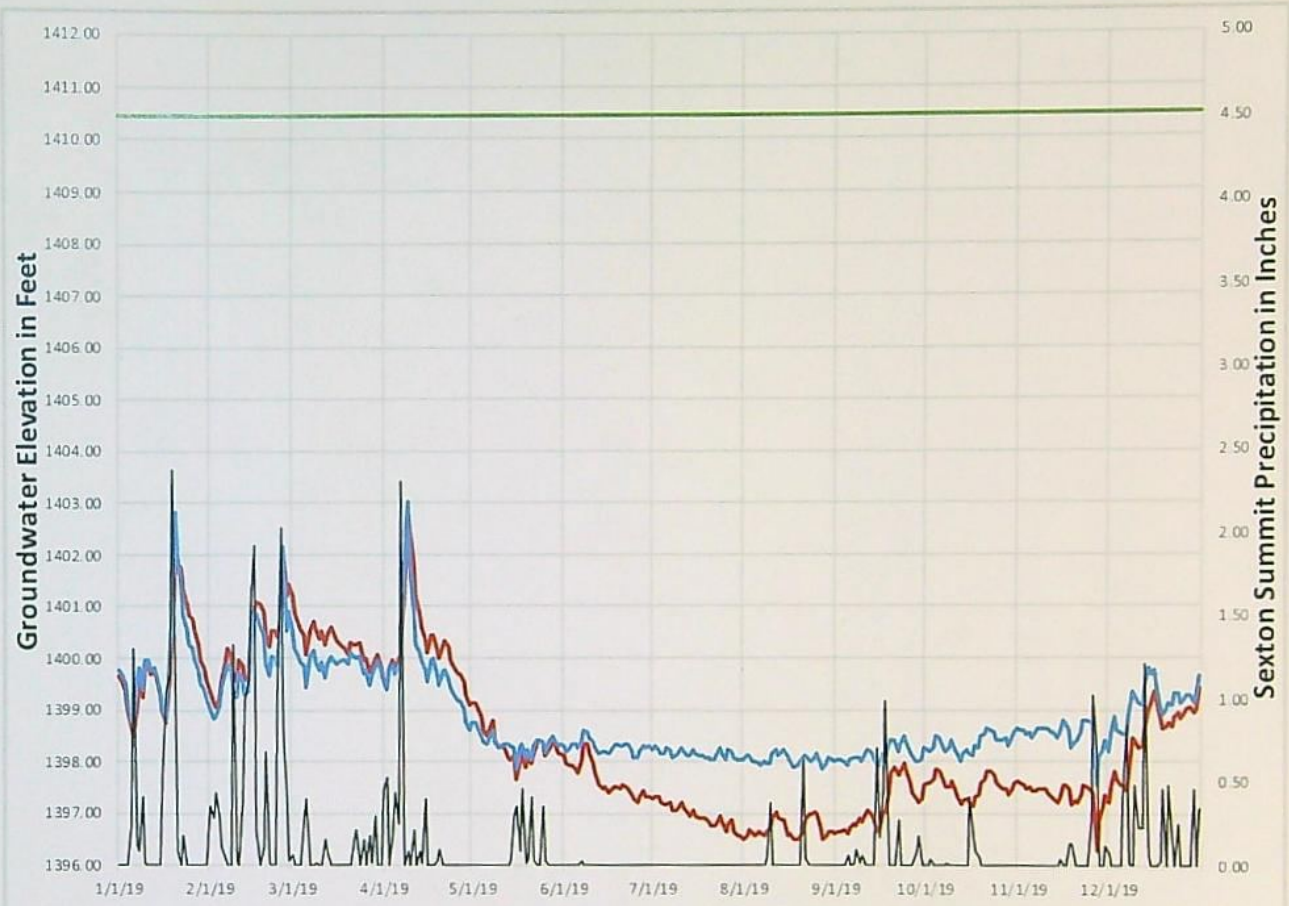
2019

SVB-1 Groundwater Data



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2020

SVB-1 Groundwater Data

SVB-1 Deep
SVB-1 Shallow
Ground Surface
Precipitation at Sexton Summit

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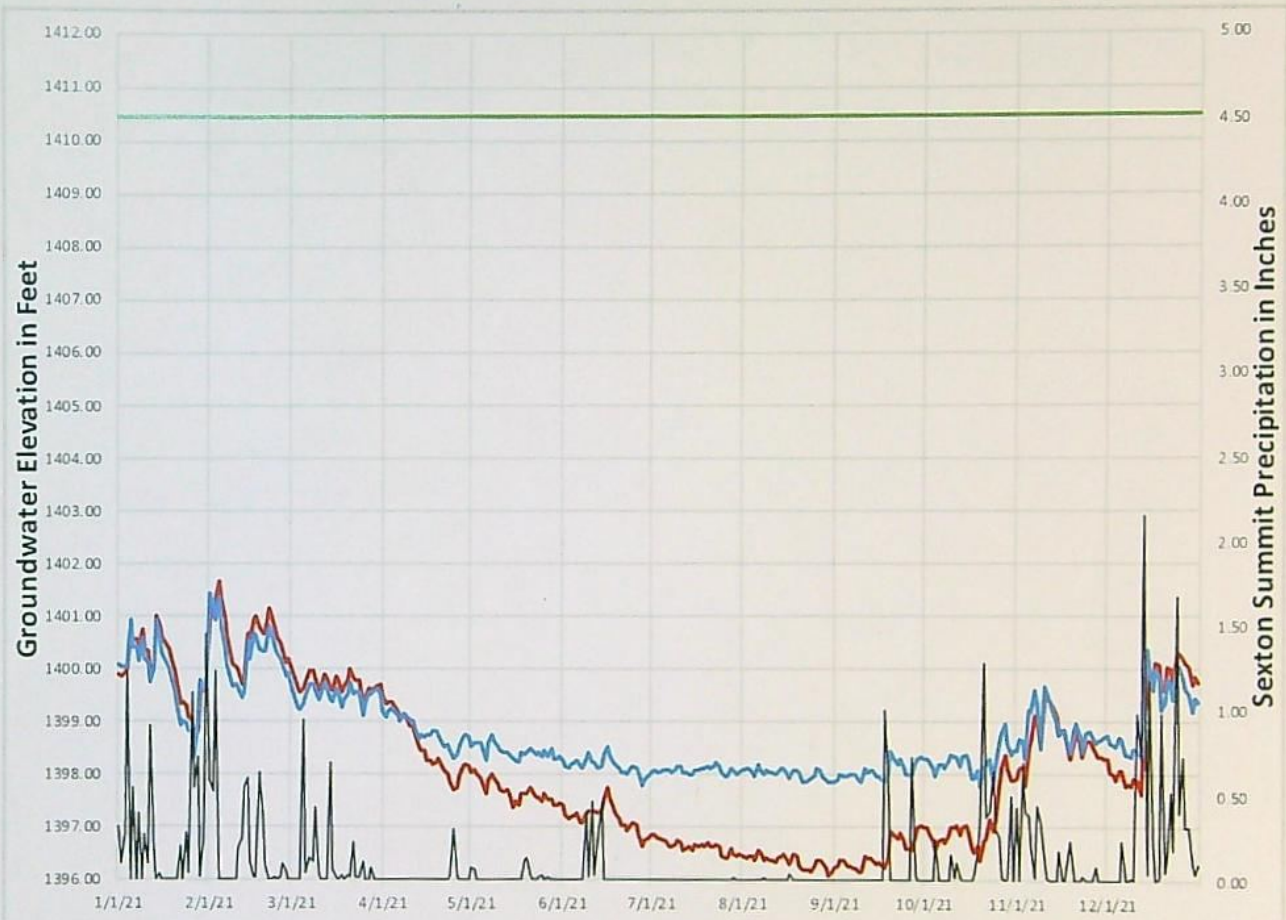

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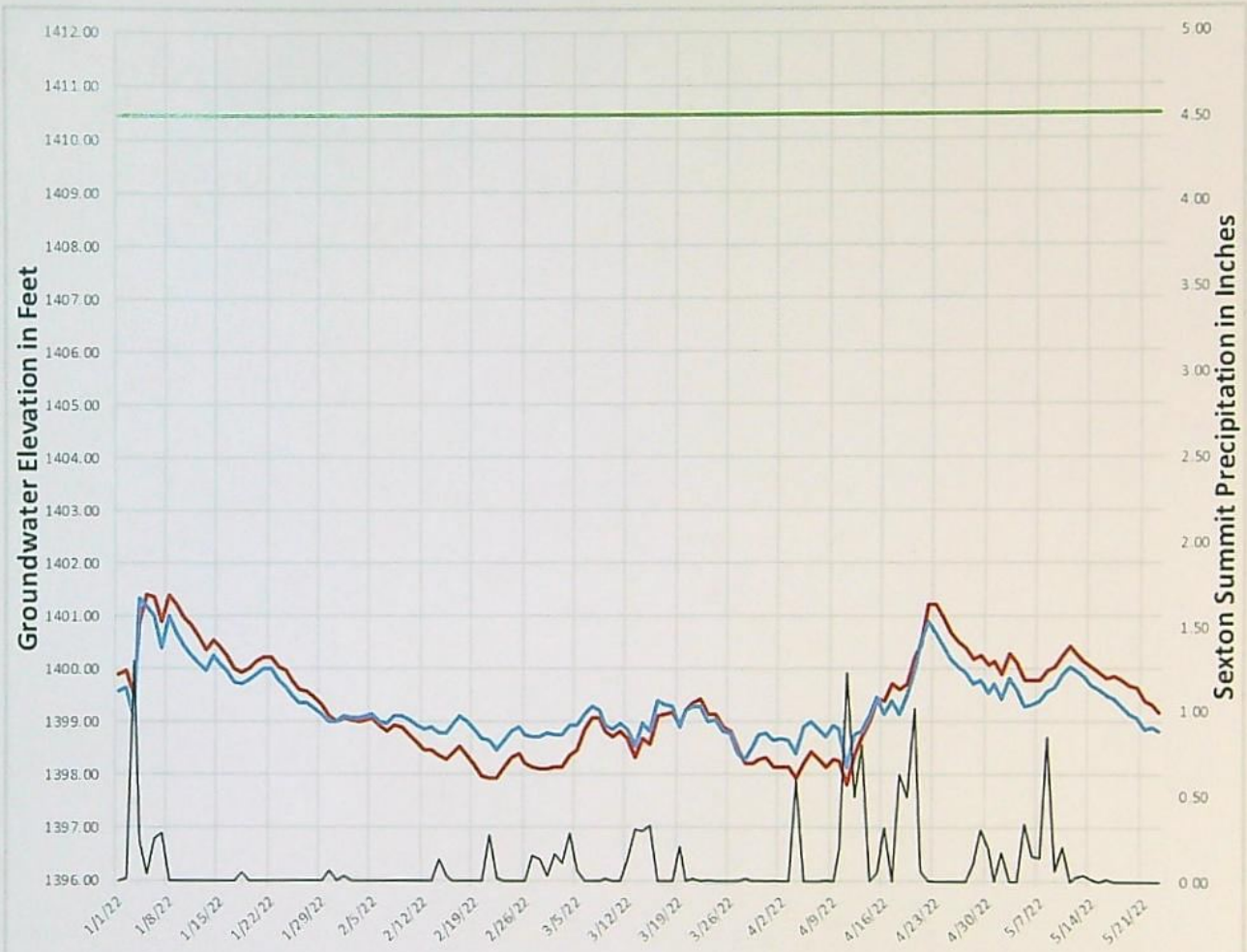
2022

SVB-1 Groundwater Data



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Technical Memorandum

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REGISTERED OREGON Joseph B. Kemper G2527 GEOLOGIST
EXPIRES: 1/1/2024

To: Water Right File T-12837

From: Joe Kemper, RG, Groundwater Section, TSD

Subject: Groundwater Injury Evaluation for Transfer T-12837

Date: 12/21/2022

Purpose of this Memorandum: Transfer T-12837 proposes to change the character of use, place of use (POU), and point-of-diversion (POD) of Certificate 3943. This document assesses whether the proposed changes in T-12837 will cause injury to groundwater users, which in this case, is defined as "another, existing water right not receiving previously available water to which it is legally entitled" as per OAR 690-390.

Basic Description of the Changes Proposed In This Transfer: The applicant proposes the following changes to certificate 3943: 1) move the surface water POD approximately 550 feet upstream on Grave Creek, 2) change the character of use from irrigation on 65 acres to mining, 3) change the place of use from 65 acres to a larger area of the valley for mining applications. This technical memo assumes that the proposed changes would divert the same total volume of water from Grave Creek (i.e., no enlargement) and would not exceed the permitted rate (0.81 cfs). As a result, this memo will only evaluate potential impacts of the change in POD location.

Hydrogeologic Setting: The POU for Certificate 3943 and the proposed mining site (collectively referred to as "the project site") are located along Grave Creek, a 40-mile tributary to the Rogue River in SW Oregon. The project site is located on valley-fill sediments that have been deposited within the predominately high relief, heavily dissected uplands of the Klamath Mountain physiographic region. The bedrock geology generally consists of an ophiolite sequence that has been faulted and tilted generally to the east. The bedrock directly underlying the valley sediment is mapped as meta-basalts with some zones of serpentinized gabbro (Ramp and Peterson, 2004). Well logs filed in the area indicate that groundwater within this bedrock is primarily stored and transmitted in discrete, interconnected fractures and joints within the rock (a fractured bedrock aquifer). The valley fill sediments consist of poorly sorted boulders, gravel, sand, and fines that have been characterized as one or more high-energy debris flows or mudflows. A more detailed description of this sediment package is provided in several consultant reports (Shannon & Wilson Inc., 2013; Skookum, 2014). The sediment is at least 77 feet thick in the middle of the valley and pinches out along the valley margins. These sediments host a water-table aquifer within the primary pore space. This aquifer is relatively low yielding (well yields do not typically exceed 10-20 gpm) due to fine grained sediment within the matrix. Wells located on the edges of the valley are drilled through the sediments to greater depths in order to access water bearing zones (WBZs) within the underlying fractured-rock aquifer.

The landowner for Certificate 3943 has constructed and maintained two deep-shallow piezometer pairs constructed within the sediment: SVB-1 aka JOSE 59118 located upstream, and SVB-2 aka JOSE 59119 located downstream. Continuous water level monitoring at SVB-1 from 2013 through May 2022 shows that the water table in the sediments fluctuates from 9-13 feet below land surface (BLS). Much of that fluctuation occurs during large winter storm events. Groundwater levels drop only 1-3 feet during the dry season. During the dry summer months, groundwater levels are 1-2 feet below the adjacent stream elevation and there is reportedly a downward vertical gradient, indicating that Grave Creek is likely discharging to the sediment aquifer (a losing reach). OWRD measurements at JOSE 61331 (approximate well depth is 15 feet BLS, located across Grave Creek from JOSE 59118) show that groundwater levels fluctuated from approximately 7-13 feet below land surface between April 2021 to April 2022.

Water level monitoring at SVB-2 (JOSE 59119) at the downstream end of the site shows that groundwater levels are quite shallow during the wet season (2-3 feet BLS) and drop to 6-9 feet BLS during the dry season. The Shannon &

Wilson reports suggest that, during the dry season, there is a positive vertical groundwater gradient within the sediments on the downstream end of the project site as a result of longer flowpaths from upstream stream leakage and contribution from Shanks Creek and Slagle Creek drainages that are then forced to the surface as the sediments pinch out. The Shannon & Wilson reports conclude that Grave Creek is a gaining reach near SVB-2. In contradiction, groundwater elevations are 2-4 feet lower than the adjacent creek bed which may prevent groundwater from actually discharging to Grave Creek. It is noted that there is a symbol and label discrepancy of the deep and shallow water level lines between several Shannon & Wilson reports and the annual groundwater hydrographs provided from 2013 to 2022. Resolving this discrepancy will improve understanding of the overall groundwater flow system within the sediments.

Streamflow Data: There is no current surface water gage on Grave Creek to provide continuous stream discharge measurement at any point along the stream. OWRD operated a stream gage from 1940 to 1989 at a site approximately 6 miles upstream of the project site. The lowest flow during that period was 0.37 cfs in August 1973. The median of observed annual minimum flows was approximately 0.9 cfs. OWRD's Water Availability Analysis tool predicts an expected streamflow (at 80% exceedance) of 0.8 to 1.0 cfs during the driest months of the year (August/September). OWRD's Miscellaneous Measurements database indicates that the lowest recorded flow on Grave Creek near the project site was approximately 0.4 cfs in September 2014. Streamflow in Grave Creek at the SVSG site appears to reach a minimum of approximately 0.5 to 1 cfs during the driest months of the year (August/September).

Adjacent Groundwater Users: There are no permitted groundwater POAs within approximately 1 mile of the POU for certificate 3943. Adjacent tax lots rely on domestic wells for water supply. These exempt-use wells are considered an inferred water right with a priority date commensurate with the date the well was constructed. It should be noted that the priority date for Certificate 3943 is 6/23/1919. Exempt use wells adjacent to the injured reach that are constructed only in the sediment have the highest likelihood to be impacted by the proposed POD change.

Potential Impacts from Change in POD Location: Changes in streamflow will change the wetted perimeter of a stream channel, which in turn affects the surface area over which surface-water could discharge to groundwater in a losing reach. During Grave Creek's dry-season low flow periods, diversion at the current POD (0.81 cfs) can remove a significant portion of the streamflow, which would reduce the wetted perimeter of the stream and potentially the rate of and total discharge into the groundwater system. The proposed changes in T-12837 would remove that 0.81 cfs from an additional 550 feet upstream (the injured reach). This may decrease the amount of surface water discharging to the groundwater system underlying the project site. Several data sources and concepts are considered when evaluating whether a decrease in stream leakage along the injured reach, if any does occur, is significant enough to lower groundwater levels in a 50 to 60-foot water table aquifer such that a well in that aquifer cannot access water to which it is legally entitled to.

1. The streambed of Grave Creek adjacent to the project site is predominately boulder and cobble with little finer sediment, presumably because stream velocities were insufficient to erode the coarser material. The 2015 Shannon and Wilson report notes that "Streams flowing through lag deposits may appear to stop flowing or 'go dry' during extended dry periods; however, flow through the coarse gravel deposits below the cobble and boulder armor may be transporting low flows." Available information indicates that Grave Creek has some measurable flow during the driest times of the year. Even when anecdotal reports state that Grave Creek is drying up, it is very likely that some water is flowing through the coarse sediment and hyporheic zone. Thus, during very dry periods, there is likely some streamflow available to recharge the groundwater system that may not be available for surface diversion.
2. Any decrease in recharge caused by diversion of 0.81 cfs under certificate 3943 would have already been occurring downstream of the current POD anytime that water right has been exercised. For comparison, the reach length from the current POD to the downstream end of the project site is approximately 4000 feet. Water level fluctuations during the dry season in both shallow and deep zones in SVB-1 and SVB-2 from 2013 to 2022 do not exceed beyond 1-3 feet and 3-6 feet respectively. While SVB-1 is located 100 feet upstream of the current POD, any groundwater impacts resulting from the diversion would likely be apparent at SVB-1 because of the low gradient water table.

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3. At this time, there are no known efforts to quantify the flux between Grave Creek and the groundwater system through numerical watershed modeling or through field methods such as seepage runs, instream piezometers, or seepage meters.
4. If the proposed POD change does cause any decrease in surface recharge to the groundwater system, the maximum impacts would be seen immediately adjacent to the injured reach and would likely decrease with distance from that reach.
5. Groundwater hosted within the bedrock units adjacent to and underlying the valley sediments are likely part of the overall hydrologic system of the project site. However, groundwater-surface water interaction is likely strongest within the valley fill aquifer, so impacts to wells here are only considered in the valley fill sediments.

Considering the factors mentioned above, any decrease in surface water recharge to the groundwater system that results from moving the POD upstream 550 feet is not likely to cause groundwater declines that are greater than the observed groundwater fluctuations in the dry season (i.e., not more than 2-6 feet).

Summarized Findings:

- The valley-fill sediments have a saturated aquifer thickness of 50-60 feet in the center of the valley.
- Groundwater elevations in the sediments across the project site are very similar (within a few feet) to the elevation of adjacent Grave Creek indicating an efficient hydraulic connection.
- The direction of flow between Grave Creek and the adjacent sedimentary aquifer appears to be complex, varying both seasonally and spatially. Nested piezometer pairs (SVB-1 and SVB-2) take local observations, and adjacent topography indicate that the upper reaches of the project site may be a losing reach (downward vertical gradient) and the lower reaches may be a gaining reach (upward vertical gradient).
- The proposed POD location change may decrease surface water discharging to the aquifer underlying the project site. However, it is unlikely that any resulting decrease in groundwater recharge would cause seasonal declines greater than 2-6 feet.
- If the POD change does decrease stream leakage into the groundwater system, the magnitude of expected groundwater level change is much smaller than the overall saturated thickness of the aquifer. Figure 5 below provides graphical context for this comparison. Wells that fully penetrate this aquifer should not see a significant change in their ability to access groundwater therein.

Determination: Considering the available information, there is **not** a preponderance of evidence that the proposed changes in T-12837 will prevent any adjacent groundwater users from receiving previously available water to which they are legally entitled.

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References

Barlow, P.M., and Leake, S.A., 2012, Streamflow depletion by wells—Understanding and managing the effects of groundwater pumping on streamflow: U.S. Geological Survey Circular 1376, 84 p.

Skookum Water Associates Inc. (2014) Letter to OWRD: Additional Reservoir Construction Details, Oregon Water Resources Department (WRD) Applications LL-1504, R-87930, R-87931 and R-87932. February 5, 2014

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OWRD Water Availability Reporting System (WARS) – Accessed 12/19/2022.

Ramp, L., and Peterson, N.V., 2004, Geologic Map of Josephine County, Oregon, 2004, adapted from Ramp L. and Peterson N.V. (1979): U.S. Geological Survey, Open-File Report O-04-13, scale 1:250,000

Shannon & Wilson, Inc. (2013) Hydrogeologic Evaluation to Support Post-Acknowledgement Plan Amendment Proposed Aggregate Quarry Land Use, Sunny Valley Sand & Gravel, Josephine County, Oregon.

Shannon & Wilson, Inc. (2014) Letter to Josephine County Board of Commissions. Re: Sunny Valley Sand And Gravel Papa Application Groundwater Summary Discussion. June 18, 2014.

Shannon & Wilson, Inc. (2015) Letter to OWRD: Conceptual Design Guidance Storage Reservoirs 2 And 4, Sunny Valley Sand & Gravel Josephine County, Oregon. October 14, 2015.

William W. Woessner. Groundwater-Surface Water Exchange, 2020. https://gw-project.org/books/groundwater-surface-water-exchange/.

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Figure 1. Site Map. Underlined text indicates estimated depth of sediment as per the associated well log.

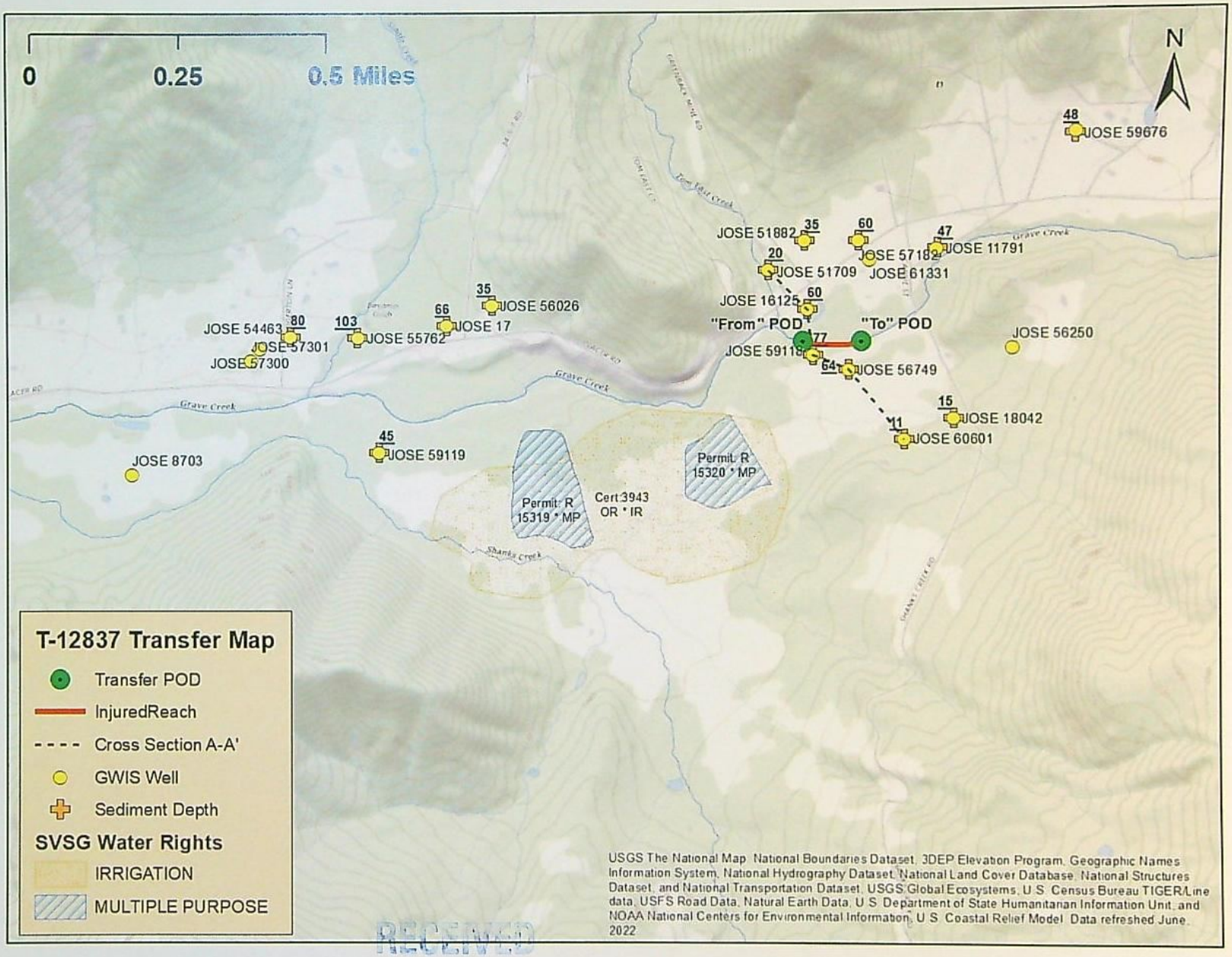

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Figure 2. POD Location Map. Underlined text indicates estimated depth of sediment as per the associated well log.

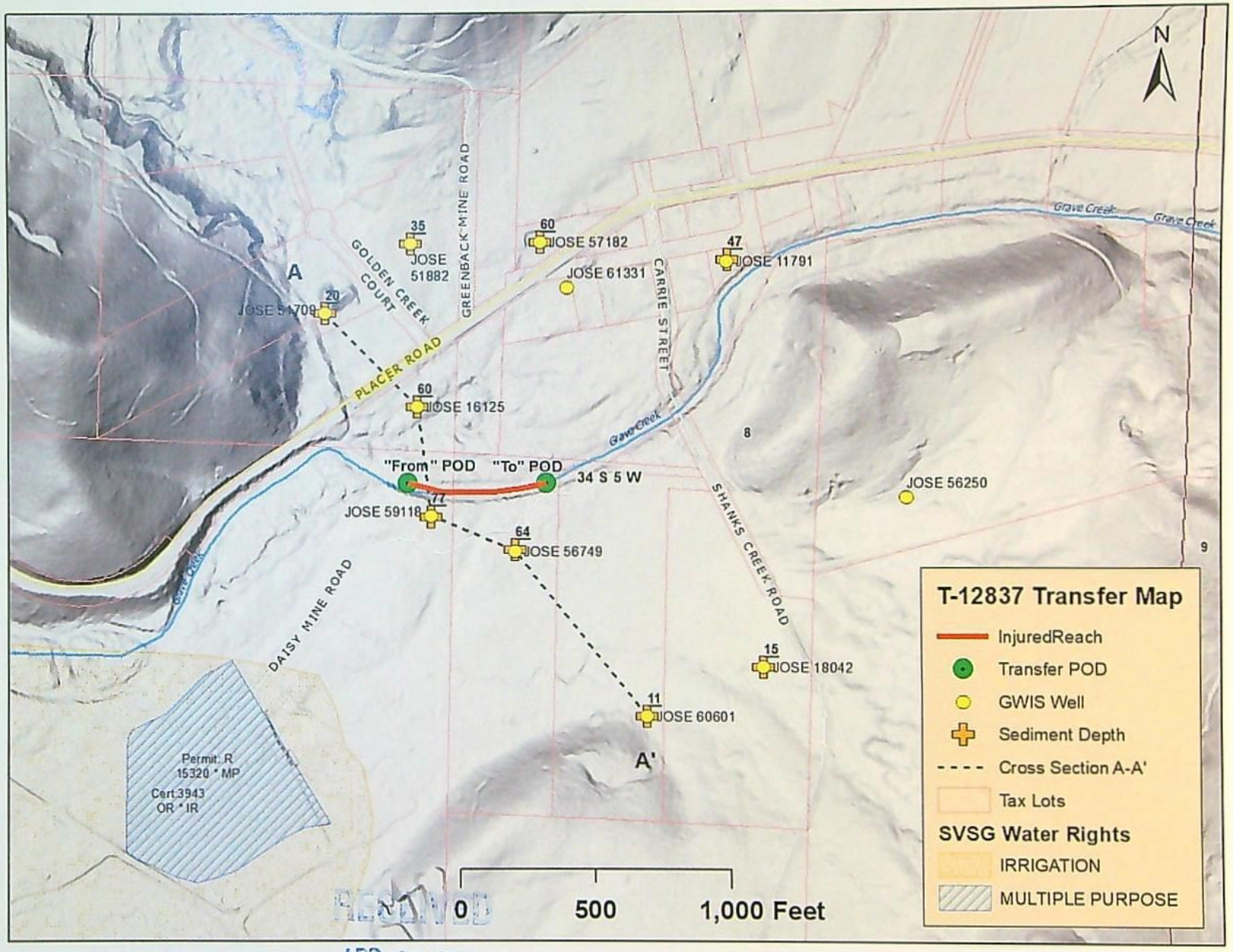

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Figure 3. Water Available Analyses for Grave Creek

Water Availability Analysis
Detailed Reports

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN

Water Availability as of 12/19/2022

Watershed ID #: 31531009 (Map)
Date: 12/19/2022

Exceedance Level: 80%
Time: 10:16 PM

Water Availability Calculation | Consumptive Uses and Storages | Instream Flow Requirements | Reservations | Water Rights | Watershed Characteristics

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	50.50	0.04	50.50	0.00	125.00	-74.50
FEB	80.10	0.07	80.00	0.00	135.00	-55.00
MAR	79.60	0.04	79.60	0.00	124.00	-44.40
APR	49.70	0.94	48.80	0.00	86.40	-37.60
MAY	25.30	1.49	23.80	0.00	40.40	-16.60
JUN	10.50	2.09	8.41	0.00	15.80	-7.39
JUL	5.00	2.79	2.21	0.00	6.10	-3.89
AUG	3.30	2.30	1.00	0.00	3.40	-2.40
SEP	2.40	1.51	0.89	0.00	3.10	-2.21
OCT	3.00	0.50	2.50	0.00	5.30	-2.80
NOV	8.50	0.04	8.46	0.00	24.40	-15.90
DEC	27.80	0.04	27.80	0.00	88.70	-60.90
ANN	41,100.00	720.00	40,300.00	0.00	39,400.00	1,620.00

Water Availability Analysis
Detailed Reports

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN

Water Availability as of 12/19/2022

Watershed ID #: 71034 (Map)
Date: 12/19/2022

Exceedance Level: 80%
Time: 10:16 PM

Water Availability Calculation | Consumptive Uses and Storages | Instream Flow Requirements | Reservations | Water Rights | Watershed Characteristics

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	76.20	1.22	75.00	0.00	135.00	-60.00
FEB	120.00	1.99	118.00	0.00	135.00	-17.00
MAR	117.00	1.11	116.00	0.00	135.00	-19.10
APR	69.50	1.91	67.60	0.00	119.00	-51.40
MAY	33.70	2.76	30.90	0.00	50.60	-19.70
JUN	13.70	3.68	10.00	0.00	40.00	-30.00
JUL	7.02	4.77	2.25	0.00	8.89	-6.64
AUG	4.97	4.01	0.96	0.00	5.09	-4.13
SEP	3.61	2.80	0.81	0.00	40.00	-39.20
OCT	4.06	1.24	2.82	0.00	40.00	-37.20
NOV	10.50	0.53	9.97	0.00	80.00	-70.00
DEC	38.30	0.55	37.80	0.00	135.00	-97.20
ANN	60,500.00	1,600.00	58,900.00	0.00	55,500.00	12,900.00

Figure 4. GWIS Water Levels for Wells Adjacent to Project Area.

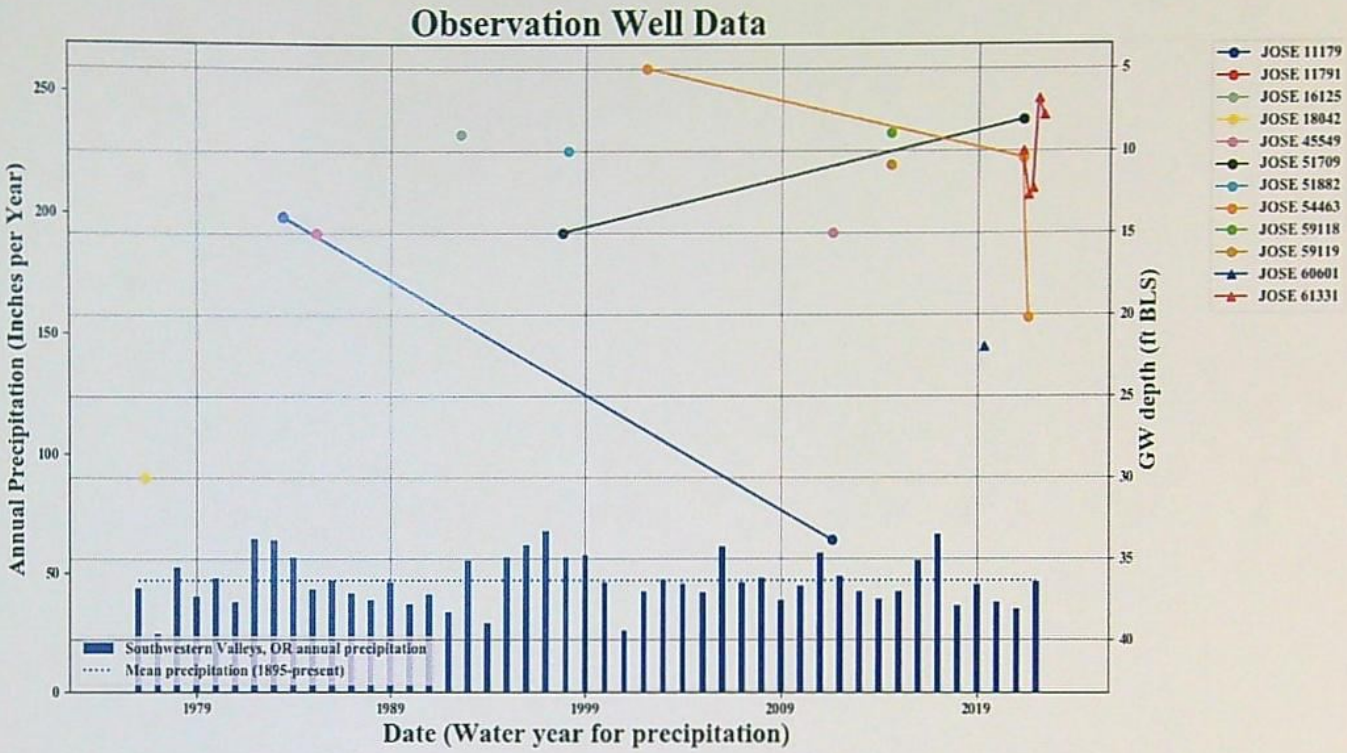

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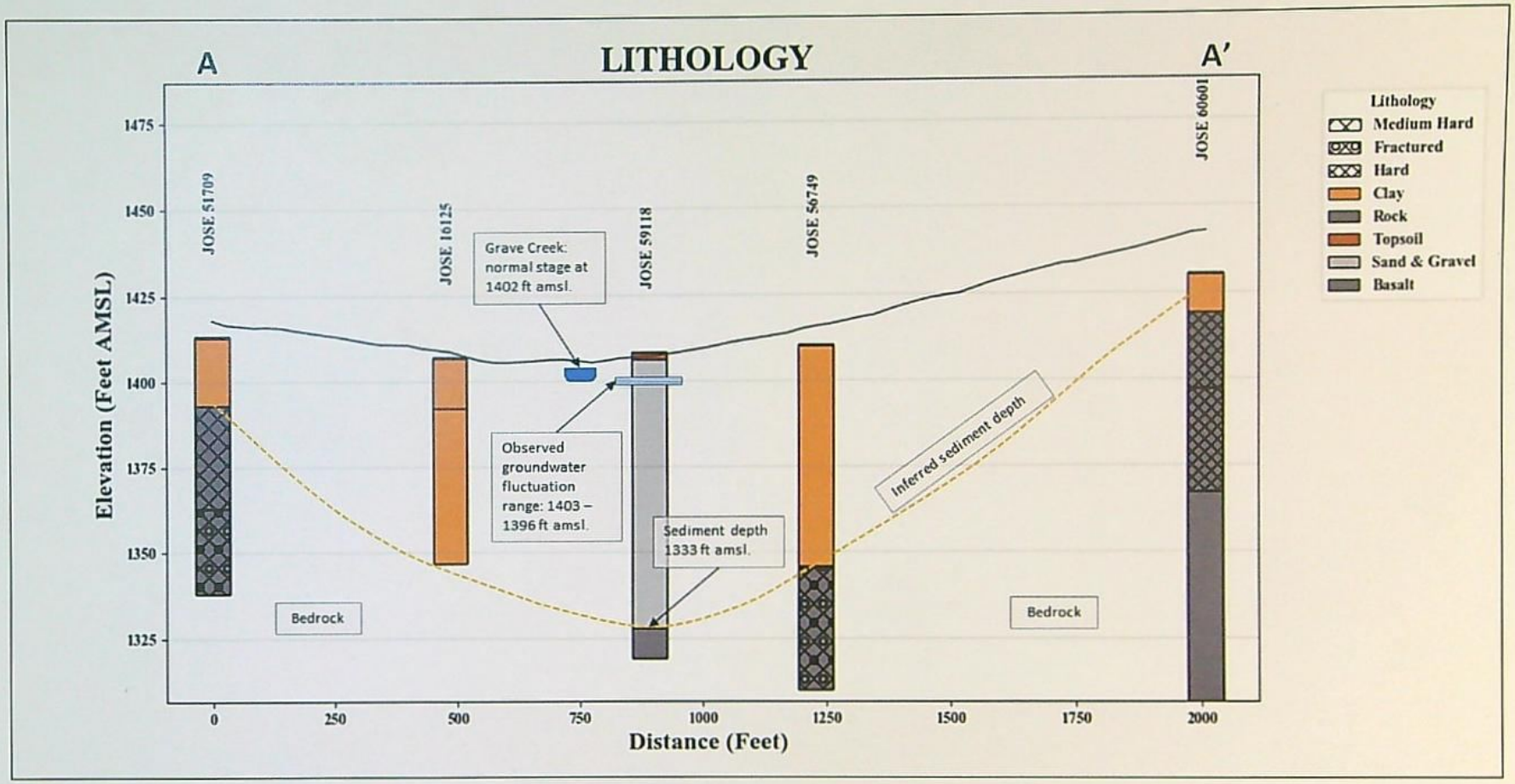
Figure 5. Cross Section of Sediment Depth Along Segment A – A' with Observed Water Level Fluctuation at SVB-1 (JOSE 59118). The surface profile was generated with a 10-meter DEM, which has a coarser vertical and horizontal resolution than the location and elevation data available for the plotted wells.



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November 14, 2018

Elizabeth E. Howard
Admitted in Oregon, Washington and North Dakota
T: 503-796-2093
C: 503-312-8765
ehoward@schwabe.com

VIA E-MAIL (SCOTT.A.GREW@OREGON.GOV)

Scott Grew
Water Rights Application Caseworker
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

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RE: Sunny Valley Sand & Gravel Application R 87931
Request for Continuation of Administrative Hold
Our File No.: 123805-182220

Dear Scott:

I am writing on behalf of Sunny Valley Sand & Gravel ("Sunny Valley") to request a further 180 day administrative hold on Application R 87931. The current administrative hold expires November 28, 2018.

Sunny Valley is requesting an additional 180 day administrative hold in order to have sufficient time to continue its efforts to gather data to evaluate whether groundwater is likely to infiltrate into Reservoir 3. That information is necessary for Sunny Valley and OWRD to determine how to proceed with application R 87931, and the type of seal that may be required for the reservoir, if any. This request is justified for the reasons that follow.

OWRD issued permits to Sunny Valley for Reservoir 2 (R-15228) and Reservoir 4 (R-15230) on September 14, 2017. The permits were subject to reconsideration requests and were re-issued with modifications on March 22, 2018. Sunny Valley has worked on the permitted reservoirs and appurtenances, and pursuant to the modified permits, has also evaluated how to comply with the requirement to line the reservoirs. After discussion with OWRD and making its own evaluation, Sunny Valley is planning to line the reservoirs with clay derived from sand and gravel deposits on the property.

In order to extract the clay, Sunny Valley must have a water right for mining uses. It is in the process of obtaining approval of a transfer application for a change in type of use and point of diversion for its established irrigation water right Certificate 3943. T-12837 was proposed for denial, but may be approved upon a consent to injury and resolution of a protest by Water Watch of Oregon. Sunny Valley is in the process of obtaining the consent to injury, and working closely with Oregon Department of Fish and Wildlife toward that end. Sunny Valley understands that there are multiple protests ahead of Water Watch's protest and that it may take more than a year before its protest is up for a hearing and resolution.

Pacwest Center | 1211 SW 5th Avenue | Suite 1900 | Portland, OR | 97204 | M 503-222-9981 | F 503-796-2900 | schwabe.com

In addition, to divert water from the new point of diversion proposed by the transfer, Sunny Valley will be required to obtain a removal/fill permit from the Department of State Lands and Army Corps of Engineers. Sunny Valley is in the process of completing the necessary application to obtain that permit.

These efforts are taking significant time and financial resources and must be completed before Sunny Valley is able to complete the liners for Reservoirs 2 and 4 so as to obtain information related groundwater infiltration related to Reservoir 3.

Sunny Valley is continuing its efforts to obtain the necessary approvals so that it can complete Reservoirs 2 and 4 and to thereby obtain the necessary information concerning groundwater infiltration for Reservoir 3. At that time Sunny Valley also anticipates it will have financial resources and capacity to put toward Reservoir 3.

Thank you for your assistance on this matter and your consideration of this request. Please let me know if you have any questions or need additional information to process it.

Sincerely,

Elizabeth E. Howard

EEH

cc: Andreas Blech
Shonee Langford

PDX\123805\182220\EEH\24271338.1

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From: JARAMILLO Lisa J * WRD
To: Howard, Elizabeth E.
Cc: FRENCH Dwight W * WRD; MCCARTY Patricia E * WRD; FAUCERA Danette L; Langford, Shonee D.
Subject: RE: Withdrawal of revised Preliminary Determination (T-12837)
Date: Wednesday, June 24, 2020 5:12:07 PM
Attachments: image005.jpg
image006.jpg
image001.jpg

Hi Elizabeth,

We plan to notice the ODFW Recommendation to Consent to Injury for T-12837 within the next couple of weeks. Once noticed, there is a 30-day period for submittal of written comments/requests for public meeting on the recommendation. If a request for public meeting is received, then OWRD and ODFW must hold a joint public meeting within 90 days of receipt of the request.

If, after review of any public comments, ODFW does not withdraw its recommendation, OWRD will then be at a point to issue a second revised PD.

Best regards,
Lisa

Lisa J. Jaramillo
Transfer and Conservation Section Manager
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

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From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, June 24, 2020 4:36 PM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>; FAUCERA Danette L <Danette.L.Faucera@state.or.us>; Langford, Shonee D. <SLangford@SCHWABE.com>
Subject: RE: Withdrawal of revised Preliminary Determination

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Lisa,

I appreciate the explanation as we just received the withdrawal notice a few minutes ago. That said, I am very concerned about the timing on this matter. This has been in process for a number of years and our client is unable to initiate his project until this transfer is complete. We are also anticipating a protest on this transfer, which means a contested case would be part of the timeline – and that has now been pushed out even further.

Before I notify my client that the Department has had to withdraw the transfer order, could I please get a better sense of the overall timing, including when does OWRD anticipate it will re-issue a potentially further revised PD and when will this matter be referred to OAH (Patricia, I assume you received a protest?) following filing of a protest?

Thank you in advance for your understanding of the difficulties this further delay creates and for your response. Best, Elizabeth

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Sent: Wednesday, June 24, 2020 2:41 PM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>; Langford, Shonee D. <SLangford@SCHWABE.com>
Cc: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>; MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Subject: FW: Withdrawal of revised Preliminary Determination

Hi Elizabeth and Shonee

We recently identified that we did not properly notice the ODFW Recommendation to Consent to Injury for T-12837. Therefore, we have decided to pull back the Revised PD issued on May 21, 2020, so we can correct the error. Once the process related to notice of the recommendation is concluded [see ORS 540.530(1)(d)(D)], we will follow up with issuance of a second Revised PD.

Sincerely,
Lisa Jaramillo

Lisa J. Jaramillo
Transfer and Conservation Section Manager
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone 503-986-0880

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From: BAUSTIAN Julie C * WRD <Julie.C.Baustian@oregon.gov>
Sent: Wednesday, June 24, 2020 2:29 PM
To: JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; COURCHANE Corey A * WRD <Corey.A.Courchane@oregon.gov>
Cc: JOHNSTONE Jake D * WRD <Jake.D.Johnstone@oregon.gov>; CECILIANI Scott C * WRD <Scott.C.Ceciliani@oregon.gov>; FAUCERA Danette L <Danette.L.Faucera@state.or.us>; ehoward@schwabe.com; slangford@schwabe.com; rkentta@ctsi.nsn.us; thpo@grandronde.org; jplueard@cowcreek.com; lisa@waterwatch.org; gravesdesigns@hotmail.com; tanukihimself@hotmail.com; barb@wemoon.ws; kuff99fa@icloud.com; csnamara97@aol.com; friendsofcountryliving@gmail.com; wmcorcoran@reagan.com; wolfgang@nebmaier.de; lisa@collishawland.com; triplepeakacres@gmail.com; glennatwork2003@yahoo.com; vajra@shakti-moon.com; gregg.getchell@hughes.net
Subject: Withdrawal of revised Preliminary Determination

Good afternoon,

Please see attached.

Julie Baustian
Water Right Support
725 Summer Street NE Ste A
Salem, Oregon 97301 | Phone 503-986-0815
Sign

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October 28, 2021

Elizabeth E. Howard
Admitted in Oregon, Washington and North Dakota
T: 503-796-2093
C: 503-312-8765
ehoward@schwabe.com

VIA E-MAIL ONLY

Alyssa Mucken
Water Rights Section Manager
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Sunny Valley Sand & Gravel Application R 87931
Request for Continuation of Administrative Hold
Our File No.: 123805-182220

Dear Ms. Mucken:

I am writing on behalf of Sunny Valley Sand & Gravel ("Sunny Valley") to request a further 180 day administrative hold on Application R 87931. The current administrative hold expires October 28, 2021.

Sunny Valley is requesting an additional 180 day administrative hold in order to have additional time to gather data to evaluate whether groundwater is likely to infiltrate into Reservoir 3 and to evaluate options for lining the reservoir. This information is necessary for Sunny Valley and OWRD to determine how to proceed with application R 87931, and to address the potential that OWRD may require a liner or seal such that groundwater does not infiltrate the reservoir.

Efforts to date related to Reservoir 2 (R-15228) and Reservoir 4 (R-15230) on September 14, 2017 and T-12837, and how those efforts relate to Reservoir 3 are provided in our prior requests for an administrative hold and are incorporated here by reference.

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By way of an update on T-12837, after more than a year of effort, Sunny Valley was able to obtain a recommendation from the Oregon Department of Fish and Wildlife (ODFW) that OWRD consent to injury for the change in point of diversion. Based on that recommendation, OWRD issued a preliminary determination to approve the transfer, but then pulled it because it had failed to conduct the hearing requested by the public, and thus required, for the consent to injury recommendation. ODFW and OWRD then conducted the joint public hearing on the consent to injury recommendation on September 25, 2020, reviewed the public comments and input for more than seven months and on May 4, 2021, issued a response to comments and continued recommendation to consent to injury. OWRD then issued a preliminary determination approving the transfer, which was protested.

Our office has discussed the timing for a hearing on that protest with OWRD and learned that it will be years before OWRD schedules this matter for hearing.

As explained previously, T-12837 must be approved such that Sunny Valley will have the water to extract the clay to line Reservoirs 2 and 4. Sunny Valley must complete the implementation of these clay liners in order to obtain information related to the likelihood of groundwater infiltration through such liners. Sunny Valley has conveyed this information to ODFW as well as OWRD in an effort seek a more expedited contested case on the protests of T-12837, but the processes continue to take significantly longer than Sunny Valley ever anticipated.

As noted in our previous requests for an administrative hold, Sunny Valley did explore the option of a synthetic liner for these reservoirs. Unfortunately, the costs of the liner are prohibitive at this time. Thus, a synthetic liner is not a viable option for Sunny Valley for Reservoir 3 at this time.

In order to divert water from the new point of diversion for the reservoirs and the future diversion for T-12837, Sunny Valley was required to obtain authorizations from the Department of State Lands ("DSL") and Army Corps of Engineers (the "Corps"). As noted in our last letter, Sunny Valley received the DSL and the Corps' authorizations to conduct work on the point of diversion in April 2020. Sunny Valley has now extended the DSL permit for another year as it awaits the preliminary determination for T-12837. Sunny Valley has also been in the process of obtaining the required Josephine County authorization to construct the point of diversion and conveyance system authorized under the existing reservoir permits.

These efforts continue to take significant time and financial resources. Once T-12837 is approved Sunny Valley anticipates it will have the information, as well as the financial resources, for moving forward with Reservoir 3.

Thank you for your assistance on this matter and your consideration of this request. Please let me know if you have any questions or need additional information to process it.

Sincerely,

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APR 05 2023
OWRD

Elizabeth E. Howard
EEH/cw

cc: Andreas Blech
PDX\123805\182220\EEH\31925911.1

EXHIBIT L
Page 2 of 2

Thane, Lindsay M.

From: BYLER Thomas M * WRD <Thomas.M.Byler@oregon.gov>
Sent: Wednesday, August 11, 2021 2:03 PM
To: Howard, Elizabeth E.; MCCARTY Patricia E * WRD; JARAMILLO Lisa J * WRD; WOODCOCK Douglas E * WRD
Cc: Weckel, Chris; Andreas Blech (andreas@blech.us); Thane, Lindsay M.; REP Stark; FRENCH Dwight W * WRD
Subject: RE: T-12837/Water Watch Protest - OHA referral

Hi Elizabeth,

Thank you for your request. We understand your client's desire to move their protested case forward quickly, and we will take your request into consideration. I want to provide some context for you on the Department's protest case workload. As you note below, the legislature provided funding ($2.2 million) to enable the agency to refer more protests to a contested case hearing than we have been able to in the past. The Department is grateful for that long-needed support. As of July 1, the Department had 125 pending protests, most of which have been waiting much longer than your client's case for a referral to the Office of Administrative Hearings. While $2.2 million in funding we received from the legislature will help us to move more protests forward than we have been able to in recent biennia, additional funding and time will be needed to fully address the pending caseload. With the new resources, we estimate having the capacity to refer roughly 20% of the current pending protests to the OAH this biennium. That is a good start to reduce the caseload, but unfortunately many pending protests will have to continue to wait. I hope you can appreciate that there are many parties to pending protests that have been waiting a very long time for their case to move forward. We simply will not have the capacity to move as many these cases to OAH this as everyone would like.

Thanks,

Tom

Tom Byler
DIRECTOR
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301 | Office 503-986-0910 Mobile 503-508-2984

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From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, August 11, 2021 11:43 AM
To: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; WOODCOCK Douglas E * WRD <Douglas.E.Woodcock@oregon.gov>; BYLER Thomas M * WRD <Thomas.M.Byler@oregon.gov>
Cc: Weckel, Chris <CWeckel@SCHWABE.com>; Andreas Blech (andreas@blech.us) <andreas@blech.us>; Thane, Lindsay M. <LThane@SCHWABE.com>; REP Stark <Rep.DuaneStark@oregonlegislature.gov>
Subject: RE: T-12837/Water Watch Protest - OHA referral

Hi Patricia,

I appreciate the quick response – thank you. To be more specific, we are asking that OWRD refer this matter to OHA in the next 30 days, please. This application took an exceedingly long time to get to an agency decision as a result of agency delays and mistakes in the processing of the application (both for OWRD & ODFW); and, while the Blechs were willing to suffer those delays to protect the integrity of the agency processes, it should not be too much to ask that OWRD now timely refer this to a hearing in light of those delays and the substantive impact further agency delays will have on the ability of this project to move forward, particularly where OWRD now has the funding to move these cases to hearing.

Thank you for your further consideration and reply. Elizabeth

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt

From: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>
Sent: Wednesday, August 11, 2021 10:43 AM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; WOODCOCK Douglas E * WRD <Douglas.E.Woodcock@oregon.gov>; BYLER Thomas M * WRD <Thomas.M.Byler@oregon.gov>
Cc: Weckel, Chris <CWeckel@SCHWABE.com>; Andreas Blech (andreas@blech.us) <andreas@blech.us>; Thane, Lindsay M. <LThane@SCHWABE.com>
Subject: RE: T-12837/Water Watch Protest - OHA referral

Hi Elizabeth,
At this time, we don't know when it will be referred over to OAH. As you know, there is quite a backlog and we don't yet know which cases in the backlog are likely to be referred, or when. We will let you know well ahead of time if this case is headed to a referral.
Sincerely,
Patricia McCarty

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From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Wednesday, August 11, 2021 8:14 AM
To: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>
Cc: Weckel, Chris <CWeckel@SCHWABE.com>; Andreas Blech (andreas@blech.us) <andreas@blech.us>; Thane, Lindsay M. <LThane@SCHWABE.com>
Subject: T-12837/Water Watch Protest - OHA referral

Hi Patricia and Lisa,

I'm checking in to see if you have an update on when OWRD will be referring WW's protest of the PD for T-12837 to OHA?

Thanks much, Elizabeth

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Mobile: 503-312-8765
ehoward@schwabe.com

Schwabe Williamson & Wyatt

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November 13, 2017

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Mr. Tom Byler, Director
Oregon Water Resources Department
725 Summer St., NE, Suite A
Salem, OR 97301

SUBJECT: PETITION FOR RECONSIDERATION
PERMIT R-15228 (APPLICATION R-87930)
PERMIT R-15230 (APPLICATION R-87932)

Dear Mr. Byler:

Friends of Country Living 501(c3), based in Sunny Valley, OR, is filing this Petition for Reconsideration pursuant to OAR-137-004-0080 and ORS 183.484(2). Our organization promotes positive aspects of rural community living and supports preserving its unique character. We respectfully ask that the Oregon Water Resources Department (OWRD) reconsider the subject permits and reverse its decision.

Many of our members live on rural properties upstream and downstream of the Sunny Valley Sand and Gravel, Inc. (SVS&G) site. Most have domestic wells within 1/4 mile of Grave Creek. Over past years, many members have submitted individual opposition letters regarding the numerous SVS&G water permit applications filed.

In this narrow valley where water supplies are marginal, members are expressing concerns that the diversion of water from Grave Creek into the excavated storage reservoirs, hydrologically interconnected with groundwater, will adversely affect domestic wells in the vicinity. Some of these have very low flow rates and some are shallow, hand-dug wells developed by original settlers. These hand-dug wells were not considered by SVS&G hydrologists or included in any of their reports as they are not included in the OWRD data base.

Additionally, please reference the enclosed exhibit maps labeled A & B.

Map A shows the location of the two reservoirs, #2 & #4, that OWRD recently permitted under the permit numbers referenced above. Map B shows the location of the excavation pits proposed under Josephine County Land Use Ordinance #2016-003, which is currently under a second appeal per LUBA No. 2016-127 after being remanded by a previous LUBA order. Permits R-15228 and R-15230 are issued with a condition that the *"reservoir shall be constructed to have a minimum bottom elevation above the water table seasonal high."*

When comparing the two referenced maps, Exhibit A/water storage and Exhibit B/excavation, it appears that the same area for storage reservoirs coincides with two of the planned excavation pits. The excavation pits applied for in the land use application are planned to go down to bedrock, which could result in pits up to 89 feet in depth.

How will these reservoir/excavation pits, and in addition the remainder of the excavation pits, not intersect the water table seasonal high? How will these reservoir/excavation pits not adversely affect the water/wells of the people residing in Sunny Valley?

Petitioners respectfully request the OWRD reconsider and withdraw its final order issuing Permits R-15228 and R-15230 for the reasoning brought forth above.

Respectfully Submitted,

Gregg Getchell, President/Director
Friends of Country Living
P. O. Box 1483
Grants Pass, OR 97528

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NOV 13 2017
OWRD

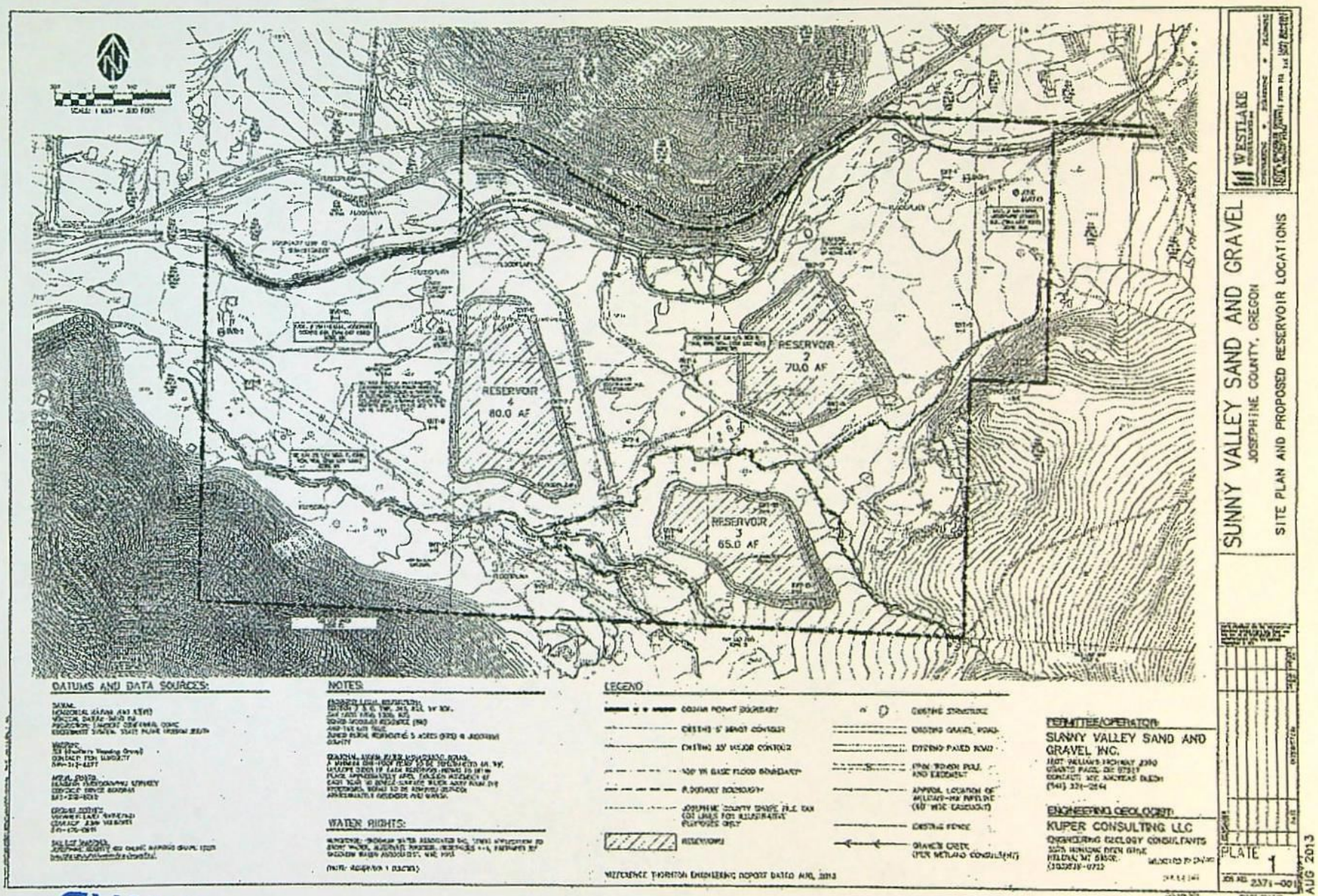

Exhibit "A"

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NOV 13 2017
OWRD

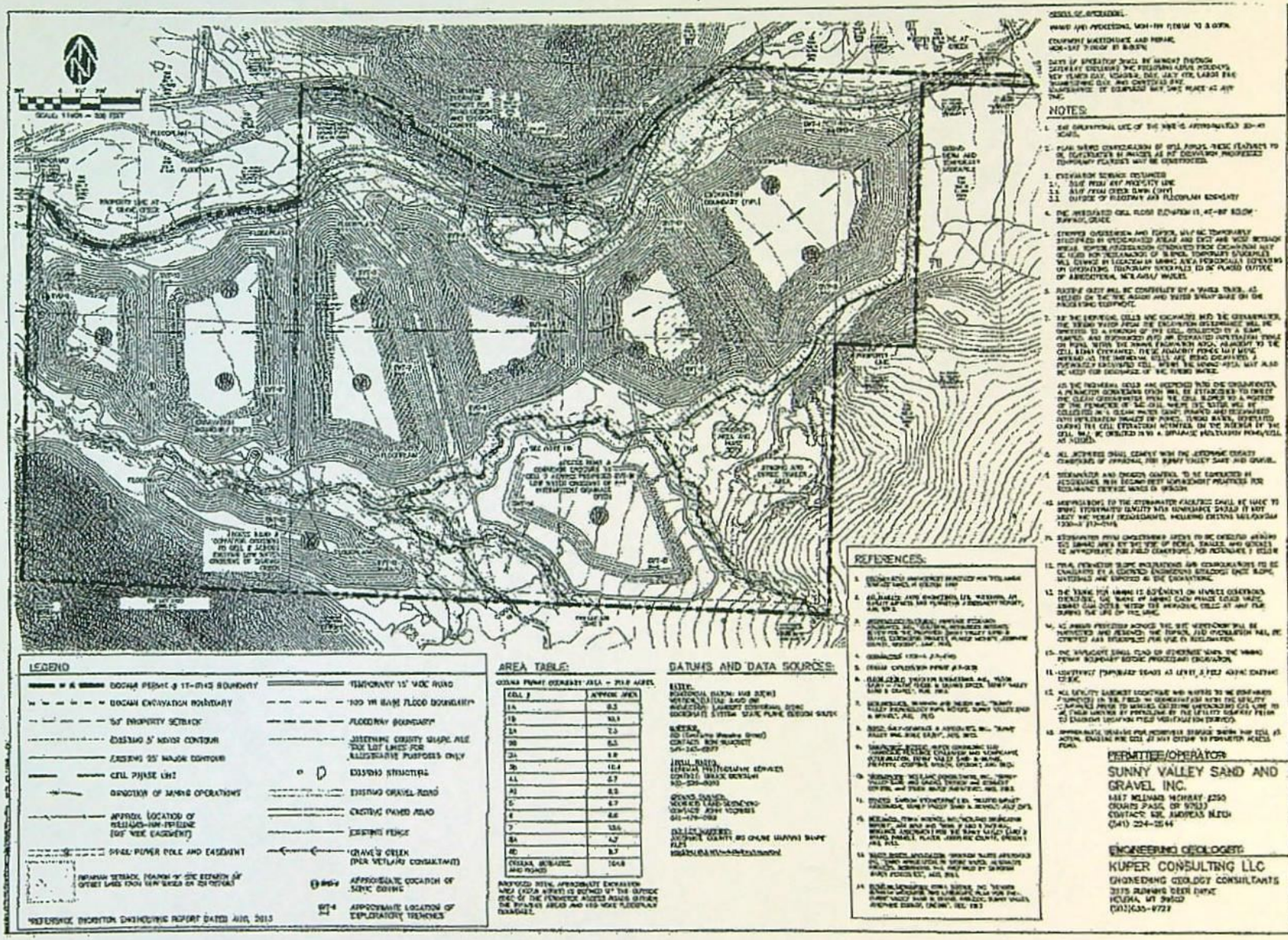

Exhibit "B"

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Based on the amount of rain fall in October 2017, Shanks Creek should have started flowing in early to mid October 2017. It was dry without a drop of flow until November 10, 2017 and immediately started with a very heavy flow and a lot of mud in the water, just a day later the creek slowed down and cleared up.

William M. Corcoran II & Elizabeth A. Corcoran
2001 Placer Road
Sunny Valley, OR 97497
Mailing: 1051 NE 6th St. C100
Grants Pass, OR 97526

RECEIVED
NOV 13 2017
OWRD

November 12, 2017

Mr. Tom Byler, Director
Oregon Water Resources Department
725 Summer St., NE Suite A
Salem, OR 97301

To Whom It May Concern:

This letter is to inform you that we oppose the reservoir permits #R-15228 and #R-15230 granted to Sunny Valley Sand and Gravel, Inc. for the removal of water from Grave Creek for storage to use in processing aggregate for a mining operation.

We live directly downstream from this project and both Grave and Shanks Creek flow through our adjacent properties.

- My Water Rights on Grave Creek are Senior Rights dated 1874 (see attached) Recorded Volume 13, Page 16535.

- My Water Rights on Shanks Creek are dated 1/17/1966 (see attached) Volume 31, Page 39777.

Over the years the Water Master has restricted the water removal from Grave Creek due to low flow many times limiting my agricultural/farming use. This demonstrates that even with my senior water rights I have already been impacted.

There are real water volume issues on Grave Creek that must be seriously considered before allowing a commercial operation upstream of a person with senior water rights. It is contradictory to approve a commercial operation, which will appropriate additional creek and ground water.

We have owned our property since 1979 and observed these creeks over the years. It is just in this past few years that we have noticed a diminished supply of water volume and lack of water flow in Grave Creek and Shanks Creek.

Grave Creek and Shanks Creek are less than a quarter mile apart in the pinch point of this valley. Shanks Creek contributes to Graves Creek less than a mile from Sunny Valley Sand and Gravel, Inc. site. The interference and disruption that we suspect permittee has placed on Shanks Creek and its feeding tributaries has already impacted the flow dramatically. In the latter part of June 2017 we abruptly had zero water flow on Shanks Creek. Three weeks later the flow resumed suddenly on July 15, 2017 as a raging, muddy, water flow. We and the downstream neighbor have noticed this restriction in the normal water flow and in the past year the water flow has greatly diminished the fish population. Any additional removal of water from Grave Creek will impact the dwindling Coho salmon and steelhead population. The SVS&G site is at the upper most part of Sunny Valley and will have an impact all the way to the Rouge River.

Shanks Creek

Permit A-06-9-10

RECEIVED
NOV 13 2017
OWRD

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN E. WHEELER

of 151 Daisy Mine Road, Sunny Valley 97478, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Shanks Creek

a tributary of Graves Creek for the purpose of irrigation of 4.7 acres

under Permit No. 31284 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 17, 1966

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.06 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW¼ SE¼, SW¼ SE¼, Section 7, T. 34 S., R. 5 W., W. M., 580 feet West and 100 feet North, 1220 feet West and 130 feet South, both from NE Corner, SW¼ SE¼, Section 7.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4½ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.3 acre NW¼ SE¼
4.3 acres SW¼ SE¼
0.1 acre SE¼ SE¼
Section 7
T. 34 S., R. 5 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this date. January 30, 1974

Chris L. Wheeler
State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39777

Grave Creek

RECEIVED
NOV 13 2017
OWRD

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Samuel Pettengill, of Grave, State of Oregon, and C. H. Bean of Placer, State of Oregon, has a right to the use of the waters of Grave Creek, a tributary of Rogue River.

for the purpose of irrigation of 8 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1874;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.16 cubic foot per second.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

4 acres in NE¼ SW¼
4 acres in NW¼ SW¼
Section 7,
T. 34 S., R. 5 W., W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this 30 day of September, 1949.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16536

Shanks Creek

RECEIVED
NOV 13 2017
OWRD

STATE OF OREGON

COUNTY OF JOSEPHINE

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or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW¼ SE¼, SW¼ SE¼, Section 7, T. 34 S., R. 5 W., W. M., 580 feet West and 100 feet North, 1220 feet West and 130 feet South, both from NE Corner, SW¼ SE¼, Section 7.

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Chris L. Wheeler
State Engineer

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Grave Creek

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NOV 13 2017
OWRD

STATE OF OREGON

COUNTY OF JOSEPHINE

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4 acres in NW¼ SW¼
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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this 30 day of September, 1949.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16536

William M. Corcoran II & Elizabeth A. Corcoran
2001 Placer Road
Sunny Valley, OR 97497
Mailing: 1051 NE 6th St. C100
Grants Pass, OR 97526

RECEIVED
NOV 13 2017
OWRD

November 12, 2017

Mr. Tom Byler, Director
Oregon Water Resources Department
725 Summer St., NE Suite A
Salem, OR 97301

To Whom It May Concern:

This letter is to inform you that we oppose the reservoir permits #R-15228 and #R-15230 granted to Sunny Valley Sand and Gravel, Inc. for the removal of water from Grave Creek for storage to use in processing aggregate for a mining operation.

We live directly downstream from this project and both Grave and Shanks Creek flow through our adjacent properties.

- My Water Rights on Grave Creek are Senior Rights dated 1874 (see attached) Recorded Volume 13, Page 16535.

- My Water Rights on Shanks Creek are dated 1/17/1966 (see attached) Volume 31, Page 39777.

Over the years the Water Master has restricted the water removal from Grave Creek due to low flow many times limiting my agricultural/farming use. This demonstrates that even with my senior water rights I have already been impacted.

There are real water volume issues on Grave Creek that must be seriously considered before allowing a commercial operation upstream of a person with senior water rights. It is contradictory to approve a commercial operation, which will appropriate additional creek and ground water.

We have owned our property since 1979 and observed these creeks over the years. It is just in this past few years that we have noticed a diminished supply of water volume and lack of water flow in Grave Creek and Shanks Creek.

Grave Creek and Shanks Creek are less than a quarter mile apart in the pinch point of this valley. Shanks Creek contributes to Graves Creek less than a mile from Sunny Valley Sand and Gravel, Inc. site. The interference and disruption that we suspect permittee has placed on Shanks Creek and its feeding tributaries has already impacted the flow dramatically. In the latter part of June 2017 we abruptly had zero water flow on Shanks Creek. Three weeks later the flow resumed suddenly on July 15, 2017 as a raging, muddy, water flow. We and the downstream neighbor have noticed this restriction in the normal water flow and in the past year the water flow has greatly diminished the fish population. Any additional removal of water from Grave Creek will impact the dwindling Coho salmon and steelhead population. The SVS&G site is at the upper most part of Sunny Valley and will have an impact all the way to the Rouge River.

Based on the amount of rain fall in October 2017, Shanks Creek should have started flowing in early to mid October 2017. It was dry without a drop of flow until November 10, 2017 and immediately started with a very heavy flow and a lot of mud in the water, just a day later the creek slowed down and cleared up.

Sunny Valley Sand & Gravel, Inc. is projected to operate for 40 years. The mining application explains the massive need of water to remove the over 30% clay from the material. The amount of water this operation will require is staggering. It is also the digging of eight pits to bedrock that will interrupt and combine ground and surface waters all the way to the Rogue River that concerns us.

The reservoir permits you have issued to SVS&G rely on everyone following rules, regulations and conditions. We request your reconsideration and reversal of these permits.

Respectfully,

William M. Corcoran II

Elizabeth A. Corcoran

RECEIVED
NOV 13 2017
OWRD

Mailing List for Order on Reconsideration

Scheduled Mailing Date:

Application: R-87930

Permit: R-15320

Copies Mailed

by: SP
(STAFF)

on: 3-27-18
(DATE)

Original mailed to Applicant:

Andreas Blech, Sunny Valley Sand and Gravel, Inc.
1867 Williams Hwy. Ste. 260
Grants Pass, OR 97527

Copies of Order:

1. File R-87930
2. Watermaster District 14, Jake Johnstone

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

1. Agent: Elizabeth Howard, Schwabe, Williamson and Wyatt: ehoward@schwabe.com
2. WaterWatch of Oregon, Inc., 213 SW Ash St., Ste. 208, Portland, OR 97204

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of the Reconsideration of the Final Order on Application R-87930 and Permit R-15228	)	ORDER ON RECONSIDERATION
WaterWatch of Oregon, Inc., Petitioner	)	

A. Findings of Fact

1. On September 14, 2017, the Department issued a Final Order approving Water Right Application R-87930 and issuing Permit R-15228.
2. On November 13, 2017, WaterWatch of Oregon, Inc. filed a Petition for Reconsideration and Request for Stay for Application R-87930 (Permit R-15228), and Application R-87932 (Permit R-15230).
3. The Petition for Reconsideration and Request for Stay of Orders contained the information required by OAR 137-004-0080 and OAR 137-004-0090.
4. On November 22, 2017, the applicant, Sunny Valley Sand and Gravel, Inc., submitted a written response to the petition and request for stay.
5. On December 13, 2017, the Department issued an Order on Petition for Reconsideration and Request for Stay, denying the request for a stay of the order and granting reconsideration of the order.
6. The record for R-87930 contains two documents which amend and modify the application. The first, submitted on February 5, 2014, by Skookum Water Associates, Inc. (Skookum) on behalf of the applicant, provides additional details on the intended reservoir construction. It states that "the reservoirs will be excavated about 5 feet into the subsurface and have a 5-feet-tall berm on the downslope side as [indicated on included drawings]." "Information collected from site subsurface explorations by others indicates the bottom portion of each reservoir may be excavated several feet into the uppermost groundwater unit. The amount each reservoir will extend into groundwater will depend on the local ground surface elevation and the season; however each reservoir will have a clay or synthetic liner to limit seepage from the reservoir as further discussed in this letter and to limit groundwater infiltration into the reservoirs."

   "The proposed designs provide that each reservoir will have a permanent clay or synthetic liner to limit seepage losses to the subsurface. The liner is critical because without it, the diverted water would drain into the shallow aquifer and be lost from use whenever the reservoir level is higher than the groundwater surface. Conversely, the liner will limit groundwater from infiltrating into the reservoirs when the groundwater surface is higher than the bottom of the reservoir, thereby protecting against capturing groundwater likely to be in hydraulic connection with surface water." (*See*, Letter from Skookum, "Addition Reservoir Construction Details, February 5, 2014.")

The second, submitted on October 14, 2015 by Shannon and Wilson, Inc. (S&W) on behalf of the applicant, also provides additional detail on the intended reservoir construction. This document specifies different reservoir construction detail and rationale. In contrast to the Skookum document, the S&W document does not mention a "permanent clay or synthetic liner" but rather asserts "[p]reventing groundwater infiltration into the reservoir is assured during the winter months by impounded water creating a downward hydraulic gradient during the wet winter/spring season. When the reservoirs are empty, the subgrade remains above fluctuating groundwater levels, preventing infiltration" and "[t]he reservoir floor (subgrade) will include a densely compacted 2-foot layer of select fine-grained soil." (*See*, Letter from Shannon and Wilson, Inc., "Conceptual Design Guidance Storage Reservoirs 2 and 4 . . . .")

7. Permit R-15228 contains the following condition: "Reservoir shall be constructed to have a minimum bottom elevation above the water table seasonal high."

8. Water is available from Grave Creek only January 1 through March 31. If the reservoir was constructed in such a manner that groundwater infiltrated into the reservoir during the period April 1 through December 31, the volume of water in Grave Creek would be diminished in those months.

9. To ensure that groundwater does not infiltrate into the reservoir the Department finds that it is necessary that the reservoir be lined to prevent the intrusion of groundwater at all times.

10. The reservoir permit will contain the following conditions:

    "The permit holder shall install a liner in the reservoir sufficient to prevent the intrusion of groundwater at all times. The liner shall be in place prior to the diversion of water from Grave Creek and storage of water in the reservoir. The liner shall be maintained to prevent the intrusion of groundwater at all times."

    "Prior to the use of water from the reservoir the permit holder must demonstrate to the satisfaction of the watermaster that the liner is effective in preventing the intrusion of groundwater."

11. Condition A, of the Measurement Devices and Recording/Reporting of Annual Water Use Conditions will be modified to read:

    a. "Before water use may begin under this permit, the permittee shall install a totalizing flow meter within 50 feet of the point of diversion. The permittee shall maintain the device in good working order."

B. Conclusions of Law

1. As conditioned, water is available for the proposed use in the time period requested, January 1 through March 31.

2. As conditioned the proposed use will not injure existing water rights, or pose a significant detrimental impact to existing fishery resources.

ORDER

Now, therefore, it is ORDERED:

The Final Order approving Application R-87930 is affirmed with the modifications herein, permit R-15228 is of no further force or effect, and superseded by permit R-15320 issued as modified with the additional conditions herein.

Dated at Salem, Oregon on March 22, 2018.

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

Mailing date: MAR 27 2018

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ANDREAS BLECH; SUNNY VALLEY SAND AND GRAVEL INC.
1867 WILLIAMS HWY SUITE 260
GRANTS PASS OR 97527

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

APPLICATION FILE NUMBER: R-87930

SOURCE OF WATER: GRAVE CREEK, TRIBUTARY TO ROGUE RIVER

STORAGE FACILITY: RESERVOIR #2

MAXIMUM VOLUME: 70.0 ACRE-FEET

DATE OF PRIORITY: SEPTEMBER 12, 2013

WATER MAY BE APPROPRIATED AS FOLLOWS: JANUARY 1 THROUGH MARCH 31

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Loc	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Dam	34 S	5 W	WM	8	SE SW	1140 FEET NORTH AND 3800 FEET WEST FROM SE CORNER, SECTION 8
POD	34 S	5 W	WM	8	NW SE	2550 FEET NORTH AND 2400 FEET WEST FROM SE CORNER, SECTION 8

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
34 S	5 W	WM	8	NE SW
34 S	5 W	WM	8	SE SW

Measurement Devices, and Recording/Reporting of Annual Water Use Conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter **within 50 feet of the point of diversion**. The permittee shall maintain the device in good working order.

B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The reservoir shall be constructed to have a minimum bottom elevation above the water table seasonal high.

The permit holder shall install a liner in the reservoir sufficient to prevent the intrusion of groundwater at all times. The liner shall be in place prior to the diversion of water from Grave Creek and storage of water in the reservoir. The liner shall be maintained to prevent the intrusion of groundwater at all times.

Prior to the use of water from the reservoir the permit holder must demonstrate to the satisfaction of the watermaster that the liner is effective in preventing the intrusion of groundwater.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

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

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

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

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

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

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.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Rogue River near Agness, OR, gage 14372300, 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.

Rogue Scenic Waterway	
Month	**Minimum Flow (cfs)**
January	3500
February	3500
March	3500

STANDARD CONDITIONS

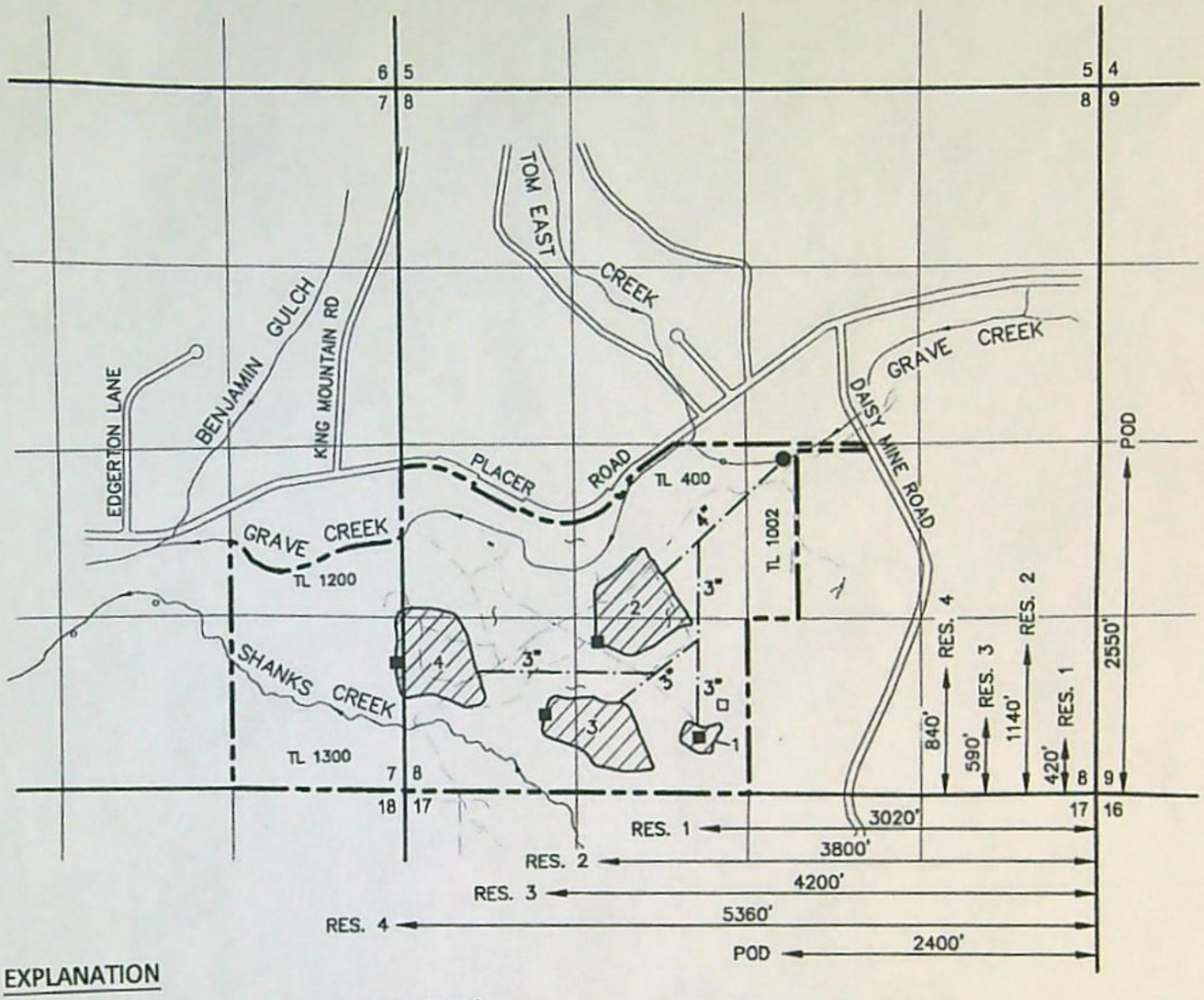
1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. 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.
10. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
    a. the dimensions of the reservoir;
    b. the maximum capacity of the reservoir in acre-feet; and

c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued March 22, 2018

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

SECTIONS 7 & 8, T34S, R5W, W.M.
JOSEPHINE COUNTY



EXPLANATION

- ● POINT OF DIVERSION (POD)
- ■ DAM OR CENTER OF RESERVOIR
- PROPOSED RESERVOIR AND NUMBER
- SECTION LINE
- PROPERTY LINE
- CREEK OR INTERMITTENT STREAM
- PAVED ROAD
- UNPAVED ROAD
- PROPOSED PIPELINE AND SIZE

NOTE:

RESERVOIRS WILL BE LOCATED OFF CHANNEL.

RECEIVED
SEP 12 2013
WATER RESOURCES DEPT
SALEM, OREGON

AUGUST 7, 2013

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

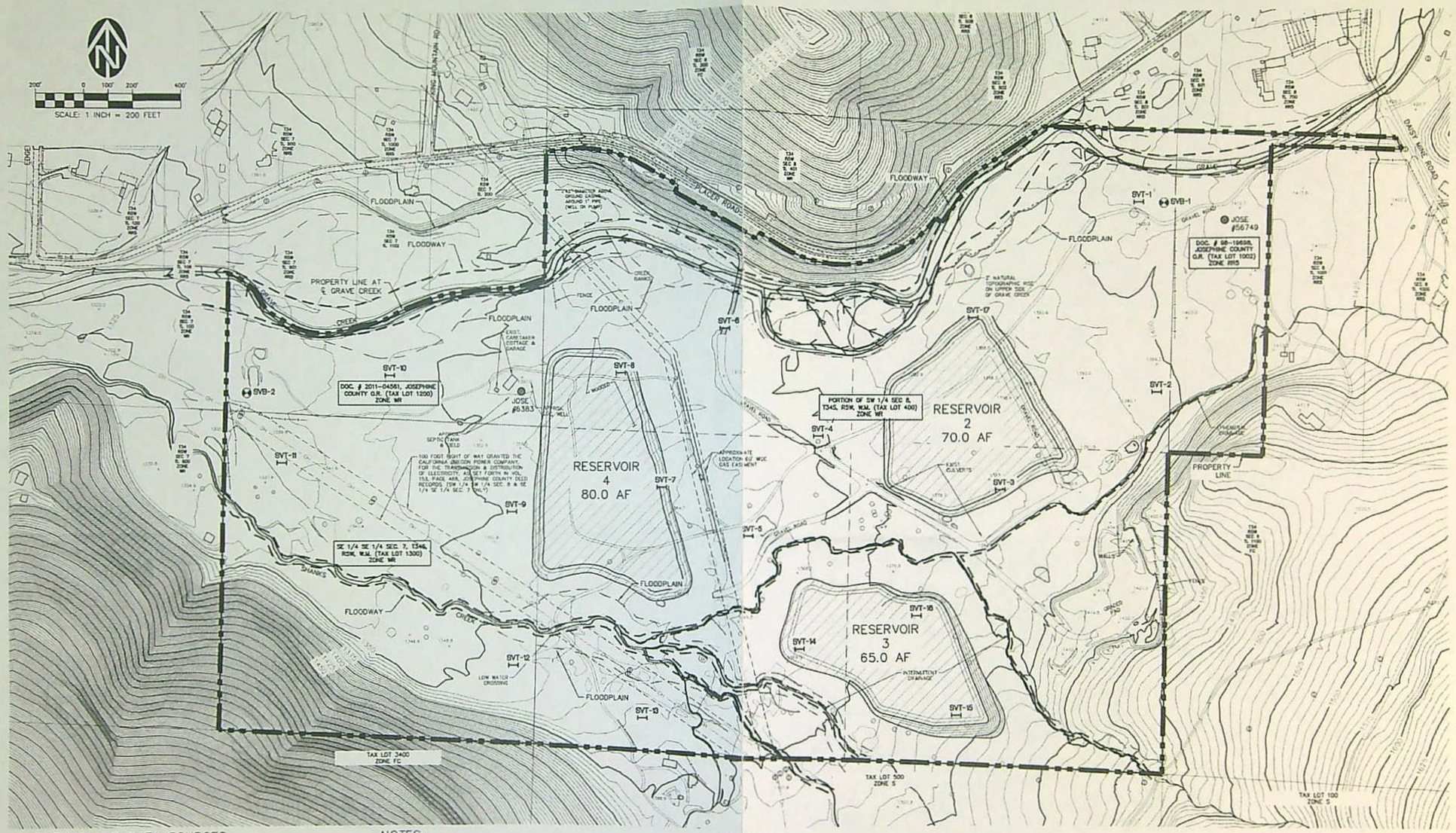
N

SCALE
660 0 660 1320
1 INCH - 1320 FEET

SKOOKUM
WATER ASSOCIATES INC
P.O. BOX 80174
PORTLAND, OR 97280
(503) 319-8926

Sunny Valley Sand and Gravel Inc.
Reservoir Application Map
Westlake Consultants, Inc.

R-87930



DATUMS AND DATA SOURCES:

DATUM:
HORIZONTAL DATUM: NAD 83(91)
VERTICAL DATUM: NAVD 88
PROJECTION: LAMBERT CONFORMAL CONIC
COORDINATE SYSTEM: STATE PLANE OREGON SOUTH

MAPPING:
3DI (GeoTerra Mapping Group)
CONTACT: RON SLUGGETT
541-343-8877

AERIAL PHOTO:
BERGMAN PHOTOGRAPHIC SERVICES
CONTACT: BRUCE BERGMAN
503-239-6010

GROUND SURVEY:
VOORHEIS LAND SURVEYING
CONTACT: JOHN VOORHEIS
541-476-0601

TAX LOT MAPPING:
JOSEPHINE COUNTY GIS ONLINE MAPPING SHAPE FILES
http://64.185.2.151/website/data/shapefiles/

NOTES:

PROPERTY LEGAL DESCRIPTION:
SECTION 7 & 8, TWP. 34S, RGE. 5W W.M.,
TAX LOTS 1200, 1300, 400,
ZONED WOODLOT RESOURCE (WR)
AND TAX LOT 1002,
ZONED RURAL RESIDENTIAL 5 ACRES (RR5) IN JOSEPHINE COUNTY

SEASONAL STORM WATER MANAGEMENT BERMS:
A MINIMUM ONE-FOOT BERM TO BE CONSTRUCTED ON THE UPSLOPE SIDES OF EACH RESERVOIR. BERMS TO BE IN PLACE APPROXIMATELY APRIL THROUGH NOVEMBER OF EACH YEAR TO DIRECT SURFACE WATER AWAY FROM THE RESERVOIRS. BERMS TO BE REMOVED BETWEEN APPROXIMATELY DECEMBER AND MARCH.

WATER RIGHTS:

REFERENCE: SKOOKUM WATER ASSOCIATES INC, "OWRD APPLICATION TO STORE WATER, ALTERNATE PROCESS, RESERVOIRS 1-4, PREPARED BY SKOOKUM WATER ASSOCIATES", AUG, 2013

(NOTE: RESERVOIR 1 DELETED)

LEGEND

- DOGAMI PERMIT BOUNDARY
- EXISTING 5' MINOR CONTOUR
- EXISTING 25' MAJOR CONTOUR
- 100 YR BASE FLOOD BOUNDARY*
- FLOODWAY BOUNDARY*
- JOSEPHINE COUNTY SHAPE FILE TAX LOT LINES FOR ILLUSTRATIVE PURPOSES ONLY
- RESERVOIRS
- EXISTING STRUCTURE
- EXISTING GRAVEL ROAD
- EXISTING PAVED ROAD
- PP&L POWER POLE AND EASEMENT
- APPROX. LOCATION OF WILLIAMS-NW PIPELINE (60' WIDE EASEMENT)
- EXISTING FENCE
- GRAVE'S CREEK (PER WETLAND CONSULTANT)

*REFERENCE THORNTON ENGINEERING REPORT DATED AUG, 2013

PERMITTEE/OPERATOR:
SUNNY VALLEY SAND AND GRAVEL INC.
1867 WILLIAMS HIGHWAY #260
GRANTS PASS, OR 97527
CONTACT: MR. ANDREAS BLECH
(541) 224-2644

ENGINEERING GEOLOGIST:
KUPER CONSULTING LLC
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WESTLAKE CONSULTANTS INC.
ENGINEERING • SURVEYING • PLANNING
PACIFIC CORPORATE CENTER, 10135 SW SUNSHINE PARKWAY SUITE 150, TIGARD, OREGON 97223 PH (503) 684-0652 FAX (503) 684-1270

SUNNY VALLEY SAND AND GRAVEL
JOSEPHINE COUNTY, OREGON

SITE PLAN AND PROPOSED RESERVOIR LOCATIONS

THESE DRAWINGS ARE THE PROPERTY OF WESTLAKE CONSULTANTS INC. (WCI) AND ARE NOT TO BE REPRODUCED IN ANY MANNER EXCEPT WITH THE WRITTEN PERMISSION OF WCI.

REVISIONS			
DATE	DESCRIPTION	DESIGN BY	DRAWN BY

PLATE 1

JOB NO. 2371-001

AUG 2013

R-87930

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Water Rights Application R-87930, Josephine County	))	FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER

Authority

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

Findings of Fact

1. On SEPTEMBER 12, 2013, ANDREAS BLECH; SUNNY VALLEY SAND AND GRAVEL INC. submitted an application for a permit to store water pursuant to ORS 537.409.

   Storage Volume: 70.0 ACRE-FEET

   Dam Height: LESS THAN 10 FEET

   Source: GRAVE CREEK, TRIBUTARY TO ROGUE RIVER

   Location: JOSEPHINE COUNTY IN SECTION 8, TOWNSHIP 34 SOUTH, RANGE 5 WEST, W.M.

2. The required examination fees were paid and minimum application requirements were met.

3. The Department provided public notice of the application in the Department's weekly public notice on SEPTEMBER 24, 2013. A 60-day comment period followed.

4. The Department has received public comment related to the possible issuance of the attached permit. The Department has recorded its evaluation of public comment received on Comment Evaluation Forms made part of the application file.

5. The Department has determined that the proposed source has not been withdrawn from further appropriation.

6. The proposed reservoir is not prohibited under ORS 390.835.

APPEAL RIGHTS

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

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

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

7. Water is available for the proposed use according to the Department's water-availability model and the watermaster's assessment.

8. The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources. The Department has determined that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources.

Conclusions of Law

1. Water is available for the proposed use.
2. The proposed use will not injure existing water rights.
3. The proposed use will not pose a significant detrimental impact to existing fishery resources.
4. Application R-87930 is consistent with the requirements of ORS 537.409.

Now Therefore, it is Ordered:

Application R-87930 is approved, and Permit R-15228 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on Sept 14 2017

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

PLACED IN U.S. MAIL
SEP 15 2017
OREGON WATER RESOURCES DEPT.

This order was produced by Scott Grew. If you have any questions about any of the statements contained in this document, he can be reached at 503-986-0899 or scott.a.grew@oregon.gov.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF JOSEPHINE

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ANDREAS BLECH; SUNNY VALLEY SAND AND GRAVEL INC.
1867 WILLIAMS HWY SUITE 260
GRANTS PASS OR 97527

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

APPLICATION FILE NUMBER: R-87930

SOURCE OF WATER: GRAVE CREEK, TRIBUTARY TO ROGUE RIVER

STORAGE FACILITY: RESERVOIR #2

MAXIMUM VOLUME: 70.0 ACRE-FEET

DATE OF PRIORITY: SEPTEMBER 12, 2013

WATER MAY BE APPROPRIATED AS FOLLOWS: JANUARY 1 THROUGH MARCH 31

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Loc	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Dam	34 S	5 W	WM	8	SE SW	1140 FEET NORTH AND 3800 FEET WEST FROM SE CORNER, SECTION 8
POD	34 S	5 W	WM	8	NW SE	2550 FEET NORTH AND 2400 FEET WEST FROM SE CORNER, SECTION 8

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
34 S	5 W	WM	8	NE SW
34 S	5 W	WM	8	SE SW

Measurement Devices, and Recording/Reporting of Annual Water Use Conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.

B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.

D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Reservoir shall be constructed to have a minimum bottom elevation above the water table seasonal high.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

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

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

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

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

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

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.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at Rogue River near Agness, OR, gage 14372300, 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.

Rogue Scenic Waterway	
Month	**Minimum Flow (cfs)**
January	3500
February	3500
March	3500

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
9. 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.
10. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
11. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
12. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
    a. the dimensions of the reservoir;
    b. the maximum capacity of the reservoir in acre-feet; and
    c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued Sept. 14, 2017

Dwight Ford

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

MCCARTY Patricia E * WRD

From: FRENCH Dwight W * WRD
Sent: Friday, November 17, 2017 10:06 AM
To: MCCARTY Patricia E * WRD; WOODCOCK Douglas E * WRD
Subject: WW petition for recon on Sunny Valley reservoirs

Lisa Brown called and wanted to talk to me about their recent Pet for Recon. She has a concern that we issued the permits even though land use was not a settled issue. So, Patricia, can you check the file and see what we have in terms of land use. Maybe they had it at one time but then it was overturned by LUBA. If they don't have land use then we should talk about granting a stay OR recommend regulation since the permit has a condition regarding land use compatibility.

Lisa also has concerns about the reservoirs intercepting GW. I told her that I thought there was a condition about a limitation on depth so as not to intercept GW. She hadn't noticed that before. (?) Much less concern from her now on this issue but she wondered if the wording couldn't have been clearer to say "annual high water mark" instead of seasonal high water mark.

Dwight

Dwight French
Water Right Services Division Administrator
Oregon Water Resources Department
dwight.w.french@oregon.gov
503-986-0819

BEFORE THE

OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Permits R-15228 (Application R-87930) and R-15230 (Application R-87932) In the Name of Sunny Valley Sand & Gravel Inc., and Andreas Blech	)	PETITION FOR RECONSIDERATION AND REQUEST FOR STAY OF ORDERS
WATERWATCH OF OREGON, INC., *Petitioner*	)	

This is a petition for reconsideration filed pursuant to OAR 137-004-0080 and ORS 183.484(2), and request for stay of orders filed pursuant to OAR 137-003-0090(2), regarding issuance by the Oregon Water Resources Department (OWRD), on September 14, 2017, of final orders issuing permits R-15228 (Application R-87930) and R-15230 (Application R-87932).

Petitioner respectfully requests that OWRD reconsider the final orders for the above-mentioned permits and reverse its decisions for the reasons discussed below, or in the alternative cancel the permits. Further, Petitioner respectfully requests that OWRD stay the above-captioned orders. Petitioner incorporates by reference all materials previously submitted or issued in relation to the above-mentioned permits; and OWRD's records for Limited License 1434 and application G-17580 (including but not limited to all documents available in OWRD's on-line Water Rights Information System (WRIS) available here: http://apps.wrd.state.or.us/apps/wr/wrinfo/).

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I. BACKGROUND

On September 12, 2013, Sunny Valley Sand and Gravel, Inc. filed four Alternative Reservoir Applications (R-87929, R-87930, R-87931, R-87932) for the same aggregate mining

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operation at issue in LL-1434 and G-17580.[1] On November 25, 2013, WaterWatch of Oregon and Rogue Riverkeeper submitted "Comments in opposition to the issuance of Alternative Reservoir Applications R87929, R87930, R87931, R87932, Grave Creek, Rogue River Basin" to Codi Holmes at OWRD, which we incorporate as if set forth fully in this petition.

The reservoirs that would be permitted by R-15228 and R-15230 are part of a long string of attempts to gain water permits for a large-scale mining operation on this site which is adjacent to Grave Creek. Grave Creek provides spawning, rearing, and migration habitat for federally threatened Coho salmon, and state sensitive summer steelhead and Pacific lamprey and also ranks as a stream in the highest need of flow restoration. (*See* Order on Reconsideration of Final Order to Deny Limited License 1434 (1/14/2013), page 2 (denying the Limited License)). The reservoir locations are coincident with—and would appropriate the same water as—wells/sumps/excavation pits identified in at least two other applications for which OWRD issued either a denial or an unfavorable Initial Review. The record for these other permitting decisions establishes that these reservoirs should also have been denied. The final orders for permits R-15228 and R-15230 are defective for not addressing this robust evidence and should be reconsidered and reversed.

The final orders are defective for several reasons, including but not limited to: water is not available because the reservoirs will appropriate groundwater year-round outside the storage season when water is available; permit issuance violates ORS 537.409 because there will be year-round groundwater appropriation that poses a significant detrimental effect to fisheries as determined by Oregon Department of Fish and Wildlife (ODFW); year-round groundwater appropriation under the permits will injure senior instream water rights and the downstream State

[1] Additionally, on November 6, 2013, Sunny Valley filed a Limited License Request (LL-1504) for the use requested under R-87931 for Reservoir 3 (for which no final order has been issued at this time). That Limited License was denied by Final Order on February 25, 2014, which was subsequently withdrawn March 14, 2014.

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Scenic Waterway; land use approval for the project is still being litigated and there is no land use approval for the proposed use; and because the reservoirs will appropriate groundwater outside of the storage season and at times when surface water is not available, the applicant cannot comply with multiple terms of the permits.[2]

II. SPECIFIC GROUNDS FOR RECONSIDERATION AND ARGUMENT

A. The reservoirs will appropriate groundwater which OWRD found has the potential for substantial interference with surface water at times when that surface water is not available.

Both reservoirs at issue here clearly overlap with and would appropriate the same groundwater as the wells/sumps/excavation pits proposed in applications G-17580 and LL-1434—both of which OWRD denied due to findings of potential for substantial interference (also referred to as "PSI") between the groundwater and surface waters where water is not available. *Compare* map for permits R-15228 and R-15230 (Attachment 1), *with* application map for G-17580 (Attachment 2)[3] and application map for LL-1484 (Attachment 3).[4] The map for permits R-15228 and R-15230 shows three reservoirs labelled 2, 3, and 4. Permit R-15228 states it is for Reservoir #2 and permit R-15230 states it is for Reservoir #4. Reservoir #2 is clearly coincident with all or part of the well/sump/excavation pit site marked at "EXCAVATION PIT NO. 2" on the map for application for G-17580, while Reservoir #4 is coincident with all or part of the well/sump/excavation pit site marked at "EXCAVATION PIT NO. 4." Further, the application map for LL-1484 also includes the sites for Reservoirs #2 and #4.

The application for LL-1434 was filed in 2012 by Havilah Resources LLC, requesting an

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[2] It should be noted that it is plausible that this problem could be addressed if the reservoirs were lined; however, there is no requirement to line the reservoirs.

[3] Also available online in OWRD's WRIS, G-17580, Scanned Documents, "Application and Maps," p. 9 (8/31/2012).

[4] Also available online in OWRD's WRIS, LL-1434, Scanned Documents, "App Maps," p. 2 (8/31/2012).

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amount of 8.45 cfs of year-round ground water to support its proposed aggregate mining operation adjacent to Grave and Shanks Creeks in the Rogue River Basin. On the same day, Havilah also applied for a ground water permit for its longer term use (G-17580).

On October 11, 2012 the OWRD issued a Final Order denying the LL-1434. OWRD found, among other problems, that appropriation of the groundwater had the potential for substantial interference with Graves Creek, Shanks Creek and an unnamed tributary to Shanks Creek and that water was not available in these surface waters. On December 10, 2012 Havilah submitted a Petition of Reconsideration for Final Order to Deny LL Application LL-1434. The OWRD denied the Petition for Reconsideration and issued a superseding Final Order to Deny on January 14, 2013 (Attachment 7), again citing the potential for substantial interference and lack of water available in the hydraulically connected surface waters (among other problems). OWRD also issued an Initial Review for groundwater application G-17580 on November 9, 2012, stating that it was likely the regular water right application would be denied due to findings that the groundwater that would be appropriated by each of the 11 proposed wells/sumps/excavation pits would have the potential for substantial interference with one or more of the following: Graves Creek, Shanks Creek, or unnamed tributary to Shanks Creek. (Groundwater Review for G-17580 (10/16/2012), p. 4 (Attachment 6); Initial Review for G-17580 (11/9/2012) (Attachment 5), p. 2). Groundwater application G-17580 was put on administrative hold on June 10, 2012 and on May 23, 2014, OWRD issued a final order stating that the application had been withdrawn.

The application materials submitted with G-17580 (and available in WRIS) show that the excavation work will result in groundwater recharge and that "[s]ump wells created as a result of Surface Mining activities will gather this groundwater . . . ." *See* Application G-17580, Application Narrative for Limited Water Use License and Groundwater Right, page 2. The same

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application notes that the storage basins will not be lined, so that groundwater will be drawn in as water levels fall. *Id.* at 5. The OWRD Form R associated with the groundwater application notes that "excavations will fill with water" (from groundwater). OWRD Form M, G-17580. As discussed above, the reservoirs at issue in this petition are the *very same* as some of those excavations (#2 and #4).

The OWRD Watermaster for this area (District 14) wrote a letter to Josephine County Planning dated May 13, 2014 (Attachment 4), stating in part:

> "GW17580 requests 8.43 cfs of groundwater for mining operations. The three reservoir applications that were submitted to OWRD by SVSG, R87930, R87931, and R87932, requesting a total of 215 acre feet of water, are currently on administrative hold, as requested by SVSG's attorney, Martha Pagel. If approved, these applications would interface with groundwater. Tim Wallin, Manager for the OWRD Water Rights Program has stated that "All the applications seem to suffer from the same difficulty, namely that according to their own geologist's report, the excavations will intersect GW [groundwater] that is hydraulically-connected to Grave Creek, from which water is not available. It seems unlikely that we could approve *any* water-use authorization that would involve intersection of the GW [groundwater] table."

(Attachment 4, p. 1). In other words, OWRD is well-aware that these reservoirs will intersect and capture groundwater that is not available for appropriation, but approved the applications anyway, contrary to statute and rule. *See also* Application G-17580, Figure 5B (providing cross-section drawings of the proposed mine and showing the excavation intersecting the water table); Application G-17580, Figure 5C (cross-section drawings of the proposed mine showing the excavation pit bottom approximately 40 feet lower in elevation than Grave Creek); Application G-17580, p. 5 (listing the "total well depth" for the mine sumps as "varies <65' ").

Despite the plain fact that the reservoirs at issue will clearly appropriate groundwater that has the potential for substantial interference with Graves Creek, Shanks Creek and the unnamed tributary to Shanks Creek, the orders fail to identify groundwater as a source for these reservoirs and has completely failed to analyze the impact of the groundwater appropriation on the affected

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surface waters. The final orders make no findings that would support issuance of the permits at issue here given the record on these applications and the OWRD's unfavorable findings on the overlapping applications (LL-1434 and G-17580).

B. The final orders violate ORS 537.409 and are detrimental to the public interest because the use will detrimentally impact existing fishery resources.

The final orders state that:

> "The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources."

Page 2. However, ODFW's reviews for both of these applications state that the proposed projects would pose significant detrimental impact to an existing fishery resource because "[a]ny diversion *or appropriation* of water for storage during the period April through December poses a significant detrimental impact to existing fishery resources." (Amendment to Application R-87932 (12/13/2103), page 8 (Attachment 9); Application for R-87930 (9/12/2013), page 6 (Attachment 8)) (emphasis added). "Appropriation" here clearly means groundwater appropriation, in contrast to surface water "diversion."

Because the reservoirs will unquestionably appropriate groundwater that is hydraulically connected to and has the potential for substantial interference with Grave Creek, Shanks Creek and the unnamed tributary to Shanks Creek during the period of concern identified by ODFW (April 1 through December), the proposed use—according to ODFW on which the Department claims to be relying—will pose a significant detrimental impact to fishery resources, in violation of the applicable fisheries and public interest standard (ORS 537.409). The OWRD's determination that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources is in error, is not supported any evidence, and is contradicted by the record for these applications and for LL-1484 and application G-17580.

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C. The groundwater that will be appropriated under the permits is connected to Grave Creek and will injure senior instream water rights.

For all the reasons described above, the reservoirs will also appropriate groundwater during times of the year when that appropriation will injure the senior instream water right on Grave Creek. *See* Certificate 72697 (OWRD's instream water right on Grave Creek for purpose of anadromous and resident fish rearing, in the amount of 135 cfs between December 1 through March 31st). Unless the applicant was prohibited from capturing groundwater in the reservoirs, the proposed use will injure the instream water right and as such must be denied.

D. The applicant's use will detrimentally affect streamflows in the Rogue River Scenic Waterway because the groundwater that will be appropriated is connected to the Rogue River via Grave Creek.

For all the reasons described above, the reservoirs will also appropriate groundwater during times of the year when that appropriation will unlawfully affect the Rogue State Scenic Waterway minimum flows. *See generally* OAR 690-310-0260 (rules for issuance of water rights above State Scenic Waterways).

E. Permitting these reservoirs violates OWRD's policy on groundwater permitting (OAR 690-410-0010(1).

Issuing reservoir permits is contrary to OWRD's policy on groundwater management and permitting, which states in part:

> "The groundwaters of the State of Oregon belong to the public. The reasonable control, protection, and use of groundwater is governed by the state on behalf of the public.. . . Interference between groundwater uses and competing groundwater and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights . . ."

OAR 690-410-0010(1). Issuing these permits will result in the interference of groundwater use and existing surface water (and other groundwater) use. As such, OWRD was in error in issuing

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these permits.

F. Permitting these reservoirs violates OWRD's rule against over-appropriation (OAR 690-410).

With regard to the withdrawal of surface water for storage projects, the state can only issue new rights that are within the capacity of the resource. OAR 690-410-070(1). The OWRD must protect the waters of this state from over-appropriation by new out-of-stream uses or surface water or new uses of groundwater. *Id.* In fact, the state is prohibited from issuing new water rights when the streams are over-appropriated. *Id.* at (2)(a). Over-appropriation is defined in rule as a condition of water allocation in which the quantity of surface water available during a specified period is not sufficient to meet the expected demands from all water rights at least 80 percent of the time during that period. OAR 690- 400-010. This is known as the 80% exceedence rule. By rule, this is the standard for all new surface water appropriations. Grave Creek is over-appropriated year round under the 80% exceedence standard. *See* WRD Water Availability Analysis Detailed Report for Grave Creek above Wolf Creek (listing the "Net Water Available" for January, February, and March as -59.80, -16.80, and -18.90 cfs, respectively) (accessed November 13, 2017) (available at http://apps.wrd.state.or.us/apps/wars/wars_display_wa_tables/display_wa_details.aspx?ws_id=71034&exlevel=80&scenario_id=1); Application G-17580, Water Availability Chart (8/31/2012) (listing similar deficiencies in "Net Water Available" for applicant's portion of Grave Creek).

Instead of applying the 80% exceedence rule, OWRD incorrectly applied a 50% exceedence standard to these storage projects. The rules allow for deviation from the 80% exceedence standard only if the storage season avoids periods of the year when flows are low and seldom exceed the needs of water rights and times when additional flows are needed to support public uses. OAR 690-410-070(2)(c). Year-round instream water rights exist on Grave

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Creek. Flows in the creek are needed to support the public uses protected by the instream water rights. As such, the OWRD should apply the 80% exceedence standard as set forth in the rule. At the 80% exceedence standard, flows in Grave Creek are over-appropriated year-round and there is no water available for appropriation. Therefore, OWRD erred in issuing the permits.

G. The permits should not have been issued because the applicant lacks land use use approval for the land use associated with the water use (mining).

The land use decision approving applicant's mining was challenged at the Land Use Board of Appeals (LUBA). On October 15, 2015, LUBA issue a Final Opinion and Orderremanding the land use decision to the county. *Rogue Advocates et al. v. Josephine County*, LUBA Nos. 2014-095/096. That remand process is ongoing. Therefore, applicant lacks a land use approval for the land use associated with these reservoir permits and the permits should not have been issued. OAR 690-005-025(1) (making OWRD's Division 5 Rule "Compliance With Statewide Planning Goals, Compatibility With Comprehensive Plans, and Coordination On Land Use Matters" applicable to alternate reservoirs, which are issued under OAR 690-340); OAR 690-0030-0035.

H. Construction of the reservoirs and associated interception of groundwater will violate multiple terms of the permit and as such OWRD should notify applicant to cease any construction immediately due to non-compliance with the permit conditions.

Pursuant to Standard Condition 1 in each permit, OWRD should first immediately notify the applicant that construction of the reservoirs and associated capture of hydraulically connected groundwater should cease immediately because it is in violation of the permit conditions listed below, and—also pursuant to Standard Condition 1—OWRD should next cancel the permits.

1. Storage season.

Each permit states that "WATER MAY BE APPROPRIATED AS FOLLOWS:

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JANUARY 1 THROUGH MARCH 31" (p. 1). However, OWRD knows and all of the available evidence demonstrates that the reservoirs will appropriate groundwater outside of this storage season. *See e.g.* the records for LL-1434 and application G-17580; and Attachment 4, OWRD Water Master letter. Therefore, applicant cannot comply with this condition and construction of the reservoirs should be prohibited as violating the storage season.

2. "Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream."

Applicant cannot comply with this condition because it will have no way to cease the appropriation of groundwater that is hydraulically connected to (and has PSI with) Grave Creek, Shanks Creek and an unnamed tributary to Shanks Creek (all of which contribute flow to the Rogue Scenic Waterway) at times when the scenic waterway minimum flows are not met.

3. Standard Condition 3 "By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan."

Because the land use decision for the land use associated with this water use was challenged at LUBA and remanded back to the county, this condition is not being met. *Rogue Advocates et al. v. Josephine County*, LUBA Nos. 2014-095/096, Final Opinion and Order (October 15, 2015).

4. Standard Condition 4 "The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows."

Applicant cannot comply with this condition because appropriation of groundwater that is hydraulically connected to (and has PSI with) Grave Creek will occur at times when the instream water right in Grave Creek is not met. Applicant will have no way to avoid appropriating water at times when prior water rights, including instream water rights, are not met.

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Request for Relief

For the reasons described above, Petitioners respectfully request that OWRD reconsider and withdraw its final orders issuing permits R-15228 (Application R-87930) and R-15230 (Application R-87932), or in the alternative cancel the permits pursuant to the terms of the permits.

III. REQUEST FOR STAY OF ORDERS

OAR 137-004-0080(3), and the final orders issuing permits permits R-15228 (Application R-87930) and R-15230 (Application R-87932), authorize Petitioner to request a stay of the orders if the request complies with the requirements of OAR 137-003-0090(2). Accordingly, Petitioner requests a stay of the orders issued September 14, 2017 titled "In the Matter of Water Rights Application R-87930, Josephine County FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER" and "In the Matter of Water Rights Application R-87932, Josephine County FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER." This stay request incorporates the information and discussion of the above Petition for Reconsideration and Petitioner's letter to Codi Holmes dated November 25, 2013, titled "Comments in opposition to the issuance of Alternative Reservoir Applications R87929, R87930, R87931, R87932, Grave Creek, Rogue River Basin." Pursuant to the requirements for a stay request contained in OAR 137-003-0090(2), Petitioner provides the following:

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A. Name, address, and telephone number of the party requesting a stay

WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039

Attorney for WaterWatch of Oregon:
Lisa A. Brown, OSB No. 025240
WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
Email: lisa@waterwatch.org

B. Full title of the agency decisions as they appear on the orders and date of the decision

In the Matter of Water Rights Application R-87932, Josephine County
FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER
Date of Decision: September 14, 2017

In the Matter of Water Rights Application R-87930, Josephine County
FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER
Date of Decision: September 14, 2017

C. Summary of the agency decisions

Issuance of final order to issue permit R-15228, approving a water storage reservoir
Issuance of final order to issue permit R-15230, approving a water storage reservoir

D. Name, address, and telephone number of each other party to the proceeding

Oregon Water Resources Department
725 Summer St. NE, STE A
Salem OR 97301
503.986.0900

Applicant:
Sunny Valley Sand and Gravel Inc.
Andreas Blech
1867 Williams Hwy Suite 260
Grants Pass, OR 97527

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541.244.2644
541.226.8784

Agent and Counsel for Applicant:
Martha Pagel
Schwabe Williamson & Wyatt
530 Center St NE, Ste 730
Salem, OR 97301
503.540.4260

E. Statement advising persons who are required to appear in the stay request

WaterWatch advises the persons and parties listed above (OWRD, the applicant and the applicant's agent and counsel) that you may participate in the stay proceeding before the agency if you file a response in accordance with OAR 137-003-0091 within ten days from delivery or mailing of the stay request to the agency.

F. A statement of facts and reasons sufficient to show that the stay request should be granted because:

(A) The petitioner will suffer irreparable injury if the orders are not stayed.

Petitioner is a non-profit river conservation group dedicated to protecting and restore instream flows in Oregon rivers. Petitioner has invested significant time and resources to protecting and restoring instream flows in the Rogue Basin specifically. Petitioner has also invested significant time and resources to ensuring that OWRD's management of groundwater, and its water permitting more broadly, complies with Oregon's water laws and rules. Failing to stay these orders will injure WaterWatch and its members and the public interest it represents by allowing water appropriation that is contrary to Oregon's laws, rules and the conditions in the permits themselves; will injure instream water rights; pose a significant detrimental effect to existing fishery resources; and unlawfully impact the Rogue State Scenic Waterway minimum flows. If a stay is not granted and Petitioner prevails in the future, while these impacts would be prevented prospectively, the impacts of not granting the stay (*i.e.* the actual physical impacts to

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flows and fishery resources of the water use) can never be undone. Further, once the reservoirs are constructed, it is unclear whether ongoing groundwater impacts could be mitigated.

(B) There is a colorable claim of error in the orders; and

As described in the Petition above, there is a colorable claim of error in the final orders. Petitioner incorporates here the arguments from the Petition above.

(C) Granting the stay will not result in substantial public harm.

Granting the stay will not result in substantial public harm. To the contrary, granting the stay will protect the public interest in protecting the instream flows of Grave Creek, existing fishery resources and the Rogue State Scenic Waterway and in having the waters of the state properly managed in accordance with statute and rule.

G. Statement identifying any person who may suffer injury if the stay is granted

It is possible that the applicant could suffer injury if the stay is granted. Petitioner lacks sufficient knowledge about applicant's plans and timeline to know whether applicant would suffer injury. However, as described above, Petitioner asserts that applicant is prohibited from constructing the reservoirs in any case which would mean that the applicant should not suffer any injury from a stay because applicant cannot lawfully utilize the permits. Further, the LUBA remand in *Rogue Advocates et al. v. Josephine County,* LUBA Nos. 2014-095/096, Final Opinion and Order (October 15, 2015) suggests applicant will not be harmed by the stay because that case involves the very land use associated with the water permits.

H. Appendix of evidence relied upon in: (a) demonstrating facts and reasons sufficient to show that the stay request should be granted because: (A) The petitioner will suffer irreparable injury if the order is not stayed; (B) There is a colorable claim of error in the order; and (C) Granting the stay will not result in substantial public harm; and (b) identifying who may suffer injury if the stay is granted

In support of the statements made in this Request for Stay of Orders, Petitioner relies on:

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all documents cited in the above Petition for Reconsideration; all documents cited in this Request for Stay of Orders; the Oregon Water Resources records for Limited License 1434, Application G-17580, Permit R-15228 (Application R-87930), Permit R-15230 (Application R-87932), Application R-87929, and Application R-87931, including but not limited to all documents uploaded to OWRD's on-line Water Rights Information System (WRIS) system. Petitioner also relies upon and provides the following Attachments:

1. Attachment 1 – Permit Map for Permits R-15228 and R-15230
2. Attachment 2 – Application G-17580 map ("Application and Maps," p. 9 (8/31/2012)
3. Attachment 3 – LL-1434 Application Map ("App Maps," p. 2 (8/31/2012)
4. Attachment 4 – OWRD Water Master Letter (5/13/2014)
5. Attachment 5 – OWRD IR for Application G-17580 (11/9/2012)
6. Attachment 6 – OWRD Groundwater Review for Application G-17580 (10/16/2012)
7. Attachment 7 – OWRD Superseding Final Order for LL-1434 (1/14/2013)
8. Attachment 8 – ODFW Div. 33 Review for Permit R-15228 (8/29/2013)
9. Attachment 9 – ODFW Div. 33 Review for Permit R-15230 (12/10/2013)

I. <u>This stay request is mailed to the agency on the same date mailed to all parties</u>

See attached certificate of service.

Dated: November 13, 2017

Respectfully submitted,

/S/ Lisa A. Brown

Lisa A. Brown, OSB No. 025240
WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
Email: lisa@waterwatch.org
Of Attorneys for WaterWatch of Oregon

Attachments [9]

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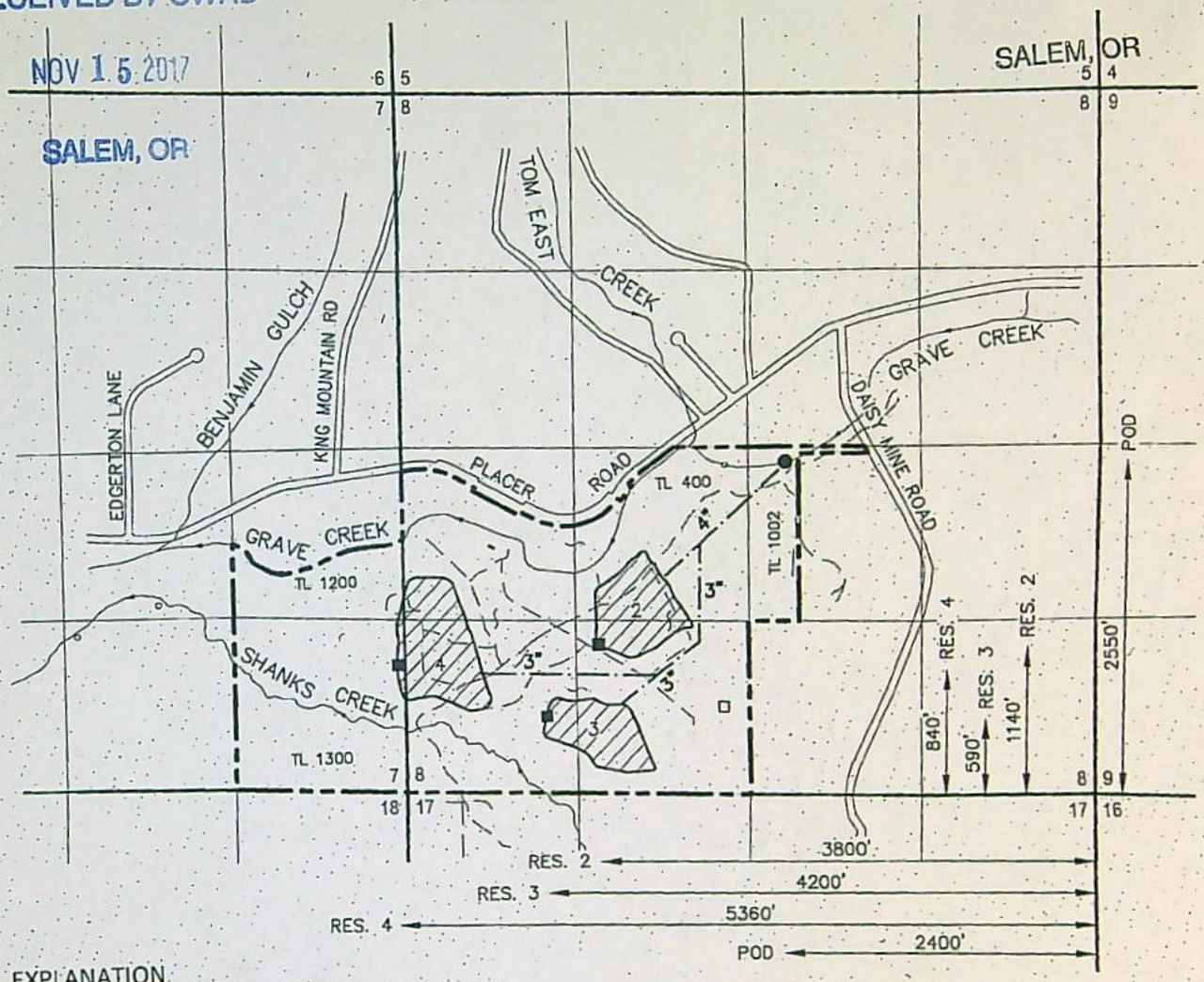
SECTIONS 7 & 8, T34S, R5W, W.M.
JOSEPHINE COUNTY



EXPLANATION

- POINT OF DIVERSION (POD)
- DAM OR CENTER OF RESERVOIR
- PROPOSED RESERVOIR AND NUMBER
- SECTION LINE
- PROPERTY LINE
- CREEK OR INTERMITTENT STREAM
- PAVED ROAD
- UNPAVED ROAD
- PROPOSED PIPELINE AND SIZE

NOTE:
RESERVOIRS WILL BE LOCATED OFF CHANNEL.

OCTOBER 23, 2013

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

N

SCALE
660 0 660 1320
1 INCH - 1320 FEET

SKOOKUM
WATER ASSOCIATES INC
P.O. BOX 80174
PORTLAND, OR 97280
(503) 319-8926

Sunny Valley Sand and Gravel Inc.
Reservoir Application Map
Westlake Consultants, Inc.

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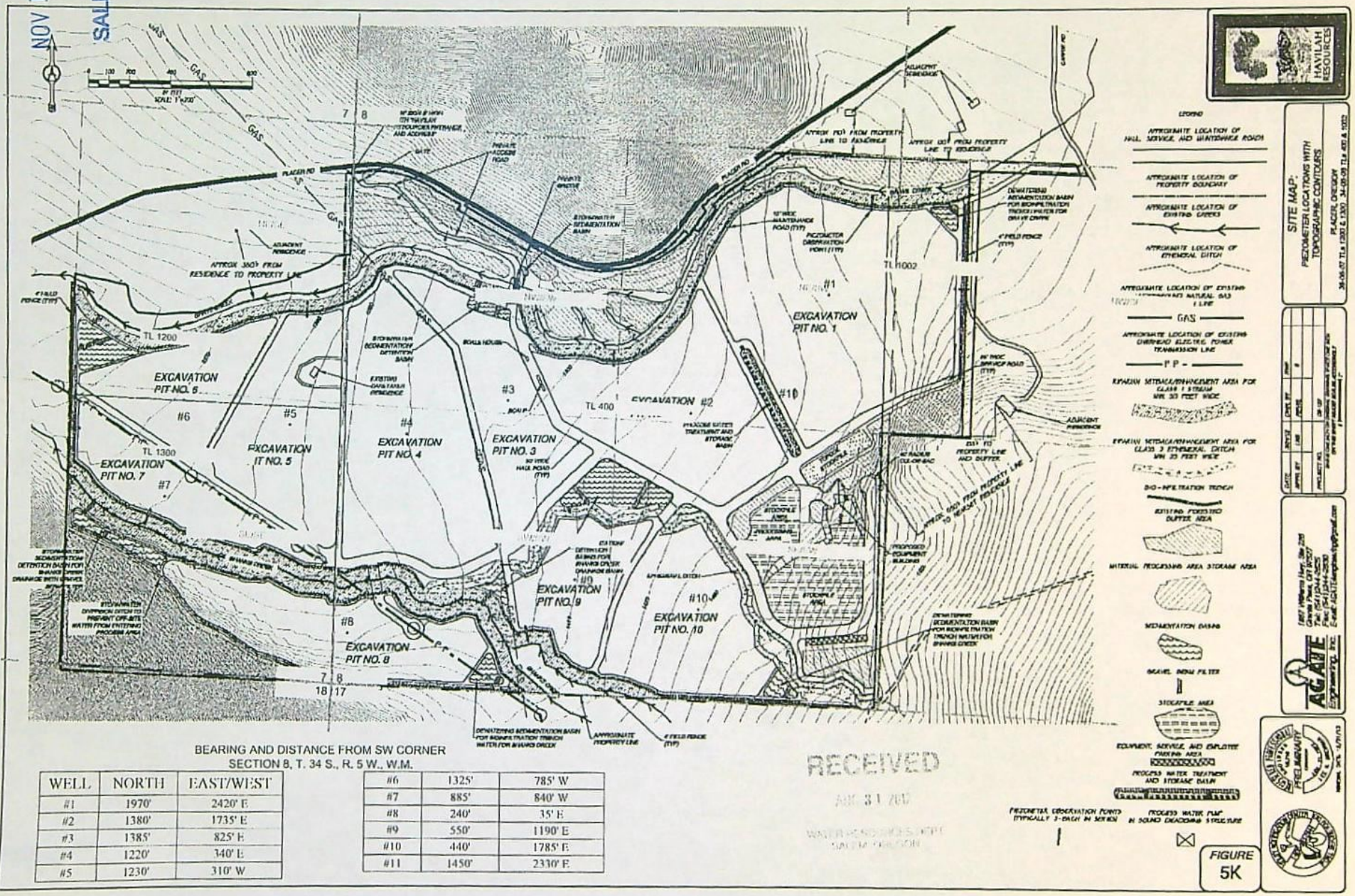
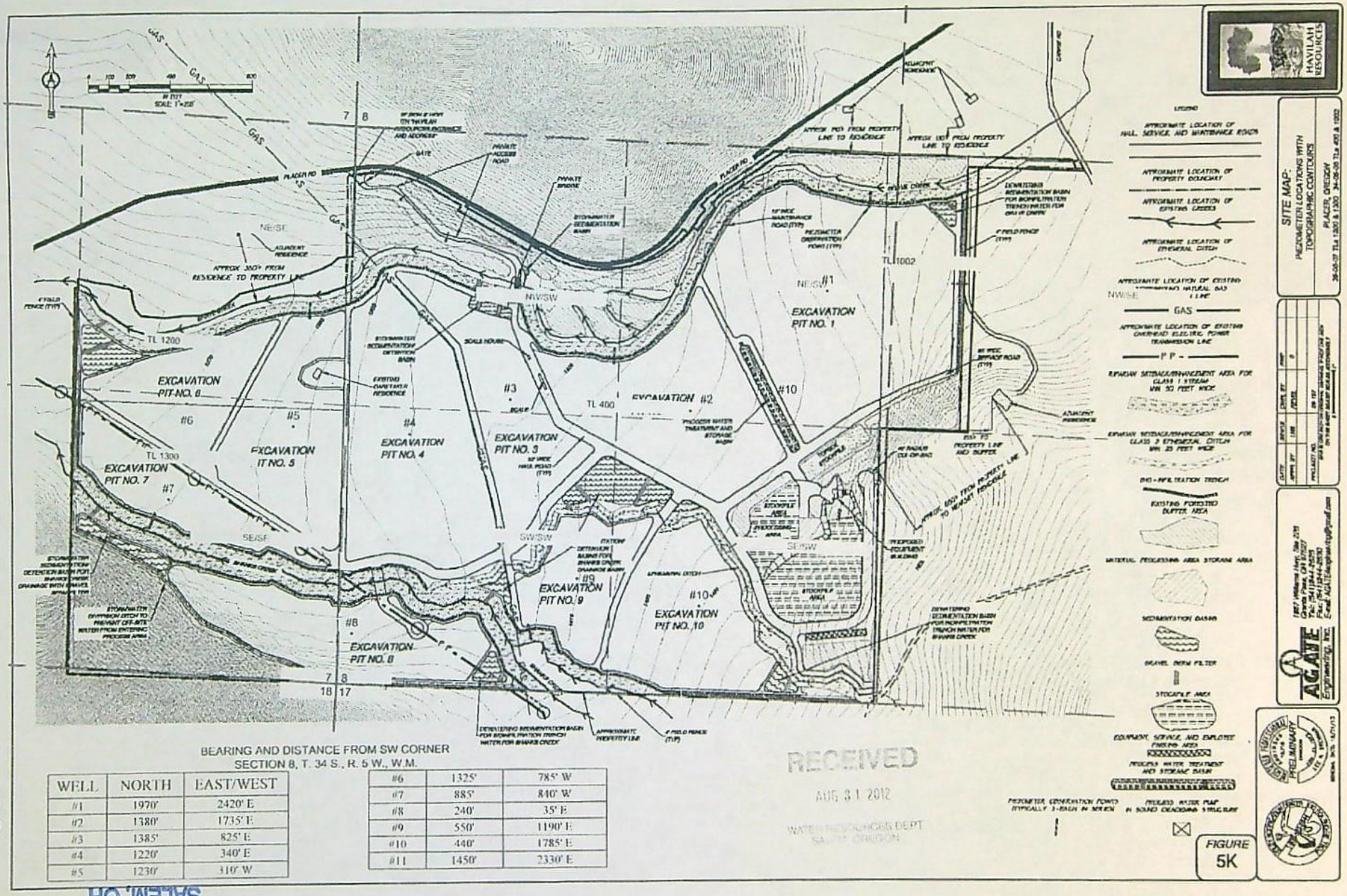


WELL	NORTH	EAST/WEST
#1	1970'	2420' E
#2	1380'	1735' E
#3	1385'	825' E
#4	1220'	340' E
#5	1230'	310' W
#6	1325'	785' W
#7	885'	840' W
#8	240'	35' E
#9	550'	1190' E
#10	440'	1785' E
#11	1450'	2330' E



BEARING AND DISTANCE FROM SW CORNER
SECTION 8, T. 34 S., R. 5 W., W.M.

WELL	NORTH	EAST/WEST
#1	1970'	2420' E
#2	1380'	1735' E
#3	1385'	825' E
#4	1220'	340' E
#5	1230'	310' W
#6	1325'	785' W
#7	885'	840' W
#8	240'	35' E
#9	550'	1190' E
#10	440'	1785' E
#11	1450'	2330' E

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Attachment 3 - LL-1434 application map ("App Maps," p. 2 (8/31/2012))
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Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Water Resources Department
700 Dimmick St. Suite C
Grants Pass, OR 97526-1013

May 13, 2014

Josephine County Planning
700 NW Dimmick, Suite C
Grants Pass, Oregon 97526

RE: Sunny Valley Sand and Gravel, Conflict Minimization Hearing May 12, 2014, Groundwater

Dear Ms. Zilverberg:

The following are questions in response to the testimony by Gary Peterson for Sunny Valley Sand and Gravel (SVSG), regarding water use for the mining operation.

The Oregon Water Resources Department (OWRD) recognizes that all existing wells are not represented in our database for well logs nor on the mapped well locations. How was the map created that showed the locations of wells within the 1500 feet injury mitigation zone? If the well logs from our WRIS database were the source, the locations are often incorrect in terms of quarter quarters and the list is incomplete. The only way to have an accurate representation of the existing wells within the area would have been to complete a door to door approach.

As to the comment that Grave Creek would provide a buffer that would prevent interference to wells north of the creek, sufficient evidence of this statement was not provided. In the event that Grave Creek goes dry adjacent to the site, the dewatering impact to neighboring wells is unknown.

Mr. Peterson stated that the dewatering of the excavation pits would not impact groundwater or local wells. He said with the completion of each excavation, the pit would refill with water and the surrounding area would be remediated with the pits left open as ponds. The map submitted to OWRD for Groundwater (gw) Application 17580 shows 10 pits located across the 200 acres. He does not address the loss of water through evaporation from the 10 pits.

GW17580 requests 8.43 cfs of groundwater for mining operations. The three reservoir applications that were submitted to OWRD by SVSG, R87930, R87931, and R87932, requesting a total of 215 acre feet of water, are currently on administrative hold, as requested by SVSG's attorney, Martha Pagel. If approved, these applications would interface with groundwater. Tim Wallin, Manager for the OWRD Water Rights Program has stated that "All the applications seem to suffer from the same difficulty, namely that according to their own geologist's report, the excavations will intersect GW that is hydraulically-connected to Grave Creek, from which water is not available. It seems unlikely that we could approve *any* water-use authorization that would involve intersection of the GW table." As it appears that OWRD will not issue any consumptive use water rights, has SVSG considered alternative water supplies?

Mr. Peterson was asked by one of the commissioners if Grave Creek ever goes dry. He stated he didn't know. Data from both OWRD's website and the USGS website provides historic data that demonstrates Grave Creek has gone dry in varying months of some years.

As was discussed during the May 12, 2014 Hearing, please submit these questions to Gary Peterson and the questions with responses to the Josephine County Planning Commissioners. Thank you for your assistance.

Sincerely,

Kathy Smith
Watermaster, District14

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Oregon
John A. Kitzhaber, MD, Governor

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

CERTIFIED MAIL
Return Receipt Requested

HAVILAH RESOURCES LLC
1867 WILLIAMS HWY SUITE 110
GRANTS PASS, OR 97527

November 9, 2012

Reference: File G-17580

Dear Applicant:

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

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

Initial Review Determinations:

1. The Department interpreted the sources of water as the eleven (11) sump wells. If it is appropriate to consider the "point of appropriation" in the SW 1/4 of the SW 1/4 of Section 8 as a source of water, please provide a map that shows the coordinates by reference to a recognized public land survey corner for this well, and $250 for exam fees **no later than Thursday, December 13, 2012.** If you are unable to meet this time line, you may send a written request for an administrative hold for up to an additional 180 days. If we don't receive these items, the Department will continue to exclude this well as a source of water under the application.

2. The application proposed the appropriation of 8.45 cubic feet per second (CFS) of water from Sump Well 1, Sump Well 2, Sump Well 3, Sump Well 4, Sump Well 5, Sump Well 6, Sump Well 7, Sump Well 8, Sump Well 9, Sump Well 10, and Sump Well 11 in Grave Creek Basin for year-round mining.

3. The proposed use is not prohibited by law or rule except where otherwise noted below.

4. The appropriation of water from Sump Well 1, Sump Well 2, Sump Well 3, Sump Well 4, Sump Well 5, Sump Well 6, Sump Well 7, Sump Well 8, Sump Well 9, Sump Well 10, and Sump Well 11 in Grave Creek Basin for year-round mining is allowable under the Rogue Basin Program.

5. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

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The Department has determined, based upon OAR 690-009, that the proposed ground water use will have the potential for substantial interference (PSI) with Grave Creek, an unnamed tributary to Shanks Creek, and Shanks Creek. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered. Surface water is not available at any time of year.

The Department's evaluation of the proposed mitigation for PSI finds that the water proposed for the mitigation is to be appropriated under this application; however, to effectively mitigate for a new appropriation, mitigation water must come from an existing right.

6. Due to determination #5, it is unlikely a permit will be issued, however, if the Department's findings change, additional information will be required to process the application prior to issuance of any Proposed Final Order.

   - Documentation that demonstrates the proposed use complies with the local acknowledged comprehensive land-use plan, or that you are actively pursuing approval from the Josephine County Planning Department

     The signed receipt allowed the Department to accept the application, however, in order to continue processing the application and issue a Proposed Final Order, the Department requires compliance with the land-use plan or active pursual of discretionary land-use approvals. Note that before a permit will be issued the Department must receive documentation from the relevant planning jurisdiction that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 8.45 CFS of water from Sump Well 1, Sump Well 2, Sump Well 3, Sump Well 4, Sump Well 5, Sump Well 6, Sump Well 7, Sump Well 8, Sump Well 9, Sump Well 10, and Sump Well 11 in Grave Creek Basin for year-round mining is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a $200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, November 23, 2012**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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To Proceed With Your Application:

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

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

1. Measurement, recording and reporting conditions:

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

   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 water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

   C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

   D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

   Measurements must be made according to the following schedule:

   Before Use of Water Takes Place
   Initial and Annual Measurements
   The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

   After Use of Water has Begun
   Seven Consecutive Annual Measurements
   Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The

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additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

A. Identify each well with its associated measurement; and
B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
C. Specify the method used to obtain each well measurement; and
D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
C. Annual water level measurements reveal a water level decline of 25 or more feet; or
D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. The well(s) and sumps shall allow ground water only from the alluvial ground water reservoir.

4. 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.

5. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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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 503-986-0859 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17580
WAB 15-31531009 and 15-71034
POU 15-65% in 71034, 35% in 31531009
GW

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APPLICATION FACT SHEET

Application File Number: G-17580

Applicant: HAVILAH RESOURCES LLC

County: Josephine

Watermaster: 14

Priority Date: August 31, 2012

Source: SUMP WELL 1, SUMP WELL 2, SUMP WELL 3, SUMP WELL 4, SUMP WELL 5, SUMP WELL 6, SUMP WELL 7, SUMP WELL 8, SUMP WELL 9, SUMP WELL 10, AND SUMP WELL 11 IN GRAVE CREEK BASIN

Use: MINING

Quantity: 8.45 CUBIC FEET PER SECOND

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 5 GRAVE CR

Point of Diversion or Well Location(s):

SUMP WELL 1: NESW, SECTION 8, T34S, R5W, W.M.;1970 FEET NORTH AND 2420 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 2: NESW, SECTION 8, T34S, R5W, W.M.;1380 FEET NORTH AND 1735 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 3: NWSW, SECTION 8, T34S, R5W, W.M.;1385 FEET NORTH AND 825 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 4: SWSW, SECTION 8, T34S, R5W, W.M.;1220 FEET NORTH AND 340 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 5: SESE, SECTION 7, T34S, R5W, W.M.;1230 FEET NORTH AND 310 FEET WEST FROM SE CORNER, SECTION 7

SUMP WELL 6: NESE, SECTION 7, T34S, R5W, W.M.;1325 FEET NORTH AND 785 FEET WEST FROM SE CORNER, SECTION 7

SUMP WELL 7: SESE, SECTION 7, T34S, R5W, W.M.;885 FEET NORTH AND 840 FEET WEST FROM SE CORNER, SECTION 7

SUMP WELL 8: SWSW, SECTION 8, T34S, R5W, W.M.;240 FEET NORTH AND 35 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 9: SWSW, SECTION 8, T34S, R5W, W.M.;550 FEET NORTH AND 1190 FEET EAST FROM SW CORNER, SECTION 8

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SUMP WELL 10: SESW, SECTION 8, T34S, R5W, W.M.;440 FEET NORTH AND 1785 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 11: NESW, SECTION 8, T34S, R5W, W.M.;1450 FEET NORTH AND 2330 FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

NE ¼ SE ¼
SE ¼ SE ¼
SECTION 7

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SECTION 8
TOWNSHIP 34 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 23, 2012

PUBLIC NOTICE DATE: Tuesday, November 13, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, December 13, 2012

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Mailing List for IR Copies

Application #G-17580 IR Date: November 9, 2012

Original mailed to applicant:

HAVILAH RESOURCES LLC, 1867 WILLIAMS HWY SUITE 110, GRANTS PASS, OR 97527

SENT VIA EMAIL:
1. WRD - Watermaster # 14
2. ODFW
3. DEQ

Copies sent to:
1. WRD - File # G-17580
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:
1.WRD - Regional Manager (not SCR): SW
2. Department of Agriculture

Copies sent to Other Interested Persons *(CWRE, Agent, Well Driller, Commenter, etc.)*
1. Pagel, Martha
   Schwabe, Williamson & Wyatt, 530 Center St. NE, STE 400, Salem OR 97301

2. Christensen, Ralph
   EGR & Assoc Inc, 2535 B Prairie Rd, Eugene OR 97402

3. DOGAMI, Dr. Vicki McConnell, State Geologist,
   800 NE Oregon Street #28, Suite 965, Portland OR 97232

Caseworker: Jeana Eastman

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Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G - 17580

ROUTED TO: Jeana Eastman

TOWNSHIP/
RANGE-SECTION: 34S / 5W - 7 + 8

CONDITIONS ATTACHED?: [X] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:
there is an LL 1434 also in process same proposal + review

Reviewer: Jen Woody

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WATER RESOURCES DEPARTMENT

MEMO 10/16/2012, ~~200~~

TO: **Application G-** 17580

FROM: **GW:** Jen Woody
(Reviewer's Name)

SUBJECT: **Scenic Waterway Interference Evaluation**

X YES
The source of appropriation is within or above a Scenic Waterway
____ NO

X YES
Use the Scenic Waterway condition (Condition 7J)
____ NO

X Per ORS 390.835, the Ground Water Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below.

____ Per ORS 390.835, the Ground Water Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway.**

DISTRIBUTION OF INTERFERENCE

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0.093	0.088	0.086	0.084	0.083	0.082	0.082	0.081	0.081	0.080	0.080	0.080

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PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date 10/10/2012

FROM: Ground Water/Hydrology Section Jen Woody
Reviewer's Name

SUBJECT: Application G- 17580 Supersedes review of n/a
Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

A. GENERAL INFORMATION: Applicant's Name: **Havilah Resources, LLC** County: **Josephine**

A1. Applicant(s) seek(s) pump at 8.45 cfs, consumptive use = 0.23 cfs (101.6 gpm) cfs from 11 well(s) in the Rogue Basin, Graves Creek subbasin Quad Map: Golden and Sexton Mountain

A2. Proposed use mining Seasonality: year- round

A3. Well and aquifer data **(attach and number logs for existing wells; mark proposed wells as such under logid)**:

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	PROP 999999	#1	ALLUVIUM	200**	34S/5W-8 NE SW	1970'N, 2420'E fr SW cor S 8
2	PROP 999999	#2	ALLUVIUM	200	34S/5W-8 NESW	1380' N, 1735'E FR SW COR S 8
3	PROP 999999	#3	ALLUVIUM	200	34S/5W-8 NWSW	1385' N, 825' E FR SW COR S 8
4	PROP 999999	#4	ALLUVIUM	200	34S/5W-8 SWSW	1220' N, 340' E FR SW COR S 8
5	PROP 999999	#5	ALLUVIUM	200	34S/5W-7 SESE	1230' N, 310' W FR SW COR S 8
6	PROP 999999	#6	ALLUVIUM	200	34S/5W-7 SESE	1325' N, 785' W FR SW COR S 8
7	PROP 999999	#7	ALLUVIUM	200	34S/5W-7 SESE	885' N, 840' W FR SW COR S 8
8	PROP 999999	#8	ALLUVIUM	200	34S/5W-8 SWSW	240' N, 35' E FR SW COR S 8
9	PROP 999999	#9	ALLUVIUM	200	34S/5W-8 SWSW	550' N, 1190' E FR SW COR S 8
10	PROP 999999	#10	ALLUVIUM	200	34S/5W-8 SESW	440' N, 1785' E FR SW COR S 8
11	PROP 999999	#11	ALLUVIUM	200	34S/5W-8 NESW	1450' N, 2330' W FR SW COR S8

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	1410	10	10	*	65	none	none	none	none			
2	1385	10	10	*	65	none	none	none	none			
3	1370	10	10	*	65	none	none	none	none			
4	1365	10	10	*	65	none	none	none	none			
5	1350	10	10	*	65	none	none	none	none			
6	1340	10	10	*	65	none	none	none	none			
7	1350	10	10	*	65	none	none	none	none			
8	1360	10	10	*	65	none	none	none	none			
9	1380	10	10	*	65	none	none	none	none			
10	1400	10	10	*	65	none	none	none	none			
11	1390	10	10	*	65	none	none	none	none			

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Use data from application for proposed wells.

A4. **Comments:** *POAs are proposed, so actual depth to water is unknown. The application estimates water levels in the sumps will be 2 – 12 feet below land surface. Water level before the pump test described in this application was 9.25 feet below land surface. For the purposes of this evaluation, 10 feet below land surface is assumed for all POAs.
POAs are proposed as sumps, so casing and seal is not specified.
Application estimates consumptive use = 100 gpm. This rate represents an estimate of evaporative losses , material wetting road construction and dust control. **Given the uncertainty of this estimate, this review uses 200 gpm as the consumptive use as a factor of safety.

A5. ☒ **Provisions of the** Middle Rogue Basin Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ **are**, *or* ☒ **are not**, activated by this application. (Not all basin rules contain such provisions.)
Comments: Basin Rules limit the use of surface water for mining to November 1- May 1.

A6. ☐ **Well(s) #** _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
Name of administrative area: _____
Comments: _____

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B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. **Based upon available data**, I have determined that ground water* for the proposed use:

a. ☐ **is** over appropriated, ☐ **is not** over appropriated, *or* ☒ **cannot be determined to be** over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;

b. ☐ **will not** *or* ☐ **will** likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;

c. ☐ **will not** *or* ☐ **will** likely to be available within the capacity of the ground water resource; or

d. ☒ **will, if properly conditioned**, avoid injury to existing ground water rights or to the ground water resource:
   i. ☒ The permit should contain condition #(s) **7B, 7C, 7J**;
   ii. ☒ The permit should be conditioned as indicated in item 2 below.
   iii. ☐ The permit should contain special condition(s) as indicated in item 3 below;

B2. a. ☐ **Condition** to allow ground water production from no deeper than _____ ft. below land surface;

b. ☐ **Condition** to allow ground water production from no shallower than _____ ft. below land surface;

c. ☒ **Condition** to allow ground water production only from the **alluvial** ground water reservoir ~~between approximately _____ ft. and _____ ft. below land surface;~~

d. ☐ **Well reconstruction** is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. **Ground water availability remarks:** Because there are no nearby wells with long-term water level data, the groundwater resource cannot be determined to be over appropriated. The nearest groundwater permit or certificate is about one mile downstream from this project. Measureable pumping effects are not expected at that distance. As an example of well density, there are 34 domestic well logs in OWRD's database for 34S/5W-Section 8. Median yield is 5 gpm at the time of drilling (air tests predominate). Anecdotal information describes very low-yielding domestic wells that are marginal, especially in the dry season. Most well logs report water in the fractured bedrock underlying the unconsolidated materials that are the subject of this proposed aggregate mine. The cone of depression created by pumping in the alluvium will likely intersect Grave or Shanks Creek before it can interfere with wells on the other side of the creeks. Given the marginal nature of well yields in the area, and the fact that exact locations of nearby exempt wells are unknown, the well interference condition is recommended (7B).

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DOGAMI permit is needed for mining activities, in addition to Land Use approval from Josephine County.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. **690-09-040 (1):** Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Alluvium	☐	☒
2	Alluvium	☐	☒
3	Alluvium	☐	☒
4	Alluvium	☐	☒
5	Alluvium		☒
6	Alluvium		☒
7	Alluvium		☒
8	Alluvium		☒
9	Alluvium		☒
10	Alluvium		☒
11	Alluvium	☐	☒

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Basis for aquifer confinement evaluation: Aquifer materials are unconsolidated, poorly sorted sand, gravel, clay and cobbles; field observations revealed no clear horizontal bedding or other obvious confining layer. Materials may be colluvium, alluvium, or some combination of the two.

C2. **690-09-040 (2) (3):** Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected? YES	NO	ASSUMED	Potential for Subst. Interfer. Assumed? YES	NO
1	1	Grave Creek	1400	1400	460	☐	☐	☒	☒	☐
1	3	Unnamed trib to Shanks Creek	1400	1390	1366	☒	☐	☐	☐	☒
2	1	Grave Creek	1375	1380	400	☐	☐	☒	☒	☐
2	3	Unnamed trib to Shanks Creek	1375	1385	570	☐	☐	☒	☒	☐
3	1	Grave Creek	1360	1365	400	☐	☐	☒	☒	☐
3	3	Unnamed trib to Shanks Creek	1360	1375	600	☐	☐	☒	☒	☐
4	1	Grave Creek	1355	1355	820	☐	☐	☒	☒	☐
4	2	Shanks Creek	1355	1350	680	☐	☐	☒	☒	☐
5	1	Grave Creek	1340	1340	630	☐	☐	☒	☒	☐
5	2	Shanks Creek	1340	1350	600	☐	☐	☒	☒	☐
6	1	Grave Creek	1330	1340	400	☐	☐	☒	☒	☐
6	2	Shanks Creek	1330	1350	560	☐	☐	☒	☒	☐
7	1	Grave Creek	1340	1340	840	☐	☐	☒	☒	☐
7	2	Shanks Creek	1340	1350	130	☐	☐	☒	☒	☐
8	1	Grave Creek	1350	1350	1680	☒	☐	☐	☐	☒
8	2	Shanks Creek	1350	1355	250	☐	☐	☒	☒	☐
9	1	Grave Creek	1370	1370	1090	☐	☐	☒	☒	☐
9	3	Unnamed trib to Shanks Creek	1370	1380	240	☐	☐	☒	☒	☐
9	2	Shanks Creek	1370	1380	370	☐	☐	☒	☒	☐
10	1	Grave Creek	1390	1380	1270	☐	☐	☒	☒	☐
10	2	Shanks Creek	1390	1375	660	☐	☐	☒	☒	☐
10	3	Unnamed trib to Shanks Creek	1390	1395	220	☐	☐	☒	☒	☐
11	1	Grave Creek	1380	1385	780	☐	☐	☒	☒	☐
11	3	Unnamed trib to Shanks Creek	1380	1390	850	☐	☐	☒	☒	☐

Basis for aquifer hydraulic connection evaluation: Elevations are based on topo map with 40 ft contours, so error is +/- 20 ft. Generally speaking, groundwater and surface water are coincident., the aquifer is unconfined, and every POA is less than ¼ mile from at least one surface water body. Therefore, by rule every POA has a PSI finding.

Water Availability Basin the well(s) are located within: POA 1 and 3 are in Watershed ID #: 31531009 GRAVE CR > ROGUE R - AB BURGESS G, all others are in Watershed ID #: 71034: GRAVE CR > ROGUE R - AB WOLF CR. However, all wells are expected to affect both WABs.

C3a. **690-09-040 (4):** Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
1	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	41.2%	☒
1	3	☐	☐	none	none	☐	2.40	☒	1.5%	☒
2	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	47.6%	☒
2	3	☒	☐	none	none	☐	2.40	☒	31.0%	☒
3	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	47.6%	☒
3	3	☒	☐	none	none	☐	2.40	☒	28.5%	☒
4	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	14.4%	☒
4	2	☒	☐	none	none	☐	2.40	☒	22.6%	☒
5	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	26.2%	☒
5	2	☒	☐	none	none	☐	2.40	☒	28.5%	☒
6	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	47.6%	☒
6	2	☒	☐	none	none	☐	2.40	☒	31.8%	☒
7	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	13.4%	☒
7	2	☒	☐	none	none	☐	2.40	☒	81.7%	☒
8	1	☐	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	0.3%	☒
8	2	☒	☐	none	none	☐	2.40	☒	65.6%	☒
9	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	5.2%	☒
9	3	☒	☐	none	none	☐	2.40	☒	66.9%	☒
9	2	☒	☐	none	none	☐	2.40	☒	51%	☒
10	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	2.4%	☒
10	2	☒	☐	none	none	☐	2.40	☒	24%	☒
10	3	☒	☐	none	none	☐	2.40	☒	69.5%	☒
11	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	16.5%	☒
11	3	☒	☐	none	none	☐	2.40	☒	13%	☒

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C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

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Comments: ___

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													

Distributed Wells Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)													
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation:

C4b. **690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.**

C5. ☐ **If properly conditioned**, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:

i. ☐ The permit should contain condition #(s)_____;

ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks and Conditions__**Mitigation for PSI is proposed in the application. That proposal is essentially to construct a 2 foot deep infiltration canal between any POA and any creek, to buffer impacts to the stream from pumping. However, the proposal is to use water appropriated under this Limited License to mitigate for the use under this Limited License, which is circular reasoning. To effectively mitigate for a new appropriation, mitigation water must come from an existing right.**

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References Used:

Jenkins, C.T., 1970, Computation of rate and volume of stream depletion by wells: U.S. Geol. Survey Techniques of Water-Resources Investigations of the Unites States Geological Survey, Chapter D1, Book 4,17 p.

D. WELL CONSTRUCTION, OAR 690-200

D1. **Well #:** _____ **Logid:** _____

D2. **THE WELL does not meet current well construction standards based upon:**
- a. ☐ review of the well log;
- b. ☐ field inspection by _____;
- c. ☐ report of CWRE _____;
- d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency:**
- a. ☐ constitutes a health threat under Division 200 rules;
- b. ☐ commingles water from more than one ground water reservoir;
- c. ☐ permits the loss of artesian head;
- d. ☐ permits the de-watering of one or more ground water reservoirs;
- e. ☐ other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

D5. **THE WELL**
- a. ☐ **was,** *or* ☐ **was not** constructed according to the standards in effect at the time of original construction or most recent modification.
- b. ☐ I don't know if it met standards at the time of construction.

D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. ☐ Well construction deficiency has been corrected by the following actions: _____

_____ _____, 200____.
(Enforcement Section Signature)

D8. ☐ **Route to Water Rights Section (attach well reconstruction logs to this page).**

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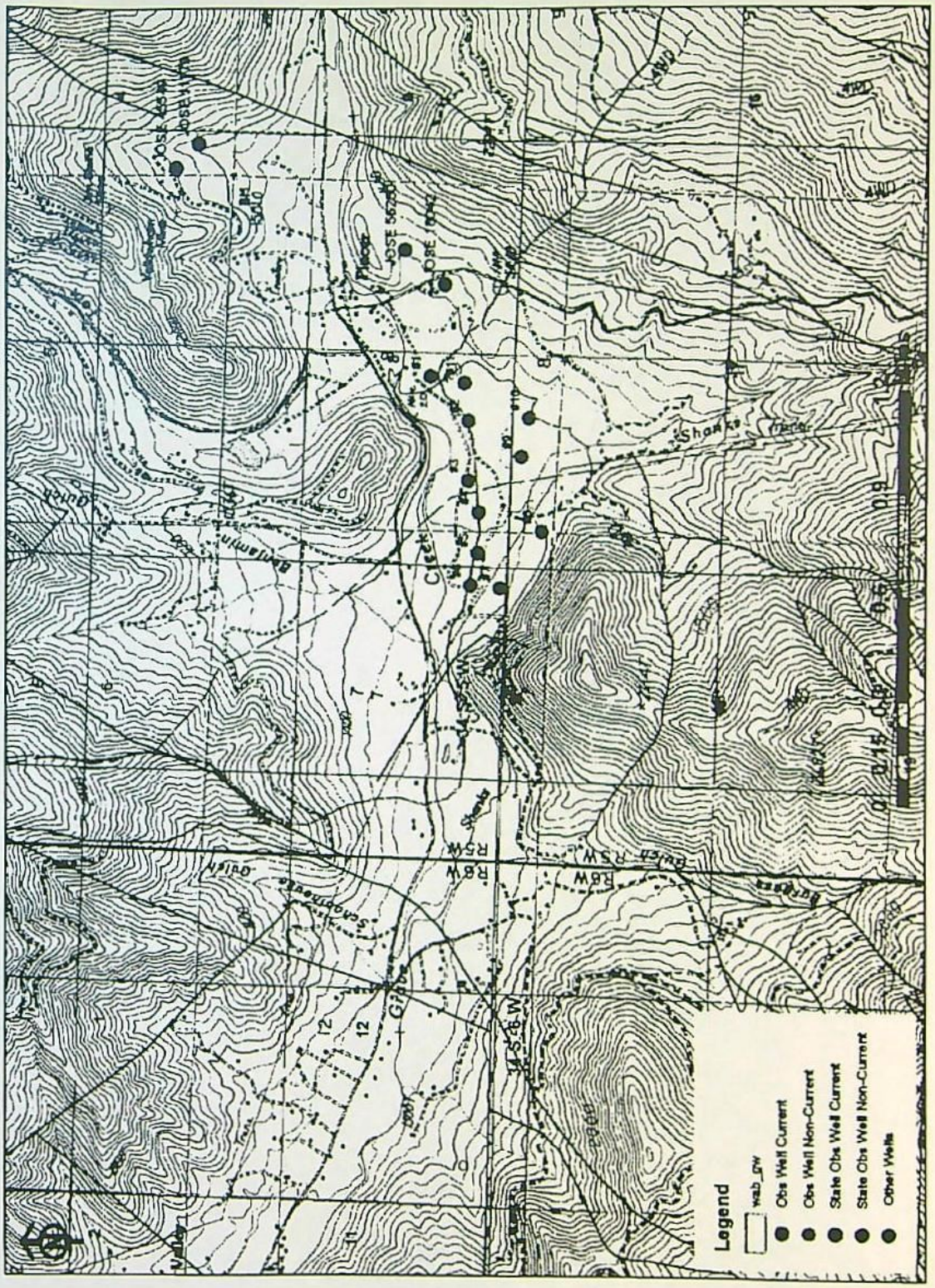
G17580 Havilah



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Water Availability Tables

WATER AVAILABILITY TABLE

GRAVE CR > ROGUE R - AB BURGESS G

Watershed ID #: 31531009 **Basin: ROGUE** **Exceedance Level: 80**
Time: 11:01 AM **Date: 10/04/2012**

# Watershed Nest ID Number Stream Name	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	STOR
1 266 ROGUE R > PACIFIC OCEAN - AT MOUTH	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES
2 31531008 ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
3 31531001 ROGUE R > PACIFIC OCEAN - AB MEADOW CR	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
4 71035 GRAVE CR > ROGUE R - AT MOUTH	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
5 71034 GRAVE CR > ROGUE R - AB WOLF CR	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
6 31531009 GRAVE CR > ROGUE R - AB BURGESS G	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

GRAVE CR > ROGUE R - AB BURGESS G

Watershed ID #: 31531009 Basin: ROGUE Exceedance Level: 80
Time: 8:12 AM Date: 10/02/2012

Monthly values are in cfs.
Storage is the annual amount at 50% exceedance in ac-ft.

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
JAN	50.50	0.05	50.50	0.00	0.00	50.50
FEB	80.10	0.08	80.00	0.00	0.00	80.00
MAR	79.60	0.05	79.50	0.00	0.00	79.50
APR	49.70	0.94	48.80	0.00	0.00	48.80
MAY	25.30	1.49	23.80	0.00	0.00	23.80
JUN	10.50	2.09	8.41	0.00	0.00	8.41
JUL	5.00	2.79	2.21	0.00	0.00	2.21
AUG	3.30	2.30	1.00	0.00	0.00	1.00
SEP	2.40	1.51	0.89	0.00	0.00	0.89
OCT	3.00	0.50	2.50	0.00	0.00	2.50
NOV	8.50	0.04	8.46	0.00	0.00	8.46
DEC	27.80	0.04	27.80	0.00	0.00	27.80
ANN	41,100	722	40,300	0	0	40,300

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DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

GRAVE CR > ROGUE R - AB WOLF CR

Watershed ID #: 71034 Basin: ROGUE Exceedance Level: 80
Time: 8:15 AM Date: 10/02/2012

Monthly values are in cfs.
Storage is the annual amount at 50% exceedance in ac-ft.

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
JAN	76.20	0.40	75.80	0.00	135.00	-59.20
FEB	120.00	0.49	120.00	0.00	135.00	-15.50
MAR	117.00	0.40	117.00	0.00	135.00	-18.40
APR	69.50	1.70	67.80	0.00	119.00	-51.20
MAY	33.70	2.55	31.10	0.00	50.60	-19.50
JUN	13.70	3.47	10.20	0.00	40.00	-29.80
JUL	7.02	4.56	2.46	0.00	8.89	-6.43
AUG	4.97	3.80	1.17	0.00	5.09	-3.92
SEP	3.61	2.59	1.02	0.00	40.00	-39.00
OCT	4.06	1.03	3.03	0.00	40.00	-37.00
NOV	10.50	0.32	10.20	0.00	80.00	-69.80
DEC	38.30	0.34	38.00	0.00	135.00	-97.00
ANN	60,500	1,310	59,200	0	55,500	13,100

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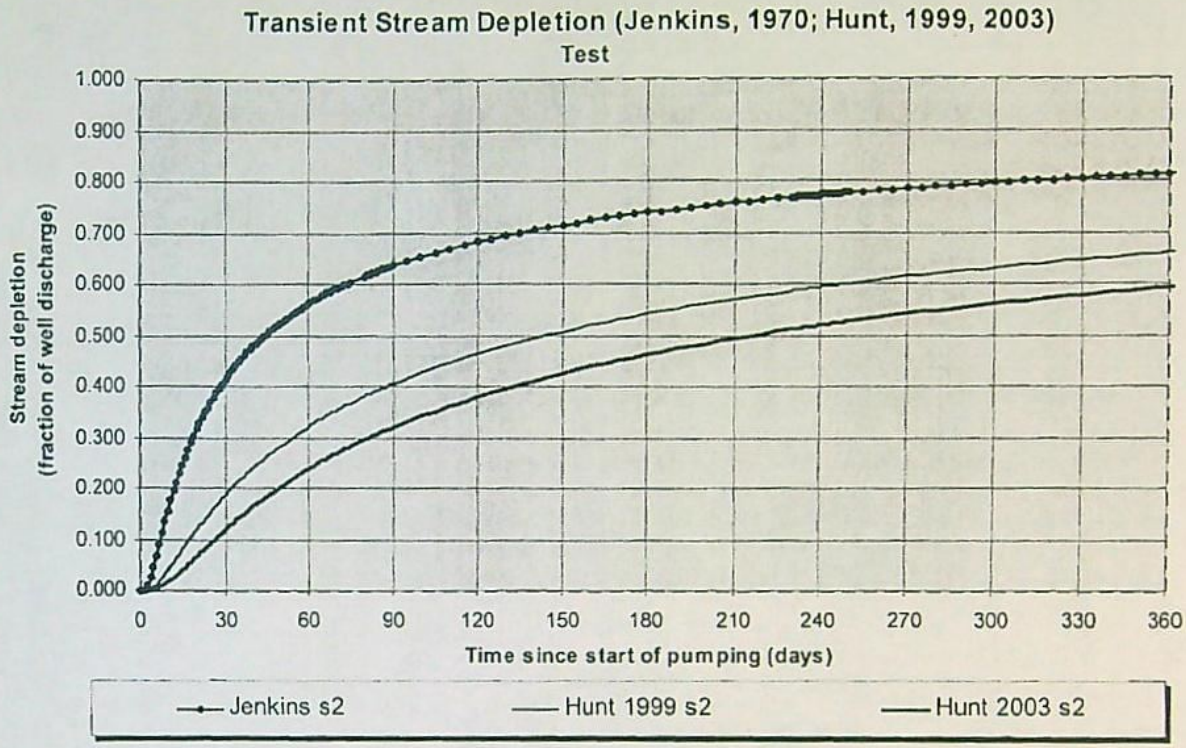
Stream Depletion Calculations: for POA 1 and stream 1. The same parameters were used for each calculation, varying only distance to creeks as necessary. The Jenkins model is the most appropriate one for this application given the cobbly streambed and lack of aquifer confining layer.



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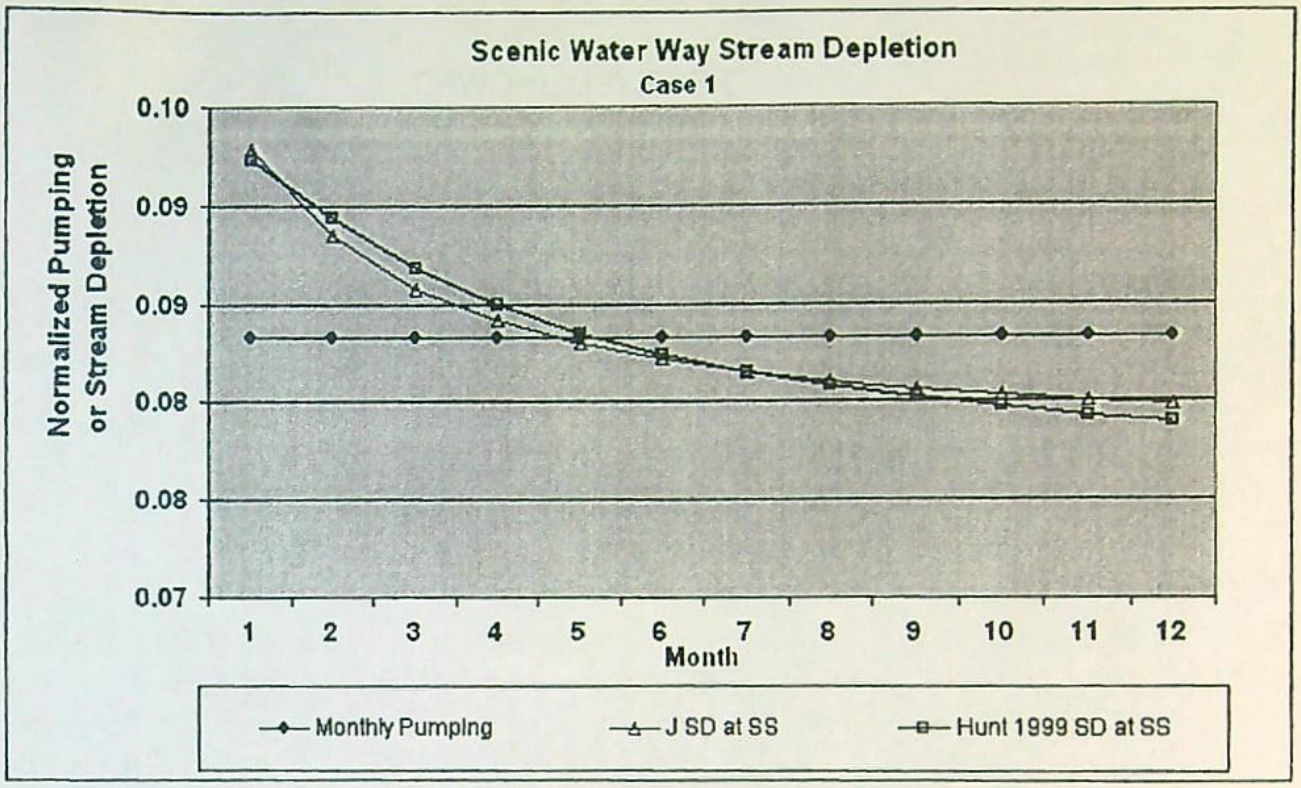
Output for Stream Depletion, Scenerio 2 (s2):						Time pump on (pumping duration) = 365 days						
Days	30	60	90	120	150	180	210	240	270	300	330	360
J SD	41.2%	56.2%	63.6%	68.2%	71.4%	73.8%	75.7%	77.2%	78.5%	79.5%	80.5%	81.3%
H SD 1999	18.5%	32.1%	40.5%	46.4%	50.8%	54.2%	57.0%	59.4%	61.4%	63.1%	64.6%	65.9%
H SD 2003	11.96%	23.92%	32.08%	38.05%	42.66%	46.36%	49.41%	52.00%	54.22%	56.16%	57.87%	59.40%
Qw, cfs	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446
H SD 99, cfs	0.083	0.143	0.180	0.207	0.226	0.242	0.254	0.265	0.273	0.281	0.288	0.294
H SD 03, cfs	0.053	0.107	0.143	0.170	0.190	0.207	0.220	0.232	0.242	0.250	0.258	0.265

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate of well	Qw	200.00	200.00	200.00	gpm
Time pump on (pumping duration)	tpon	365	365	365	days
Perpendicular from well to stream	a	1366	460	1366	ft
Well depth	d	65	65	65	ft
Aquifer hydraulic conductivity	K	7	7	7	ft/day
Aquifer saturated thickness	b	15	15	15	ft
Aquifer transmissivity	T	105	105	105	ft*ft/day
Aquifer storativity or specific yield	S	0.02	0.02	0.02	
Aquitard vertical hydraulic conductivity	Kva	1	0.1	1	ft/day
Aquitard saturated thickness	ba	3	3	3	ft
Aquitard thickness below stream	babs	3	3	3	ft
Aquitard porosity	n	0.01	0.01	0.01	
Stream width	ws	15	15	15	ft



Region	28	Steady state stream depletion as a fraction of pumping normalized to crop water use consumption.											
Month	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Resid
Qw	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.00
J SD SS	0.093	0.088	0.086	0.084	0.083	0.082	0.082	0.081	0.081	0.080	0.080	0.080	0.000
H99 SD SS	0.092	0.089	0.087	0.085	0.084	0.082	0.082	0.081	0.080	0.080	0.079	0.079	0.000

Parameters:		Values	Units	
Maximum number of years pumped	yrmax	25	years	
Days pumped each month	tpoff	30.4375	days/month	
Perpendicular from well to stream	a	460	ft	
Well depth	d	65	ft	
Aquifer hydraulic conductivity	K	7	ft/day	
Aquifer saturated thickness	b	55	ft	
Aquifer transmissivity	T_ft	385	ft*ft/day	= K*b
Aquifer transmissivity	T_gal	2,880	gpd/ft	= K*b
Aquifer storativity or specific yield	S	0.2		
Streambed conductivity (Hunt 1999)	Ks	1	ft/day	
Streambed thickness, Hunt 1999	bs	3	ft	
Stream width (Hunt 1999)	ws	10	ft	
Streambed conductance (lambda)	sbc	3.3333	ft/day	= Ks*ws/bs
Stream depletion factor	sdf	109.9221	days	= (a^2*S)/(T)
Streambed factor	sbf	3.9827		= sbc*a/T

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Oregon Water Resources Department

Order on Reconsideration of
Final Order to Deny
Limited License Application LL-1434

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SALEM, OR

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within 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.

Requested Water Use

On August 31, 2012, the Water Resources Department received completed application **LL-1434** from Havilah Resources LLC for the use of 8.45 cubic feet per second from 11 sump wells, located in the NE ¼, SW ¼, - NW 1/4, SW ¼ - SW ¼, SW ¼ - SE ¼, SW ¼, Section 8, the NE ¼, SW ¼ - SE ¼, SE ¼, Section 7, all in Township 34 South, Range 5 West, W.M., for mining use, for the period of license issuance through issuance of a permit for this same use.

Authorities

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

A limited license will not be issued for more than five consecutive years for the same use, as directed by ORS 537.143(8).

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).

2. The Department provided public notice of the application, on September 11, 2012, as required by OAR 690-340-0030(2).

3. This request is limited to an area within a single drainage basin as required by OAR 690-340-0030(3).

4. The Department has determined that water is not available at any time of the year for the requested use.

5. The Department has determined that the proposed source has not been withdrawn from further appropriation.

6. The Department has not been notified that Land Use approval from Josephine County has been obtained as required by OAR 690-005.

7. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's rules under OAR 690-33. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. Peter Samarin of Oregon Department of Fish and Wildlife (ODFW) commented on September 25, 2012. Grave Creek provides spawning, rearing, and migration habitat for federally threatened Coho salmon, and state sensitive summer steelhead and Pacific lamprey. Grave Creek also ranks as a stream in the highest need of flow restoration, and water use should be allowed only when instream water right flows are met. Heather Tugaw of Oregon Department of Environmental Quality (ODEQ) commented on September 25, 2012. Grave Creek has been placed on the 303(d) list, category 3 for several pollutants. In addition, the Rogue River Basin Temperature TMDL has been approved and applies to Grave Creek.

8. As part of its review to determine ground water availability, the Department's Ground Water/Hydrology Section has determined that the proposed sump wells would be hydraulically connected with the potential for substantial interference (PSI) with either Grave Creek, Shanks Creek, or an unnamed tributary to Shanks Creek. In addition, reductions in monthly flows in the Rogue Scenic Waterway, have been calculated. An evaluation of the proposed mitigation for PSI shows that the water proposed for the mitigation is to be appropriated under this limited license. To mitigate effectively for a new appropriation, mitigation water must come from an existing right.

9. During the public comment period, the Department received 81 timely comments related to the possible issuance of the license. All but one comment opposed issuance of a license, arguing that there would be numerous detrimental effects. Topics included well interference, water availability, streamflow, wildlife and spawning issues, noise, heavy vehicle traffic, reduction in property values, rural peaceful atmosphere and pollution. One comment supported the application as a source of economic development. These comments were considered carefully, and a comment evaluation is included in the file.

10. On December 10, 2012, the Department received a timely request for reconsideration from Martha Pagel acting as agent for the applicant. The Department has reconsidered its decision, and determined that finding #7 restricting mining use to the period November 1 through May 1, as described in OAR 690-515-0040(1)(E)(i), should not have been included in the Final Order.

Conclusions of Law

1. Water is not available for the proposed use at any time as required under OAR 690-340-0030(1)(b).
2. The applicant has not demonstrated that the proposed use is compatible with the Josephine County Comprehensive Plan as required by OAR 690-005.
3. The proposed water use will impair or be detrimental to the public interest, which is not allowable under OAR 690-340-0030(2).

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Order

1. Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, application **LL-1434** is denied. This order supersedes that issued on October 11, 2012.

Issued January 14, 2013

E. Timothy Wall

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

Enclosures – Reconsideration of limited license denial

cc: Kathy A. Smith, District 14 Watermaster
Peter Samarin, ODFW
Heather Tugaw, DEQ
Hydrographics
File

If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271
Phone: (503) 986-0817 Fax: (503) 986-0901

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Sunny Valley Sand and Gravel, Inc.

1867 Williams Highway #260, Grants Pass, OR 97527; 541-244-2644; andreas@blech.us

Reservoir Name: Reservoir 2 Source: Grave Creek Volume (AF): 70.0

Twp Rng Sec QQ: T34S, R5W, Sec. 8, NE SW & SE SW Basin Name: Rogue River

in-channel
x off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO[1] off channel? ..... X YES ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF[2] <u>are or were historically</u> present? ..... ☐ YES ☐ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF <u>are or were historically</u> present:
a. Is there an ODFW-approved fish-passage plan? ..... ☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption? ..... ☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir <u>does not meet</u> the requirements of Oregon Fish Passage Law and <u>shall not</u> be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? ..... X YES ☐ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

X Any diversion or appropriation of water for storage during the period April through December poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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[1] **AO – Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

[2] **NMF = Native Migratory Fish** Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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R-87930

Grave Creek provides spawning, rearing, and migration habitat for Federally threatened coho salmon, and State sensitive summer steelhead and Pacific lamprey. Additionally, fall chinook salmon, coastal cutthroat trout and winter steelhead utilize Grave Creek.

There is an instream water right, IS71035A, present on Grave Creek. The purpose of the instream water right is to provide adequate water for spawning, rearing, and migration for the species listed above. OWRD has determined that water would be available for storage during the period January through March. ODFW recommends the applicant only be allowed to divert water during the period January through March if the instream flow requirements are being met.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ **NO** (explain) ☒ **YES** (select from Menu of Conditions on next page)

Fishdiv33
b51a; the period of use has been limited to January through March.
B57

ODFW Signature: Peter Samarin Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist Date: 8/24/2013

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

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WATER RESOURCES DEPT
SALEM, OREGON

R-87930

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA Revised June 24, 2011

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

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

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

fishmay: Notwithstanding that ODFW has made a determination that fish screens and or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level 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.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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

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

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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ODFW Alternate Reservoir Application Review Sheet

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Applicant Name/Address/Phone/Email: Sunny Valley Sand and Gravel, Inc.

1867 Williams Highway #260, Grants Pass, OR 97527; 541-244-2644; andreas@blech.us

Reservoir Name: Reservoir 4 Source: Grave Creek Volume (AF): 80.0

Twp Rng Sec QQ: T34S, R5W, Sec. 7, NE SE & SE SE
~~T34S, R5W, Sec. 8, NW SW & SW SW~~ Basin Name: Rogue River ☐ in-channel ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO[1] off channel? ..... ☒ YES ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF[2] are or were historically present?..... ☐ YES ☐ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:
a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☒ YES ☐ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period April through December poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ **NO** (explain) ☒ **YES** (select from Menu of Conditions on next page)

Fishdiv33
b51a; the period of use has been limited to January through March.
B57

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DEC 16 2013
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ODFW Signature: [signature] Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist Date: Dec 10 2013

NOTE: This completed form must be returned to the applicant.

Revised 8/2/11

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SALEM, OR

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA **Revised June 24, 2011**

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509 585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

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

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

fishmay: Not withstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to ____ through _____

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level 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.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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

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

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

hlv: 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.

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SALEM, OR

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DEC 16 2013
SALEM, OR

CERTIFICATE OF FILING AND SERVICE

I certify that on this day I filed the foregoing PETITION FOR RECONSIDERATION AND STAY OF ORDERS on the following by email and, as a courtesy, by first class mail, postage prepaid by depositing in the U.S. Mail from Portland, Oregon:

Director Byler
Oregon Water Resources Department
725 Summer St. NE, STE A
Salem OR 97301
Director@wrd.state.or.us
cindy.s.smith@state.or.us

I further certify that I served the foregoing PETITION FOR RECONSIDERATION AND STAY OF ORDERS on the following by first class mail, postage prepaid by depositing in the U.S. Mail from Portland, Oregon:

Applicant:
Sunny Valley Sand and Gravel Inc.
Andreas Blech
1867 Williams Hwy Suite 260
Grants Pass, OR 97527

Agent and Counsel for Applicant:
Martha Pagel
Schwabe Williamson & Wyatt
530 Center St NE, Ste 730
Salem, OR 97301

Dated: November 13, 2017

/S/ Lisa A. Brown

Lisa A. Brown, OSB No. 025240
WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
Email: lisa@waterwatch.org
Of Attorneys for WaterWatch of Oregon

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NOV 15 2017

SALEM, OR

MCCARTY Patricia E * WRD

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Monday, December 18, 2017 10:44 AM
To: MCCARTY Patricia E * WRD
Cc: Howard, Elizabeth E.
Subject: RE: WaterWatch of Oregon Petition for Reconsideration and Request for Stay R-87930 and R-87932 [IWOV-pdx.FID3133939]

Patricia,
For the above-referenced Sunny Valley applications, please change the mailing address for applicant's agent to:

Elizabeth Howard
Schwabe, Williamson & Wyatt
1211 SW Fifth Avenue Suite 1900
Portland, OR 97204

Thank you,

Shonee

Shonee D. Langford
530 Center St. NE, Suite 730
Salem, OR 97301
Direct: 503-540-4261

From: MCCARTY Patricia E * WRD [mailto:Patricia.E.Mccarty@oregon.gov]
Sent: Wednesday, December 13, 2017 4:41 PM
To: Lisa Brown <lisa@waterwatch.org>; Howard, Elizabeth E. <EHoward@SCHWABE.com>; Langford, Shonee D. <SLangford@SCHWABE.com>
Cc: JOHNSTONE Jake D * WRD <Jake.D.Johnstone@oregon.gov>; MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>; GREW Scott A * WRD <Scott.A.Grew@oregon.gov>
Subject: WaterWatch of Oregon Petition for Reconsideration and Request for Stay R-87930 and R-87932

Hello,
Attached is a courtesy copy of the order on the request for stay of the final orders and permits on Applications R-87930 and R-87932. Hard copies were placed in the mail today.

Sincerely,
Patricia McCarty
Protest Program Coordinator
Oregon Water Resources Department
503-986-0820

NOTICE: This email may contain material that is confidential, privileged and/or attorney

Mailing List for Order on Stay And Reconsideration

Scheduled Mailing Date: 12-13-17

Application: R-87930

Permit: R-15228

Copies Mailed

by: SP
(STAFF)

on: 12-13-17
(DATE)

Original mailed to Applicant:

Andreas Blech, Sunny Valley Sand and Gravel, Inc.
1867 Williams Hwy. Ste. 260
Grants Pass, OR 97527

Copies of Order:

1. File R-87930
2. ✓done Watermaster District 14, Jake Johnstone

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

1. Agent: Elizabeth Howard, Schwabe, Williamson and Wyatt: ehoward@schwabe.com
2. WaterWatch of Oregon, Inc., 213 SW Ash St., Ste. 208, Portland, OR 97204

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of the Petition for Reconsideration and Request for Stay of Enforcement of the Final Order on Application R-87930 and Permit R-15228	)	ORDER ON PETITION FOR RECONSIDERATION AND REQUEST FOR STAY, DENYING STAY AND GRANTING RECONSIDERATION
WaterWatch of Oregon, Inc., Petitioner	)	

I. Background

1. On September 14, 2017, the Department issued a Final Order approving Water Right Application R-87930 and issuing Permit R-15228. (Attachment 1)
2. On November 13, 2017, WaterWatch of Oregon, Inc. filed a Petition for Reconsideration and Request for Stay for Application R-87930 (Permit R-15228), and Application R-87932 (Permit R-15230). (Attachment 2)
3. The Petition for Reconsideration and Request for Stay of Orders contained the information required by OAR 137-004-0080 and OAR 137-004-0090.
4. On November 22, 2017, the applicant, Sunny Valley Sand and Gravel, Inc., submitted a written response to the petition and request for stay. (Attachment 3)
5. The Department may grant or deny the request for stay, with or without further proceedings as it deems desirable, upon specific findings as provided in OAR 137-004-0092(1)(2).
6. Petitioner has failed to show that it, its members, or the public interest will be irreparably harmed by the Final Order and Permit R-15228.
7. An updated reservoir design proposes a "densely compacted 2-foot layer of select fine-grained soil" rather than a "permanent clay or synthetic liner". The permit does not contain a condition related to the reservoir design addressing the potential for groundwater infiltration into the reservoir, other than depth.

II. Request for Stay: Standard of Review

For an agency to grant a stay of an order, the petitioner must show that: (1) irreparable injury to the petitioner will occur if enforcement of the order is not stayed; (2) there is a colorable claim of error in the order; and (3) granting the stay will not result in substantial public harm. OAR 137-004-0090(2)(f). A petition for stay shall contain, among other things, "[a]statement identifying any person, including the public, who may suffer injury if the stay is granted." OAR 137-004-0090(2)(g). Upon a showing of irreparable injury and a colorable claim of error, the agency shall grant the stay unless the agency determines that substantial public harm will result if the order is stayed. OAR 137-004-0092.

A stay petition must include a statement of facts and reasons sufficient to show that the stay request should be granted. OAR 137-004-0090. If the petitioner seeking a stay fails to demonstrate each of the three elements, then the request for a stay must be denied.

To obtain a stay, the petitioner must show that irreparable injury will occur if enforcement of the order is not stayed. An injury is a legally cognizable harm, and "irreparable injury" is defined not by the magnitude of the injury caused, but by whether the harm may be redressed in a court of law. *Arlington School Dist. No. 3 v. Arlington Educ. Ass 'n*, 184 Or App 97, 101 (2002) *citing Gatson v. Parson*, 318 Or 247, 253 (1994)(identifying what is an "injury"). Pecuniary damage, no matter how great, does not, in and of itself, constitute irreparable injury. Instead, a court will examine whether there is an adequate remedy to redress the injury in law. *Id.*

A "showing" of irreparable injury means proof or prima facie proof of a matter of fact or law. *Id., citing Oregon Health Care Assn. v. Health Div.*, 329 Or 480, 492 - 93 (1999). Proof, in turn, is "evidence that satisfies the burden of production or persuasion placed upon the proponent of a fact." *Id., citing Marvin Wood Products v. Callow*, 171 Or App 175, 179 (2000). "Proof must not leave the existence of the fact to speculation." *Id., citing Watzig v. Tobin*, 292 Or 645, 652 n. 6 (1982). In sum, an adequate showing "must at least demonstrate that irreparable injury *probably* would result if a stay is denied." *Id.*

A "colorable claim of error" means "a claim of error that is substantial and non-frivolous, or seemingly valid, genuine, or plausible." *Bergerson v. Salem-Keizer School District*, 185 Or App 649, 660 (2003). An "assessment of whether a claim of error is colorable depends on the nature of the asserted error." *Bergerson*, 185 Or App at 660. Petitioners seeking to stay enforcement of an agency order must "show that it is entitled to have the agency order set aside, modified, reversed, or remanded on the ground that the agency committed an error of law, abused its discretion or found facts not supported by substantial evidence." 185 Or App at 660; ORS 183.484(5)(b).

If petitioner fails to show irreparable injury and a colorable claim of error in the agency order, the agency shall deny the stay request within 30 calendar days after receiving it. OAR 137-004-0092(2).

III. Discussion

Irreparable injury

The petition asserts that the Final Order "will injure WaterWatch and its members and the public interest it represents by allowing water appropriation "that is contrary to Oregon's laws, rules and the conditions in the permits themselves; will injure instream water rights; pose a significant detrimental effect to existing fishery resources; and unlawfully impact the Rogue State Scenic Waterway minimum flows." The Petition further asserts that if the stay is not granted "the impacts of not granting the stay (*i.e.* the actual physical impacts to flows and fishery resources of the water use) can never be undone. Further, once the reservoirs are constructed, it is unclear whether ongoing groundwater impacts could be mitigated."

The request for stay begins on page 11 of the Petition for Reconsideration and Request for Stay of Orders and includes the sentence "This stay request incorporates the information and discussion of the above Petition for Reconsideration and Petitioner's letter to Codi Holmes dated November 25, 2013, titled "Comments in opposition to the issuance of Alternative Reservoir

Applications R87929, R87930, R87931, R87932, Grave Creek, Rogue River Basin." On page 2 of the Petition, there is a series of statements as to why the final orders are defective, followed by a section titled "SPECIFIC GROUNDS FOR RECONSIDERATION AND ARGUMENT." These "grounds" are addressed in turn.

A. "The reservoirs will appropriate groundwater which OWRD found has the potential for substantial interference with surface water at times when that surface water is not available. Both reservoirs at issue here clearly overlap with and would appropriate the same groundwater as the wells/sumps/excavation pits proposed in applications G-17580 and LL-1434—both of which OWRD denied due to findings of potential for substantial interference (also referred to as "PSI") between the groundwater and surface waters where water is not available. *Compare* map for permits R-15228 and R-15230 (Attachment 1), *with* application map for G-17580 (Attachment 2)[] and application map for LL-1484 (Attachment 3). [] The map for permits R-15228 and R-15230 shows three reservoirs labelled 2, 3, and 4. Permit R-15228 states it is for Reservoir #2 and permit R-15230 states it is for Reservoir #4. Reservoir #2 is clearly coincident with all or part of the well/sump/excavation pit site marked at "EXCAVATION PIT NO. 2" on the map for application for G-17580, while Reservoir #4 is coincident with all or part of the well/sump/excavation pit site marked at "EXCAVATION PIT NO. 4." Further, the application map for LL-1484 also includes the sites for Reservoirs #2 and #4."

OWRD will not attempt to address the above other than to state the following. Applications G-17580 and LL-1434 are applications to appropriate groundwater year-round. The record for R-87930 contains two documents which amend and modify the application. The first, submitted on February 5, 2014, by Skookum Water Associates, Inc. (Skookum) on behalf of the applicant, provides additional details on the intended reservoir construction. It states that "the reservoirs will be excavated about 5 feet into the subsurface and have a 5-feet-tall berm on the downslope side as [indicated on included drawings]." "Information collected from site subsurface explorations by others indicates the bottom portion of each reservoir may be excavated several feet into the uppermost groundwater unit. The amount each reservoir will extend into groundwater will depend on the local ground surface elevation and the season; however each reservoir will have a clay or synthetic liner to limit seepage from the reservoir as further discussed in this letter and to limit groundwater infiltration into the reservoirs."

"The proposed designs provide that each reservoir will have a permanent clay or synthetic liner to limit seepage losses to the subsurface. The liner is critical because without it, the diverted water would drain into the shallow aquifer and be lost from use whenever the reservoir level is higher than the groundwater surface. Conversely, the liner will limit groundwater from infiltrating into the reservoirs when the groundwater surface is higher than the bottom of the reservoir, thereby protecting against capturing groundwater likely to be in hydraulic connection with surface water." (*See*, Letter from Skookum, "Addition Reservoir Construction Details, February 5, 2014.")

The second, submitted on October 14, 2015 by Shannon and Wilson, Inc. (S&W) on behalf of the applicant, also provides additional detail on the intended reservoir construction. This document specifies different reservoir construction detail and rationale. In contrast to the Skookum document, the S&W document does not mention a "permanent clay or synthetic liner" but rather asserts "[p]reventing groundwater infiltration into the reservoir is assured during the

winter months by impounded water creating a downward hydraulic gradient during the wet winter/spring season. When the reservoirs are empty, the subgrade remains above fluctuating groundwater levels, preventing infiltration" and "[t]he reservoir floor (subgrade) will include a densely compacted 2-foot layer of select fine-grained soil." (*See*, Letter from Shannon and Wilson, Inc., "Conceptual Design Guidance Storage Reservoirs 2 and 4 . . . .")

While these two documents describe different construction of the reservoirs, the intent of each design is to prevent groundwater infiltration at all times. Therefore, the application, as amended by the additional information submitted on reservoir design, does not propose either deliberate or inadvertent use of groundwater, at any time. In addition, the permit requires the reservoir to be constructed to have a minimum bottom elevation above the water table seasonal high, rather than the proposed depths that would intersect the groundwater in some periods of the year. Further conditioning can assure that no groundwater is taken into the reservoirs, and for this reason, the Department will reconsider the order.

Petitioner's argument, and its reliance on other applications and maps, without a further showing that the reservoirs as proposed, and further conditioned, would appropriate groundwater does not provide proof of the fact asserted. Petitioner has not provided "evidence that satisfies the burden of production or persuasion placed upon the proponent of a fact." Petitioner has not "demonstrate[d] that irreparable injury *probably* would result if a stay is denied." *Supra, pg. 1-2.*

B. "The final orders violate ORS 537.409 and are detrimental to the public interest because the use will detrimentally impact existing fishery resources."

"Because the reservoirs will unquestionably appropriate groundwater that is hydraulically connected to and has the potential for substantial interference with Grave Creek, Shanks Creek and the unnamed tributary to Shanks Creek during the period of concern identified by ODFW (April 1 through December), the proposed use—according to ODFW on which the Department claims to be relying—will pose a significant detrimental impact to fishery resources, in violation of the applicable fisheries and public interest standard (ORS 537.409). The OWRD's determination that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources is in error, is not supported any evidence, and is contradicted by the record for these applications and for LL-1484 and application G-17580."

The petitioner does not address the fact that the application, as amended by the additional information submitted on reservoir design, does not propose either deliberate or inadvertent use of groundwater, at any time, and the permit does not allow it. The permit requires the reservoir to be constructed to have a minimum bottom elevation above the water table seasonal high, rather than the proposed depths that would intersect the groundwater in some periods of the year.

Petitioner also does not address the fact that the permit restricts diversion of water from Grave Creek to January 1 through March 31. Petitioner, without a further showing that the reservoirs as proposed, and further conditioned, would appropriate groundwater does not provide proof of the fact asserted. Petitioner has not provided "evidence that satisfies the burden of production or persuasion placed upon the proponent of a fact." Petitioner has not "demonstrate[d] that irreparable injury *probably* would result if a stay is denied." *Supra, pg. 1-2.*

C. "The groundwater that will be appropriated under the permits is connected to Grave Creek and will injure senior instream water rights."

"For all the reasons described above, the reservoirs will also appropriate groundwater during times of the year when that appropriation will injure the senior instream water right on Grave Creek. *See* Certificate 72697 (OWRD's instream water right on Grave Creek for purpose of anadromous and resident fish rearing, in the amount of 135 cfs between December 1 through March 31st). Unless the applicant was prohibited from capturing groundwater in the reservoirs, the proposed use will injure the instream water right and as such must be denied."

Petitioner does not address the fact that the permit restricts diversion of water from Grave Creek to January 1 through March 31 and does not propose either deliberate or inadvertent use of groundwater, at any time of the year, and the permit does not allow it. Petitioner, without a further showing that the reservoirs as proposed, and further conditioned, would appropriate groundwater does not provide proof of the fact asserted. Petitioner has not provided "evidence that satisfies the burden of production or persuasion placed upon the proponent of a fact." Petitioner has not "demonstrate[d] that irreparable injury *probably* would result if a stay is denied." *Supra, pg. 1-2.*

G. "The permits should not have been issued because the applicant lacks land use approval for the land use associated with the water use (mining)."

The applicant provided updated land use forms to the Department on April 20, 2017. Josephine County states that land use approval has been obtained for the proposed reservoir, as amended, in Application R-87930. Petitioner has not provided "evidence that satisfies the burden of production or persuasion placed upon the proponent of a fact" that this land use approval is invalid, nor that land use approval for the separate activity permitted by Department of Geology and Mineral Industries (mining) is necessary before the Water Resources Department can issue a permit for the proposed reservoir.

Grounds in the Petition D, E, F, and H also presume the reservoir will collect groundwater. Petitioner's arguments on these grounds also fail to provide evidence that the reservoir as proposed, and further conditioned, would appropriate groundwater. Petitioner has not provided "evidence that satisfies the burden of production or persuasion placed upon the proponent of a fact." Therefore, petitioner has failed to show that it, its members, or the public interest will be irreparably harmed by the Final Order and Permit R-15228.

Colorable Claim of Error

On page 14 of the Petition for Reconsideration and Request for Stay of Orders is the following statement: "As described in the Petition above, there is a colorable claim of error in the final orders. Petitioner incorporates here the arguments from the Petition above."

Because Petitioner has not shown that it, its members, or the public interest will be irreparably harmed by the Final Order and Permit R-15228, the Department will not address the assertion that the Petition's arguments establish a colorable claim of error.

IV. Conclusion of Law

1. The Petition fails to show that WaterWatch of Oregon, its members, or the public interest will be irreparably harmed by the Final Order and Permit R-15228. Pursuant to OAR 137-004-0092(2)(b) the request for stay must be denied.

ORDER

Now, therefore, it is ORDERED:

Petitioners' request for reconsideration is GRANTED and the request for stay is DENIED.

Dated at Salem, Oregon this 13th day of December, 2017

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

Mailing date: 12-13-17

BEFORE THE

OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Permits R-15228 (Application R-87930) and R-15230 (Application R-87932) In the Name of Sunny Valley Sand & Gravel Inc., and Andreas Blech WATERWATCH OF OREGON, INC., *Petitioner*	))))))))	PETITION FOR RECONSIDERATION AND REQUEST FOR STAY OF ORDERS

This is a petition for reconsideration filed pursuant to OAR 137-004-0080 and ORS 183.484(2), and request for stay of orders filed pursuant to OAR 137-003-0090(2), regarding issuance by the Oregon Water Resources Department (OWRD), on September 14, 2017, of final orders issuing permits R-15228 (Application R-87930) and R-15230 (Application R-87932).

Petitioner respectfully requests that OWRD reconsider the final orders for the above-mentioned permits and reverse its decisions for the reasons discussed below, or in the alternative cancel the permits. Further, Petitioner respectfully requests that OWRD stay the above-captioned orders. Petitioner incorporates by reference all materials previously submitted or issued in relation to the above-mentioned permits; and OWRD's records for Limited License 1434 and application G-17580 (including but not limited to all documents available in OWRD's on-line Water Rights Information System (WRIS) available here: http://apps.wrd.state.or.us/apps/wr/wrinfo/).

I. BACKGROUND

On September 12, 2013, Sunny Valley Sand and Gravel, Inc. filed four Alternative Reservoir Applications (R-87929, R-87930, R-87931, R-87932) for the same aggregate mining

operation at issue in LL-1434 and G-17580.[1] On November 25, 2013, WaterWatch of Oregon and Rogue Riverkeeper submitted "Comments in opposition to the issuance of Alternative Reservoir Applications R87929, R87930, R87931, R87932, Grave Creek, Rogue River Basin" to Codi Holmes at OWRD, which we incorporate as if set forth fully in this petition.

The reservoirs that would be permitted by R-15228 and R-15230 are part of a long string of attempts to gain water permits for a large-scale mining operation on this site which is adjacent to Grave Creek. Grave Creek provides spawning, rearing, and migration habitat for federally threatened Coho salmon, and state sensitive summer steelhead and Pacific lamprey and also ranks as a stream in the highest need of flow restoration. (*See* Order on Reconsideration of Final Order to Deny Limited License 1434 (1/14/2013), page 2 (denying the Limited License)). The reservoir locations are coincident with—and would appropriate the same water as—wells/sumps/excavation pits identified in at least two other applications for which OWRD issued either a denial or an unfavorable Initial Review. The record for these other permitting decisions establishes that these reservoirs should also have been denied. The final orders for permits R-15228 and R-15230 are defective for not addressing this robust evidence and should be reconsidered and reversed.

The final orders are defective for several reasons, including but not limited to: water is not available because the reservoirs will appropriate groundwater year-round outside the storage season when water is available; permit issuance violates ORS 537.409 because there will be year-round groundwater appropriation that poses a significant detrimental effect to fisheries as determined by Oregon Department of Fish and Wildlife (ODFW); year-round groundwater appropriation under the permits will injure senior instream water rights and the downstream State

[1] Additionally, on November 6, 2013, Sunny Valley filed a Limited License Request (LL-1504) for the use requested under R-87931 for Reservoir 3 (for which no final order has been issued at this time). That Limited License was denied by Final Order on February 25, 2014, which was subsequently withdrawn March 14, 2014.

Scenic Waterway; land use approval for the project is still being litigated and there is no land use approval for the proposed use; and because the reservoirs will appropriate groundwater outside of the storage season and at times when surface water is not available, the applicant cannot comply with multiple terms of the permits.[2]

II. SPECIFIC GROUNDS FOR RECONSIDERATION AND ARGUMENT

A. The reservoirs will appropriate groundwater which OWRD found has the potential for substantial interference with surface water at times when that surface water is not available.

Both reservoirs at issue here clearly overlap with and would appropriate the same groundwater as the wells/sumps/excavation pits proposed in applications G-17580 and LL-1434—both of which OWRD denied due to findings of potential for substantial interference (also referred to as "PSI") between the groundwater and surface waters where water is not available. *Compare* map for permits R-15228 and R-15230 (Attachment 1), *with* application map for G-17580 (Attachment 2)[3] and application map for LL-1484 (Attachment 3).[4] The map for permits R-15228 and R-15230 shows three reservoirs labelled 2, 3, and 4. Permit R-15228 states it is for Reservoir #2 and permit R-15230 states it is for Reservoir #4. Reservoir #2 is clearly coincident with all or part of the well/sump/excavation pit site marked at "EXCAVATION PIT NO. 2" on the map for application for G-17580, while Reservoir #4 is coincident with all or part of the well/sump/excavation pit site marked at "EXCAVATION PIT NO. 4." Further, the application map for LL-1484 also includes the sites for Reservoirs #2 and #4.

The application for LL-1434 was filed in 2012 by Havilah Resources LLC, requesting an

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[2] It should be noted that it is plausible that this problem could be addressed if the reservoirs were lined; however, there is no requirement to line the reservoirs.

[3] Also available online in OWRD's WRIS, G-17580, Scanned Documents, "Application and Maps," p. 9 (8/31/2012).

[4] Also available online in OWRD's WRIS, LL-1434, Scanned Documents, "App Maps," p. 2 (8/31/2012).

amount of 8.45 cfs of year-round ground water to support its proposed aggregate mining operation adjacent to Grave and Shanks Creeks in the Rogue River Basin. On the same day, Havilah also applied for a ground water permit for its longer term use (G-17580).

On October 11, 2012 the OWRD issued a Final Order denying the LL-1434. OWRD found, among other problems, that appropriation of the groundwater had the potential for substantial interference with Graves Creek, Shanks Creek and an unnamed tributary to Shanks Creek and that water was not available in these surface waters. On December 10, 2012 Havilah submitted a Petition of Reconsideration for Final Order to Deny LL Application LL-1434. The OWRD denied the Petition for Reconsideration and issued a superseding Final Order to Deny on January 14, 2013 (Attachment 7), again citing the potential for substantial interference and lack of water available in the hydraulically connected surface waters (among other problems). OWRD also issued an Initial Review for groundwater application G-17580 on November 9, 2012, stating that it was likely the regular water right application would be denied due to findings that the groundwater that would be appropriated by each of the 11 proposed wells/sumps/excavation pits would have the potential for substantial interference with one or more of the following: Graves Creek, Shanks Creek, or unnamed tributary to Shanks Creek. (Groundwater Review for G-17580 (10/16/2012), p. 4 (Attachment 6); Initial Review for G-17580 (11/9/2012) (Attachment 5), p. 2). Groundwater application G-17580 was put on administrative hold on June 10, 2012 and on May 23, 2014, OWRD issued a final order stating that the application had been withdrawn.

The application materials submitted with G-17580 (and available in WRIS) show that the excavation work will result in groundwater recharge and that "[s]ump wells created as a result of Surface Mining activities will gather this groundwater . . . ." *See* Application G-17580, Application Narrative for Limited Water Use License and Groundwater Right, page 2. The same

application notes that the storage basins will not be lined, so that groundwater will be drawn in as water levels fall. *Id.* at 5. The OWRD Form R associated with the groundwater application notes that "excavations will fill with water" (from groundwater). OWRD Form M, G-17580. As discussed above, the reservoirs at issue in this petition are the *very same* as some of those excavations (#2 and #4).

The OWRD Watermaster for this area (District 14) wrote a letter to Josephine County Planning dated May 13, 2014 (Attachment 4), stating in part:

> "GW17580 requests 8.43 cfs of groundwater for mining operations. The three reservoir applications that were submitted to OWRD by SVSG, R87930, R87931, and R87932, requesting a total of 215 acre feet of water, are currently on administrative hold, as requested by SVSG's attorney, Martha Pagel. If approved, these applications would interface with groundwater. Tim Wallin, Manager for the OWRD Water Rights Program has stated that "All the applications seem to suffer from the same difficulty, namely that according to their own geologist's report, the excavations will intersect GW [groundwater] that is hydraulically-connected to Grave Creek, from which water is not available. It seems unlikely that we could approve *any* water-use authorization that would involve intersection of the GW [groundwater] table."

(Attachment 4, p. 1). In other words, OWRD is well-aware that these reservoirs will intersect and capture groundwater that is not available for appropriation, but approved the applications anyway, contrary to statute and rule. *See also* Application G-17580, Figure 5B (providing cross-section drawings of the proposed mine and showing the excavation intersecting the water table); Application G-17580, Figure 5C (cross-section drawings of the proposed mine showing the excavation pit bottom approximately 40 feet lower in elevation than Grave Creek); Application G-17580, p. 5 (listing the "total well depth" for the mine sumps as "varies <65' ").

Despite the plain fact that the reservoirs at issue will clearly appropriate groundwater that has the potential for substantial interference with Graves Creek, Shanks Creek and the unnamed tributary to Shanks Creek, the orders fail to identify groundwater as a source for these reservoirs and has completely failed to analyze the impact of the groundwater appropriation on the affected

surface waters. The final orders make no findings that would support issuance of the permits at issue here given the record on these applications and the OWRD's unfavorable findings on the overlapping applications (LL-1434 and G-17580).

B. The final orders violate ORS 537.409 and are detrimental to the public interest because the use will detrimentally impact existing fishery resources.

The final orders state that:

> "The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources."

Page 2. However, ODFW's reviews for both of these applications state that the proposed projects would pose significant detrimental impact to an existing fishery resource because "[a]ny diversion *or appropriation* of water for storage during the period April through December poses a significant detrimental impact to existing fishery resources." (Amendment to Application R-87932 (12/13/2103), page 8 (Attachment 9); Application for R-87930 (9/12/2013), page 6 (Attachment 8)) (emphasis added). "Appropriation" here clearly means groundwater appropriation, in contrast to surface water "diversion."

Because the reservoirs will unquestionably appropriate groundwater that is hydraulically connected to and has the potential for substantial interference with Grave Creek, Shanks Creek and the unnamed tributary to Shanks Creek during the period of concern identified by ODFW (April 1 through December), the proposed use—according to ODFW on which the Department claims to be relying—will pose a significant detrimental impact to fishery resources, in violation of the applicable fisheries and public interest standard (ORS 537.409). The OWRD's determination that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources is in error, is not supported any evidence, and is contradicted by the record for these applications and for LL-1484 and application G-17580.

C. The groundwater that will be appropriated under the permits is connected to Grave Creek and will injure senior instream water rights.

For all the reasons described above, the reservoirs will also appropriate groundwater during times of the year when that appropriation will injure the senior instream water right on Grave Creek. *See* Certificate 72697 (OWRD's instream water right on Grave Creek for purpose of anadromous and resident fish rearing, in the amount of 135 cfs between December 1 through March 31st). Unless the applicant was prohibited from capturing groundwater in the reservoirs, the proposed use will injure the instream water right and as such must be denied.

D. The applicant's use will detrimentally affect streamflows in the Rogue River Scenic Waterway because the groundwater that will be appropriated is connected to the Rogue River via Grave Creek.

For all the reasons described above, the reservoirs will also appropriate groundwater during times of the year when that appropriation will unlawfully affect the Rogue State Scenic Waterway minimum flows. *See generally* OAR 690-310-0260 (rules for issuance of water rights above State Scenic Waterways).

E. Permitting these reservoirs violates OWRD's policy on groundwater permitting (OAR 690-410-0010(1).

Issuing reservoir permits is contrary to OWRD's policy on groundwater management and permitting, which states in part:

> "The groundwaters of the State of Oregon belong to the public. The reasonable control, protection, and use of groundwater is governed by the state on behalf of the public.. . . Interference between groundwater uses and competing groundwater and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights . . ."

OAR 690-410-0010(1). Issuing these permits will result in the interference of groundwater use and existing surface water (and other groundwater) use. As such, OWRD was in error in issuing

these permits.

F. Permitting these reservoirs violates OWRD's rule against over-appropriation (OAR 690-410).

With regard to the withdrawal of surface water for storage projects, the state can only issue new rights that are within the capacity of the resource. OAR 690-410-070(1). The OWRD must protect the waters of this state from over-appropriation by new out-of-stream uses or surface water or new uses of groundwater. *Id.* In fact, the state is prohibited from issuing new water rights when the streams are over-appropriated. *Id.* at (2)(a). Over-appropriation is defined in rule as a condition of water allocation in which the quantity of surface water available during a specified period is not sufficient to meet the expected demands from all water rights at least 80 percent of the time during that period. OAR 690- 400-010. This is known as the 80% exceedence rule. By rule, this is the standard for all new surface water appropriations. Grave Creek is over-appropriated year round under the 80% exceedence standard. *See* WRD Water Availability Analysis Detailed Report for Grave Creek above Wolf Creek (listing the "Net Water Available" for January, February, and March as -59.80, -16.80, and -18.90 cfs, respectively) (accessed November 13, 2017) (available at http://apps.wrd.state.or.us/apps/wars/wars_display_wa_tables/display_wa_details.aspx?ws_id=71034&exlevel=80&scenario_id=1); Application G-17580, Water Availability Chart (8/31/2012) (listing similar deficiencies in "Net Water Available" for applicant's portion of Grave Creek).

Instead of applying the 80% exceedence rule, OWRD incorrectly applied a 50% exceedence standard to these storage projects. The rules allow for deviation from the 80% exceedence standard only if the storage season avoids periods of the year when flows are low and seldom exceed the needs of water rights and times when additional flows are needed to support public uses. OAR 690-410-070(2)(c). Year-round instream water rights exist on Grave

Creek. Flows in the creek are needed to support the public uses protected by the instream water rights. As such, the OWRD should apply the 80% exceedence standard as set forth in the rule. At the 80% exceedence standard, flows in Grave Creek are over-appropriated year-round and there is no water available for appropriation. Therefore, OWRD erred in issuing the permits.

G. The permits should not have been issued because the applicant lacks land use use approval for the land use associated with the water use (mining).

The land use decision approving applicant's mining was challenged at the Land Use Board of Appeals (LUBA). On October 15, 2015, LUBA issue a Final Opinion and Orderremanding the land use decision to the county. *Rogue Advocates et al. v. Josephine County,* LUBA Nos. 2014-095/096. That remand process is ongoing. Therefore, applicant lacks a land use approval for the land use associated with these reservoir permits and the permits should not have been issued. OAR 690-005-025(1) (making OWRD's Division 5 Rule "Compliance With Statewide Planning Goals, Compatibility With Comprehensive Plans, and Coordination On Land Use Matters" applicable to alternate reservoirs, which are issued under OAR 690-340); OAR 690-0030-0035.

H. Construction of the reservoirs and associated interception of groundwater will violate multiple terms of the permit and as such OWRD should notify applicant to cease any construction immediately due to non-compliance with the permit conditions.

Pursuant to Standard Condition 1 in each permit, OWRD should first immediately notify the applicant that construction of the reservoirs and associated capture of hydraulically connected groundwater should cease immediately because it is in violation of the permit conditions listed below, and—also pursuant to Standard Condition 1—OWRD should next cancel the permits.

1. Storage season.

Each permit states that "WATER MAY BE APPROPRIATED AS FOLLOWS:

JANUARY 1 THROUGH MARCH 31" (p. 1). However, OWRD knows and all of the available evidence demonstrates that the reservoirs will appropriate groundwater outside of this storage season. *See e.g.* the records for LL-1434 and application G-17580; and Attachment 4, OWRD Water Master letter. Therefore, applicant cannot comply with this condition and construction of the reservoirs should be prohibited as violating the storage season.

2. "Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream."

Applicant cannot comply with this condition because it will have no way to cease the appropriation of groundwater that is hydraulically connected to (and has PSI with) Grave Creek, Shanks Creek and an unnamed tributary to Shanks Creek (all of which contribute flow to the Rogue Scenic Waterway) at times when the scenic waterway minimum flows are not met.

3. Standard Condition 3 "By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan."

Because the land use decision for the land use associated with this water use was challenged at LUBA and remanded back to the county, this condition is not being met. *Rogue Advocates et al. v. Josephine County,* LUBA Nos. 2014-095/096, Final Opinion and Order (October 15, 2015).

4. Standard Condition 4 "The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows."

Applicant cannot comply with this condition because appropriation of groundwater that is hydraulically connected to (and has PSI with) Grave Creek will occur at times when the instream water right in Grave Creek is not met. Applicant will have no way to avoid appropriating water at times when prior water rights, including instream water rights, are not met.

Request for Relief

For the reasons described above, Petitioners respectfully request that OWRD reconsider and withdraw its final orders issuing permits R-15228 (Application R-87930) and R-15230 (Application R-87932), or in the alternative cancel the permits pursuant to the terms of the permits.

III. REQUEST FOR STAY OF ORDERS

OAR 137-004-0080(3), and the final orders issuing permits permits R-15228 (Application R-87930) and R-15230 (Application R-87932), authorize Petitioner to request a stay of the orders if the request complies with the requirements of OAR 137-003-0090(2). Accordingly, Petitioner requests a stay of the orders issued September 14, 2017 titled "In the Matter of Water Rights Application R-87930, Josephine County FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER" and "In the Matter of Water Rights Application R-87932, Josephine County FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER." This stay request incorporates the information and discussion of the above Petition for Reconsideration and Petitioner's letter to Codi Holmes dated November 25, 2013, titled "Comments in opposition to the issuance of Alternative Reservoir Applications R87929, R87930, R87931, R87932, Grave Creek, Rogue River Basin." Pursuant to the requirements for a stay request contained in OAR 137-003-0090(2), Petitioner provides the following:

A. Name, address, and telephone number of the party requesting a stay

WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039

Attorney for WaterWatch of Oregon:
Lisa A. Brown, OSB No. 025240
WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
Email: lisa@waterwatch.org

B. Full title of the agency decisions as they appear on the orders and date of the decision

In the Matter of Water Rights Application R-87932, Josephine County
FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER
Date of Decision: September 14, 2017

In the Matter of Water Rights Application R-87930, Josephine County
FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER
Date of Decision: September 14, 2017

C. Summary of the agency decisions

Issuance of final order to issue permit R-15228, approving a water storage reservoir
Issuance of final order to issue permit R-15230, approving a water storage reservoir

D. Name, address, and telephone number of each other party to the proceeding

Oregon Water Resources Department
725 Summer St. NE, STE A
Salem OR 97301
503.986.0900

Applicant:
Sunny Valley Sand and Gravel Inc.
Andreas Blech
1867 Williams Hwy Suite 260
Grants Pass, OR 97527

541.244.2644
541.226.8784

Agent and Counsel for Applicant:
Martha Pagel
Schwabe Williamson & Wyatt
530 Center St NE, Ste 730
Salem, OR 97301
503.540.4260

E. Statement advising persons who are required to appear in the stay request

WaterWatch advises the persons and parties listed above (OWRD, the applicant and the applicant's agent and counsel) that you may participate in the stay proceeding before the agency if you file a response in accordance with OAR 137-003-0091 within ten days from delivery or mailing of the stay request to the agency.

F. A statement of facts and reasons sufficient to show that the stay request should be granted because:

(A) The petitioner will suffer irreparable injury if the orders are not stayed.

Petitioner is a non-profit river conservation group dedicated to protecting and restore instream flows in Oregon rivers. Petitioner has invested significant time and resources to protecting and restoring instream flows in the Rogue Basin specifically. Petitioner has also invested significant time and resources to ensuring that OWRD's management of groundwater, and its water permitting more broadly, complies with Oregon's water laws and rules. Failing to stay these orders will injure WaterWatch and its members and the public interest it represents by allowing water appropriation that is contrary to Oregon's laws, rules and the conditions in the permits themselves; will injure instream water rights; pose a significant detrimental effect to existing fishery resources; and unlawfully impact the Rogue State Scenic Waterway minimum flows. If a stay is not granted and Petitioner prevails in the future, while these impacts would be prevented prospectively, the impacts of not granting the stay (*i.e.* the actual physical impacts to

flows and fishery resources of the water use) can never be undone. Further, once the reservoirs are constructed, it is unclear whether ongoing groundwater impacts could be mitigated.

(B) There is a colorable claim of error in the orders; and

As described in the Petition above, there is a colorable claim of error in the final orders. Petitioner incorporates here the arguments from the Petition above.

(C) Granting the stay will not result in substantial public harm.

Granting the stay will not result in substantial public harm. To the contrary, granting the stay will protect the public interest in protecting the instream flows of Grave Creek, existing fishery resources and the Rogue State Scenic Waterway and in having the waters of the state properly managed in accordance with statute and rule.

G. Statement identifying any person who may suffer injury if the stay is granted

It is possible that the applicant could suffer injury if the stay is granted. Petitioner lacks sufficient knowledge about applicant's plans and timeline to know whether applicant would suffer injury. However, as described above, Petitioner asserts that applicant is prohibited from constructing the reservoirs in any case which would mean that the applicant should not suffer any injury from a stay because applicant cannot lawfully utilize the permits. Further, the LUBA remand in *Rogue Advocates et al. v. Josephine County,* LUBA Nos. 2014-095/096, Final Opinion and Order (October 15, 2015) suggests applicant will not be harmed by the stay because that case involves the very land use associated with the water permits.

H. Appendix of evidence relied upon in: (a) demonstrating facts and reasons sufficient to show that the stay request should be granted because: (A) The petitioner will suffer irreparable injury if the order is not stayed; (B) There is a colorable claim of error in the order; and (C) Granting the stay will not result in substantial public harm; and (b) identifying who may suffer injury if the stay is granted

In support of the statements made in this Request for Stay of Orders, Petitioner relies on:

all documents cited in the above Petition for Reconsideration; all documents cited in this Request for Stay of Orders; the Oregon Water Resources records for Limited License 1434, Application G-17580, Permit R-15228 (Application R-87930), Permit R-15230 (Application R-87932), Application R-87929, and Application R-87931, including but not limited to all documents uploaded to OWRD's on-line Water Rights Information System (WRIS) system. Petitioner also relies upon and provides the following Attachments:

1. Attachment 1 – Permit Map for Permits R-15228 and R-15230
2. Attachment 2 – Application G-17580 map ("Application and Maps," p. 9 (8/31/2012)
3. Attachment 3 – LL-1434 Application Map ("App Maps," p. 2 (8/31/2012)
4. Attachment 4 – OWRD Water Master Letter (5/13/2014)
5. Attachment 5 – OWRD IR for Application G-17580 (11/9/2012)
6. Attachment 6 – OWRD Groundwater Review for Application G-17580 (10/16/2012)
7. Attachment 7 – OWRD Superseding Final Order for LL-1434 (1/14/2013)
8. Attachment 8 – ODFW Div. 33 Review for Permit R-15228 (8/29/2013)
9. Attachment 9 – ODFW Div. 33 Review for Permit R-15230 (12/10/2013)

I. <u>This stay request is mailed to the agency on the same date mailed to all parties</u>

See attached certificate of service.

Dated: November 13, 2017

Respectfully submitted,

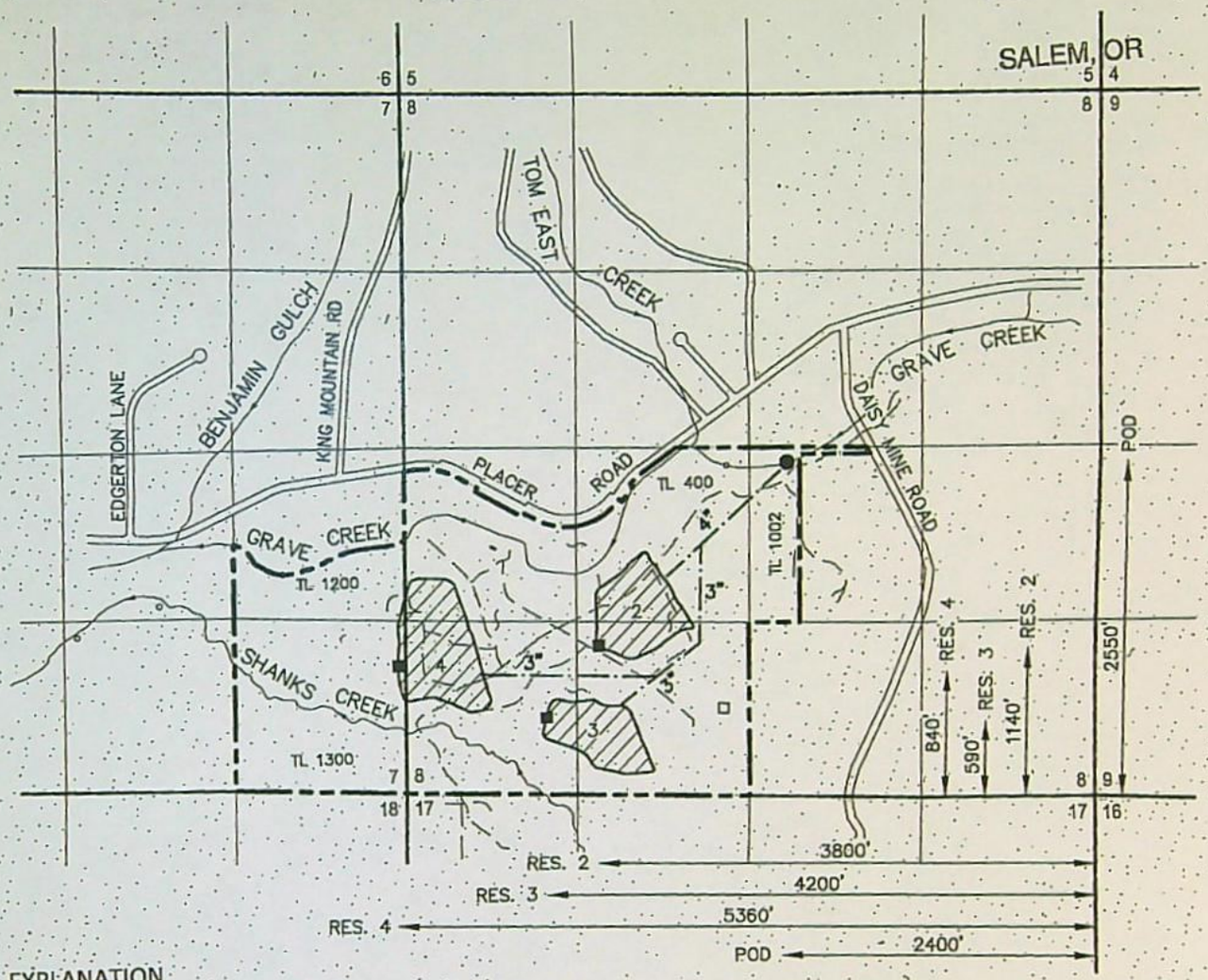
/S/ Lisa A. Brown

Lisa A. Brown, OSB No. 025240
WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
Email: lisa@waterwatch.org
Of Attorneys for WaterWatch of Oregon

Attachments [9]

RECEIVED BY OWRD
DEC 16 2013
SALEM, OR

SECTIONS 7 & 8, T34S, R5W, W.M.
JOSEPHINE COUNTY



EXPLANATION

- ● POINT OF DIVERSION (POD)
- ■ DAM OR CENTER OF RESERVOIR
- PROPOSED RESERVOIR AND NUMBER
- SECTION LINE
- PROPERTY LINE
- CREEK OR INTERMITTENT STREAM
- PAVED ROAD
- UNPAVED ROAD
- PROPOSED PIPELINE AND SIZE

NOTE:
RESERVOIRS WILL BE LOCATED OFF CHANNEL.

OCTOBER 23, 2013

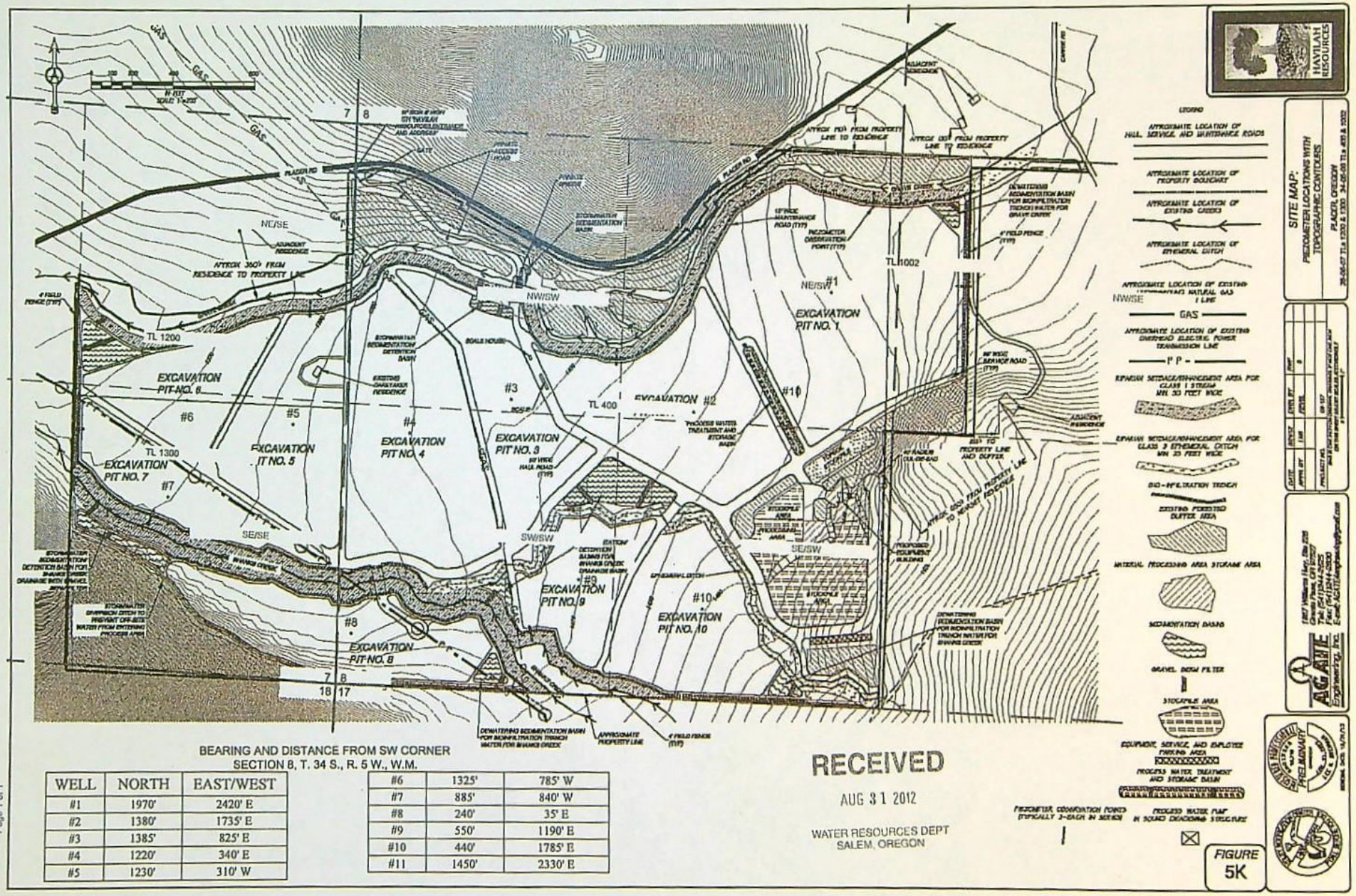
THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES

N

SCALE
660 0 660 1320
1 INCH - 1320 FEET

SKOOKUM
WATER ASSOCIATES INC
P.O. BOX 80174
PORTLAND, OR 97280
(503) 319-8926

Sunny Valley Sand and Gravel Inc.
Reservoir Application Map
Westlake Consultants, Inc.

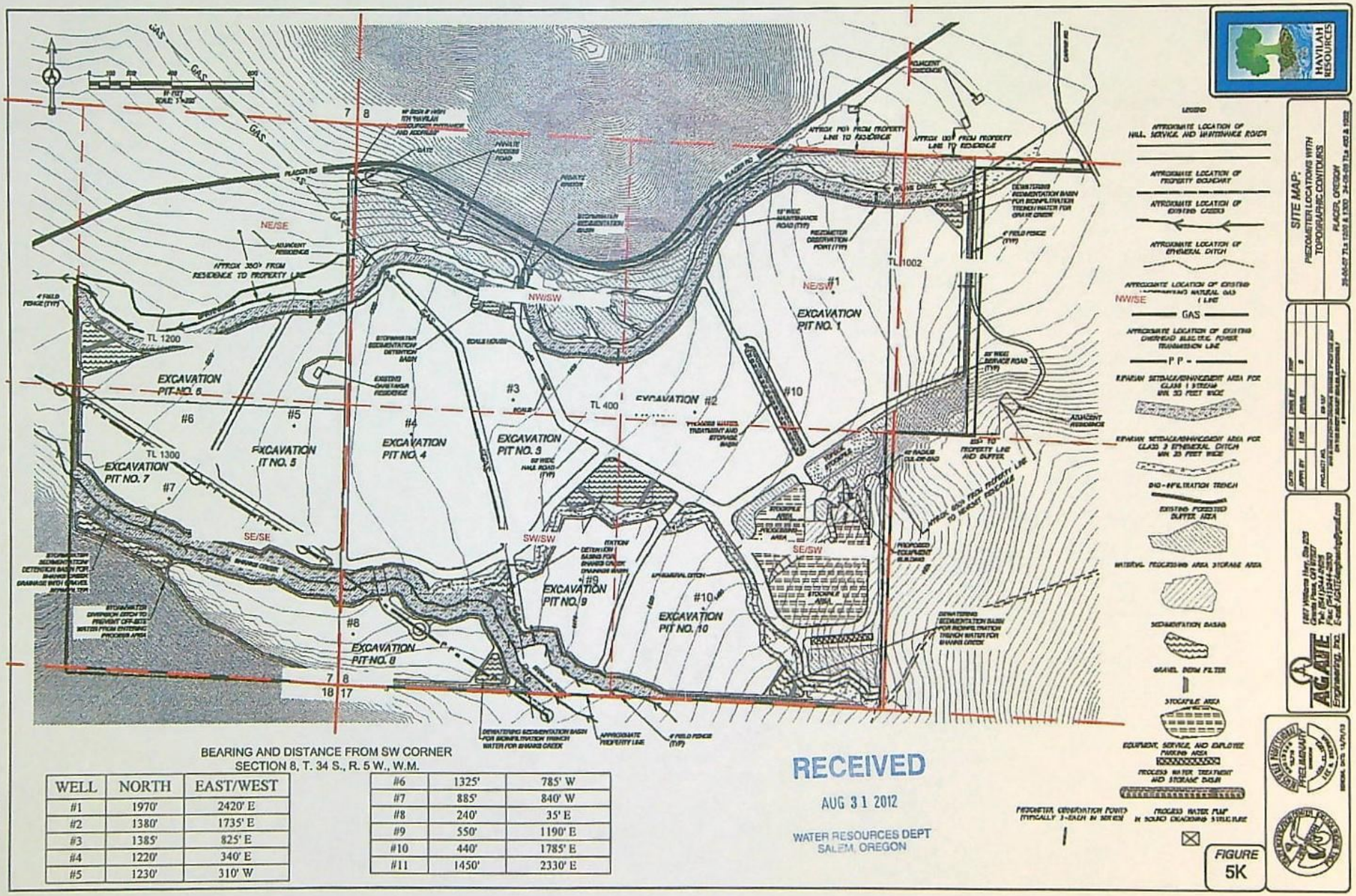


BEARING AND DISTANCE FROM SW CORNER
SECTION 8, T. 34 S., R. 5 W., W.M.

WELL	NORTH	EAST/WEST
#1	1970'	2420' E
#2	1380'	1735' E
#3	1385'	825' E
#4	1220'	340' E
#5	1230'	310' W

#6	1325'	785' W
#7	885'	840' W
#8	240'	35' E
#9	550'	1190' E
#10	440'	1785' E
#11	1450'	2330' E

RECEIVED
AUG 31 2012
WATER RESOURCES DEPT
SALEM, OREGON



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#10	440'	1785' E
#11	1450'	2330' E

RECEIVED
AUG 31 2012
WATER RESOURCES DEPT
SALEM, OREGON

LL-1432

Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Water Resources Department
700 Dimmick St. Suite C
Grants Pass, OR 97526-1013

May 13, 2014

Josephine County Planning
700 NW Dimmick, Suite C
Grants Pass, Oregon 97526

RE: Sunny Valley Sand and Gravel, Conflict Minimization Hearing May 12, 2014, Groundwater

Dear Ms. Zilverberg:

The following are questions in response to the testimony by Gary Peterson for Sunny Valley Sand and Gravel (SVSG), regarding water use for the mining operation.

The Oregon Water Resources Department (OWRD) recognizes that all existing wells are not represented in our database for well logs nor on the mapped well locations. How was the map created that showed the locations of wells within the 1500 feet injury mitigation zone? If the well logs from our WRIS database were the source, the locations are often incorrect in terms of quarter quarters and the list is incomplete. The only way to have an accurate representation of the existing wells within the area would have been to complete a door to door approach.

As to the comment that Grave Creek would provide a buffer that would prevent interference to wells north of the creek, sufficient evidence of this statement was not provided. In the event that Grave Creek goes dry adjacent to the site, the dewatering impact to neighboring wells is unknown.

Mr. Peterson stated that the dewatering of the excavation pits would not impact groundwater or local wells. He said with the completion of each excavation, the pit would refill with water and the surrounding area would be remediated with the pits left open as ponds. The map submitted to OWRD for Groundwater (gw) Application 17580 shows 10 pits located across the 200 acres. He does not address the loss of water through evaporation from the 10 pits.

GW17580 requests 8.43 cfs of groundwater for mining operations. The three reservoir applications that were submitted to OWRD by SVSG, R87930, R87931, and R87932, requesting a total of 215 acre feet of water, are currently on administrative hold, as requested by SVSG's attorney, Martha Pagel. If approved, these applications would interface with groundwater. Tim Wallin, Manager for the OWRD Water Rights Program has stated that "All the applications seem to suffer from the same difficulty, namely that according to their own geologist's report, the excavations will intersect GW that is hydraulically-connected to Grave Creek, from which water is not available. It seems unlikely that we could approve *any* water-use authorization that would involve intersection of the GW table." As it appears that OWRD will not issue any consumptive use water rights, has SVSG considered alternative water supplies?

Mr. Peterson was asked by one of the commissioners if Grave Creek ever goes dry. He stated he didn't know. Data from both OWRD's website and the USGS website provides historic data that demonstrates Grave Creek has gone dry in varying months of some years.

As was discussed during the May 12, 2014 Hearing, please submit these questions to Gary Peterson and the questions with responses to the Josephine County Planning Commissioners. Thank you for your assistance.

Sincerely,

Kathy Smith
Watermaster, District14

Oregon
John A. Kitzhaber, MD, Governor

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

CERTIFIED MAIL
Return Receipt Requested

HAVILAH RESOURCES LLC
1867 WILLIAMS HWY SUITE 110
GRANTS PASS, OR 97527

November 9, 2012

Reference: File G-17580

Dear Applicant:

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

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

Initial Review Determinations:

1. The Department interpreted the sources of water as the eleven (11) sump wells. If it is appropriate to consider the "point of appropriation" in the SW 1/4 of the SW 1/4 of Section 8 as a source of water, please provide a map that shows the coordinates by reference to a recognized public land survey corner for this well, and $250 for exam fees **no later than Thursday, December 13, 2012.** If you are unable to meet this time line, you may send a written request for an administrative hold for up to an additional 180 days. If we don't receive these items, the Department will continue to exclude this well as a source of water under the application.

2. The application proposed the appropriation of 8.45 cubic feet per second (CFS) of water from Sump Well 1, Sump Well 2, Sump Well 3, Sump Well 4, Sump Well 5, Sump Well 6, Sump Well 7, Sump Well 8, Sump Well 9, Sump Well 10, and Sump Well 11 in Grave Creek Basin for year-round mining.

3. The proposed use is not prohibited by law or rule except where otherwise noted below.

4. The appropriation of water from Sump Well 1, Sump Well 2, Sump Well 3, Sump Well 4, Sump Well 5, Sump Well 6, Sump Well 7, Sump Well 8, Sump Well 9, Sump Well 10, and Sump Well 11 in Grave Creek Basin for year-round mining is allowable under the Rogue Basin Program.

5. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

The Department has determined, based upon OAR 690-009, that the proposed ground water use will have the potential for substantial interference (PSI) with Grave Creek, an unnamed tributary to Shanks Creek, and Shanks Creek. Therefore, in accordance with OAR 690-400-0010(11)(a)(B), surface water availability must also be considered. Surface water is not available at any time of year.

The Department's evaluation of the proposed mitigation for PSI finds that the water proposed for the mitigation is to be appropriated under this application; however, to effectively mitigate for a new appropriation, mitigation water must come from an existing right.

6. Due to determination #5, it is unlikely a permit will be issued, however, if the Department's findings change, additional information will be required to process the application prior to issuance of any Proposed Final Order.

   - Documentation that demonstrates the proposed use complies with the local acknowledged comprehensive land-use plan, or that you are actively pursuing approval from the Josephine County Planning Department

     The signed receipt allowed the Department to accept the application, however, in order to continue processing the application and issue a Proposed Final Order, the Department requires compliance with the land-use plan or active pursual of discretionary land-use approvals. Note that before a permit will be issued the Department must receive documentation from the relevant planning jurisdiction that either 1) the proposed use is allowed outright or 2) that an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded.

Summary of Allowable Water Use

Because not all items above are favorable, the use of 8.45 CFS of water from Sump Well 1, Sump Well 2, Sump Well 3, Sump Well 4, Sump Well 5, Sump Well 6, Sump Well 7, Sump Well 8, Sump Well 9, Sump Well 10, and Sump Well 11 in Grave Creek Basin for year-round mining is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a $200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, November 23, 2012**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

1. Measurement, recording and reporting conditions:

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

   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 water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

   C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where any meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

   D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

   Measurements must be made according to the following schedule:

   Before Use of Water Takes Place
   Initial and Annual Measurements
   The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

   After Use of Water has Begun
   Seven Consecutive Annual Measurements
   Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The

additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

A. Identify each well with its associated measurement; and
B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
C. Specify the method used to obtain each well measurement; and
D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
C. Annual water level measurements reveal a water level decline of 25 or more feet; or
D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. The well(s) and sumps shall allow ground water only from the alluvial ground water reservoir.

4. 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.

5. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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 503-986-0859 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: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17580
WAB 15-31531009 and 15-71034
POU 15-65% in 71034, 35% in 31531009
GW

APPLICATION FACT SHEET

Application File Number: G-17580

Applicant: HAVILAH RESOURCES LLC

County: Josephine

Watermaster: 14

Priority Date: August 31, 2012

Source: SUMP WELL 1, SUMP WELL 2, SUMP WELL 3, SUMP WELL 4, SUMP WELL 5, SUMP WELL 6, SUMP WELL 7, SUMP WELL 8, SUMP WELL 9, SUMP WELL 10, AND SUMP WELL 11 IN GRAVE CREEK BASIN

Use: MINING

Quantity: 8.45 CUBIC FEET PER SECOND

Basin Name & Number: Rogue, #15

Stream Index Reference: Volume 5 GRAVE CR

Point of Diversion or Well Location(s):

SUMP WELL 1: NESW, SECTION 8, T34S, R5W, W.M.;1970 FEET NORTH AND 2420 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 2: NESW, SECTION 8, T34S, R5W, W.M.;1380 FEET NORTH AND 1735 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 3: NWSW, SECTION 8, T34S, R5W, W.M.;1385 FEET NORTH AND 825 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 4: SWSW, SECTION 8, T34S, R5W, W.M.;1220 FEET NORTH AND 340 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 5: SESE, SECTION 7, T34S, R5W, W.M.;1230 FEET NORTH AND 310 FEET WEST FROM SE CORNER, SECTION 7

SUMP WELL 6: NESE, SECTION 7, T34S, R5W, W.M.;1325 FEET NORTH AND 785 FEET WEST FROM SE CORNER, SECTION 7

SUMP WELL 7: SESE, SECTION 7, T34S, R5W, W.M.;885 FEET NORTH AND 840 FEET WEST FROM SE CORNER, SECTION 7

SUMP WELL 8: SWSW, SECTION 8, T34S, R5W, W.M.;240 FEET NORTH AND 35 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 9: SWSW, SECTION 8, T34S, R5W, W.M.;550 FEET NORTH AND 1190 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 10: SESW, SECTION 8, T34S, R5W, W.M.;440 FEET NORTH AND 1785 FEET EAST FROM SW CORNER, SECTION 8

SUMP WELL 11: NESW, SECTION 8, T34S, R5W, W.M.;1450 FEET NORTH AND 2330 FEET EAST FROM SW CORNER, SECTION 8

Place of Use:

NE ¼ SE ¼
SE ¼ SE ¼
SECTION 7

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SECTION 8
TOWNSHIP 34 SOUTH, RANGE 5 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 23, 2012

PUBLIC NOTICE DATE: Tuesday, November 13, 2012

30 DAY COMMENT DEADLINE DATE: Thursday, December 13, 2012

Mailing List for IR Copies

Application #G-17580 IR Date: November 9, 2012

Original mailed to applicant:

HAVILAH RESOURCES LLC, 1867 WILLIAMS HWY SUITE 110, GRANTS PASS, OR 97527

SENT VIA EMAIL:
1. WRD - Watermaster # 14
2. ODFW
3. DEQ

Copies sent to:
1. WRD - File # G-17580
2. WRD - Water Availability: Ken Stahr

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

IR, Map, and Fact Sheet Copies sent to:
1.WRD - Regional Manager (not SCR): SW
2. Department of Agriculture

Copies sent to Other Interested Persons *(CWRE, Agent, Well Driller, Commenter, etc.)*
1. Pagel, Martha
   Schwabe, Williamson & Wyatt, 530 Center St. NE, STE 400, Salem OR 97301

2. Christensen, Ralph
   EGR & Assoc Inc, 2535 B Prairie Rd, Eugene OR 97402

3. DOGAMI, Dr. Vicki McConnell, State Geologist,
   800 NE Oregon Street #28, Suite 965, Portland OR 97232

Caseworker: Jeana Eastman

\COPYSHT.IR

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G - 17580

ROUTED TO: Jeana Eastman

TOWNSHIP/
RANGE-SECTION: 34S / 5W - 7+8

CONDITIONS ATTACHED?: [X] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:
there is an LL 1434 also in process: same proposal + review

Reviewer: Jen Woody

WATER RESOURCES DEPARTMENT

MEMO 10/16/2012, ~~200~~

TO: **Application G-** 17580

FROM: **GW:** Jen Woody
(Reviewer's Name)

SUBJECT: **Scenic Waterway Interference Evaluation**

X YES
The source of appropriation is within or above a Scenic Waterway
____ NO

X YES
Use the Scenic Waterway condition (Condition 7J)
____ NO

X Per ORS 390.835, the Ground Water Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below.

____ Per ORS 390.835, the Ground Water Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway.**

DISTRIBUTION OF INTERFERENCE

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0.093	0.088	0.086	0.084	0.083	0.082	0.082	0.081	0.081	0.080	0.080	0.080

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date **10/10/2012**

FROM: Ground Water/Hydrology Section Jen Woody
Reviewer's Name

SUBJECT: Application G- 17580 Supersedes review of **n/a**
Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

A. GENERAL INFORMATION: Applicant's Name: **Havilah Resources, LLC** County: **Josephine**

A1. Applicant(s) seek(s) pump at 8.45 cfs, consumptive use = 0.23 cfs (101.6 gpm) cfs from 11 well(s) in the Rogue Basin, Graves Creek subbasin Quad Map: Golden and Sexton Mountain

A2. Proposed use mining Seasonality: year- round

A3. Well and aquifer data **(attach and number logs for existing wells; mark proposed wells as such under logid)**:

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	PROP 999999	#1	ALLUVIUM	200**	34S/5W-8 NE SW	1970'N, 2420'E fr SW cor S 8
2	PROP 999999	#2	ALLUVIUM	200	34S/5W-8 NESW	1380' N, 1735'E FR SW COR S 8
3	PROP 999999	#3	ALLUVIUM	200	34S/5W-8 NWSW	1385' N, 825' E FR SW COR S 8
4	PROP 999999	#4	ALLUVIUM	200	34S/5W-8 SWSW	1220' N, 340' E FR SW COR S 8
5	PROP 999999	#5	ALLUVIUM	200	34S/5W-7 SESE	1230' N, 310' W FR SW COR S 8
6	PROP 999999	#6	ALLUVIUM	200	34S/5W-7 SESE	1325' N, 785' W FR SW COR S 8
7	PROP 999999	#7	ALLUVIUM	200	34S/5W-7 SESE	885' N, 840' W FR SW COR S 8
8	PROP 999999	#8	ALLUVIUM	200	34S/5W-8 SWSW	240' N, 35' E FR SW COR S 8
9	PROP 999999	#9	ALLUVIUM	200	34S/5W-8 SWSW	550' N, 1190' E FR SW COR S 8
10	PROP 999999	#10	ALLUVIUM	200	34S/5W-8 SESW	440' N, 1785' E FR SW COR S 8
11	PROP 999999	#11	ALLUVIUM	200	34S/5W-8 NESW	1450' N, 2330' W FR SW COR S8

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	1410	10	10	*	65	none	none	none	none			
2	1385	10	10	*	65	none	none	none	none			
3	1370	10	10	*	65	none	none	none	none			
4	1365	10	10	*	65	none	none	none	none			
5	1350	10	10	*	65	none	none	none	none			
6	1340	10	10	*	65	none	none	none	none			
7	1350	10	10	*	65	none	none	none	none			
8	1360	10	10	*	65	none	none	none	none			
9	1380	10	10	*	65	none	none	none	none			
10	1400	10	10	*	65	none	none	none	none			
11	1390	10	10	*	65	none	none	none	none			

Use data from application for proposed wells.

A4. **Comments:** *POAs are proposed, so actual depth to water is unknown. The application estimates water levels in the sumps will be 2 – 12 feet below land surface. Water level before the pump test described in this application was 9.25 feet below land surface. For the purposes of this evaluation, 10 feet below land surface is assumed for all POAs.
POAs are proposed as sumps, so casing and seal is not specified.
Application estimates consumptive use = 100 gpm. This rate represents an estimate of evaporative losses , material wetting road construction and dust control. **Given the uncertainty of this estimate, this review uses 200 gpm as the consumptive use as a factor of safety.

A5. ☒ **Provisions of the** Middle Rogue Basin Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ **are,** *or* ☒ **are not,** activated by this application. (Not all basin rules contain such provisions.)
Comments: Basin Rules limit the use of surface water for mining to November 1- May 1.

A6. ☐ **Well(s) #** _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
Name of administrative area: _____
Comments: _____

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. **Based upon available data,** I have determined that ground water* for the proposed use:

a. ☐ **is** over appropriated, ☐ **is not** over appropriated, *or* ☒ **cannot be determined to be** over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;

b. ☐ **will not** *or* ☐ **will** likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;

c. ☐ **will not** *or* ☐ **will** likely to be available within the capacity of the ground water resource; or

d. ☒ **will, if properly conditioned,** avoid injury to existing ground water rights or to the ground water resource:
   i. ☒ The permit should contain condition #(s) **7B, 7C, 7J**;
   ii. ☒ The permit should be conditioned as indicated in item 2 below.
   iii. ☐ The permit should contain special condition(s) as indicated in item 3 below;

B2. a. ☐ **Condition** to allow ground water production from no deeper than _____ ft. below land surface;

b. ☐ **Condition** to allow ground water production from no shallower than _____ ft. below land surface;

c. ☒ **Condition** to allow ground water production only from the **alluvial** ground water reservoir ~~between approximately _____ ft. and _____ ft. below land surface;~~

d. ☐ **Well reconstruction** is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. **Ground water availability remarks:** Because there are no nearby wells with long-term water level data, the groundwater resource cannot be determined to be over appropriated. The nearest groundwater permit or certificate is about one mile downstream from this project. Measureable pumping effects are not expected at that distance. As an example of well density, there are 34 domestic well logs in OWRD's database for 34S/5W-Section 8. Median yield is 5 gpm at the time of drilling (air tests predominate). Anecdotal information describes very low-yielding domestic wells that are marginal, especially in the dry season. Most well logs report water in the fractured bedrock underlying the unconsolidated materials that are the subject of this proposed aggregate mine. The cone of depression created by pumping in the alluvium will likely intersect Grave or Shanks Creek before it can interfere with wells on the other side of the creeks. Given the marginal nature of well yields in the area, and the fact that exact locations of nearby exempt wells are unknown, the well interference condition is recommended (7B).

DOGAMI permit is needed for mining activities, in addition to Land Use approval from Josephine County.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. **690-09-040 (1):** Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Alluvium	☐	☒
2	Alluvium	☐	☒
3	Alluvium	☐	☒
4	Alluvium	☐	☒
5	Alluvium		☒
6	Alluvium		☒
7	Alluvium		☒
8	Alluvium		☒
9	Alluvium		☒
10	Alluvium		☒
11	Alluvium	☐	☒

Basis for aquifer confinement evaluation: Aquifer materials are unconsolidated, poorly sorted sand, gravel, clay and cobbles; field observations revealed no clear horizontal bedding or other obvious confining layer. Materials may be colluvium, alluvium, or some combination of the two.

C2. **690-09-040 (2) (3):** Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected? YES	NO	ASSUMED	Potential for Subst. Interfer. Assumed? YES	NO
1	1	Grave Creek	1400	1400	460	☐	☐	☒	☒	☐
1	3	Unnamed trib to Shanks Creek	1400	1390	1366	☒	☐	☐	☐	☒
2	1	Grave Creek	1375	1380	400	☐	☐	☒	☒	☐
2	3	Unnamed trib to Shanks Creek	1375	1385	570	☐	☐	☒	☒	☐
3	1	Grave Creek	1360	1365	400	☐	☐	☒	☒	☐
3	3	Unnamed trib to Shanks Creek	1360	1375	600	☐	☐	☒	☒	☐
4	1	Grave Creek	1355	1355	820	☐	☐	☒	☒	☐
4	2	Shanks Creek	1355	1350	680	☐	☐	☒	☒	☐
5	1	Grave Creek	1340	1340	630	☐	☐	☒	☒	☐
5	2	Shanks Creek	1340	1350	600	☐	☐	☒	☒	☐
6	1	Grave Creek	1330	1340	400	☐	☐	☒	☒	☐
6	2	Shanks Creek	1330	1350	560	☐	☐	☒	☒	☐
7	1	Grave Creek	1340	1340	840	☐	☐	☒	☒	☐
7	2	Shanks Creek	1340	1350	130	☐	☐	☒	☒	☐
8	1	Grave Creek	1350	1350	1680	☒	☐	☐	☐	☒
8	2	Shanks Creek	1350	1355	250	☐	☐	☒	☒	☐
9	1	Grave Creek	1370	1370	1090	☐	☐	☒	☒	☐
9	3	Unnamed trib to Shanks Creek	1370	1380	240	☐	☐	☒	☒	☐
9	2	Shanks Creek	1370	1380	370	☐	☐	☒	☒	☐
10	1	Grave Creek	1390	1380	1270	☐	☐	☒	☒	☐
10	2	Shanks Creek	1390	1375	660	☐	☐	☒	☒	☐
10	3	Unnamed trib to Shanks Creek	1390	1395	220	☐	☐	☒	☒	☐
11	1	Grave Creek	1380	1385	780	☐	☐	☒	☒	☐
11	3	Unnamed trib to Shanks Creek	1380	1390	850	☐	☐	☒	☒	☐

Basis for aquifer hydraulic connection evaluation: Elevations are based on topo map with 40 ft contours, so error is +/- 20 ft. Generally speaking, groundwater and surface water are coincident., the aquifer is unconfined, and every POA is less than ¼ mile from at least one surface water body. Therefore, by rule every POA has a PSI finding.

Water Availability Basin the well(s) are located within: POA 1 and 3 are in Watershed ID #: 31531009 GRAVE CR > ROGUE R - AB BURGESS G, all others are in Watershed ID #: 71034: GRAVE CR > ROGUE R - AB WOLF CR. However, all wells are expected to affect both WABs.

C3a. **690-09-040 (4):** Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
1	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	41.2%	☒
1	3	☐	☐	none	none	☐	2.40	☒	1.5%	☒
2	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	47.6%	☒
2	3	☒	☐	none	none	☐	2.40	☒	31.0%	☒
3	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	47.6%	☒
3	3	☒	☐	none	none	☐	2.40	☒	28.5%	☒
4	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	14.4%	☒
4	2	☒	☐	none	none	☐	2.40	☒	22.6%	☒
5	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	26.2%	☒
5	2	☒	☐	none	none	☐	2.40	☒	28.5%	☒
6	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	47.6%	☒
6	2	☒	☐	none	none	☐	2.40	☒	31.8%	☒
7	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	13.4%	☒
7	2	☒	☐	none	none	☐	2.40	☒	81.7%	☒
8	1	☐	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	0.3%	☒
8	2	☒	☐	none	none	☐	2.40	☒	65.6%	☒
9	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	5.2%	☒
9	3	☒	☐	none	none	☐	2.40	☒	66.9%	☒
9	2	☒	☐	none	none	☐	2.40	☒	51%	☒
10	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	2.4%	☒
10	2	☒	☐	none	none	☐	2.40	☒	24%	☒
10	3	☒	☐	none	none	☐	2.40	☒	69.5%	☒
11	1	☒	☐	MF256A IS71034A	40 4.35	☒	3.61	☒	16.5%	☒
11	3	☒	☐	none	none	☐	2.40	☒	13%	☒

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: ___

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													

Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)													
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation:

C4b. **690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.**

C5. ☐ **If properly conditioned**, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:

i. ☐ The permit should contain condition #(s)_____;

ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. **SW / GW Remarks and Conditions** **Mitigation for PSI is proposed in the application. That proposal is essentially to construct a 2 foot deep infiltration canal between any POA and any creek, to buffer impacts to the stream from pumping. However, the proposal is to use water appropriated under this Limited License to mitigate for the use under this Limited License, which is circular reasoning. To effectively mitigate for a new appropriation, mitigation water must come from an existing right.**

References Used:

Jenkins, C.T., 1970, Computation of rate and volume of stream depletion by wells: U.S. Geol. Survey Techniques of Water-Resources Investigations of the Unites States Geological Survey, Chapter D1, Book 4,17 p.

D. WELL CONSTRUCTION, OAR 690-200

D1. **Well #:** _____ **Logid:** _____

D2. **THE WELL does not meet current well construction standards based upon:**
- a. ☐ review of the well log;
- b. ☐ field inspection by _____;
- c. ☐ report of CWRE _____;
- d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency:**
- a. ☐ constitutes a health threat under Division 200 rules;
- b. ☐ commingles water from more than one ground water reservoir;
- c. ☐ permits the loss of artesian head;
- d. ☐ permits the de-watering of one or more ground water reservoirs;
- e. ☐ other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

D5. **THE WELL**
- a. ☐ **was,** *or* ☐ **was not** constructed according to the standards in effect at the time of original construction or most recent modification.
- b. ☐ I don't know if it met standards at the time of construction.

D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

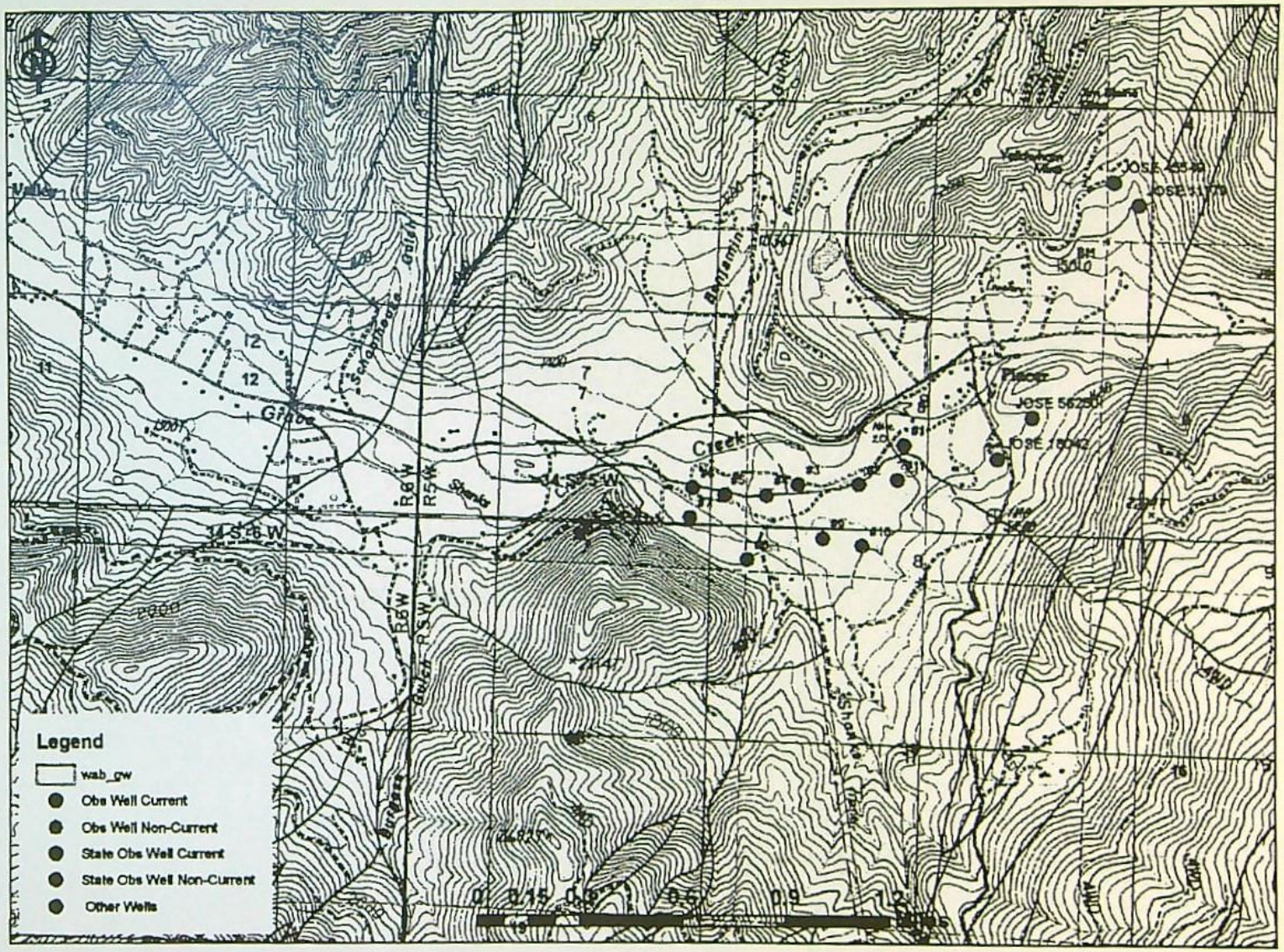
D7. ☐ Well construction deficiency has been corrected by the following actions: _____

_____ _____, 200____.
(Enforcement Section Signature)

D8. ☐ **Route to Water Rights Section (attach well reconstruction logs to this page).**

Application G-17580 Date: Page 9

G17580 Havilah



Water Availability Tables

WATER AVAILABILITY TABLE

GRAVE CR > ROGUE R - AB BURGESS G

Watershed ID #: 31531009 **Basin: ROGUE** **Exceedance Level: 80**
Time: 11:01 AM **Date: 10/04/2012**

# Watershed Nest	ID Number	Stream Name	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	STOR
1	266	ROGUE R > PACIFIC OCEAN - AT MOUTH	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES
2	31531008	ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
3	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
4	71035	GRAVE CR > ROGUE R - AT MOUTH	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
5	71034	GRAVE CR > ROGUE R - AB WOLF CR	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
6	31531009	GRAVE CR > ROGUE R - AB BURGESS G	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

GRAVE CR > ROGUE R - AB BURGESS G

Watershed ID #: 31531009 Basin: ROGUE Exceedance Level: 80
Time: 8:12 AM Date: 10/02/2012

Monthly values are in cfs.
Storage is the annual amount at 50% exceedance in ac-ft.

Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
JAN	50.50	0.05	50.50	0.00	0.00	50.50
FEB	80.10	0.08	80.00	0.00	0.00	80.00
MAR	79.60	0.05	79.50	0.00	0.00	79.50
APR	49.70	0.94	48.80	0.00	0.00	48.80
MAY	25.30	1.49	23.80	0.00	0.00	23.80
JUN	10.50	2.09	8.41	0.00	0.00	8.41
JUL	5.00	2.79	2.21	0.00	0.00	2.21
AUG	3.30	2.30	1.00	0.00	0.00	1.00
SEP	2.40	1.51	0.89	0.00	0.00	0.89
OCT	3.00	0.50	2.50	0.00	0.00	2.50
NOV	8.50	0.04	8.46	0.00	0.00	8.46
DEC	27.80	0.04	27.80	0.00	0.00	27.80
ANN	41,100	722	40,300	0	0	40,300

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

GRAVE CR > ROGUE R - AB WOLF CR

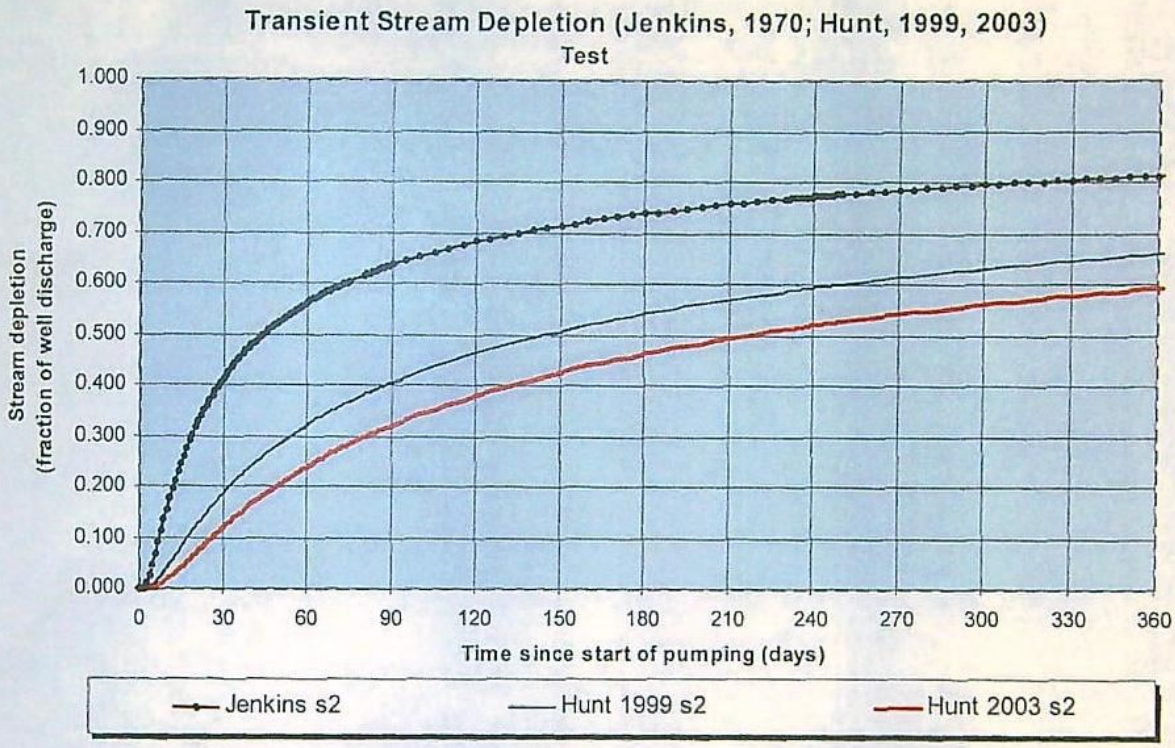
Watershed ID #: 71034 Basin: ROGUE Exceedance Level: 80

Time: 8:15 AM Date: 10/02/2012

Monthly values are in cfs.
Storage is the annual amount at 50% exceedance in ac-ft.

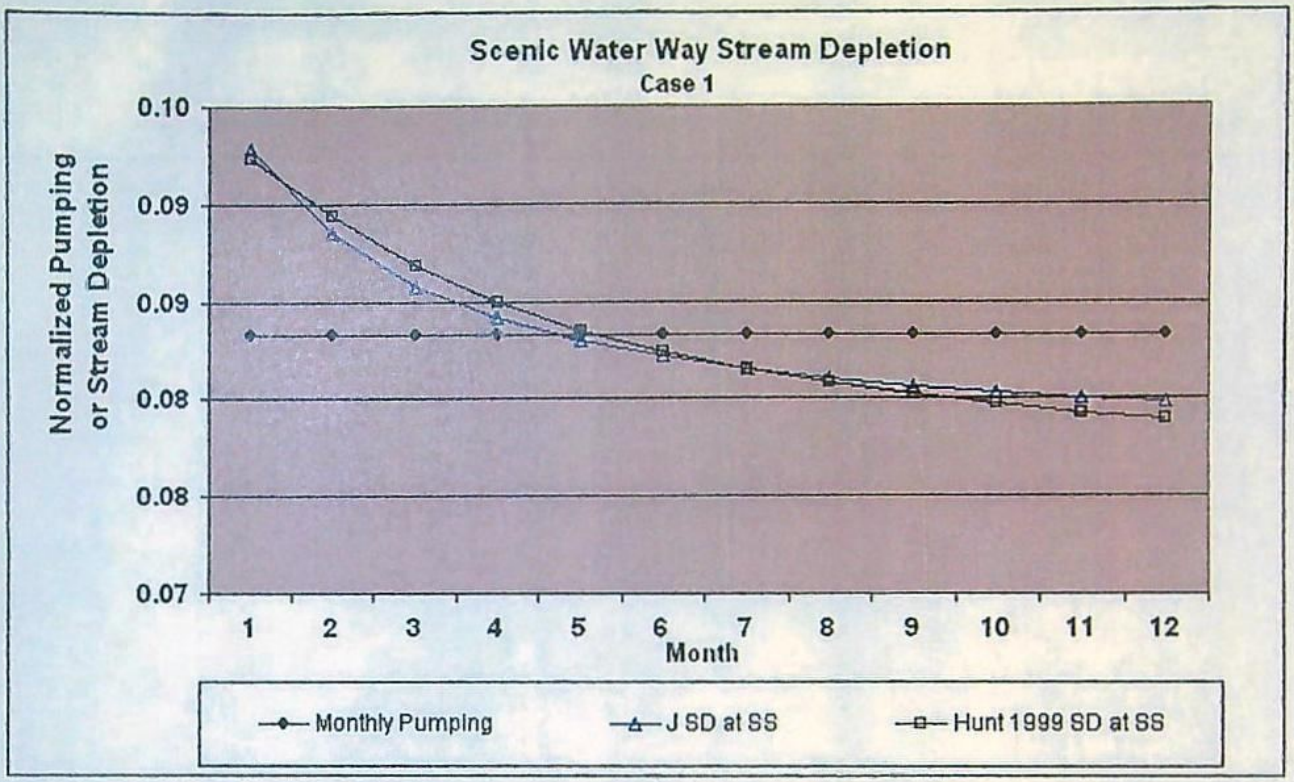
Month	Natural Stream Flow	Consumptive Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Requirements	Net Water Available
JAN	76.20	0.40	75.80	0.00	135.00	-59.20
FEB	120.00	0.49	120.00	0.00	135.00	-15.50
MAR	117.00	0.40	117.00	0.00	135.00	-18.40
APR	69.50	1.70	67.80	0.00	119.00	-51.20
MAY	33.70	2.55	31.10	0.00	50.60	-19.50
JUN	13.70	3.47	10.20	0.00	40.00	-29.80
JUL	7.02	4.56	2.46	0.00	8.89	-6.43
AUG	4.97	3.80	1.17	0.00	5.09	-3.92
SEP	3.61	2.59	1.02	0.00	40.00	-39.00
OCT	4.06	1.03	3.03	0.00	40.00	-37.00
NOV	10.50	0.32	10.20	0.00	80.00	-69.80
DEC	38.30	0.34	38.00	0.00	135.00	-97.00
ANN	60,500	1,310	59,200	0	55,500	13,100

Stream Depletion Calculations: for POA 1 and stream 1. The same parameters were used for each calculation, varying only distance to creeks as necessary. The Jenkins model is the most appropriate one for this application given the cobbly streambed and lack of aquifer confining layer.



Output for Stream Depletion, Scenerio 2 (s2):						Time pump on (pumping duration) = 365 days						
Days	30	60	90	120	150	180	210	240	270	300	330	360
J SD	41.2%	56.2%	63.6%	68.2%	71.4%	73.8%	75.7%	77.2%	78.5%	79.5%	80.5%	81.3%
H SD 1999	18.5%	32.1%	40.5%	46.4%	50.8%	54.2%	57.0%	59.4%	61.4%	63.1%	64.6%	65.9%
H SD 2003	11.96%	23.92%	32.08%	38.05%	42.66%	46.36%	49.41%	52.00%	54.22%	56.16%	57.87%	59.40%
Qw, cfs	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446	0.446
H SD 99, cfs	0.083	0.143	0.180	0.207	0.226	0.242	0.254	0.265	0.273	0.281	0.288	0.294
H SD 03, cfs	0.053	0.107	0.143	0.170	0.190	0.207	0.220	0.232	0.242	0.250	0.258	0.265

Parameters:		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate of well	Qw	200.00	200.00	200.00	gpm
Time pump on (pumping duration)	tpon	365	365	365	days
Perpendicular from well to stream	a	1366	460	1366	ft
Well depth	d	65	65	65	ft
Aquifer hydraulic conductivity	K	7	7	7	ft/day
Aquifer saturated thickness	b	15	15	15	ft
Aquifer transmissivity	T	105	105	105	ft*ft/day
Aquifer storativity or specific yield	S	0.02	0.02	0.02	
Aquitard vertical hydraulic conductivity	Kva	1	0.1	1	ft/day
Aquitard saturated thickness	ba	3	3	3	ft
Aquitard thickness below stream	babs	3	3	3	ft
Aquitard porosity	n	0.01	0.01	0.01	
Stream width	ws	15	15	15	ft



Region	28	Steady state stream depletion as a fraction of pumping normalized to crop water use consumption.											
Month	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Resid
Qw	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.00
J SD SS	0.093	0.088	0.086	0.084	0.083	0.082	0.082	0.081	0.081	0.080	0.080	0.080	0.000
H99 SD SS	0.092	0.089	0.087	0.085	0.084	0.082	0.082	0.081	0.080	0.080	0.079	0.079	0.000

Parameters:		Values	Units	
Maximum number of years pumped	yrmax	25	years	
Days pumped each month	tpoff	30.4375	days/month	
Perpendicular from well to stream	a	460	ft	
Well depth	d	65	ft	
Aquifer hydraulic conductivity	K	7	ft/day	
Aquifer saturated thickness	b	55	ft	
Aquifer transmissivity	T_ft	385	ft*ft/day	= K*b
Aquifer transmissivity	T_gal	2,880	gpd/ft	= K*b
Aquifer storativity or specific yield	S	0.2		
Streambed conductivity (Hunt 1999)	Ks	1	ft/day	
Streambed thickness, Hunt 1999	bs	3	ft	
Stream width (Hunt 1999)	ws	10	ft	
Streambed conductance (lambda)	sbc	3.3333	ft/day	= Ks*ws/bs
Stream depletion factor	sdf	109.9221	days	= (a^2*S)/(T)
Streambed factor	sbf	3.9827		= sbc*a/T

Oregon Water Resources Department

Order on Reconsideration of
Final Order to Deny
Limited License Application LL-1434

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within 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.

Requested Water Use

On August 31, 2012, the Water Resources Department received completed application **LL-1434** from Havilah Resources LLC for the use of 8.45 cubic feet per second from 11 sump wells, located in the NE ¼, SW ¼, - NW 1/4, SW ¼ - SW ¼, SW ¼ - SE ¼, SW ¼, Section 8, the NE ¼, SW ¼ - SE ¼, SE ¼, Section 7, all in Township 34 South, Range 5 West, W.M., for mining use, for the period of license issuance through issuance of a permit for this same use.

Authorities

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

A limited license will not be issued for more than five consecutive years for the same use, as directed by ORS 537.143(8).

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).

2. The Department provided public notice of the application, on September 11, 2012, as required by OAR 690-340-0030(2).

3. This request is limited to an area within a single drainage basin as required by OAR 690-340-0030(3).

4. The Department has determined that water is not available at any time of the year for the requested use.

5. The Department has determined that the proposed source has not been withdrawn from further appropriation.

6. The Department has not been notified that Land Use approval from Josephine County has been obtained as required by OAR 690-005.

7. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's rules under OAR 690-33. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. Peter Samarin of Oregon Department of Fish and Wildlife (ODFW) commented on September 25, 2012. Grave Creek provides spawning, rearing, and migration habitat for federally threatened Coho salmon, and state sensitive summer steelhead and Pacific lamprey. Grave Creek also ranks as a stream in the highest need of flow restoration, and water use should be allowed only when instream water right flows are met. Heather Tugaw of Oregon Department of Environmental Quality (ODEQ) commented on September 25, 2012. Grave Creek has been placed on the 303(d) list, category 3 for several pollutants. In addition, the Rogue River Basin Temperature TMDL has been approved and applies to Grave Creek.

8. As part of its review to determine ground water availability, the Department's Ground Water/Hydrology Section has determined that the proposed sump wells would be hydraulically connected with the potential for substantial interference (PSI) with either Grave Creek, Shanks Creek, or an unnamed tributary to Shanks Creek. In addition, reductions in monthly flows in the Rogue Scenic Waterway, have been calculated. An evaluation of the proposed mitigation for PSI shows that the water proposed for the mitigation is to be appropriated under this limited license. To mitigate effectively for a new appropriation, mitigation water must come from an existing right.

9. During the public comment period, the Department received 81 timely comments related to the possible issuance of the license. All but one comment opposed issuance of a license, arguing that there would be numerous detrimental effects. Topics included well interference, water availability, streamflow, wildlife and spawning issues, noise, heavy vehicle traffic, reduction in property values, rural peaceful atmosphere and pollution. One comment supported the application as a source of economic development. These comments were considered carefully, and a comment evaluation is included in the file.

10. On December 10, 2012, the Department received a timely request for reconsideration from Martha Pagel acting as agent for the applicant. The Department has reconsidered its decision, and determined that finding #7 restricting mining use to the period November 1 through May 1, as described in OAR 690-515-0040(1)(E)(i), should not have been included in the Final Order.

Conclusions of Law

1. Water is not available for the proposed use at any time as required under OAR 690-340-0030(1)(b).
2. The applicant has not demonstrated that the proposed use is compatible with the Josephine County Comprehensive Plan as required by OAR 690-005.
3. The proposed water use will impair or be detrimental to the public interest, which is not allowable under OAR 690-340-0030(2).

Order

1. Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, application **LL-1434** is denied. This order supersedes that issued on October 11, 2012.

Issued January 14, 2013

E. Timothy Wall

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

Enclosures – Reconsideration of limited license denial

cc: Kathy A. Smith, District 14 Watermaster
Peter Samarin, ODFW
Heather Tugaw, DEQ
Hydrographics
File

If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271
Phone: (503) 986-0817 Fax: (503) 986-0901

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Sunny Valley Sand and Gravel, Inc.

1867 Williams Highway #260, Grants Pass, OR 97527; 541-244-2644; andreas@blech.us

Reservoir Name: Reservoir 2 Source: Grave Creek Volume (AF): 70.0

Twp Rng Sec QQ: T34S, R5W, Sec. 8, NE SW & SE SW Basin Name: Rogue River ☐ in-channel ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO[1] off channel? ..... ☒ **YES** ☐ **NO**
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF[2] <u>are or were historically</u> present?..... ☐ **YES** ☐ **NO**
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF <u>are or were historically</u> present:
a. Is there an ODFW-approved fish-passage plan?..... ☐ **YES** ☐ **NO**
b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ **YES** ☐ **NO**

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir <u>does not meet</u> the requirements of Oregon Fish Passage Law and <u>shall not</u> be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☒ **YES** ☐ **NO**
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period April through December poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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[1] **AO = Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

[2] **NMF = Native Migratory Fish** Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

R-87930

Grave Creek provides spawning, rearing, and migration habitat for Federally threatened coho salmon, and State sensitive summer steelhead and Pacific lamprey. Additionally, fall chinook salmon, coastal cutthroat trout and winter steelhead utilize Grave Creek.

There is an instream water right, IS71035A, present on Grave Creek. The purpose of the instream water right is to provide adequate water for spawning, rearing, and migration for the species listed above. OWRD has determined that water would be available for storage during the period January through March. ODFW recommends the applicant only be allowed to divert water during the period January through March if the instream flow requirements are being met.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ **NO** (explain) ☒ **YES** (select from Menu of Conditions on next page)

Fishdiv33
b51a; the period of use has been limited to January through March.
B57

ODFW Signature: Peter Samarin Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist Date: 8/29/2013

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

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WATER RESOURCES DEPT
SALEM, OREGON

R-87930

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised June 24, 2011

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

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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.

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b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level 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.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows

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

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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

R-87930

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Sunny Valley Sand and Gravel, Inc.

1867 Williams Highway #260, Grants Pass, OR 97527; 541-244-2644; andreas@blech.us

Reservoir Name: Reservoir 4 Source: Grave Creek Volume (AF): 80.0

Twp Rng Sec QQ: T34S, R5W, Sec. 7, NE SE & SE SE ~~T34S, R5W, Sec. 8, NW SW & SW SW~~ Basin Name: Rogue River ☐ in-channel ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) **Is the proposed project and AO[1] off channel?** ..... ☒ YES ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

2) **Is the proposed project or AO located where NMF[2] are or were historically present?** ..... ☐ YES ☐ NO
(if yes then proceed to #3; if no then proceed to #4)

3) **If NMF are or were historically present:**
a. Is there an ODFW-approved fish-passage plan? ..... ☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption? ..... ☐ YES ☐ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) **Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?** ..... ☒ YES ☐ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period April through December poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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[1] AO – Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

[2] NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

Grave Creek provides spawning, rearing, and migration habitat for Federally threatened coho salmon, and State sensitive summer steelhead and Pacific lamprey. Additionally, fall chinook salmon, coastal cutthroat trout and winter steelhead utilize Grave Creek.

There is an instream water right, IS71035A, present on Grave Creek. The purpose of the instream water right is to provide adequate water for spawning, rearing, and migration for the species listed above. OWRD has determined that water would be available for storage during the period January through March. ODFW recommends the applicant only be allowed to divert water during the period January through March if the instream flow requirements are being met.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ **NO** (explain) ☒ **YES** (select from Menu of Conditions on next page)

Fishdiv33
b51a; the period of use has been limited to January through March.
B57

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ODFW Signature: [signature] Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist Date: Dec 10 2013

NOTE: This completed form must be returned to the applicant.

Revised 8/2/11

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA **Revised June 24, 2011**

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CERTIFICATE OF FILING AND SERVICE

I certify that on this day I filed the foregoing PETITION FOR RECONSIDERATION AND STAY OF ORDERS on the following by email and, as a courtesy, by first class mail, postage prepaid by depositing in the U.S. Mail from Portland, Oregon:

Director Byler
Oregon Water Resources Department
725 Summer St. NE, STE A
Salem OR 97301
Director@wrd.state.or.us
cindy.s.smith@state.or.us

I further certify that I served the foregoing PETITION FOR RECONSIDERATION AND STAY OF ORDERS on the following by first class mail, postage prepaid by depositing in the U.S. Mail from Portland, Oregon:

Applicant:
Sunny Valley Sand and Gravel Inc.
Andreas Blech
1867 Williams Hwy Suite 260
Grants Pass, OR 97527

Agent and Counsel for Applicant:
Martha Pagel
Schwabe Williamson & Wyatt
530 Center St NE, Ste 730
Salem, OR 97301

Dated: November 13, 2017

/S/ Lisa A. Brown

_____

Lisa A. Brown, OSB No. 025240
WaterWatch of Oregon
213 SW Ash St. STE 208
Portland, OR 97204
Phone: 503.295.4039 x4
Email: lisa@waterwatch.org
Of Attorneys for WaterWatch of Oregon

SKOOKUM
WATER ASSOCIATES INC

February 5, 2014
Project No. 10058.001

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

Attention: Mr. Jerry Sauter

Additional Reservoir Construction Details
Oregon Water Resources Department (WRD) Applications LL-1504, R-87930, R-87931 and R-87932
Josephine County, Oregon

Dear Mr. Sauter,

This letter provides additional information on three reservoirs (Reservoirs 2, 3 and 4) proposed for the Sunny Valley Sand and Gravel property located in Sections 7 and 8 of Township 34 South, Range 5 West, Willamette Meridian. The construction of Reservoir 3 is proposed under LL-1504 and R-87931. The construction of Reservoirs 2 and 4 is proposed under Applications R-87930 and R-87932, respectively.

The information in this letter is intended to assist with the WRD's review of the construction details relative to the potential infiltration of groundwater into the reservoirs, especially during the periods Grave and Shank Creeks are closed to new appropriations.

SITE SETTING AND PROPOSED RESERVOIR CONSTRUCTION

The site is approximately 212 acres. Much of the property is relatively flat with a gentle slope downward to the west. Grave Creek is located on the northern side of the property and Shanks Creek, an ephemeral stream, lies on the southern portion. Plate 1 is a site plan showing the property boundaries, the creek locations and topographic information.

Three reservoirs are proposed for the site under Reservoir Applications LL-1504, R-87930, R-87931 and R-87932. The reservoirs will be excavated about 5 feet into the subsurface and have a 5-feet-tall berm on the downslope side as indicated in the profiles in the Section 8 Description of each application. Up to 8 feet of water will be stored in each reservoir. The reservoir locations are shown on Plate 1.

Information collected from site subsurface explorations by others indicates the bottom portion of each reservoir may be excavated several feet into the uppermost groundwater unit. The amount each reservoir will extend into groundwater will depend on the local ground surface elevation and the season; however, each reservoir will have a clay or synthetic liner to limit seepage from the reservoir as further discussed in this letter and to limit groundwater infiltration into the reservoirs.

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HYDROGEOLOGIC SETTING

In 2013, Kuper Consulting LLC explored the site subsurface conditions by excavating 17 exploratory trenches (identified as T-1 through T-17) and drilling two paired piezometers (designated SBV-1 and SBV-2) at the east and west sides of the site. The paired piezometers each consist of a piezometer less than 25 feet in depth and a piezometer that extends to at least 45 feet below ground surface (bgs). Plate 1 shows the locations of the trenches (denoted by the prefix SVT followed by the number) and piezometers. Copies of the Kuper logs as provided in Appendix B of Shannon & Wilson, Inc. (S&W, 2013) are attached.

The Appendix B logs indicate the site is covered by as much as 4 feet of topsoil, although the soils are generally less than 2 feet in thickness on much of the property. As described in S&W (2013), the subsurface materials below the topsoil are interpreted to be Quaternary-age sediments that overlie metavolcanic, dike and ultramafic bedrock units. Kuper believes much of the sediments were deposited as massive, fast-moving debris flows. The thickness of the sediments is reported to vary from 12 to 77 feet and average about 70 feet. The following two distinct gravel units were identified in the upper approximately 30 feet of the alluvial/mudflow deposits.

- The upper 10 to 20 feet of the subsurface consisted of a dark brown to gray-brown gravel-sand-clay mixture. The percentage of fines, described as undifferentiated clay and silt, were estimated to range from 5 to 15 percent.

- Between 10 to about 30 feet bgs, the materials consisted of a gray to gray-brown gravel-sand-clay mixture. The percentage of fines in this layer was estimated to range from 15 to 25 percent and is reported to consist primarily of a slightly plastic clay.

Groundwater was encountered at depths of 3 feet bgs to more than 28 feet bgs in the trenches, which were completed between May 28 and 30, 2013 according to the Appendix B logs. Table 1 summarizes the depths to groundwater encountered in the trenches and the inferred top-of-groundwater elevations. The amount that groundwater may annually fluctuate is estimated to be about 10 to 15 feet based on recent discussions with Kuper.

In 2013, S&W conducted a limited pumping test at the northwest corner of the site using two test pits and a shallow piezometer to observe the shallow aquifer response. The test indicated the shallow aquifer had a hydraulic conductivity of approximately 6×10^{-4} centimeters/second (cm/s). S&W indicated this result was consistent with a hydraulic conductivity of 3.8×10^{-5} cm/s that EGR & Associates, Inc. reported for a 2011 test. These conductivities are relatively low.

RESERVOIR DESIGN CONSIDERATIONS

The proposed designs provide that each reservoir will have a permanent clay or synthetic liner to limit seepage losses to the subsurface. The liner is critical because without it, the diverted water would drain into the shallow aquifer and be lost from use whenever the reservoir water level is higher than the groundwater surface. Conversely, the liner will limit groundwater from infiltrating into the reservoirs when the groundwater surface is higher than the bottom of the reservoir, thereby protecting against capturing groundwater likely to be in hydraulic connection with surface water. As groundwater levels seasonally decline below the bottom of the reservoirs, the potential to have any groundwater infiltrate into the reservoirs disappears.

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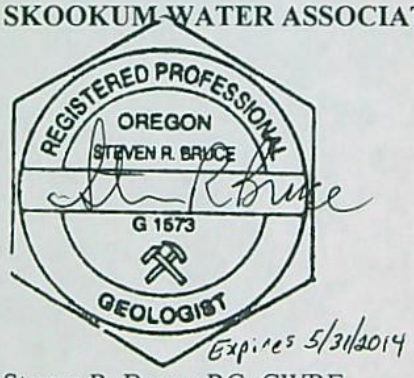
The need for a liner to retain the diverted water was a key reason to limit the reservoir bottoms to a depth of about 5 feet bgs, although this required expanding the footprint of each reservoir in order to store the requested amounts of water. It will be important to maintain a head on the liner higher than the local groundwater surface during the winter and early spring when groundwater elevations tend to be highest. The higher head in the reservoir is intended to offset the groundwater hydrostatic pressures, which could otherwise displace the reservoir liners. Increasing the reservoirs depths to more than 5 feet below the ground surface would have required maintaining more water in the reservoirs than would be needed with a shallow reservoir design.

Although spring 2013 was dry, a review of the depth-to-water observations for the exploratory trenches in and near each reservoir was at least 8 feet bgs in late May, below the proposed reservoir bottoms. We consider it likely that these ranges of water levels would be representative of water levels in the summer and early fall when it is especially critical to avoid intercepting groundwater hydraulically connected to surface water.

We trust this letter will assist with the WRD's review of the proposed reservoirs. Please call or email us if you have any questions about this letter.

Sincerely,

SKOOKUM WATER ASSOCIATES INC.



Steven R. Bruce, RG, CWRE
Principal Hydrogeologist

REFERENCES

Shannon & Wilson, Inc., August 2013, *Hydrogeologic Evaluation to Support Post-Acknowledgement Plan Amendment, Proposed Aggregate Quarry Land Use, Sunny Valley Sand & Gravel, Josephine County, Oregon*, Private Consulting Report

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Attachments: Plate 1
Table 1
Appendix B

Table 1. Exploratory Trench Water Levels Reported for late May 2013

Test Pit Number	Reported Ground Surface Elevation (feet)	Reported Maximum Depth of Trench (feet)	Reported Depth Seepage Occurred (feet)	Inferred Groundwater Elevation (feet)
T-1	1405	14.5	11.5	1393.5
T-2	1397	24	Deeper than 24 ft	Below 1373 ft
T-3	1385	26	8	1377
T-4	1375	28	Deeper than 28 ft	Below 1347 ft
T-5	1368	26	14	1354
T-6	1375	24	14	1361
T-7	1365	28	14	1351
T-8	1360	33	13	1347
T-9	1352	25	8	1344
T-10	1345	27	11	1334
T-11	1340	15	3	1337
T-12	1353	16	4	1349
T-13	1368	25	10	1358
T-14	1370	28	12	1358
T-15	1395	24	Deeper than 24 ft	Below 1373 ft
T-16	1380	25	8	1372
T-17	1380	24	9	1371

Notes:

1. See Appendix B for Kuper Consulting LLC exploratory trench logs.
2. Exploratory trench locations are shown on Plate 1.

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APPENDIX B

Sunny Valley Sand & Gravel
KC Project No. 12-281D

EXPLORATORY TRENCH LOGS

Excavated & Observed May 28-30, 2013
Elevations referenced from 3DI/Westlake Consulting 2013
5 foot contours, Mean Sea Level = MSL
Trenches Excavated With a CAT 275 & 375, Using a 36 & 60 Inch Bucket

Exploratory Trench No. T–1

Elevation: 1405 feet MSL, Northeastern Area

0 – 3 ' Topsoil Deposits
Sand (SM), dark red brown, dry to damp, loose, silty fine to medium sand, cobbles & boulders to 2 ft.

3 – 14 1/2' Alluvial/Mudflow Deposits
Gravel (GW/GC), red brown to brown gray, dry to damp, medium dense, medium sandy cobbly gravels, rounded, cobble to boulders 4" to 1 ft. in dimension, subangular to sub-rounded, rocks interlocked
@ 4 ft. becomes damp, matrix clayey medium sand (SC) with cobbles
@ 7 ft., boulders 4" – 24" in dimension, trench walls standing vertical, occasional boulders 24" plus
@ 11 1/2 ft. light water seepage, occasional 30" boulders becoming wet, rocks nested, some caving at water seepage.

Total Depth: 14 1/2 ft.

Exploratory Trench No. T–2

Elevation: 1397 feet MSL, Eastern Area

0 – 4 ' Topsoil Deposits
Sand (SC), dark brown, damp, loose, clayey fine sand
@ 3 ft. Clay (CH), gray, damp, stiff, fine sandy clay

4 – 7' Alluvial/Mudflow Deposits
Sand (SM-SC), brown, damp, medium dense, silty clayey medium sand, becomes medium clayey sand (SC)

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@ 7-19 ft. Gravels (GW), red brown, clayey medium sandy gravels & cobbles, subrounded cobbles 6-18" in dimension, clayey sand matrix, matrix becomes moist, more boulders up to 2 ft. dimension, rounded, 50/50 sand/rock matrix, subangular to sub-rounded
@10-12' sample; 58% gravel, 21% sand, 13% fines
@ 16 ft. occasional 2.5-3 ft. boulders in dimension
@ 17 ft. becomes very angular rock, manganese staining on rock, 3-6" broken rock, breaks easily
@ 19ft. becomes more rounded rock, 6-12", increasing to 18-24"
No seepage encountered.

Total Depth: 24 ft.

Samples taken at 10 (tested), 16 and 18 ft. below surface

Exploratory Trench No. T–3

Elevation: 1385 feet MSL, Eastern Area

0 – 2 ' Topsoil Deposits
Sand (SM-SC), dark brown, dry to damp, loose, silty clayey fine sand

2 – 26' Alluvial/Mudflow Deposits
Gravels (GW/GC), brown, damp, medium dense, silty to clayey sandy gravels & cobbles, subrounded cobbles 6" minus in dimension
@ 6ft. becomes moist clayey sand with subrounded cobbles 8-18" in dimension, boulders up to 2-3ft. 50/50 cobbles/sand matrix
@ 8 ft. light seepage, interspersed gray rock/gravels, 6" minus
@ 12-14 ft. caving
@ 21 ft. Cobbles – weathered gray rock, black/white/gray broken
@ 23 ft. about 4 ft. thick rounded, broken rock (started benching down to 10 ft. to deepen trench)
@ 24 ft. Gravel (GW), brown, moist, dense clayey sand with gravels

Total Depth: 26 ft.

Sample taken at 16 ft. below surface

Exploratory Trench No. T–4

Elevation: 1375 feet MSL, North Central Area

0 – 1 ' Topsoil Deposits
Sand (SC), dark brown, dry to damp, loose, clayey fine sand

1 – 28' Alluvial/Mudflow Deposits

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Gravels (GC), brown, damp, medium dense, clayey fine to medium sand, subrounded cobbles 4- 6" in dimension
@ 3 ft. Gravel (GW) - cobbles up to 2 ft. dimension, 50/50 cobble/sand matrix
@ 6 ft. occasional 4 ft. subrounded boulders,
@ 9 ft. Clay (CH) – gray, moist, stiff medium-coarse sandy clay
@ 12 ft. interbeds weathered rock-clay matrix, medium – coarse clayey sand matrix (SC) with diorite (?) subrounded cobbles, light seepage
@ 16ft. interbeds brown, moist, medium dense clayey coarse sand (SC) with gray, moist, coarse sandy clay (CH) and cobbles up to 2 ft. in dimension
@ 20 ft. very weathered material, mixed gravels/cobbles with clayey sandy matrix (SC-CH), caving upper part of trench

Total Depth: 28 ft.

Sample taken at 19 ft. below surface

Exploratory Trench No. T–5

Elevation: 1368 feet MSL, Central Area

0 – 2 ' Topsoil Deposits
Sand (SM), dark brown, dry, loose, silty medium sand

2 – 26' Alluvial/Mudflow Deposits
Gravels (GW/GC), brown, damp, medium dense, medium sandy to silty gravels, subrounded to rounded, 6" – 12" with cobbles up to 2-3 in dimension, rounded (similar to T-4)
@ 8 ft. becomes moist, clayey coarse sand (SC) matrix with cobbles
@ 14ft. Gravels and cobbles (GW), gray, moist to wet, medium dense clayey sand with gravels and cobbles
@14 ft. heavy seepage, 6 to 12" cobbles, interbedded with weathered red brown clayey sand (SC), 60% cobbles/40% sand-clay

Total Depth: 26 ft.

Samples taken at 8 and 24 ft. below surface

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Exploratory Trench No. T–6

Elevation: 1375 feet MSL, North Central Area

0 – 2 ' Topsoil Deposits
Sand (SM), dark brown, dry, loose, silty medium sand

2 – 24' Alluvial/Mudflow Deposits
Gravels (GW/GC), brown, damp, medium dense, slightly clayey medium sandy gravels and cobbles, subrounded to some angular rock, 6" – 3 ft. in dimension, 60% cobbles/40% sand matrix
@ 8 ft. becomes moist, gray brown, clayey coarse sand (SC- CH) matrix with interbeds of cobbles
@14 ft. caving, very moist , heavy seepage

Total Depth: 24 ft.

Sample taken at 23 ft. below surface

Exploratory Trench No. T–7

Elevation: 1365 feet MSL, Central Area

0 – 2 ' Topsoil Deposits
Sand (SC), dark brown, dry, loose, clayey fine to medium sand

2 – 28' Alluvial/Mudflow Deposits
Gravels (GW/GC), brown, dry to damp, medium dense, clayey medium sandy matrix with gravels and cobbles 8 – 18"
@ 8ft. Gravels with interbedded sediments, gray to brown, damp, dense clayey medium to coarse sand matric (SC) with cobbles 8-24", interbedded sediments gray and brown, wet to saturated, medium dense silty medium sand (SM), scattered cobbles 8-16" in dimension
@ 14ft. heavy seepage, mostly cobbles with sands and clay matrix

Total Depth: 28 ft.

Sample taken at 21 ft. below surface

Exploratory Trench No. T–8

Elevation: 1360 feet MSL, North Central Area

0 – 2 ' Topsoil Deposits
Sand (SM), brown to dark brown, dry, loose, silty medium sand

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2 – 8' Alluvial/Mudflow Deposits
Gravels (GP/GC, brown, dry, medium dense, medium sandy gravels, gravels and cobbles 6 – 12".
@7-8' sample; 69% gravel, 18% sand, 6% fines.
@ 8ft. cobbles, subrounded, 2-3 ft in dimension
@8-10 ft –weathered rock and sediments, gray and brown, damp to moist, dense, clayey medium to coarse sand (SC) interbedded with cobbles up to 2 ft. in dimension, cobbles interlocked
@13 ft. – moderate seepage, gray, wet medium dense clayey medium sand (SC) with some cobbles
@ 15 ft. large rocks, sub to well rounded, occasionally 3-4 ft. in dimension within sediments,
@ 18ft. becomes cobbly with gray weathered cobbles
@ 28 ft. Gravels (GW) gray, moist, dense clayey medium coarse sandy cobbles 6-12'
@ 31 – very weathered gravels with decomposed rock

Total Depth: 33 ft.

Sample taken at 7 ft. below surface, tested

Exploratory Trench No. T–9

Elevation: 1352 feet MSL, West Area

0 – 1 ' Topsoil Deposits
Sand (SM), dark brown, dry, loose, silty medium sand

1 – 25' Alluvial/Mudflow Deposits
Gravels (GW/GM), brown, dry to damp, medium dense, silty medium sandy gravels, gravels and cobbles 8 – 18", angular to subrounded, occasional 2 ft. boulders
@ 8ft. moderate seepage
@ 13ft. brown, moist to wet, medium dense, silty very coarse sand/gravel mix with 6" minus, angular grains
@ 17ft. Gravel and Cobbles (GW), gray to brown, moist to wet, dense medium sandy matrix, with subrounded 1-2 ft. in dimension boulders

Total Depth: 25 ft.

Sample taken 13 ft. below surface

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Exploratory Trench No. T–10

Elevation: 1345 feet MSL, Northwest Area

0 – 2 ' Topsoil Deposits
Sand (SM), dark brown, dry, loose, silty medium sand

2 – 27' Alluvial/Mudflow Deposits
Gravels (GW/GM), brown, dry to damp, medium dense, silty medium sandy gravels, gravels and cobbles 6 – 18"
@ 8ft. Gravels (GC), gray to brown, moist, medium dense, very coarse sandy clay matrix to clayey sand with cobbles
@ 11 ft. moderate seepage
@ 22ft. becomes cobbley, dark brown, scattered cobbles, subrounded 3-8" in dimension

Total Depth: 27 ft.

Exploratory Trench No. T–11

Elevation: 1340 feet MSL, West Area

0 – 2 ' Topsoil Deposits
Sand (SC), dark brown to black, damp, loose, clayey medium sand

2 – 15' Alluvial/Mudflow Deposits
Gravels (GW/GM), brown, damp to moist, loose to medium dense, silty medium sand (SM) matrix, gravels and cobbles 6 – 18"
@ 3ft. heavy seepage, lenses of gravels, cobbles in clayey sand (SC) matrix, cobbles 18" to 2 ft in dimension, subrounded to rounded
@ 8ft. standing water, 70% cobbles, clast supported
@ 13ft. Gravels (GC), clayey sandy round gravels, cobbles, caving

Total Depth: 15 ft.

Baggie sample taken at 13 ft. below surface

Exploratory Trench No. T–12

Elevation: 1353 feet MSL, Southwest Area

0 – 2 ' Topsoil Deposits
Clay (CH), dark brown to black, moist, stiff, medium sandy clay

2 – 14' Alluvial/Mudflow Deposits

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Gravels (GW)/(GC)brown, moist, medium dense, coarse clayey sandy gravels, gravels and rounded cobbles 8"
@ 4ft. heavy seepage
@ 6ft. cobbles up to 1 ft in dimension
@8-9', sample; 69% gravel, 21% sand, 10% fines
@ 9-10ft. becomes larger cobbles, 18-24", 70% cobbles
@ 14 ft – Bedrock – Serpentine (?), very hard material

Total Depth: 16 ft.
Sample taken at 8 ft. below surface, tested

Exploratory Trench No. T–13

Elevation: 1368 feet MSL, Southwest Area

0 – 2 ' Topsoil Deposits
Sand (SC), dark brown, dry to damp, loose, medium clayey sand

2 – 25' Alluvial/Mudflow Deposits
Gravels (GW/GC), brown, damp, loose to medium dense, clayey medium sandy gravels, gravels 6" minus
@ 4 ft. gravels and cobbles 1 ft. minus, becoming denser
@ 10 ft. heavy seepage
@ 14 ft. gray, very dense, wet coarse sandy cobbles, hard digging, cemented, round rocks
@ 18 ft. Gravels (GC), light brown, moist to wet, very dense clayey coarse sandy weathered rock, very angular, becoming more subrounded with depth

Total Depth: 25 ft.

Exploratory Trench No. T–14

Elevation: 1370 feet MSL, South Central Area

0 – 2 ' Topsoil Deposits
Sand (SM - SC), dark brown, dry to damp, loose, silty fine to medium clayey sand

2 – 26' Alluvial/Mudflow Deposits
Gravels (GW/GC), brown, damp, medium dense, clayey coarse sandy to sandy clayey gravels, gravels 6" plus
@ 4 ft. red brown, damp, stiff medium sandy clay (CH) with gravels 6" minus
@ 10 ft. Gravels (GC) – brown, damp, dense clayey to silty coarse sandy subrounded to rounded cobbles 6-18" in dimension

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@ 12 ft. moderate seepage, cobbles 18-24" in dimension
@ 21 ft. Gravels (GW), brown, damp, very dense coarse silty to clayey sandstone, with cobbles up to 18-24", weathered bedrock?
@ 27 ft. Bedrock – gray, moist, very stiff coarse sandy clay (CL) with pieces of very weathered serpentine, angular, breaks up easily

Total Depth: 28 ft.

Exploratory Trench No. T–15

Elevation: 1395 feet MSL, Southeast Area

0 – 5' Topsoil Deposits
Sand (SC), red brown, damp, loose to medium dense, clayey medium sand, occasional gravels 3" minus

5' – 22' Alluvial/Mudflow Deposits
Gravels (GW/GC), brown, damp to moist, dense, clayey medium sandy gravels, gravels 6" minus, subrounded
@ 12 ft. Gravels (GW/GC), becomes clayey weathered red brown sandy clay to clayey sandy gravels
@ 22 ft. very weathered bedrock
No seepage observed
Total Depth: 24 ft.

Exploratory Trench No. T–16

Elevation: 1380 feet MSL, Southeast Area

0 – 3' Topsoil Deposits
Sand (SC), dark brown, dry to damp, loose, clayey medium sand,

3' – 20' Alluvial/Mudflow Deposits
Sand (SC), brown, damp, medium dense clayey medium sand with gravels 6" minus
@ 8 ft. Gravels (GW), brown, moist, medium dense, clayey medium sandy gravels and cobbles 18" minus, well rounded cobbles, 40%cobbles, 60% clayey sand
@ 8 ft. moderate seepage
@11-12', sample; 56% gravel, 20% sand, 16% fines
@ 14-16 ft. large cobbles and boulders up to 24" in dimension, red brown, not too weathered
@ 20 ft. Bedrock - Clay (CH), red brown, moist, stiff, medium sandy clay, weathered horizon?

Total Depth: 25 ft.

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Sample taken at 11 ft. below surface, tested

Exploratory Trench No. T–17

Elevation: 1380 feet MSL, Northeast Area

0 – ½ ft.	Topsoil Deposits Clay (CL), dark brown to black, dry, stiff, medium sandy clay
6" – 24'	Alluvial/Mudflow Deposits Gravels (GWGC), brown, dry, dense, clayey medium sandy gravels and cobbles up to 2 ft. in dimension @ 9 ft. moderate seepage @ 9 ft. Gravels (GC/GW), brown, moist to wet, dense clayey medium to coarse sandy cobbles to boulders up to 2 ft. in dimension @ 12 ft. Clay (CL-CH), gray brown, moist, stiff medium sandy clay @ 16 ft. Clay (CH), gray, moist, stiff medium sandy clay

Total Depth: 24 ft.

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FIELD EXPLORATION LOG

Exploration No. SVB-1 Date 05/28/13

Project Name SUNNY VALLEY S & G PROPERTY Location NE CORNER TL 400

Job No. 12-283D Elev. 1,410' Exploration Method Rotary Sonic – 7" OD Barrel

Logger HTK Datum MSL Equipment Boart Longyear RS 600

Depth (feet)	Soil/Bedrock Description	Sample No.	Sample Depth	Ground water	Lab Data/ Comments
1	**Topsoil.**	1	0-1		
	Sand (SM), dark brown, dry to damp, loose, fine to crs,	2	1-2		
	silty to clayey, organic rich, cobbles to boulders. 0-2'	3	2-3		
	@2' Alluvial/Mudflow Deposits.	4	3-4		
	Gravel (GM/GC), brown-gray, dry-damp,lse-med dense	5	4-5		
	Fn-cse, ang-rnd gravel with cobbles-boulders (24"-),	5	5-6		
	Sandy, silty-clayey.	6	6-8		
	@6' damp-wet				
	@7', boulders, slow drilling to 10'.	7	8-9		
10		8	9-10		
		9	10-12	@11'	Checked 6/17/13 in both piezometers
	@ 12' Gravel (GC) brown-drk brn, damp-wet, dense,				
	Crs, sub ang-rnd gravel with cobble & boulders, clayey-	10	12-14		
	Very clayey, sl plastic clay				
		11	14-16		
		12	16-21		
20	@ 20', boulders, slow drilling to 23 feet				
		13	21-22		
		14	22-23		
	@23', Gravel (GC), gray, damp, dense, fn-crs, ang-rnd,	15	23-24		
	Gravel with slightly-highly weathered cobbles-bldrs	16	24-25		
	Very clayey	17	25-26		
		18	26-27		
		19	27-29		
		20	29-31		
30					
	@31, gray-brown	21	31-33		
	@33', Gravel (GW), brown to dk brn, damp-wet, dense,	22	33-35		
	Fn-crs sndy gravel with subang-rnd cobbles-blders,				
	Sl silty.	23	35-36		
	@36',silty to clayey	24	36-37		@36-39', SpG, Sieve, ODOT Tests
	80% gravel, 18% sand, 2% fines	25	37-38		
		26	38-39		
		27	39-41		
40					
		28	41-43		

Kuper Consulting LLC

Figure No. **A-1**

3575 RUNNING DEER DRIVE, HELENA, MONTANA 59602

(406) 475-3244

LOCATION:

Lat: 42°37'46.3"N

Long: 123°19'4.6"W

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FIELD EXPLORATION LOG

Exploration No. SVB-1 Date 05/28/13

Project Name Sunny Valley S & G Property Location NE Corner TL 400

Job No. 12-283D Elev. 1,410' Exploration Method Rotary Sonic – 7" OD Barrel

Logger HTK Datum MSL Equipment Boart Longyear RS 600

Depth (feet)	Soil/Bedrock Description	Sample No.	Sample Depth	Ground water	Lab Data/ Comments
41	Gravel (GM/GC) brown-dk brn, damp-wet, dense	27	39-41		
	Ang-rnd, fin-crs sandy with subang-rnd cobble-bldrs	28	41-43		
	Silty to clayey	29	43-44		
		30	44-46		
	@46', very clayey (GC)	31	46-47		
		32	47-48		
		33	48-49		
		34	49-50		
50	44% gravel, 11% sand, 18% fines	35	50-52		@50-54' – SpG, Sieve, ODOT Tests
		36	52-54		
		37	54-56		
	@56' Gravel (GC) gray, damp-moist, dense, fn-crs, Ang-rnd, gravel with cobble-bldrs, very slow drilling	40	56-58		
		41	58-60		
		42	60-61		
60		43	61-62		
		44	62-63		
		45	63-64		
		46	64-66		
		47	66-68		
		48	68-69		
		49	69-71		
70		50	71-72		
		51	72-73		
		52	73-75		
		53	75-77		
		54	77-79		
	@77', Bedrock Gabbro?, brn-redbrn, dry, v. dense, partially-highly Decomposed to gravely sand, with some remnant	55	79-81		
80	Structure of igneous rock				

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Figure No. **A-2**
3575 RUNNING DEER DRIVE, HELENA, MONTANA 59602
(406) 465-3244

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FIELD EXPLORATION LOG

Exploration No. SVB-1 **HIGH BANKS – SPRINGFIELD SITE** Date 05/28/13

Project Name Sunny Valley S & G Property Location NE CORNER TL 400

Job No. 12-283D Elev. 1,410' Exploration Method Rotary Sonic – 7" OD Barrel

Logger HTK Datum MSL Equipment Boart Longyear RS 600

Depth (feet)	Soil/Bedrock Description	Sample No.	Sample Depth	Ground water	Lab Data/ Comments
81	Gabbro?, brn-rd brn, dry, dense, partially-highly Decomposed to gravelly sand.	55	79-81		
		56	81-83		
		57	83-84		
		58	84-85		
		59	85-86		
		60	86-87		
		61	87-89		
90	Bottom at 89.0 feet				
100					
110					
120					

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Figure No. **A-3**
3575 RUNNING DEER DRIVE, HELENA, MONTANA 59602
(406) 475-3244

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FIELD EXPLORATION LOG

Exploration No. SVB–2 | Date 05/30/13

Project Name SUNNY VALLEY S & G PROPERTY | Location Western Portion TL 1200

Job No. 12-283D | Elev. 1335' | Exploration Method Rotary Sonic – 7" OD Barrel

Logger HTK | Datum MSL | Equipment Boart Longyear RS 600

Depth (feet)	Soil/Bedrock Description	Sample No.	Sample Depth	Ground water	Lab Data/ Comments
1	**Topsoil**	1	0-3		
	Sand, silty, dark brown, damp, loose, fine to med sand,				
	With cobbles-boulders, organic rich				Checked 6/17/13
	@4' Alluvial/Mudflow Deposits	2	3-5	@6.2'	Deep piezometer
	Gravel (GM/GC) brown, damp, med dense, round to			@7.3'	Shallow peizometer+
	round, fine to crs gravel, fine to coarse sandy, clayey	3	5-6		
	With cobble-boulders.	4	6-8		
	@8', Gravel (GC) gray-green, damp, dense, fn-crs,	5	8-10		
10	Subang-rnd, gravelvery clayey, sl plastic, with cobble				
	To boulder size rock	6	10-12		
		7	12-14		
		8	14-16		
		9	16-17		
		10	17-19		
20	.	11	19-22		
		12	22-23		
		13	23-25		
		14	25-26		
	@27', GW/GC, slightly clayey, fine to coarse sandy	15	26-27		@26-30', SpG, Sieve, ODOT Tests
	56% gravel, 24% sand, 15% fines	16	27-28		
		17	28-30		
30	@30, Gravel (GW/GC), gray-green, damp, dense, fn-				
	Crs gravel with subang-round cobbles-bldrs, slightly-	18	30-31		
	Very clayey.	19	31-33		
		20	33-34		@33-37', SpG, Sieve, ODOT Tests
	51% gravel, 16% sand, 10% fines	21	34-36		
		22	36-37		
		22	37-38		
	@38', Bedrock	24	38-39		
	Serpentine-, green-black, dry, very dense, partially to	25	39-40		
40	Totally decomposed to gravelly sand with cobble to	26	40-42		
	Boulder size fragments of serpentine bedrock				

Kuper Consulting LLC

Figure No. **A-4**

3575 RUNNING DEER DRIVE, HELENA, MONTANA 59602

(406) 475-3244

LOCATION:

Lat: 42°37'46.3"N

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FIELD EXPLORATION LOG

Exploration No. SVB-2 Date 05/30/13

Project Name SUNNY VALLEY S & G Location WESTERN PORTION TL 1200

Job No. 12-283D Elev. 1,335" Exploration Method Rotary Sonic – 7" OD Barrel

Logger HTK Datum MSL Equipment Boart Longyear RS 600

Depth (feet)	Soil/Bedrock Description	Sample No.	Sample Depth	Ground water	Lab Data/ Comments
41	Serpentine, green-black, dry, very dense, partially to	26	40-42		
	Totally decomposed to gravelly sand with cobble to	27	42-43		
	Boulder size fragments of the serpentine bedrock.	28	43-44		
		29	44-45		
		30	45-46		
		31	46-48		
		32	48-49		
		33	49-50		
50	Bottom @ 50.0 feet				
60					
70					
80					

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Figure No. **A-5**
3575 RUNNING DEER DRIVE, HELENA, MONTANA 59602
(406) 475-3244

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Schwabe
WILLIAMSON & WYATT®

November 22, 2017

Shonee D. Langford
T: 503-540-4261
slangford@schwabe.com

BY HAND DELIVERY

Mr. Tom Byler
Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: Response to Petition for Reconsideration and Request for Stay of Orders (Applications R-87930 and R-87932)

Dear Director Byler:

Pursuant to OAR 137-004-0091, Applicant Sunny Valley Sand and Gravel, Inc. files the enclosed response to the above-referenced Petition for Reconsideration and Request for Stay of Orders filed by WaterWatch of Oregon, Inc. Elizabeth Howard and I represent Sunny Valley in this matter.

For reasons stated in the enclosed response, we respectfully request that the Department deny the Petition for Reconsideration and the Request for Stay.

Thank you for your consideration.

Best regards,

Shonee D Langford

Shonee D. Langford

SDL
Enclosure

cc: Client (*via email; w/encl.*)

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IN THE STATE OF OREGON
BEFORE THE OREGON WATER RESOURCES DEPARTMENT

WATERWATCH OF OREGON, INC., Petitioner, vs. OREGON WATER RESOURCES DEPARTMENT, Respondent.	APPLICATION NOS. R-87930 AND R-87932 **SUNNY VALLEY SAND AND GRAVEL, INC.'S RESPONSE TO WATERWATCH OF OREGON, INC.'S PETITION FOR RECONSIDERATION AND REQUEST FOR STAY**

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C. The reservoirs will not result in injury to an existing instream water right. 5

D. The reservoirs will not unlawfully affect the Rogue River State Scenic Waterway. 5

E. Permitting the reservoirs does not violate OWRD's policy on groundwater permitting. 5

F. Permitting the reservoirs does not violate OWRD's over-appropriation rule. 6

G. Applicant has land use approval. 7

H. The reservoirs will not intercept groundwater and therefore will not violate the terms and conditions of the permits. 7

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IV. RESPONSE TO REQUEST FOR STAY 8

A. Full title of the agency decisions as they appear on the stay request. 8

B. Name, address and telephone number of the attorney for the party filing this response. 8

C. A statement accepting or denying each of the statements of facts and reasons provided pursuant to OAR 137-004-0090(2)(f) in the petitioner's stay request. 8

1. Applicant denies that petitioner will suffer irreparable injury if the orders are not stayed (OAR 137-004-0090(2)(f)(A)). 9

2. Applicant denies that there is a colorable claim of error in the orders (OAR 137-004-0090(2)(f)(B)). 9

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Portland, OR 97204
Telephone: 503.222.9981

3. Applicant denies that granting the stay will not result in substantial public harm (OAR 137-004-0090(2)(f)(C)).....9

D. A statement accepting, rejecting, or proposing alternatives to the petitioner's statement on the bond, irrevocable letter of credit or undertaking amount or other reasonable conditions that should be imposed on petitioner should the stay request be granted.....10

E. The response may contain affidavits containing additional evidence upon which the party relies in support of the statement required under subsections (2)(c) and (d) of this rule.....11

F. The response must be delivered or mailed to the agency and to all parties identified in the stay request within 10 calendar days of the date of delivery or mailing to the agency of the stay request.....11

V. CONCLUSION.....12

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I. INTRODUCTION

Applicant Sunny Valley Sand and Gravel, Inc. ("Applicant") files this Response to the Petition for Reconsideration and Request for Stay of Orders ("Petition") filed by WaterWatch of Oregon, Inc. ("WaterWatch") in connection with Oregon Water Resources Department ("OWRD") Applications R-87930 and R-87932. WaterWatch seeks reconsideration and a stay of final orders approving Permit R-15228 (Application R-87930) for Reservoir 2 and Permit R-15230 (Application R-87932) for Reservoir 4. The final orders and permits authorize diversion and storage of surface water from Grave Creek, tributary to the Rogue River, in Reservoir 2 (70 acre-feet) and Reservoir 4 (80 acre-feet).

The Petition relies on incomplete and outdated information, and erroneously asserts that the reservoirs will appropriate groundwater and that the Applicant has not secured the required land use approval. As described below, Applicant's engineering consultant submitted a report addressing the Department's groundwater concerns (see attached Exhibit 1) and Applicant's legal counsel submitted proof of land use approval (see attached Exhibit 2). WaterWatch does not acknowledge these important submittals, but instead relies on outdated or irrelevant materials. The Petition and Request for Stay are therefore without merit and should be denied.

II. RESPONSE TO PETITION FOR RECONSIDERATION

WaterWatch asserts that the final orders are defective for the following reasons: water is not available because the reservoirs allegedly will appropriate groundwater outside of the storage season when water is available; permit issuance violates ORS 537.409 because of the alleged groundwater appropriation and its impacts on fish; the alleged groundwater appropriation will injure senior instream water rights and the downstream State Scenic Waterway; there is allegedly no land use approval for the reservoirs; and due to the alleged appropriation of groundwater the

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applicant cannot comply with multiple terms of the permits. (Petition at 2-3). With the exception of land use approval, the above arguments rely on the alleged appropriation of groundwater and related impacts. Applicant responds to WaterWatch's arguments as follows:

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A. The reservoirs will not appropriate groundwater.

On October 14, 2015, Applicant's Engineering Hydrogeologist, Gary Peterson, of Shannon & Wilson, Inc., submitted a report to OWRD's Ivan Gall addressing the groundwater appropriation issue (see attached Exhibit 1). As described in Mr. Peterson's report, OWRD had reviewed and commented on earlier reservoir concepts. Then two meetings were held with OWRD "to discuss the reservoirs' conceptual design assumptions and to understand OWRD's concerns and requirements." (Ex. 1 at 1-3). Mr. Peterson's report specifically addresses "concerns of OWRD relating to avoiding inadvertent take of groundwater through seepage into the reservoirs." (Ex. 1 at 1).

The report relies on two key elements – the "natural groundwater gradient and responsiveness to precipitation" – "to predict the potential for groundwater infiltration into Reservoirs 2 and 4." (Ex. 1 at 3). Using conservative predictions, the report identifies a "seasonal range" of groundwater surface levels. (Ex. 1 at 3-4). The report then describes a "conceptual design" that includes "reservoir floor elevations…carefully selected to remain above natural groundwater level fluctuations, resulting in a very low risk of groundwater infiltration to the reservoirs." (Ex. 1 at 4). OWRD reviewed Applicant's report and included the following related condition in each of the challenged permits: "Reservoir shall be constructed to have a minimum bottom elevation above the water table seasonal high." (Permit R-15228 at 2; Permit R-15230 at 2).

To summarize, Applicant submitted undisputed evidence that the reservoirs will not

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appropriate groundwater and OWRD reasonably relied on that evidence to approve Applications R-87930 and R-87932. WaterWatch's arguments are based entirely on outdated, irrelevant information relating to Applications LL-1434 and G-17580 and should therefore be disregarded.[1]

B. The reservoirs will not pose a significant detrimental impact to existing fishery resources.

For reasons described above, the reservoirs will not appropriate groundwater that is hydraulically connected to Grave Creek and therefore will not pose a significant detrimental impact to existing fishery resources. WaterWatch's argument that the reservoirs will violate the fish protection standard in ORS 537.409 is without merit.

C. The reservoirs will not result in injury to an existing instream water right.

For reasons described above, the reservoirs will not appropriate groundwater that is hydraulically connected to Grave Creek and therefore will not injure instream water rights on Grave Creek. WaterWatch's argument that instream water rights will be injured is without merit.

D. The reservoirs will not unlawfully affect the Rogue River State Scenic Waterway.

For reasons described above, the reservoirs will not appropriate groundwater that is hydraulically connected to Grave Creek and therefore will not unlawfully affect the Rogue River State Scenic Waterway. WaterWatch's argument to the contrary is without merit.

E. Permitting the reservoirs does not violate OWRD's policy on groundwater permitting.

For reasons stated above, the reservoirs will not appropriate groundwater that is

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[1] It appears that OWRD may have forgotten to print and include a copy of the report (Exhibit 1) in the application files for Applications R-87930 and R-87932. In any event, WaterWatch should have been aware of the report, because a copy was included in the related file for limited license application LL-1612 and WaterWatch submitted comments on that application.

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hydraulically connected to Grave Creek. OWRD's issuance of the reservoir permits therefore is not contrary to OWRD's policy of preventing or controlling interference between groundwater uses and competing surface water uses (OAR 690-410-0010(1)). WaterWatch's argument that the permits violate OWRD's policy is without merit.

F. Permitting the reservoirs does not violate OWRD's over-appropriation rule.

As WaterWatch concedes, OWRD's rules allow for deviation from the 80 percent exceedance standard. OAR 690-410-0070(2)(c) provides:

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> New allocations of water for the purpose of filling storage facilities may be allowed notwithstanding subsection (a) of this section [regarding over-appropriation]. Protection may be afforded to all water rights and instream uses by establishing storage filling seasons in basin rules, by considering the need for minimum pass-through flows on water rights, or establishing by rule other conditions consistent with the state policy on water storage as a prerequisite for allocation. In setting a storage season, consideration shall be given to avoiding periods of the year when flows are low and seldom exceed the needs of water rights and when additional flows are needed to support public uses[.]

Consistent with the above exception for new storage uses, OWRD has a long-standing practice of applying a 50 percent exceedance standard to reservoir applications. As a result, the storage season typically avoids "periods of the year when flows are low and seldom exceed the needs of water rights and when additional flows are needed to support public uses." In this case, OWRD limited the storage season to January 1 through March 31 of each year.

WaterWatch's argument again appears to rely on the erroneous assumption that the reservoirs will appropriate groundwater year-round. For reasons stated above, the reservoirs will not appropriate groundwater at any time of the year and therefore will not violate the over-appropriation rule on that basis. No groundwater will be taken at all, let alone during periods of low flow when existing needs are not met.

To the extent that WaterWatch is arguing that the permitted surface water diversion from

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Grave Creek will violate the over-appropriation rule, WaterWatch has failed to provide any evidence of a violation. WaterWatch states that flows in the creek are needed to support public uses, but makes no effort to show that (a) flows are insufficient to satisfy existing water rights during the period of January 1 through March 31; or (b) OWRD failed to give appropriate "consideration…to avoiding periods of the year when flows are low and seldom exceed the needs of water rights and when additional flows are needed to support public uses." OAR 690-410-0070(2)(c). It is not enough for WaterWatch to merely point to the existence of an instream water right and cite to a rule that requires OWRD to give "consideration…to avoiding low flow periods…."

OWRD applied the proper standard for determining water availability and WaterWatch has not shown a violation of the over-appropriation rule.

G. Applicant has land use approval.

On April 20, 2017, Applicant's attorney Martha Pagel hand-delivered documentation of land use approval to OWRD (see attached Exhibit 2). WaterWatch's argument that Applicant lacks land use approval is without merit.

H. The reservoirs will not intercept groundwater and therefore will not violate the terms and conditions of the permits.

For reasons stated above, the reservoirs will not appropriate groundwater that is hydraulically connected to Grave Creek. Consequently, construction of the reservoirs will not violate terms of the permits as alleged by WaterWatch.

III. REQUEST FOR RELIEF

WaterWatch asks OWRD to reconsider and withdraw the final orders or to cancel the permits pursuant to the terms of the permits. For reasons stated above, Applicant respectfully requests that OWRD deny the Petition.

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Alternatively, if OWRD determines that the final orders do not adequately address issues raised in the Petition, it would be appropriate for OWRD to issue superseding final orders. Such superseding orders could include additional findings of fact from the record to explain and support OWRD's decision to approve the applications.

IV. RESPONSE TO REQUEST FOR STAY

A. Full title of the agency decisions as they appear on the stay request.

In the Matter of Water Rights Application R-87932, Josephine County
FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER
Date of Decision: September 14, 2017

In the Matter of Water Rights Application R-87930, Josephine County
FINAL ORDER APPROVING THE STORAGE OF SURFACE WATER
Date of Decision: September 14, 2017

B. Name, address and telephone number of the attorney for the party filing this response.

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Schwabe, Williamson & Wyatt
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
503-796-2093

Shonee Langford
Schwabe, Williamson & Wyatt
530 Center St. NE, Suite 730
Salem, OR 97301
503-540-4260

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C. A statement accepting or denying each of the statements of facts and reasons provided pursuant to OAR 137-004-0090(2)(f) in the petitioner's stay request.

Applicant responds to WaterWatch's statement of facts and reasons provided pursuant to OAR 137-004-0090(2)(f) as follows:

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1. Applicant denies that petitioner will suffer irreparable injury if the orders are not stayed (OAR 137-004-0090(2)(f)(A)).

WaterWatch's argument that it will suffer irreparable injury is based on the false premise that the reservoirs will unlawfully appropriate groundwater. For reasons stated above, the reservoirs will not appropriate groundwater. WaterWatch therefore will not suffer the alleged irreparable injury if the orders are not stayed. WaterWatch's failure to show irreparable injury is a sufficient independent basis for OWRD to deny the stay request. OAR 137-004-0092(2)(b).

2. Applicant denies that there is a colorable claim of error in the orders (OAR 137-004-0090(2)(f)(B)).

For reasons stated above in response to the Petition, WaterWatch's assertion that there is a colorable claim of error is without merit. The reservoirs will not appropriate groundwater and Applicant has land use approval. WaterWatch has failed to identify a colorable claim of error in the orders. WaterWatch's failure to show a colorable claim of error is a sufficient independent basis for OWRD to deny the stay request. OAR 137-004-0092(2)(b).

3. Applicant denies that granting the stay will not result in substantial public harm (OAR 137-004-0090(2)(f)(C)).

Before addressing this factor, Applicant would like to emphasize the importance of the first two factors for granting a stay (irreparable injury and colorable claim of error). Failure to make a showing of *either* irreparable injury *or* a colorable claim of error is sufficient grounds to deny a stay request. OAR 137-004-0092(2)(b). Here, WaterWatch failed on both counts for reasons stated above.

Additionally, granting the stay would result in substantial public harm to the extent that a stay would effectively reward the filing of a petition for reconsideration that is based on outdated, inaccurate and incomplete information, with no showing of irreparable injury or a colorable claim of error. The rules set a high bar for granting a stay and are protective of parties

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such as Applicant who are likely to suffer injury. WaterWatch failed to make the required showings of irreparable injury and colorable claim of error. Under such circumstances, a stay would be inappropriate and would result in substantial harm to the public interest in having OWRD uphold the high standards for granting a stay.

D. A statement accepting, rejecting, or proposing alternatives to the petitioner's statement on the bond, irrevocable letter of credit or undertaking amount or other reasonable conditions that should be imposed on petitioner should the stay request be granted.

OAR 137-004-0090(g) protects "any person, including the public, who may suffer injury if the stay is granted." Under that rule:

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> If the purposes of the stay can be achieved with limitations or conditions that minimize or eliminate possible injury to other persons, petitioner shall propose such limitations or conditions. If the possibility of injury to other persons cannot be eliminated or minimized by appropriate limitation or conditions, petitioner shall propose an amount of bond, irrevocable letter of credit or other undertaking to be imposed on the petitioner should the stay be granted, explaining why that amount is reasonable in light of the identified potential injuries.

WaterWatch has not identified any means of eliminating or minimizing possible injury to Sunny Valley Sand and Gravel, Inc., Mr. Andreas Blech, or any other person who may suffer injury if a stay is granted. Nor has WaterWatch met its regulatory obligation to propose an amount of bond, irrevocable letter of credit or other undertaking to be imposed on WaterWatch should the stay be granted. The rule clearly states WaterWatch "shall" satisfy this obligation.

Instead, WaterWatch merely acknowledges that Applicant *could* suffer injury and then argues that Applicant should not suffer injury because: (a) use of water under the permits would be unlawful (based on the false premise that the reservoirs will appropriate groundwater); and (b) Applicant lacks land use approval to move forward with the project (another false premise). For reasons stated above in this Response, WaterWatch's arguments for reconsideration are without

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merit and cannot be used to deny the possibility of injury to Applicant if a stay is granted or to avoid the bond obligation.

Applicant will suffer significant economic damages if the stay is granted and Applicant is unable to construct the reservoirs in time to capture water during the authorized 2018 storage season (January 1 through March 31, 2018). Without stored water, Applicant's project could be delayed until 2019. Applicant respectfully requests that any stay be conditioned on WaterWatch obtaining a bond in the amount of no less than $500,000 to protect Applicant from reasonably foreseeable economic injury in the event that WaterWatch's petitions for reconsideration are denied. While actual damages are difficult to predict, the proposed $500,000 bond represents Applicant's estimate of reasonably foreseeable damages, taking into account anticipated expenses and lost income. If necessary, the bond amount could be established at a discretionary hearing pursuant to OAR 137-004-0092(1).

E. The response may contain affidavits containing additional evidence upon which the party relies in support of the statement required under subsections (2)(c) and (d) of this rule.

Applicant's response does not include affidavits containing additional evidence. For purposes of this Response, Applicant relies on evidence in the files of OWRD, including attached Exhibits 1 and 2. Applicant reserves the right to present additional evidence during any further stay proceedings pursuant to OAR 137-004-0092.

F. The response must be delivered or mailed to the agency and to all parties identified in the stay request within 10 calendar days of the date of delivery or mailing to the agency of the stay request.

Applicant's response is timely. See attached Certificates of Filing and Service. WaterWatch mailed the stay request to the agency on November 13, 2017 and Applicant is mailing this response on November 22, 2017.

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V. CONCLUSION

Before OWRD issued the final orders in this matter, Applicant demonstrated to OWRD's satisfaction that the reservoirs would not appropriate groundwater. Applicant also secured the required land use approval and submitted documentation to OWRD. WaterWatch's contrary assertions are incorrect and are not supported by evidence in the record. Applicant therefore respectfully requests that OWRD deny the Petition and Request for Stay.

Dated this 22nd day of November, 2017.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: _____

Shonee D. Langford, OSB #043335
Elizabeth Howard, OSB #012951
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Of Attorneys for Sunny Valley Sand and Gravel, Inc.

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CERTIFICATE OF FILING

I hereby certify that on this 22nd day of November, 2017, I filed SUNNY VALLEY SAND AND GRAVEL, INC.'S RESPONSE TO WATERWATCH OF OREGON, INC.'S PETITION FOR RECONSIDERATION AND REQUEST FOR STAY WITH EXHIBITS with the Oregon Water Resources Department, by email and hand-delivery to:

Director Tom Byler
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301
Director@wrd.state.or.us
cindy.s.smith@oregon.gov

SCHWABE, WILLIAMSON & WYATT, P.C.

By: Shonee D Langford
Shonee Langford, OSB No. 043335

Of Attorneys for Sunny Valley Sand and Gravel, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 2017, I served the foregoing SUNNY VALLEY SAND AND GRAVEL, INC.'S RESPONSE TO WATERWATCH OF OREGON, INC.'S PETITION FOR RECONSIDERATION AND REQUEST FOR STAY WITH EXHIBITS on the following persons by first class mail (pursuant to OAR 137-004-0091), postage prepaid by depositing in the U.S. Mail from Salem, Oregon:

WaterWatch of Oregon
c/o Lisa A. Brown
213 SW Ash St. Suite 208
Portland, OR 97204

SCHWABE, WILLIAMSON & WYATT, P.C.

By: _____
Shonee Langford, OSB No. 043335

Of Attorneys for Sunny Valley Sand and Gravel, Inc.

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SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

ALASKA
CALIFORNIA
COLORADO
FLORIDA
MISSOURI
OREGON
WASHINGTON

October 14, 2015

Oregon Department of Water Resources
Technical Services Division
725 Summer Street NE, Suite A
Salem, OR 97301

Attn: Mr. Ivan Gall, R.G., Groundwater / Hydrology Manager

RE: CONCEPTUAL DESIGN GUIDANCE
STORAGE RESERVOIRS 2 AND 4, SUNNY VALLEY SAND & GRAVEL
JOSEPHINE COUNTY, OREGON

Dear Mr. Gall:

This letter conveys conceptual design recommendations for two proposed water storage reservoirs for Sunny Valley Sand & Gravel, Inc. (SVSG) in Josephine County, Oregon. The location of the project site is shown on the Vicinity Map, Figure 1. The purpose of this letter is to recommend concepts for consideration in the final design and construction (done by others) of the two reservoirs known as Reservoir 2 and Reservoir 4, and to respond to questions raised by the Oregon Water Resources Department (OWRD) in connection with pending water right applications.

PROJECT UNDERSTANDING

Due to the importance of the process water system, the SVSG mine's initial construction stages will focus on building two earthen reservoirs in accordance with water rights that would be obtained from OWRD. During the months of January, February, and March, the water rights would allow surface water diversion from Grave Creek and surface run-off to be conveyed to reservoirs that facilitate material processing. Figure 2, Reservoir 2 and 4 Site Plan, shows the reservoir locations and future adjacent mine cell excavations. Ultimately, the reservoirs will be temporary features, because the last cells to be mined and reclaimed will be the reservoir sites. OWRD has reviewed and commented on earlier reservoir concepts. The concepts presented here address concerns of OWRD related to avoiding inadvertent take of groundwater through seepage into the reservoirs. Addressing this concern is required in order to obtain the limited license to begin construction of the first reservoir, and for approval of the related water rights.

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Provided herein are refined concepts to support SVSG's design of berms and subgrade to retain and raise the elevation of stored water above the range of typical groundwater fluctuations. Preventing groundwater infiltration into the reservoirs is assured during the winter months by impounded water creating a downward hydraulic gradient during the wet winter/spring season. When the reservoirs are empty, the subgrade remains above fluctuating groundwater levels, preventing infiltration. In our opinion, sufficient data exists regarding the natural seasonal groundwater fluctuations to allow a high degree of assurance that the reservoirs can be isolated from groundwater infiltration.

We understand that Thornton Engineering, Inc. (TEI) will provide civil engineering support and survey services for the reservoirs and conveyance facilities generally as shown on the Reservoir 2 and 4 Site Plan, Figure 2; Reservoir Concept Profiles, Figures 3 (A-A') and 4 (B-B'); and the Zoned Berm Concept, Figure 5. The zoned berm (dam) retains the reservoirs. We also understand that TEI will design other key features, including the diversion structure on Grave Creek, surface flow interception sites, conveyance and pumped systems to supply and withdraw water from the two reservoirs, ancillary features to access, drain and maintain the reservoirs, and appropriate monitoring systems.

BACKGROUND INFORMATION

Reservoirs 2 and 4 are located in Section 8, Township 34 South, Range 5 West of the Willamette Meridian, as shown on Figure 2. The proposed containment berm of Reservoir 4 lies on the boundary between Section 7 and 8 (refer, Figure 3). Grave Creek flows from east to west through a moderately incised channel in an approximately 1,500- to 2,500-foot wide valley. The gravel aggregate source underlying the site was deposited as a rapid debris flow, possibly with multiple pulses of deposition, as described in Shannon & Wilson's Hydrogeologic Evaluation report (August 2013). Consequently, the mine cells contain a wide range of gravel, cobbles and boulder materials, with a variable matrix of clayey sand and gravel that comprises an estimated 10 to 25 percent of the debris flow deposit, as reported by Kuper Consulting, LLC, (Kuper Consultants) of Tualatin, Oregon. Our hydrogeology report dated August 2013 presents a more complete description of subsurface conditions and site hydrogeology.

Attachment 1, Groundwater Summary Discussion (Shannon & Wilson, June 18, 2014), summarizes the hydrogeology and groundwater conditions and our interpretations and conclusions. This document, prepared for land use hearings, describes the site geology, which consists of large debris/mud flow deposits that partially filled the Grave Creek Valley, creating a wide, gently sloped ground surface at the project site. Grave Creek has incised a modest channel in the upper mudflow deposit and transported away finer-grained constituents, leaving a lag deposit of poorly sorted

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gravel, cobbles, and boulders. Lower groundwater levels on the site (compared to on Grave Creek) indicate a losing stream condition exists, as described in Attachment 1. Further downstream, west of the site, the valley's constriction and thinner debris flow forces groundwater nearer the ground surface, where it flows into Grave Creek, forming a gaining stream condition. The transition from a losing to a gaining stream occurs near the western property boundary.

Two meetings with OWRD were held to discuss the reservoirs' conceptual design assumptions and to understand OWRD's concerns and requirements. Engineering geology evaluations considered the availability of materials (soil and coarse granular deposits) on the site. The test pits and borings at the site confirmed that sufficient materials are available on site, and with appropriate processing and handling it should be possible to create the select materials necessary to construct zoned berms and low permeability subgrades for the reservoirs.

Figures 3 and 4 present conceptual cross-sections showing the proposed reservoir construction. We believe sufficient subsurface information was obtained for conceptual design, and no new subsurface explorations were made as part of this evaluation. Additional explorations and infiltration testing were proposed to supplement existing data, but extreme fire danger prohibited those explorations and testing. Such additional testing may be warranted during construction to identify suitable materials and evaluate the reservoir subgrade soil's performance.

GROUNDWATER LEVELS FOR RESERVOIR DESIGN

The natural groundwater gradient and responsiveness to precipitation are the key elements we utilized to predict the potential for groundwater infiltration into Reservoirs 2 and 4. The reservoir concept profiles, Figures 3 and 4, portray blue bands showing the estimated seasonal range of the groundwater surface. Reservoir 2 has a seasonal range of 5 feet; Reservoir 4 has a 6-foot seasonal range. These bands and their elevations are projected from the monitoring wells (Figures 5 and 6), stream gradients, and from seepage elevations logged in exploratory test pits by Kuper Consultants. Test pit water levels were utilized conservatively to approximate the lower range of groundwater levels,

Groundwater levels (data) monitored by automated piezometers through July 2015 are presented on Figures 6 and 7. Both shallow and deep (at and into bedrock) groundwater levels are presented, and daily precipitation is plotted to evaluate the responsiveness to rainfall. Near the eastern site boundary, SVB-1 (Figure 6) demonstrates a typical seasonal range of about 4 feet, while SVB-2 at the western site boundary varies 7 feet annually. Values for each reservoir fall between these extremes and were based on local stream gradients and groundwater measurements.

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An exceptional storm occurred in early February 2015. Figure 6 displayed a single short duration high groundwater spike in SVB-1 that rises higher in elevation than other, more typical storm events. Precipitation measured at Sexton Summit totaled 6.6 inches of rainfall over a 5-day period, with 3.4-inches on February 6. Duration of the abrupt spike in SVB-1 was measured at 26 hours. SVB-2 had a much more subdued response to this storm event.

Evaluation of both shallow and deep piezometer pairs indicates an overall site gradient (groundwater surface slope) of about1 degree during high rainfall periods, and slightly steeper at about 1.05 degrees during extended dry times. Based on other groundwater levels and stream gradients, we believe some variation exists, with a slightly steeper gradient in the eastern portion of the site, and flatter gradient to the west. The variations are likely driven by the pre-debris flow canyon's constrictions and shape. Grave Creek also exhibits small variations in gradient east to west.

CONCLUSIONS AND RECOMMENDATIONS

Using the information and evaluations described above, we have portrayed a conceptual design for two reservoirs and containment berms (refer, Figures 3, 4, and 5). Site contours on a 2-foot contour base have established the lowest level base of the berm; the maximum height above the natural ground surface will be less than 10 feet, in accordance with OWRD rules. A zoned containment berm (Figure 5) would utilize select on-site materials for embankment fill, and soils on the reservoir face, to decrease seepage. The reservoir floor (subgrade) will include a densely compacted 2-foot layer of select fine-grained soil.

In our opinion, the hydraulic gradient has been reliably estimated for the reservoir sites based on factual data. A conservative approach has been taken to prevent inadvertent inflow (take) of groundwater into the reservoirs. Conservative predictions of groundwater level fluctuations were used to develop the "blue" groundwater range under each reservoir. For example, instead of the overall site groundwater gradient near 1 degree, as measured between SVB-1 and SVB-2, we estimated the fluctuating band gradient to be on the order of ½ degree across the reservoir sites, based on more localized data such as test pit water observations and stream gradients. This flatter gradient conservatively predicts a higher top surface elevation for the seasonal band. The resulting reservoir floor (subgrade) elevations are carefully selected to remain above natural groundwater level fluctuations, resulting in a very low risk of groundwater infiltration to the reservoirs.

Exceptional storms with more than 6 inches of precipitation over 3 – 5 days have been considered. Such storms normally occur during the winter months, January through March, when authorized

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surface water appropriation has partially or wholly filled the reservoirs. Impounded reservoir water will then counteract the groundwater spike preventing infiltration into the reservoirs. Exceptional storms have infrequently occurred during November or December. During such an early storm event, precipitation into the reservoirs will partially counter the short duration groundwater spike, and diversion of surface water to the reservoirs may be beneficial to mitigate downstream flooding. Consequently, we conclude that no significant adverse groundwater take would occur under these exceptional storms.

Excavation within the reservoir site(s) will provide most, if not all of the materials needed for the berms and subgrade. Test pit logs document significant clayey soil deposits exist on site. Kuper Consultants estimated 10 to 25 percent fine grained soils would be encountered in mine development. Grading design and survey control prior to and during construction is recommended to assure the design concepts are incorporated as intended. Also, field observation and periodic density testing is recommended to confirm the placement of the zoned berm materials and to document the degree of compaction.

CLOSURE

Should OWRD have additional questions or concerns regarding the reservoir design concepts, please contact Andreas Blech, of Sunny Valley Sand & Gravel, or Martha O. Pagel, of Schwabe Williamson & Wyatt. The undersigned will also be available to answer questions or concerns you may have. We look forward to your review of this support information for the pending water right applications. Should you have any questions, feel free to contact the undersigned.

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Sincerely,

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CERTIFIED
OREGON
GARY L. PETERSON
845
ENGINEERING GEOLOGIST
Renews 4/2016

Gary L Peterson, CEG
Senior Vice President | Engineering Hydrogeologist

GLP/JLJ/RPP:aeb

Enc:	Figure 1	Vicinity Map
	Figure 2	Reservoirs 2 and 4 Site Plan
	Figure 3	Reservoir 2 Concept Profile A-A'
	Figure 4	Reservoir 4 Concept Profile B-B'
	Figure 5	Zoned Berm Concept
	Figure 6	SVB-1 Groundwater Data
	Figure 7	SVB-2 Groundwater Data
	Attachment 1	Sunny Valley Sand and Gravel PAPA Application, Groundwater Summary Discussion, June 18, 2014

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REFERENCES

Shannon & Wilson, August 2013, Hydrogeologic Evaluation to Support Post-Acknowledgement Plan Amendment, Proposed Aggregate Quarry Land Use, Sunny Valley Sand & Gravel, Josephine County, Oregon

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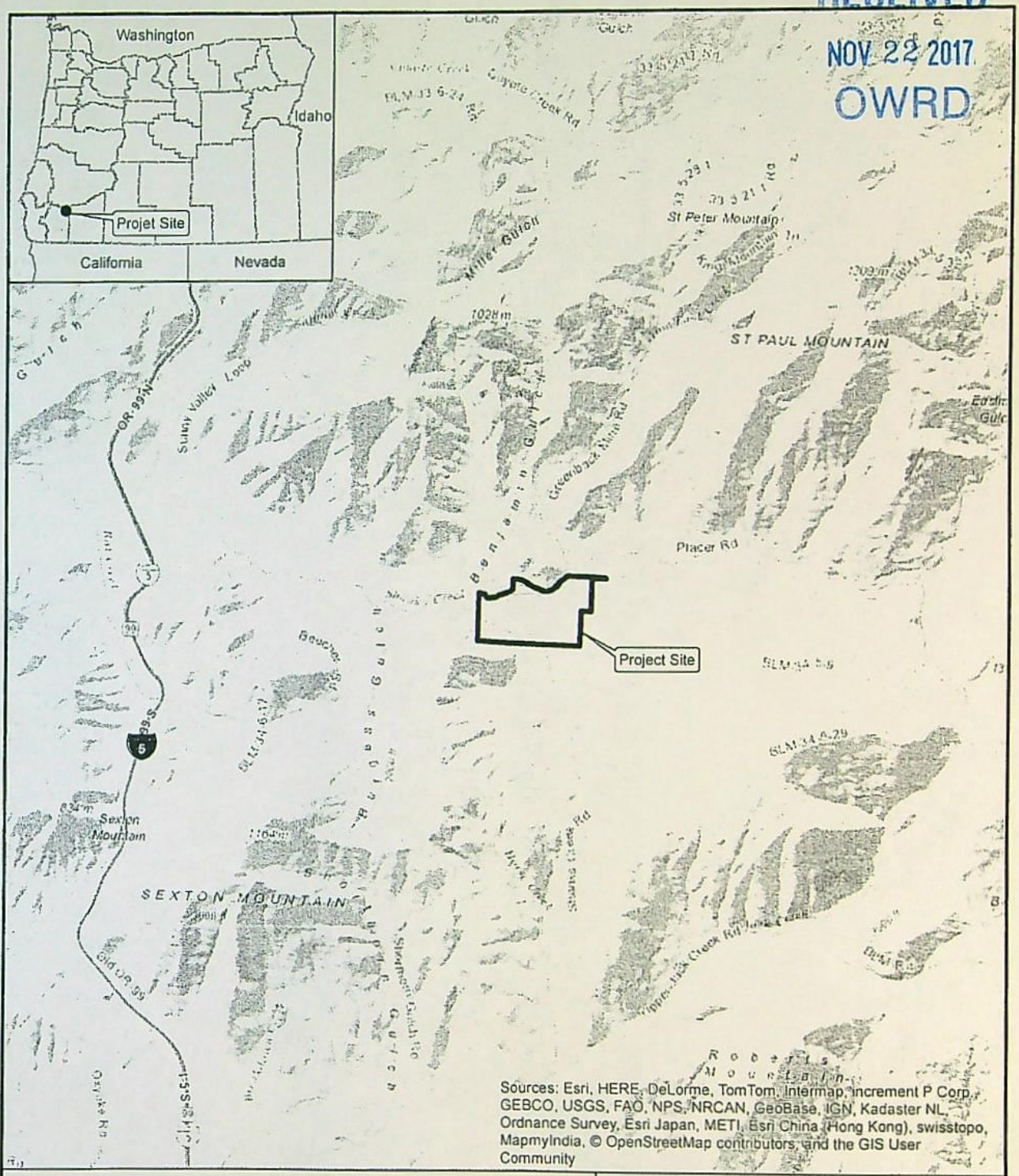

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Josephine County, Oregon

VICINITY MAP

September 2015 | 24-1-03802-004

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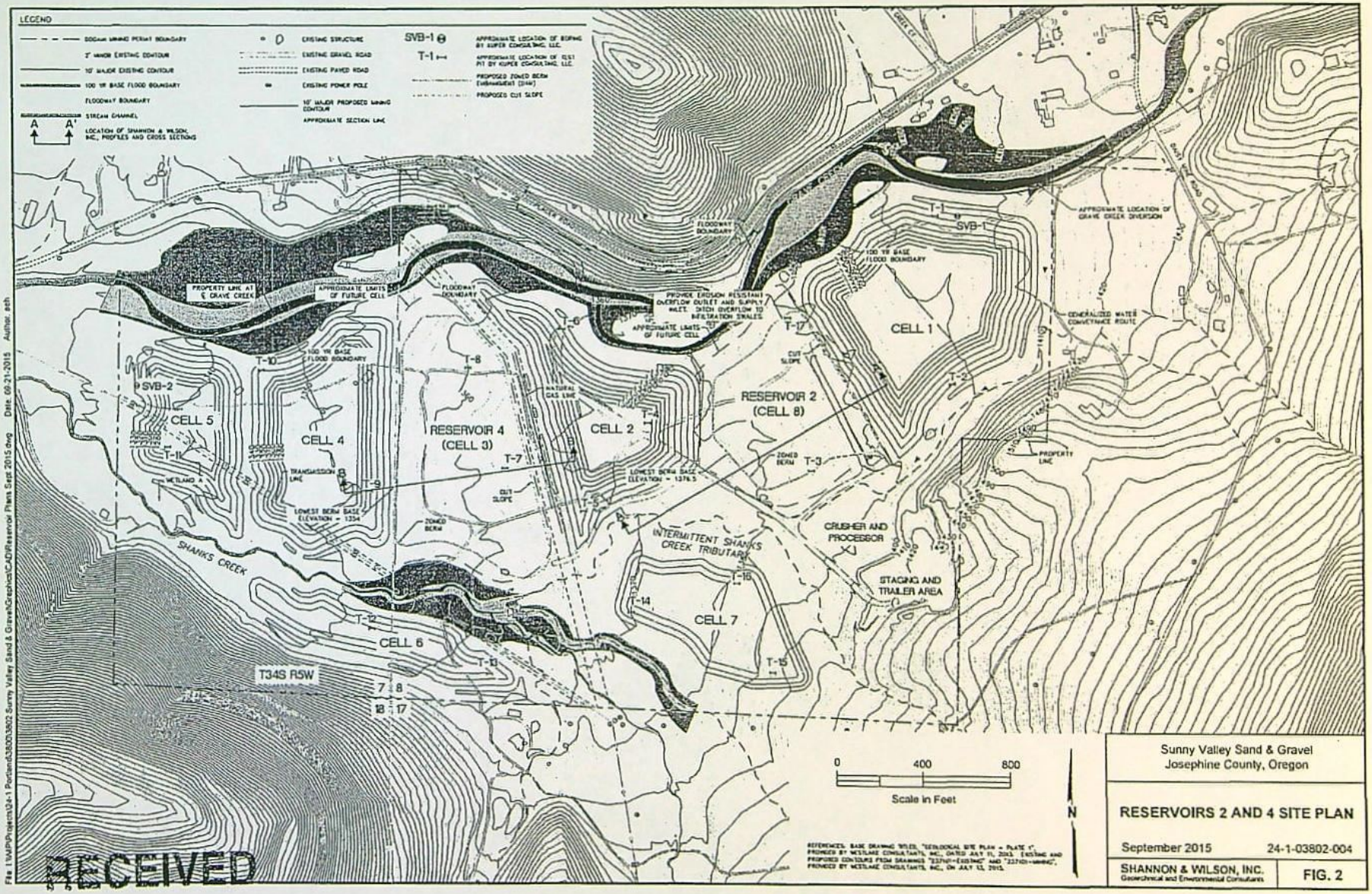
Geotechnical and Environmental Consultants

FIG. 1

Path: T:\Projects\24-1\3802_Sunny Valley\AV_mxd\Fig1_Vicinity_004.mxd 9/18/2015 aeh



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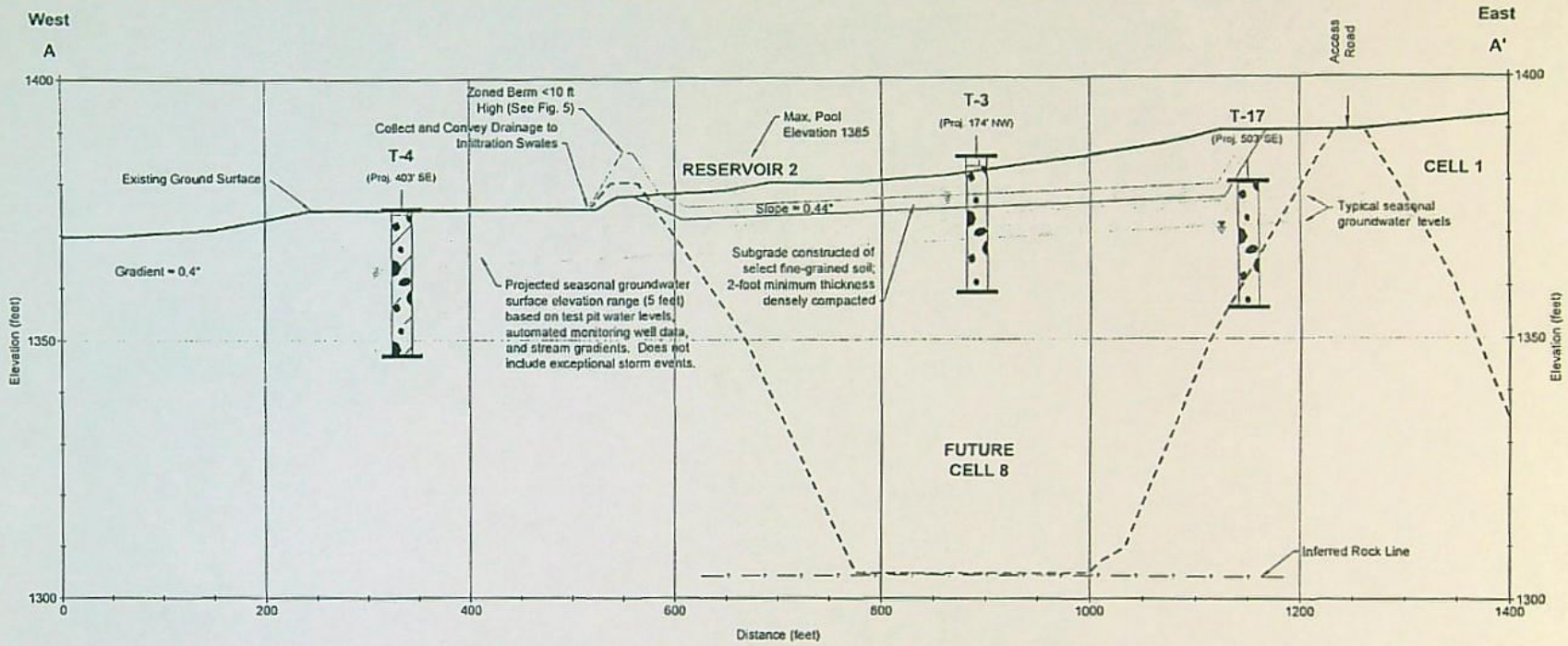

LEGEND

- Existing Ground Surface
- Future Mined Cell Following Reservoir Abandonment
- Inferred Bedrock Boundary (Boundary is not Confirmed, Mining will Extend to Bedrock Surface)
- Reservoir Excavation Limits
- Reservoir Berm and Subgrade
- Compacted native soil subgrade and zoned berms. Subgrade may be amended in future based on performance.
- Light Seepage
- Moderate Seepage
- Heavy Seepage
- Standing Water

0 100 200 Horizontal Scale in Feet

0 20 40 Vertical Scale in Feet

Vertical Exaggeration = 5x

T-1 (Proj. 121' N)
- Designation of Exploration
- Projection of Exploration
- Graphics based on Kuper Consultants Exploration Logs
- Bottom of Exploration

NOTES

1. Reservoir 2 surface is area approximately 14 acres. Reservoir 2 depth range is 6-10 feet. Estimated storage is approximately 70 acre-feet.
2. Existing ground surface and future cell surface from drawings "237101-EXISTING" and "237101-MINING", provided by Westlake Consultants, Inc., on July 13, 2015.
3. Refer to Figure 5 for zoned berm concept.

Sunny Valley Sand & Gravel
Josephine County, Oregon

RESERVOIR 2 CONCEPT PROFILE A-A'

September 2015 | 24-1-03802-004

SHANNON & WILSON, INC. Geotechnical and Environmental Consultants | FIG. 3

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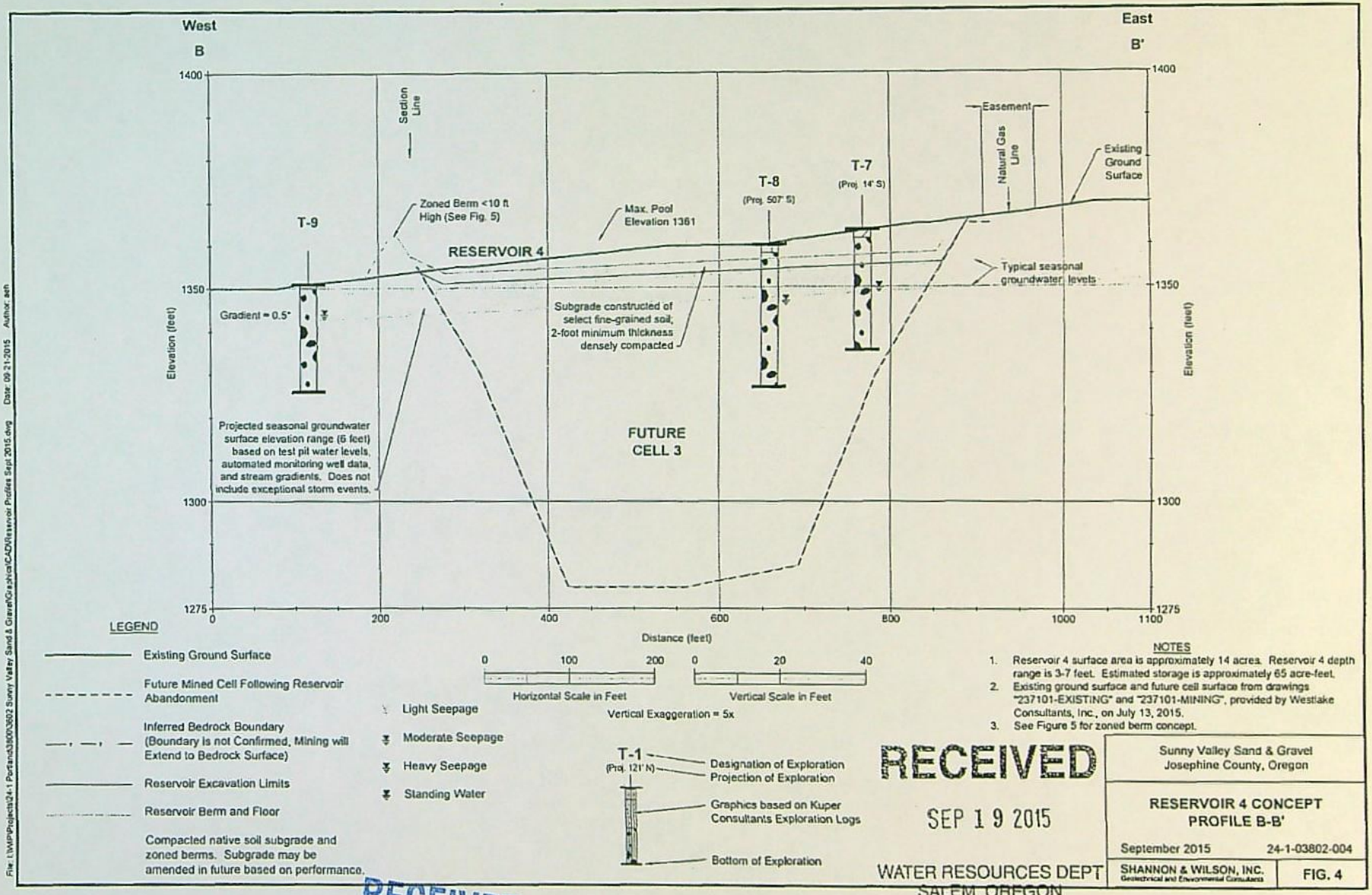

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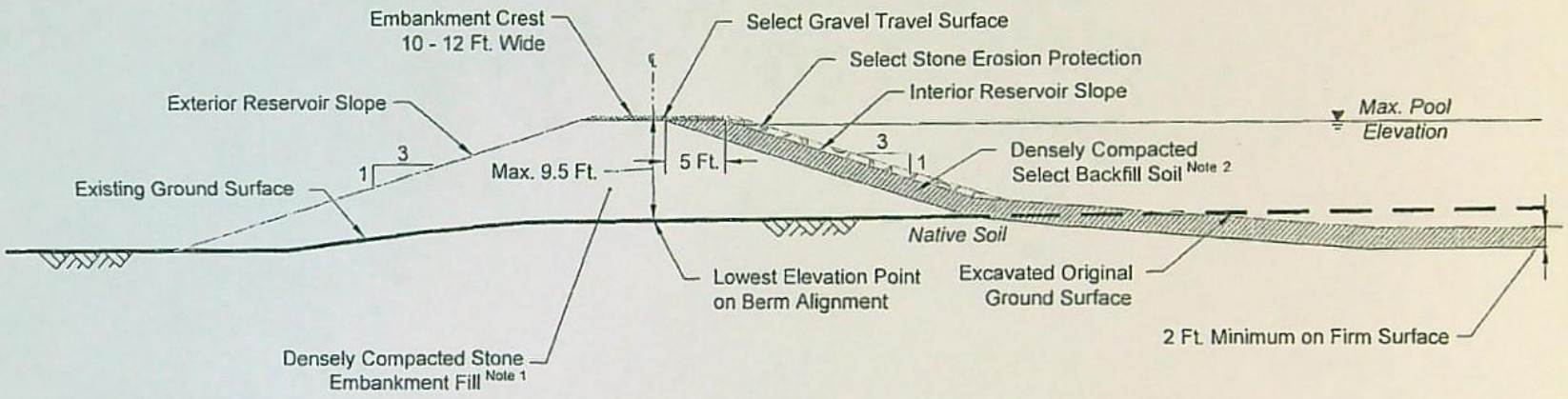

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NOTES

1. ODOT Standard Specifications (2015) 00330.16. Rock fragments larger than 15 inches can not be included.
2. ODOT Standard Specifications (2015) 00330.12. 3-inch maximum size.
3. Comply with engineer's direction regarding suitable materials and compaction procedures.

Sunny Valley Sand & Gravel
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ZONED BERM CONCEPT

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FIG. 5

FIG. 5

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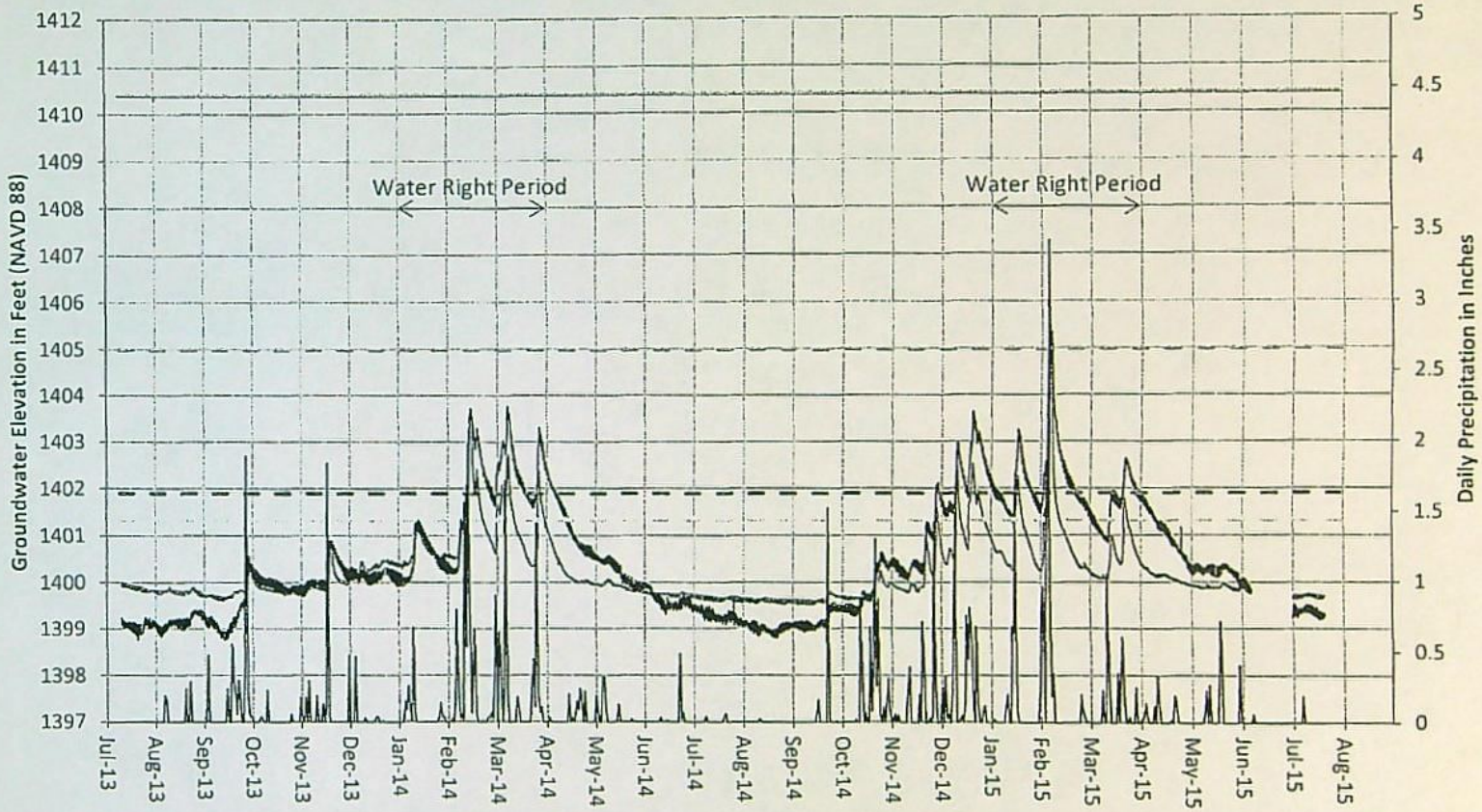

- Ground Surface
- SVB-1 Shallow
- SVB-1 Deep
- Approximate Grave Creek Bed
- Approximate Grave Creek Normal Edge
- Approximate Grave Creek Floodway
- Precipitation at Sexton Summit

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SVB-1
GROUNDWATER DATA

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FIG. 6

FIG. 6

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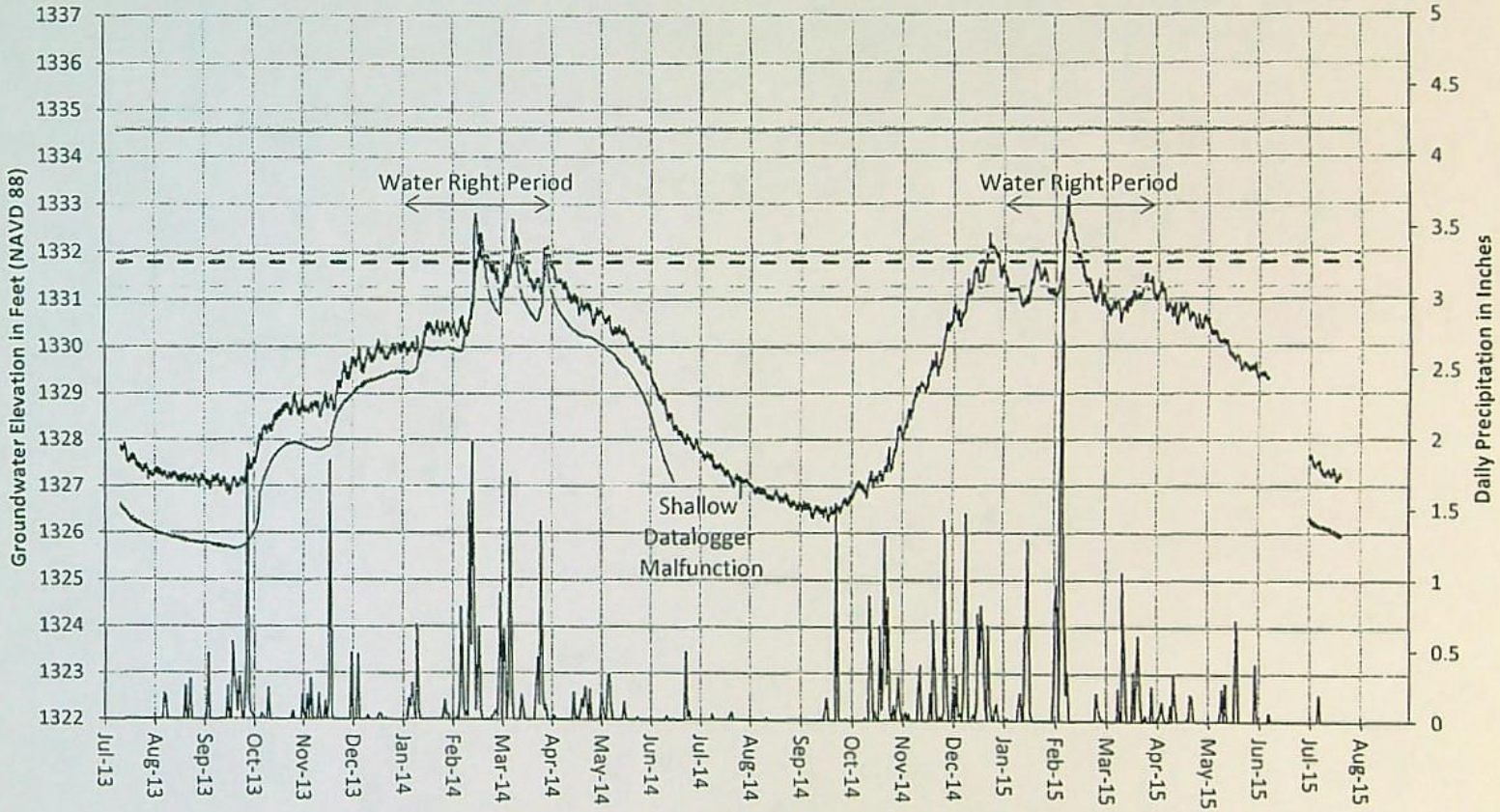

- Ground Surface
- SVB-2 Shallow
- SVB-2 Deep
- Approximate Grave Creek Bed
- Approximate Grave Creek Normal Edge
- Approximate Grave Creek Floodway
- Precipitation at Sexton Summit

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SVB-2
GROUNDWATER DATA

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FIG. 7

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FIG. 7

ATTACHMENT 1

SUNNY VALLEY SAND AND GRAVEL PAPA APPLICATION, GROUNDWATER SUMMARY DISUCSSION, JUNE 18, 2004

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WISCONSIN

June 18, 2014

Ms. **Cherryl Walker, Chair**
Josephine County Board of Commissions
500 NW Sixth Street, Dept. 6
Grants Pass, Oregon 97526

RE: SUNNY VALLEY SAND AND GRAVEL PAPA APPLICATION GROUNDWATER SUMMARY DISCUSSION

Dear Ms. Walker:

This letter summarizes key points relevant to groundwater impacts of the Applicant's submittal for Sunny Valley Sand and Gravel's (SVSG) Post Acknowledgement Plan Amendment (PAPA) application.

2013 HYDROGEOLOGY REPORT FINDINGS

The Board of Commissioners is encouraged to review the following documents in the record that provide complete background information, conclusions and recommendations related to groundwater and its interaction with Grave Creek and Shank Creek. Shannon & Wilson, Inc., and other firms completed field and office analyses of the SVSG property and reported the results in a report titled, *Hydrogeologic Evaluation to Support Post Acknowledgement Plan Amendment, Proposed Aggregate Quarry Land Use, Sunny Valley Sand & Gravel, Josephine County, Oregon, August 2013.* That report is referred to herein as SWHE2013.

STAFF REPORT: GROUNDWATER-REALTED CONDITIONS

The following Conditions of the PAPA have been incorporated in the Staff Report to prevent or mitigate adverse groundwater impact.

- **Condition 14** requires permits be obtained from DOGAMI, DEQ, DSL, OWRD and other agencies, some of which require specific groundwater and surface water protection measures.
- **Conditions 24, 25, and 26** require continuous, automated groundwater monitoring,

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including quarterly reports submitted to DOGAMI. SVSG implemented this condition nearly one year ago and has utilized the data to prepare this application. Pre-mine groundwater levels provide the necessary baseline to complete final design of site-specific features such as dewatering systems, reservoir liner elevation, and reclamation slopes.

- **Condition 26** protects existing well users by requiring monitoring wells focused on early detection onsite for groundwater declines that might adversely impact the use of offsite wells. A single neighboring domestic well has been identified to have a low-probability risk of adverse impacts to use resulting from mine operations. Otherwise, 68 wells located within the 1,500-foot impact zone are found to not be at significant risk of conflicting use from the new mine. Proactive mitigation measures based on early detection are available, and should they fail, well replacement is a final mitigation option.
- **Condition 27** requires industry-standard infiltration swales to mitigate dewatering impacts. These perimeter swales will receive groundwater from the active mine cells. Maintaining a positive water head adjacent to stream channels prevents impact to stream flows and groundwater users surrounding the site.
- **Condition 28** requires spill prevention control and counter measures (SPCC) that are federally regulated to prevent or mitigate groundwater contamination.

2014 UPDATED GROUNDWATER MONITORING

Exploratory borings, test pits, and monitoring wells installed by Kuper Consulting, LLC, provided the geologic setting and initial groundwater data observed during site studies. Shannon & Wilson assumed data processing and analysis of four piezometers installed in shallow and deep pairs within monitoring wells SVB-1 and SVB-2. Groundwater levels are measured at 15-minute intervals in these four piezometers at these two wells, and compared graphically to rainfall from a Sexton Mountain weather station. Figures 2 and 3 present the groundwater elevation plots, rainfall, and other reference elevations.

OREGON WATER RESOURCES DEPARTMENT (OWRD) CONSIDERATIONS

Recent public Planning Commission meetings demonstrated that significant misunderstandings existed regarding SVSG's water rights application with OWRD, which remains on administrative hold. Outreach meetings with OWRD staff were held May 22 and June 9, 2014. Tim Wallin, PhD, RG, Water Rights Program Manager, attended both meetings. Dwight French, Administrator of the Water Rights Division, and Ivan Gall, Groundwater Section Manager, each attended one meeting. Figures 2 and 3 were shared to inform OWRD technical staff on documented site conditions.

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Process water storage reservoirs, groundwater impacts, stream impacts, and groundwater gradients at Grave Creek were the key subject areas of discussions, as follows.

Process Water Storage Reservoirs

SVSG intends to use surface water storage to provide up to 215 acre feet per year for process water. The storage would be accomplished through construction of three relatively shallow, lined, temporary reservoirs that would be subject to permitting requirements of OWRD. The water right applications are currently on "administrative hold" pending county land use approval. Discussions with OWRD have clarified that reservoir design will require specified base elevations to avoid comingling of groundwater with the stored surface water. Meetings with OWRD informed department staff of monitoring data, investigation results and other technical work and findings to date that they previously had not reviewed. Upon County approval, SVSG will proceed with final design of the reservoirs, including additional groundwater monitoring to identify and document key controlling groundwater elevations and avoid unintended groundwater infiltration into the reservoirs.

Stream Impacts

Terminology describing the geologic origin of the significant SVSG aggregate resource should be clarified. Confusion was an issue during the Planning Commission Hearings regarding the terms "debris flow," "mud flow," and "alluvial." The origin of this deposit is not disputed. Very high-energy, rapidly moving fluid torrents carried the massive sequence of rounded to subrounded gravel and boulders down a confined drainage channel. When these torrents (mudflow or debris flows) spread out into the broader valley, they settled, forming broad, gentle slopes on their surface and obliterating the prior stream channel. Borings and test pits disclosed a coarse-grained gravel deposit, with a substantial percentage of sand, gravel, cobbles (3- to 12-inch rock fragments) and boulders ranging from 1 to 4 feet (or more) in dimension. Soil (fine-grained material) consists of silt and clay mixtures that comprise on average about 10 to 25 percent of the deposit. Mudflow or debris flow are accurate descriptors for this deposit.

After deposition, the stream flowed across the surface of the deposit, reestablishing shallow stream channels and reworking the finer-grained sand, silt, and gravel through alluvial, stream processes. Kuper Consulting, LLC, described the deposit as an alluvial/mudflow deposit because it consists of predominantly high-energy mudflow deposits, with localized alluvial deposits interbedded.

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Contrary to public testimony (Vahja Ma), debris flows, mudflows, and alluvial deposits are subject matter of college-level geology courses and part of the examination process to become an Oregon Registered Geologist (RG) and Certified Engineering Geologist (CEG).

Artesian (Confined) Groundwater Conditions

The SVSG team has diligently investigated the potential for artesian (or confined) aquifers at the site. Study of the boring logs and data plots for monitoring wells SVB-1 and SVB-2 disclose that each of these wells included two piezometers with discrete slotted screen and seals installed precisely to measure water levels. Each piezometer, designated "Deep" or "Shallow," consists of a standpipe well, 10-foot screened interval, and matching sand backfill in the sensing zone, in accordance with OWRD criteria. Automated 15-minute groundwater elevation measurements over more than nine months present graphically the comparison of deep and shallow aquifers. The following table identifies the magnitude and characteristics.

TABLE 1: MONITORING WELL GROUNDWATER RESPONSE (FIGURES 2 AND 3)

Monitoring Well	Groundwater Elevations from Surveyed Wells		Description of Gradient (water pressure differential) and climatic events reflected by rainfall on plots.
	Deep	Shallow	Normal gradient is not artesian (confined)
SVB-1 eastern	1398.9 - 1403.8	1399.8 – 1403.7	Normal gradient during extended dry periods. Deep aquifer responds over a slightly larger range (~ 4 feet) compared to shallow aquifer near creek (3+ feet). Spring storms result in small, confined pressures in deep aquifer that dissipate more slowly than shallow aquifer.
SVB-2 western	1327.0 - 1332.2	1325.8 – 1332.9	Deep aquifer displays small, persistent confined head <1.2 ft. coincident with lowest annual stream levels. Wet spring storms display gradients equal but slower to dissipate in the deep aquifer.

Groundwater Gradients at Grave Creek

Eleven months of precision groundwater elevation monitoring from onsite wells shows that Grave Creek's streambed is higher in elevation than adjacent groundwater much of the year (Figures 2 and 3). The condition where creek-derived seepage recharges groundwater is described as a "losing stream."

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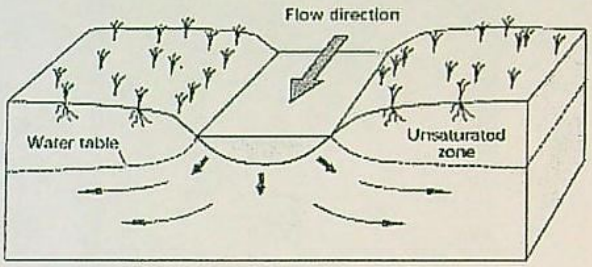
LOSING STREAM ILLUSTRATION



Reference: http://www.water.ca.gov/groundwater/groundwater_basics/gw_sw_interaction.cfm

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A losing stream at this site is geologically likely and sensible as follows. The mudflow/alluvial deposit filled the Grave Creek canyon well above its prior elevation. Known thickness of the deposit ranges from about 89 feet in the east to about 50 feet in near the west boundary. As Grave Creek reestablished its channel across the surface of the last mudflow, it lacked energy to erode the heavy cobbles and boulders, but was effective at transporting the matrix of gravel, sand, and fines (silt and clay) mixtures. A streambed with this natural riprap-like armor is said to contain a "lag" deposit, which limits the depth of erosion and prohibits incision of a deep stream channel. Streams flowing through lag deposits may appear to stop flowing or "go dry" during extended dry periods; however, flow through the coarse gravel deposits below the cobble and boulder armor may be transporting low flows. These features are obvious to a geologist visiting the site.

Well Impacts

Shannon & Wilson collected and reviewed all OWRD-registered well logs within and beyond the designated 1,500-foot impact area from the SVSG property. The well log review process is described in SWHE2013, sections 4.2 and 4.3. Well logs on properties that lie within 3,600 feet were screened in an attempt to ensure all registered wells were found within the required 1,500-foot offset area. Tabulations of area wells grouped by "orders" that reflect relative risk are presented in Tables 1, 2, 3, and 4 in SWHE2013. Sixty-eight (68) wells were identified and grouped with respect to similar yield, aquifer type, and distance from the site. Based on multiple criteria, 17 wells were prioritized as most important to further evaluate, which was accomplished by calculating their Radius of Influence (ROI) in accordance with Oregon Wellhead Protection procedures typically used to evaluate risk to municipal wells or well fields. Figure 4, ROI for First and Second Order Impact Area Wells, is attached to illustrate OWRD registered wells within the impact area and their calculated ROI.

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Factual water level data collected (Figures 2 and 3) portray the persistent "losing stream" condition with the exception of specific storm events evident on the plots. Seepage from the streambed supplies a saturated zone that recharges any groundwater flow paths, such as to wells. Consequently, the saturated zone beneath Grave Creek is highly likely to recharge shallow aquifers tapped by nearby wells. In technical terms, such a condition is termed a "recharge boundary," where a ready supply of groundwater can meet the demand for groundwater drawn from wells. Hence, the risk of conflicting use of groundwater between the mine and local wells is even more unlikely. Study of Figure 4 reveals overlapping ROI circles where wells are closely spaced. Overlapping ROI suggest the potential for conflicting use likely exists now between neighboring wells north of Placer Road.

Figure 5 presents the ROI for impact area wells considering Grave Creek as a recharge boundary, as has been documented by the groundwater monitoring program. When considering the Grave Creek seepage, only one domestic well east (upgradient) of the SVSG site displays a theoretical ROI that suggests some risk of conflict in use exists that might adversely impact the historical use of that well. Should monitoring wells detect the potential for future offsite well impacts during mining, mitigation measures up to and including well deepening or replacement will be employed to resolve the conflict.

Registered water wells and observation wells onsite do not pose conflicts and will assist SVSG meet DOGAMI's required groundwater monitoring criteria. SVSG anticipates supplemental monitoring wells will be drilled on the site and likely required by DOGAMI to detect early warning of offsite impacts, should they occur.

Wells not registered with OWRD likely exist in the project area, and many wells are not constructed to current state standards. Public testimony has revealed several substandard (hand-dug) and unmapped wells. Regardless of whether all wells are located or known, the hydrogeologic setting for Grave Creek and the local low-yield aquifers has been characterized.

Infiltration swales in this geologic setting will maintain a strong recharge boundary supporting both Grave Creek stream flows and groundwater users north of Grave Creek. Figure 5 shows that four wells north of Grave Creek no longer extend onto the site as a result of Grave Creek Recharge. Infiltration swales continuously recharge along this boundary, even if Grave Creek or Shank Creek temporarily do not display flowing surface water.

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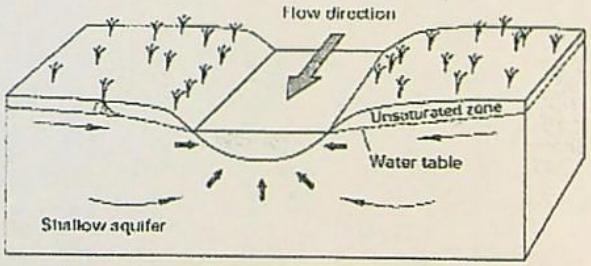
Grave Creek Transitions to a Gaining Stream Downstream

Public testimony regarding past irrigation practices west of the SVSG site illustrate that the limits of the losing stream behavior occur west of the site. Aerial photo interpretations by the author support this finding. Testimony described that sumps were dug to irrigate fields (without pumping) west of the site. Water levels in the sumps were reported to correspond to Grave Creek, and open ditches reportedly conveyed water to crops. Sumps that allow groundwater to flow into surface ditches indicate shallow groundwater is likely flowing into the surface streams, i.e. a gaining stream.

Geographically, a gaining stream downstream of the SVSG site makes sense. The Grave Creek valley, near the confluence with Shank Creek, is tightly constrained on the south by steep hillsides, and by gently sloping but higher topography to the north. Aerial photographs show more vibrant plant life and some agricultural work just west of the SVSG site. In the author's professional opinion, these indicators and the testimony suggest that Grave Creek becomes a gaining stream within ¼ mile west of the site. Water lost from Shanks and Grave Creek travels through the pervious and thinning alluvial/mudflow deposit, then over the higher rock line near the western property line, where groundwater is expressed at and near the ground surface. Grave Creek is incised in this area, providing the opportunity to receive seepage from the shallow aquifer, i.e. a "gaining stream."

GAINING STREAM ILLUSTRATION



reference: http://www.water.ca.gov/groundwater/groundwater_basics/gw_sw_interaction.cfm

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Opponents of the project have expressed concerns that the mine may reduce the stream flow of Grave Creek downstream. It appears clear in the bigger picture that water lost naturally from Grave Creek along the SVSG site is restored to Grave Creek by seepage a short distance downstream of the site. This groundwater flow path will remain the same during and following mining of the SVSG site.

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PUBLIC TESTIMONY

The following additional issues were raised in public testimony for the Planning Commission. Our professional opinion and response is briefly stated in the following sections.

Artesian Aquifer Discussions

Public testimony cited water well records and suggested that the mined cells will encounter artesian groundwater that will rise or "gush" into the mined cells. If such a productive artesian aquifer existed, and was encountered by drillers in Sunny Valley, residents would enthusiastically install new wells to tap this valuable resource for their use. Instead, most reported water wells are in bedrock and provide only very low yields, typically a few gallons per minute or less. Some are reported to occasionally go dry, which may be the result of neighboring wells interference with each other based on our ROI calculations.

Data is presented herein (Figures 2 and 3) documenting nearly one year of detailed groundwater elevation monitoring, and relating that data to nearby streams. Deep piezometers installed at and into bedrock to detect artesian (confined) groundwater have revealed it is intermittently present, at very low head differential, and responds to seasonal rainfall. Groundwater levels rise rapidly to meet stream levels during episodic rainfall events, then decline more slowly.

The data also disclose that groundwater behaves somewhat differently from east to west. In the east, at SVB-1, groundwater fluctuates less than 5 feet in elevation, and remains more than 6 feet below the ground surface. At the western site limit, SVB-2 demonstrates that groundwater is shallower, rising to less than 2 feet below ground surface in response to a significant rainfall period in February. The groundwater behavior anticipated based on our geologic knowledge of the site reported in our 2013 report has been validated by nearly one year of monitoring. With confined pressure head differentials of less than 1.5 feet, no significant or adverse groundwater/surface water impacts are associated with the proposed mining operation.

Groundwater Contamination

Public testimony suggested that the mined pools will fill with contaminated water, alleging hazardous materials or minerals in the groundwater. We are not aware of, nor has any evidence been present of groundwater contamination existing at the site. Further, historic mining immediately upstream in the Placer community involved extensive placer works searching primarily

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for precious metals. We are unaware of any investigations, cleanups, or other activities that have identified contaminant sources in the site area. This invalid assumption would suggest that no potable water can be had from existing water wells in the project vicinity.

Access Road Stability

Some testimony expressed concern for the stability of Placer Road and neighboring areas. Shannon & Wilson engineering geologists have mapped the roadway alignment, defined areas of shallow slope instability, and proposed explorations to evaluate subsurface conditions. No deep-seated or large-scale instability exists based on field observations, published geologic maps, landslide maps, or LiDAR imagery. Following County approval, geotechnical explorations and design recommendations will be prepared for earthwork, surface water management, and bridge foundations for final roadway design. Routine design approaches will create a safe, stable access road.

CLOSING

I appreciate the opportunity to directly address the Board of Commissioners with this hydrogeology update and summary. I trust that the clarification provided herein satisfies the members, and stand by to answer any groundwater-related questions.

Sincerely,

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CERTIFIED OREGON GARY L. PETERSON E 845 ENGINEERING GEOLOGIST

Renews April 2015

Gary L. Peterson, CEG
Senior Vice President | Engineering Geologist

GLP/glp:amn

Attachments:
Figure 1 – Site Plan
Figure 2 – SVB-1 Groundwater Elevations Over Time
Figure 3 – SVB-2 Groundwater Elevations Over Time
Figure 4 – ROI for First and Second Order Impact Area Wells
Figure 5 – ROI for Impact Area Wells, with Grave Creek Seepage

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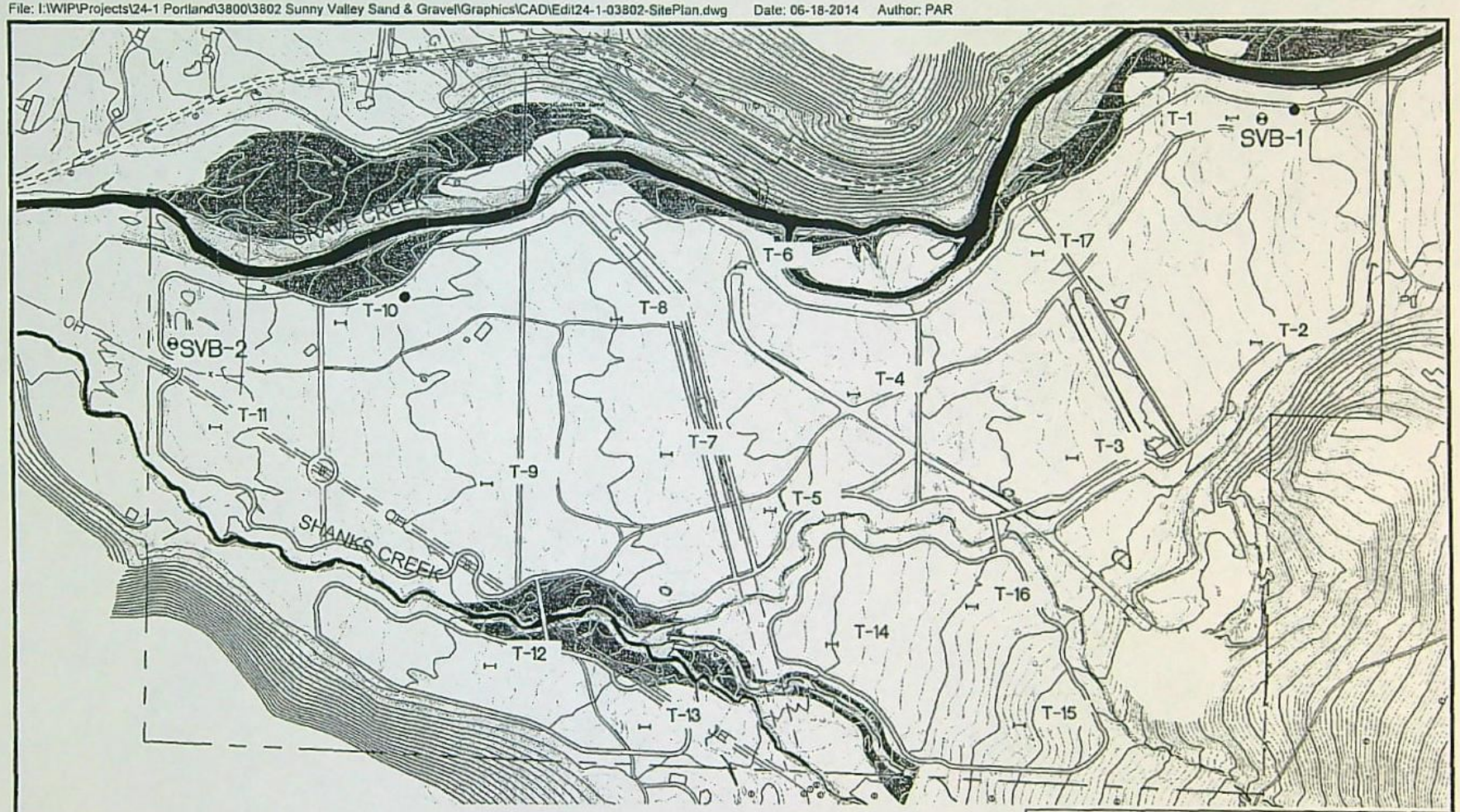

LEGEND

- DOGAMI MINING PERMIT BOUNDARY
- EXISTING 2' MINOR CONTOUR
- EXISTING 10' MAJOR CONTOUR
- EXISTING STRUCTURE
- EXISTING GRAVEL ROAD
- EXISTING PAVED ROAD
- 100 YR BASE FLOOD BOUNDARY
- FLOODWAY BOUNDARY
- STREAM CHANNEL
- EXISTING POWER POLE
- SVB-1 APPROXIMATE LOCATION OF BORING BY KUPER CONSULTING, LLC
- T-1 APPROXIMATE LOCATION OF TEST PIT BY KUPER CONSULTING, LLC
- OTHER WELLS

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SITE PLAN

June 2014 24-1-03802-001

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FIG. 1

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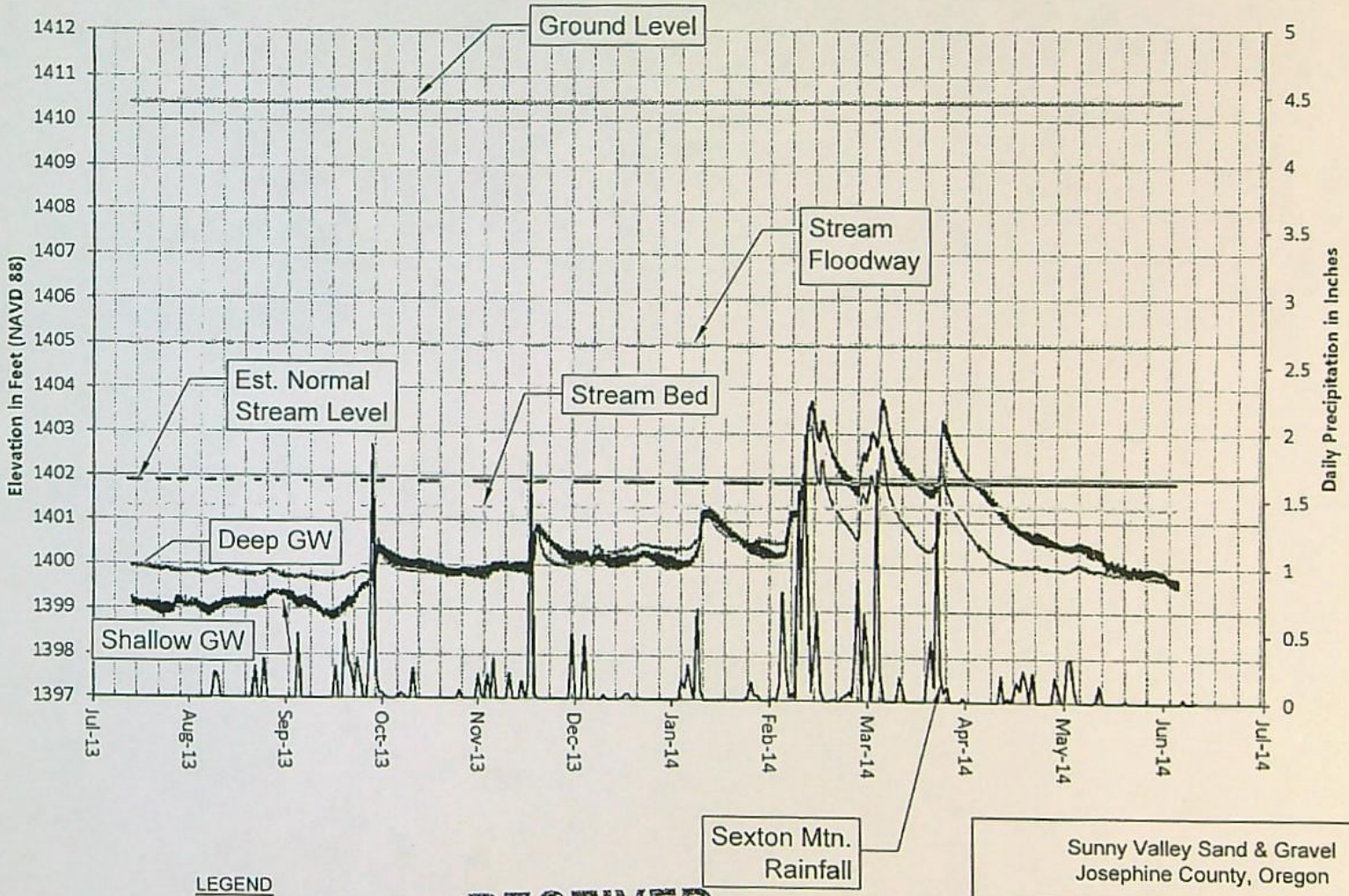

LEGEND

SVB-2 Shallow Groundwater

SVB-2 Deep Groundwater

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Sunny Valley Sand & Gravel
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SVB-1
SURFACE AND GROUNDWATER ELEVATIONS OVER TIME

June 2014 24-1-03802-001

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FIG. 2

FIG. 2

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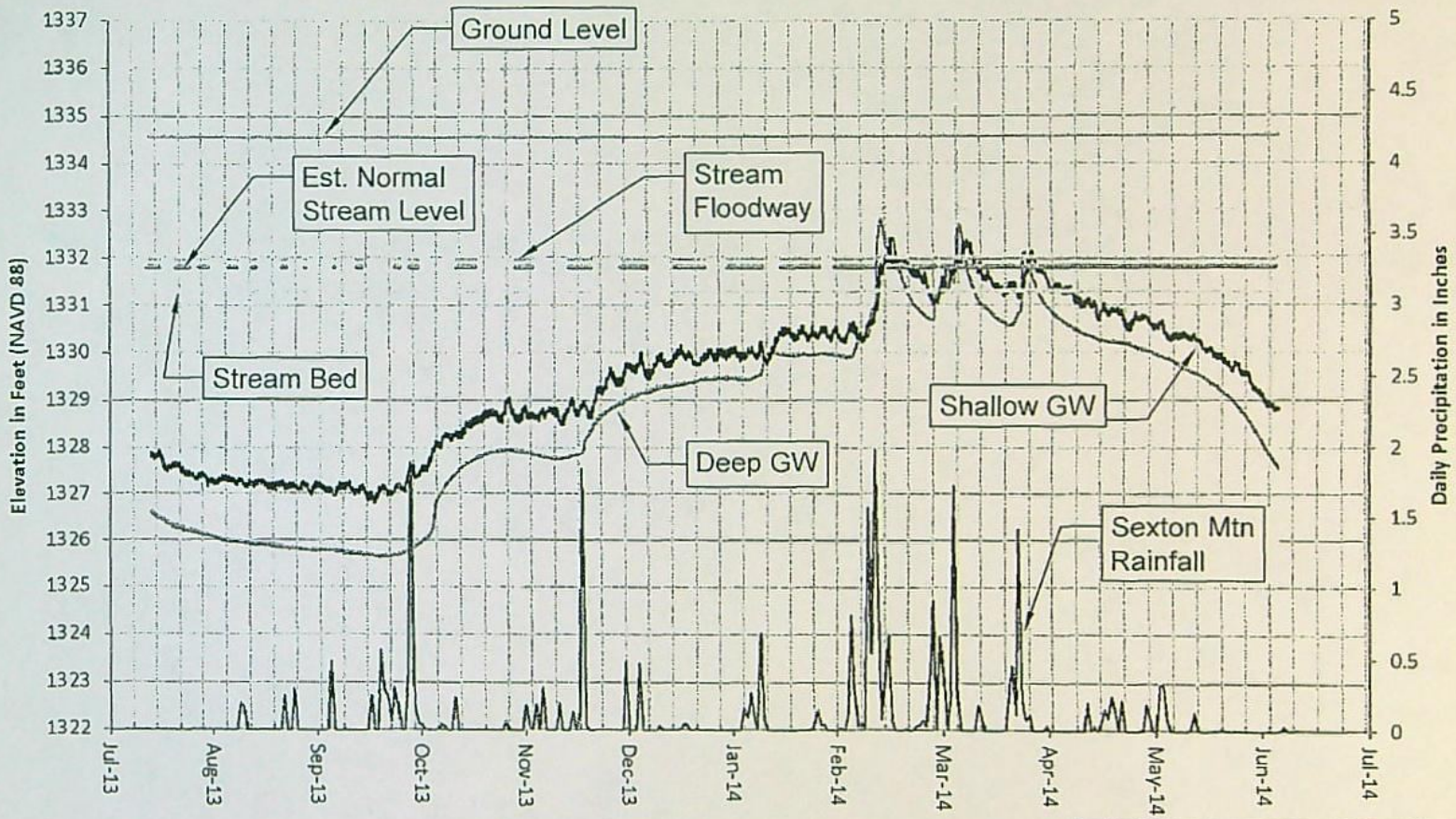

LEGEND

SVB-2 Shallow Groundwater

SVB-2 Deep Groundwater

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Sunny Valley Sand & Gravel
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SVB-2
SURFACE AND GROUNDWATER ELEVATIONS OVER TIME

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FIG. 3

FIG. 3

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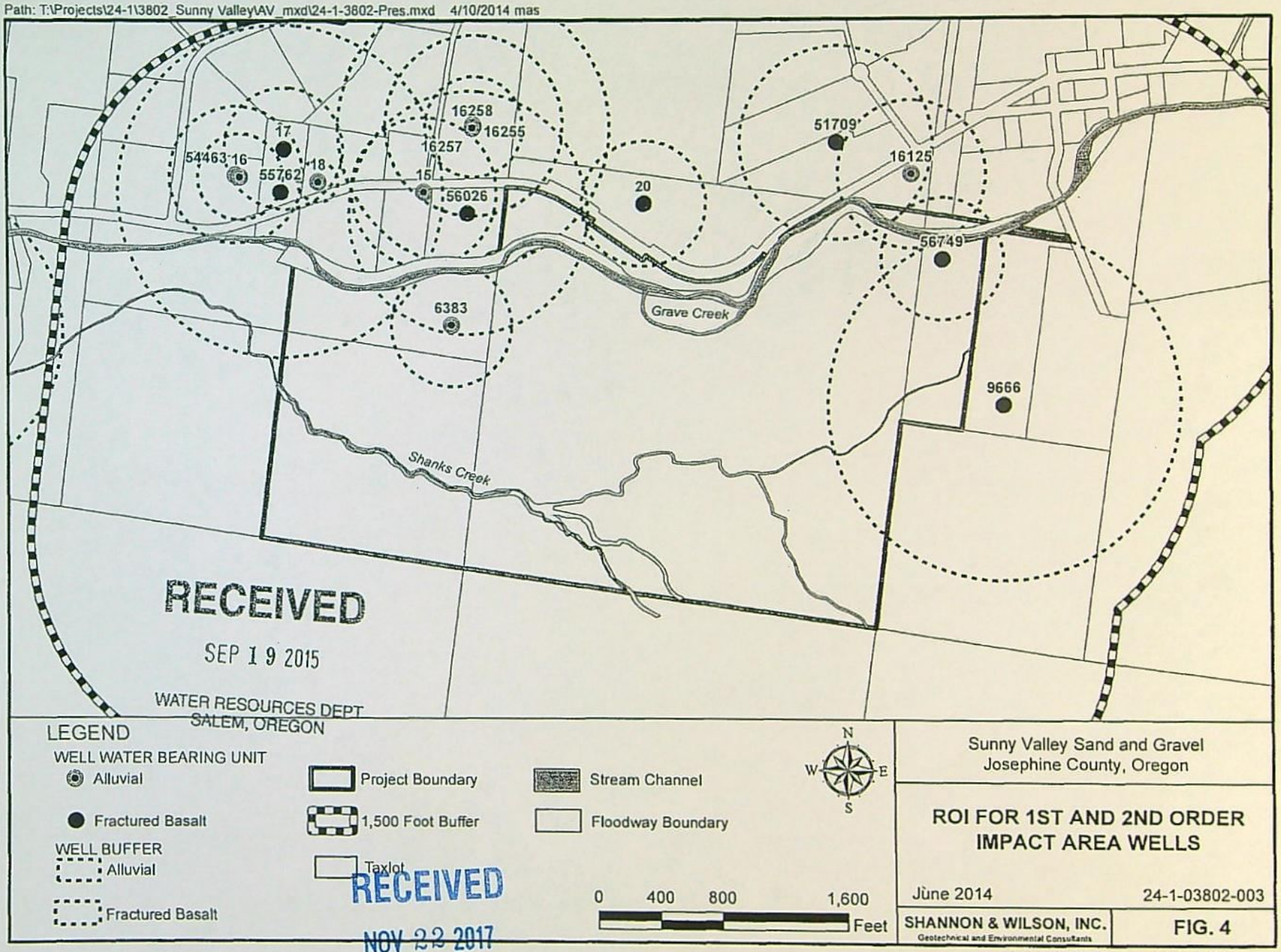

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ROI FOR 1ST AND 2ND ORDER IMPACT AREA WELLS

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FIG. 4

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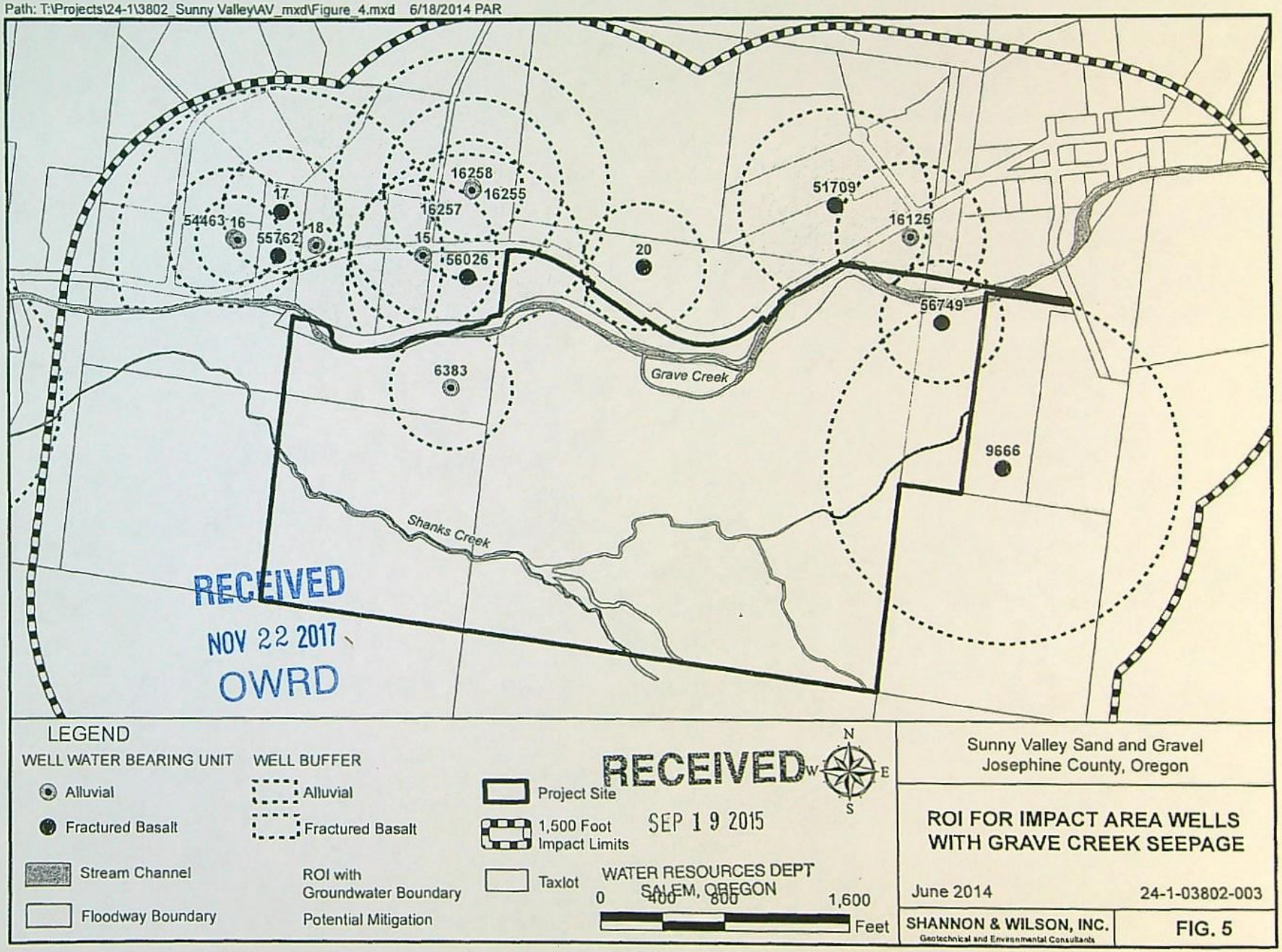
Path: T:\Projects\24-1\3802_Sunny Valley\AV_mxd\Figure_4.mxd 6/18/2014 PAR



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SEP 19 2015
WATER RESOURCES DEPT
SALEM, OREGON

Sunny Valley Sand and Gravel
Josephine County, Oregon

ROI FOR IMPACT AREA WELLS WITH GRAVE CREEK SEEPAGE

June 2014 | 24-1-03802-003

SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 5

Schwabe
WILLIAMSON & WYATT®

FILE

Martha O. Pagel
T: Salem 503-540-4260
mpagel@schwabe.com

April 20, 2017

BY HAND DELIVERY

Tim Wallin
Manager, Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271

RE: Updated Land Use Forms for Applications R-87930, R-87931 and R-87932

Dear Tim:

On behalf of our client, Sunny Valley Sand & Gravel, Inc., we are pleased to submit the enclosed updated land use forms that have been approved by Josephine County. The forms confirm that land use approvals have been secured for Sunny Valley's proposed mining site. With these forms in place, Sunny Valley is prepared to continue with the water right application process.

Please let us know if you have questions or need any additional information in order to remove the applications from "administrative hold" and proceed with processing.

Thank you.

Sincerely,

Martha

Martha O. Pagel

MOP:kdo
Enclosure

cc: Andreas Blech (*w/encl.*)

PDX\123805\182220\MOP\20543548.1

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530 Center Street, NE | Suite 400 | Salem, OR | 97301 | M 503-540-4262 | F 503-796-2900 | schwabe.com

Application R-87950
Updated Land Use Form

Land Use Information Form

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

Res #2

NOTE TO APPLICANTS

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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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
   b) The application involves a change in place of use only;
   c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
   d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

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

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Applicant: Sunny Valley Sand and Gravel, Inc. (First) Attn: Andreas Blech (Last)

Mailing Address: 1867 Williams Hwy # 260

Grants Pass (City) OR (State) 97527 (Zip) Daytime Phone: 541-244-2644

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See	Attached					☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Josephine County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☑ Surface Water (name) Grave Creek

Estimated quantity of water needed: 70.0 Reservoir 2 ☐ 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 Multi prurpose

Briefly describe:

Water will be diverted to the reservoir in the winter and spring, and stored for subsequent multi-purpose use related to proposed sand and gravel mining operations. Additional applications will be filed in connection with any proposed secondary use of the stored water.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
See findings dated 12/7/16	Josephine County RLDC Sec 66.150	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Jeff Page Title: Planner

Signature: [signature] Phone: 541-474-5420 Date: 4/3/17

Government Entity: Josephine 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: _____

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Sunny Valley Sand and Gravel Inc.
Reservoir 2

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	Water to be:	Proposed Land Use:
34 S	5 W	8	NE SW	400	MARZ	☐Diverted ☒Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	SE SW	400	MARZ	☐Diverted ☐Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	NW SE	1002	MARZ	☒Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining

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Application R-87931
Updated Land Use Form

Land Use Information Form

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

RES #3

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and <u>all</u> of the following apply:
   a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
   b) The application involves a change in place of use only;
   c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; <u>and</u>
   d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

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

Applicant: Sunny Valley Sand and Gravel, Inc. (First) Attn: Andreas Blech (Last)

Mailing Address: 1867 Williams Hwy # 260

Grants Pass (City) OR (State) 97527 (Zip) Daytime Phone: 541-244-2644

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
See	Attached					☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Josephine County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☑ Surface Water (name) Grave Creek

Estimated quantity of water needed: 65.0 Reservoir 3 ☐ 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 Multi purpose

Briefly describe:

Water will be diverted to the reservoir in the winter and spring, and stored for subsequent multi-purpose use related to proposed sand and gravel mining operations. Additional applications will be filed in connection with any proposed secondary use of the stored water.

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

See bottom of Page 3. →

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For Local Government Use Only

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Please check the appropriate box below and provide the requested information

☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
See findings dated 12/7/16	Josephine County RLDC Sec 66.150	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
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		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

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Name: Jeff Page Title: Planner

Signature: Phone: 541-474-5420 Date: 4/3/17

Government Entity: Josephine 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: _____

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Sunny Valley Sand and Gravel Inc.
Reservoir 3

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	Water to be:	Proposed Land Use:
34 S	5 W	8	NE SW	400	MARZ	☐Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining
34 S	5 W	8	SW SW	400	MARZ	☐Diverted ☐Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	SE SW	400	MARZ	☐Diverted ☒Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	NW SE	1002	MARZ	☒Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining

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Application R-87932
Updated Land Use Form

Land Use Information Form

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

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RES #4

NOTE TO APPLICANTS

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Land Use Information Form

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

Applicant: Sunny Valley Sand and Gravel, Inc. (First) Attn: Andreas Blech (Last)

Mailing Address: 1867 Williams Hwy # 260

Grants Pass (City) OR (State) 97527 (Zip) Daytime Phone: 541-244-2644

A. Land and Location

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See	Attached					☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Josephine County

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B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☑ Surface Water (name) Grave Creek

Estimated quantity of water needed: 80.0 Reservoir 4 ☐ 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 Multi prurpose

Briefly describe:

Water will be diverted to the reservoir in the winter and spring and stored for subsequent multi-purpose use related to proposed sand and gravel mining operations. Additional applications will be filed in connection with any proposed secondary use of the stored water.

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See findings dated 12/7/16	Josephine County RLDC Sec 66.150	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

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Name: Jeff Page Title: Planner

Signature: [signature] Phone: 541-474-5420 Date: 4/8/17

Government Entity: Josephine 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: _____

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Sunny Valley Sand and Gravel Inc.
Reservoir 4

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	Water to be:	Proposed Land Use:
34 S	5 W	7	NE SE	1200		☐Diverted ☐Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	7	SE SE	1300		☐Diverted ☐Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	NE SW	400	MARZ	☐Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining
34 S	5 W	8	NW SW	400	MARZ	☐Diverted ☐Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	SW SW	400	MARZ	☐Diverted ☒Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	SE SW	400	MARZ	☐Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining
34 S	5 W	8	NW SE	1002	MARZ	☒Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining

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ARTICLE 66.1 - MINERAL & AGGREGATE RESOURCE ZONE (MARZ)[1]

66.110 - PURPOSE

The purpose of this zone is to implement the objectives of the state of Oregon and the Josephine County Comprehensive Plan to conserve, protect and facilitate the use and development of aggregate resources within the county. It is the intent of this zone to provide county compliance with OAR 660-23-180 (*Mineral and Aggregate Resources*) and to prescribe, through the process for adopting the MARZ, standards for the development of individual aggregate mine sites which reasonably mitigate impacts to surrounding lands and conflicting resources while allowing the fullest utilization possible of the county's mineral and aggregate resources.

66.120 - OUTRIGHT USES

The following uses shall be allowed outright on lands in the Mineral and Aggregate Resource Zone. No permit or authorization is required to conduct the uses. Structures placed in conjunction with outright uses shall be permitted using Ministerial Review Procedures (Article 22), be subject to the applicable development standards of 66.180, and require a Development Permit (Article 41) for final permit approval for structures only.

A. Agriculture, farming, and related farm use, as defined in ORS 215.203

B. Conservation and management of fish and wildlife resources

C. Conservation and management of soil, air and water quality and watersheds

D. Fish and wildlife habitat enhancement

E. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvest of forest tree species, application of chemicals, and the disposal of slash where such uses pertain to commercial forest activity:

   1. If the volume of wood exceeds 8 commercial truck loads per day, any access road, service road, or unpaved public road, while used for log-hauling, shall receive daily dust abatement or shall be treated with an oil surfacing by the operator, for a distance of 500 feet from a surfaced road or highway or residence located on adjoining property;

   2. If more than one commercial log-hauling operation uses the road for log hauling purposes, all operators shall be jointly responsible for dust abatement as previously described.

F. Public road and highway construction and reconstruction projects, to include temporary detours and temporary maintenance and material yards during projects, and permanent weigh stations and rest areas (road and highway projects may include the placement of utility facilities)

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[1] Article 66.1 was created by Ordinance 2000-8, effective April 17, 2001

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G. Temporary on-site structures and physical alterations to the land which are auxiliary to and used during the term of a particular forest operation or practice. Alterations include but are not limited to those made for the purposes of mineral exploration, mining, gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. For the purposes of this subsection, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle. An auxiliary structure is removed when a particular forest practice has concluded.

H. Wetlands, the creation of, restoration of or enhancement

66.130 - PERMITTED USES

The following uses, with accessory uses, shall be permitted using Ministerial Review Procedures (Article 22), unless Site Plan Review is required (Article 42), in which case uses shall be permitted using Quasi-Judicial Review Procedures (Article 22). Uses shall also meet the applicable development standards listed in Section 66.030. In all cases except farm uses, a Development Permit shall be required as the final permit approval (Article 41).

A. Exploration for mineral and aggregate resources as defined in ORS Chapter 517

B. Mining and processing of aggregate resources. Aggregate mining is subject to the conditions under which aggregate mining is permitted in the MARZ approval, or the Special Property Development Standards contained in Article 91.030 (*Special Property Development Standards for Aggregate Operations)*

C. Private hunting and fishing operations without any lodging accommodations

D. Temporary, portable facilities for the primary processing of forest products

E. Uninhabitable structures accessory to fish and wildlife enhancement

F. Water intake facilities, canals and distribution lines for farm irrigation and ponds

66.140 - CONDITIONAL USES

The following uses, with accessory uses, shall be authorized using Quasi-Judicial Review Procedures (Article 22), subject to the requirements for Conditional Uses (Article 45) and Site Plan Review (Article 42). All uses shall also meet the applicable development standards listed in Section 65.095 of this Article. A Development Permit (Article 41) shall be required as the final permit approval.

A. Caretaker or night watchman's manufactured dwelling when used in conjunction with the uses listed in Articles 66.120 (*Outright Uses*) 66.130 (*Permitted Uses*) and 66.140 (*Conditional Uses*)

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B. Cement and asphalt batching, rock processing and crushing (requested independently of a mining operation approved under Article 66.150, and subject to the special property development standards for aggregate operations specified in Article 91.030 of this code)

C. Dog kennels

D. Home occupation

E. Log scaling and weight stations

F. Permanent facility for the primary processing of forest products

G. Personal use landing strips used in conjunction with a use permitted by this Section

H. Propagation, cultivation, maintenance and harvesting of aquatic species

I. Public and private utilities

J. Solid waste disposal at site approved by the governing body of the county and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation

K. Mining and processing of mineral resources.

66.150 - ESTABLISHING THE MINERAL AND AGGREGATE RESOURCE ZONE

The Mineral and Aggregate Resource Zone implements a decision to allow aggregate mining for a site that has been determined to be a significant aggregate site conforming to the definition in Article 11.030 of this Code. The MARZ shall be applied only to the property containing a significant aggregate site and associated on site buffer area (mine site) in the control of the aggregate mine operator or owner, and not to adjoining lands that may be within the impact area. A Mineral And Aggregate Resource Zone shall be established with approval of a PAPA which demonstrates compliance with OAR 660-23-180 (*Mineral and Aggregate Resources*) and including the following provisions:

A. In addition to the requirements for an adequate PAPA found at OAR 660-23-180(6), an application for a PAPA and zone change for the Mineral and Aggregate Resource Zone shall contain an impact area agreement between the proposed aggregate mine operator and those owner's of property within the impact area of the aggregate mining site, or meet the requirements of subsection C below. The impact area agreement or evidence of compliance with subsection C below may be submitted up to 60 days subsequent to submission of the PAPA to complete the application.

B. At a minimum an impact area agreement shall provide for the following:

1. Mitigation of significant potential conflicts with properties within the impact area;

2. Whether new conflicting uses shall be allowed, limited, or prohibited within the impact area;

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3. Post mining use of the mine site in compliance with OAR 660-23-180 (4) (f) (*Local Government Determination and Provisions for Post-Mining Use*);

4. Operational standards in addition to or which modify those in Article 91.030 (*Special Property Development Standards for Mineral and Aggregate Operations*);

5. A process for modifying the agreement;

6. Duration of the agreement;

7. A method to resolve conflicts between the parties to the agreement; and

8. The agreement shall be binding on the property owners involved and their successors in interest.

C. Where the aggregate mine operator has made an effort to enter into an impact area agreement, but has been unable to reach an agreement with property owners within the impact area, his effort shall be supported with the following documentation in the application:

1. Copies of certified mail receipts to all impact area property owners showing the arrangement of at least three meetings between the mine operator and impact area property owners; and,

2. Copies of written or recorded minutes from the meetings described in paragraph 1. above, together with a written itemization of the time, date, location, list of attendees. The minutes shall accurately represent the discussion and shall document any issues raised by parties and any response to these issues; and,

3. The Board of Commissioners may require a written report by an independent and qualified professional mediator setting forth the history of the meetings and other relevant communications between the participants, to include a explanation and analysis of the unresolved issues.

D. Owners of properties within the impact area including the owner of the aggregate mine site which do not participate in the impact area agreement shall be subject to the provisions of Article 72.040 (A) (*Significant Aggregate Site Protection Area*), Article 91.030 (*Special Property Development Standards for Aggregate Operations*), and provisions for limiting or preventing new conflicting uses within the impact area of a significant aggregate site adopted in compliance with OAR 660-23-180(5).

66.160 - SPECIAL MULTI-AGENCY REVIEW CONFERENCE

In addition to the requirements for a pre-application review contained in Article 21, the applicant is encouraged to hold a conference with the planning office and DOGAMI, DSL, DEQ and ODFW to determine the scope of issues, the need for any special studies (such as archaeologic surveys, sensitive species inventories, or a channel stability analysis), and coordination of the application between involved agencies regarding the PAPA. A goal of this conference is to minimize the

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applicant's expense during the initial county approval process while making all of the information developed for the proposal available to all of the involved agencies.

66.170 - SITE RECLAMATION

No mining operation authorized pursuant to this Article shall commence without the operator furnishing to the Planning Director a copy of a DOGAMI operating permit and approved reclamation plan, or a certificate of exemption, issued pursuant to the requirements of ORS 517.750 through 517.900 (*Reclamation of Mining Lands*) and implementing administrative rules. The county shall defer to DOGAMI regarding all aspects of the reclamation plan and its administration (per ORS 517.780). However, the reclamation plan shall be substantially consistent with the conceptual reclamation plan presented to the county during the PAPA proceedings to comply with OAR 660-23-180 (*Mineral and Aggregate Resources*). For these reasons the applicant is encouraged to make concurrent applications with the county and DOGAMI.

66.180 - GENERAL PROPERTY DEVELOPMENT STANDARDS

All uses authorized by the Article are subject to certain additional permit, process and property development standards that are contained elsewhere in this Code. The following is a list of Articles that are or may be applicable:

A. Permit Review Requirements

1. Basic Review Provisions – Article 20
2. Pre-Application Review – Article 21
3. Permit Review Procedures – Article 22
4. Basic Application Requirements – Article 40
5. Administration of Permits – Article 41
6. Site Plan Review – Article 42
7. Variances – Article 44
8. Conditional Uses – Article 45

B. Property Development Standards

1. Access - See Article 81
2. Aggregate standards - Article 91
3. Erosion and sediment control - See Article 83
4. Flood hazard overlay - See Article 69.1
5. Minimum lot size – *No Requirement*
6. Parking - See Article 75

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7. Setback requirements - See Section 72.040

8. Utilities - See Article 85

9. Water standards - See Article 84

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Application R-87930
Updated Land Use Form

Land Use Information Form

RECEIVED
MAR 28 2017
JO CO - PLANNING

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

RES #2

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
   a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
   b) The application involves a change in place of use only;
   c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
   d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form

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

Applicant: Sunny Valley Sand and Gravel, Inc. (First) Attn: Andreas Blech (Last)

Mailing Address: 1867 Williams Hwy # 260

Grants Pass (City) OR (State) 97527 (Zip) Daytime Phone: 541-244-2644

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
See	Attached					☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Josephine County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☑ Surface Water (name) Grave Creek

Estimated quantity of water needed: 70.0 Reservoir 2 ☐ 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 Multi prurpose

Briefly describe:

Water will be diverted to the reservoir in the winter and spring, and stored for subsequent multi-purpose use related to proposed sand and gravel mining operations. Additional applications will be filed in connection with any proposed secondary use of the stored water.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
See findings dated 12/7/16	Josephine County RLDC Sec 66.150	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

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Name: Jeff Page Title: Planner

Signature: [signature] Phone: 541-474-5420 Date: 4/3/17

Government Entity: Josephine 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: _____

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Sunny Valley Sand and Gravel Inc.
Reservoir 2

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	Water to be:	Proposed Land Use:
34 S	5 W	8	NE SW	400	MARZ	☐Diverted ☒Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	SE SW	400	MARZ	☐Diverted ☐Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	NW SE	1002	MARZ	☒Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining

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ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

FILE # : R-87930
WM DIST: 14
REGION: SWR
WID #: 15 - 31531009
PUBLIC NOTICE: 9/24/2013

Res name: Reservoir # 2 Use: Multiple Purpose

Volume: 70 AF Dam height: ☐ zero ☒ < 10 ft ☐ _____ ft

✓ **Land use** ☒ allowed outright ☐ not approved ☐ being pursued ☐ county notified ☐ needed ☐ NA

✓ **SWW** ☐ Out ☐ In (may not be allowed) ☒ Above* ROGUE SW
*Make sure to add SWW language from S:\groups\wr\Resource Center\language\Scenic Waterway gages-language

✓ **Electronic/written comments?** ☐ No ☒ Yes _____ **Comment eval?** ☐ N/A ☐ No ☒ Yes

✓ **App w/in a District boundary** ☒ No ☐ Yes, cc: _____

✓ In Umatilla ☒ No ☐ Yes - cc: Confederated Tribes of the Umatilla Indian Reservation, Nixyaawii Governance Center 46411 Timine Way, Pendleton, Oregon 97801

Water available: JAN - MAR

Allowed season: JAN FEB MAR ~~APR~~ ~~MAY~~ ~~JUN~~ ~~JUL~~ ~~AUG~~ ~~SEP~~ ~~OCT~~ ~~NOV~~ ~~DEC~~ per odfw per WAB

Measurement Conditions: ☐ Small (≤9.2 af) | ☒ Medium (> 9.2, but < 100 af) | ☐ Large (≥100 af or govt. entity)
*use ☐ staff gage if source is runoff or if res is in-channel

Other Conditions: use ☐ fishmay if ODFW doesn't request screen/by-pass condition _____

NO DIVERSION APRIL THROUGH DECEMBER
b51a FISH DIV 33
B57 TFM

✓ **Fees Paid?** ☒ Yes ☐ No, need: _____
($300 base, $25 per af, & $400 recording) **OR** ($350 base, $30 per af, & $450 recording)

Base ($300 or $350)	350	Recording Fee ($400 or $450)	450
AF ($25, or $30 per af)	2100		
Total Exam Fees	2450		
Exam Fees Paid	2450	Recording Fee Paid	450

✓ **FO w/ permit #** XXXXXX

__ **FO w/ draft permit; still needed:**
__ fees
__ easement
__ land use

Remarks: _____

Completed by Scott on **5/18/2017**. Peer review:

Revised 6/20/16

Oregon Water Resources Department
Water Rights with Coincident Places of Use

Main Help
Return Contact Us

Place of Use Conflict Report

No Conflict

The following rights have acreage in the same quarter-quarter as App: R 87930 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acres
APP: LL 1612 *	ANDREAS BLECH		LL-1612			10/19/2015	NC	ST	34.00S-05.00W-08-NESW			
APP: R 87931 *	ANDREAS BLECH		R-87931			9/12/2013	NC	MP	34.00S-05.00W-08-SESW			
CERT:3943 OR *	CHARLES W KIRK		S-6597	S-4128	3943	6/23/1919	NC	IR	34.00S-05.00W-08-NESW			10.0000
								IR	34.00S-05.00W-08-SESW			25.0000

Oregon Water Resources Department
Water Availability Analysis

Main Help
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POD #1

Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 11:59 AM

Water Availability | Limiting Watersheds | Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Select	2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
Select	3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
Select	4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
Select	5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Select	**6**	**31531009**	**GRAVE CR> ROGUE R- AB BURGESS G**	**Yes**	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**Yes**

Download Data (Text - Formatted , Text - Tab Delimited , Excel)

Oregon Water Resources Department
Water Availability Analysis

Main Help
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Water Availability Analysis

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
6	31531009	GRAVE CR> ROGUE R- AB BURGESS G	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60
APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-122.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-770.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,520.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	31531009	GRAVE CR > ROGUE R - AB BURGESS G	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 266 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,690.00	568.00	2,120.00	0.00	2,000.00	122.00
AUG	1,940.00	506.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.69	0.02	6.13	2.29	0.09	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	6.14	2.29	0.11	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	6.14	2.29	0.11	2,240.00
APR	1,020.00	101.00	381.00	3.69	0.03	6.14	2.29	0.11	1,510.00
MAY	2.89	163.00	263.00	3.59	0.03	6.14	2.29	0.11	443.00
JUN	0.09	239.00	264.00	3.59	0.03	6.13	2.29	0.10	508.00
JUL	0.01	309.00	246.00	3.59	0.03	6.12	2.29	0.10	568.00
AUG	0.00	254.00	238.00	3.59	0.03	6.12	2.29	0.10	506.00
SEP	0.00	165.00	230.00	3.59	0.03	6.12	2.29	0.10	409.00
OCT	8.73	52.10	184.00	3.59	0.03	6.12	2.29	0.10	259.00
NOV	112.00	0.07	179.00	3.59	0.03	6.12	2.29	0.10	305.00
DEC	255.00	0.07	302.00	3.59	0.03	6.13	2.29	0.09	571.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SV91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531008 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,460.00	477.00	983.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,660.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,000.00	2,660,000.00	0.00	2,120,000.00	826,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	659.00	0.07	311.00	2.79	0.01	6.14	2.16	0.09	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	6.14	2.16	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.16	0.11	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	6.14	2.16	0.11	1,490.00
MAY	2.59	154.00	251.00	2.69	0.01	6.14	2.16	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.16	0.10	479.00
JUL	0.01	293.00	232.00	2.69	0.01	6.11	2.16	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.16	0.10	477.00
SEP	72.90	157.00	216.00	2.69	0.01	6.12	2.16	0.10	457.00

OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	259.00
DEC	156.00	0.07	290.00	2.69	0.01	6.14	2.16	0.09	458.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY915038	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531001 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00
MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	482.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,430.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	288.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	552.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,090.00	0.07	381.00	3.20	0.01	6.83	2.22	0.11	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,020.00	96.70	369.00	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.22	0.10	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	288.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71035 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	228.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.60
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.62
JUL	16.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.68	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.89	253.00	0.00	135.00	118.00
ANN	112,000.00	1,930.00	110,000.00	0.00	56,900.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.85	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.89

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		**135.00**	**135.00**	**135.00**	**135.00**	**135.00**	**38.30**	**15.00**	**6.00**	**8.39**	**12.40**	**55.20**	**135.00**

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 71034 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.60
FEB	254.00	0.39	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.60	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.60	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30
NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,300.00	59,200.00	0.00	55,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.05	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF25EA	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.60	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		**135.00**	**135.00**	**135.00**	**119.00**	**50.60**	**40.00**	**8.89**	**5.09**	**40.00**	**40.00**	**80.00**	**135.00**

Detailed Reports for Watershed ID #31531009

GRAVE CR > ROGUE R - AB BURGESS G
ROGUE BASIN
Water Availability as of 5/17/2017

Watershed ID #: 31531009 (Map)
Date: 5/17/2017

Exceedance Level: 50%
Time: 12:00 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	125.00	0.05	125.00	0.00	0.00	125.00
FEB	164.00	0.06	164.00	0.00	0.00	164.00

MAR	124.00	0.05	124.00	0.00	0.00	124.00
APR	86.40	0.94	85.50	0.00	0.00	85.50
MAY	40.40	1.49	38.90	0.00	0.00	38.90
JUN	15.80	2.09	13.70	0.00	0.00	13.70
JUL	6.10	2.79	3.31	0.00	0.00	3.31
AUG	3.40	2.30	1.10	0.00	0.00	1.10
SEP	3.10	1.51	1.59	0.00	0.00	1.59
OCT	5.30	0.50	4.80	0.00	0.00	4.80
NOV	24.40	0.04	24.40	0.00	0.00	24.40
DEC	86.70	0.04	86.70	0.00	0.00	86.70
ANN	41,100.00	720.00	40,300.00	0.00	0.00	40,300.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
FEB	0.02	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.06
MAR	0.01	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05
APR	0.00	0.90	0.00	0.00	0.00	0.04	0.00	0.00	0.94
MAY	0.00	1.45	0.00	0.00	0.00	0.04	0.00	0.00	1.49
JUN	0.00	2.05	0.00	0.00	0.00	0.04	0.00	0.00	2.09
JUL	0.00	2.75	0.00	0.00	0.00	0.04	0.00	0.00	2.79
AUG	0.00	2.26	0.00	0.00	0.00	0.04	0.00	0.00	2.30
SEP	0.00	1.47	0.00	0.00	0.00	0.04	0.00	0.00	1.51
OCT	0.00	0.46	0.00	0.00	0.00	0.04	0.00	0.00	0.50
NOV	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04
DEC	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.04

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

No instream flow requirements were found for this watershed.

Oregon Water Resources Department
Water Availability Analysis

Main Help
Return Contact Us

POD #2

is there a POD #2? see map

Water Availability Analysis

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 4/28/2017

Watershed ID #: 71034 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	**71034**	**GRAVE CR> ROGUE R- AB WOLF CR**	**Yes**	**Yes**	**Yes**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**Yes**

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60

APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-122.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-770.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,520.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-293.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 4/28/2017

Watershed ID #: 266 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,090.00	12,000.00	0.00	3,500.00	8,510.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	443.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	508.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,690.00	568.00	2,120.00	0.00	2,000.00	122.00
AUG	1,980.00	506.00	1,470.00	0.00	2,400.00	-926.00
SEP	1,930.00	409.00	1,520.00	0.00	2,400.00	-879.00
OCT	2,420.00	259.00	2,160.00	0.00	1,600.00	561.00
NOV	5,040.00	305.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	571.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	652,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	757.00	0.07	323.00	3.69	0.02	8.13	2.29	0.09	1,090.00
FEB	2,080.00	0.07	393.00	3.69	0.03	8.14	2.29	0.11	2,490.00
MAR	1,800.00	0.09	427.00	3.69	0.03	8.14	2.29	0.11	2,240.00
APR	1,020.00	101.00	381.00	3.69	0.03	8.14	2.29	0.11	1,510.00
MAY	2.90	163.00	263.00	3.59	0.03	8.14	2.29	0.11	443.00
JUN	0.09	230.00	264.00	3.59	0.03	8.13	2.29	0.10	508.00
JUL	0.01	309.00	246.00	3.59	0.03	8.12	2.29	0.10	568.00
AUG	0.00	254.00	238.00	3.59	0.03	8.12	2.29	0.10	506.00
SEP	0.00	165.00	230.00	3.59	0.03	8.12	2.29	0.10	409.00
OCT	8.73	52.10	184.00	3.59	0.03	8.12	2.29	0.10	259.00
NOV	112.00	0.07	179.00	3.59	0.03	8.12	2.29	0.10	305.00
DEC	255.00	0.07	302.00	3.59	0.03	8.13	2.29	0.09	571.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 31531008 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available

JAN	6,780.00	982.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	419.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	479.00	2,870.00	0.00	2,700.00	171.00
JUL	1,920.00	536.00	1,380.00	0.00	2,000.00	-616.00
AUG	1,460.00	477.00	983.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	457.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	263.00	1,440.00	0.00	1,600.00	-163.00
NOV	2,660.00	259.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	458.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	615,000.00	2,660,000.00	0.00	2,120,000.00	826,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	659.00	0.07	311.00	2.79	0.01	6.14	2.16	0.09	982.00
FEB	1,960.00	0.07	381.00	2.79	0.01	6.14	2.16	0.11	2,350.00
MAR	1,700.00	0.09	415.00	2.79	0.01	6.14	2.16	0.11	2,120.00
APR	1,020.00	95.90	369.00	2.79	0.01	6.14	2.16	0.11	1,490.00
MAY	2.60	154.00	251.00	2.69	0.01	6.14	2.16	0.11	419.00
JUN	0.01	218.00	250.00	2.69	0.01	6.13	2.16	0.10	479.00
JUL	0.01	293.00	232.00	2.69	0.01	6.11	2.16	0.10	536.00
AUG	0.10	241.00	224.00	2.69	0.01	6.11	2.16	0.10	477.00
SEP	72.90	157.00	216.00	2.69	0.01	6.12	2.16	0.10	457.00
OCT	30.10	49.40	172.00	2.69	0.01	6.12	2.16	0.10	263.00
NOV	80.10	0.07	167.00	2.69	0.01	6.12	2.16	0.10	259.00
DEC	156.00	0.07	290.00	2.69	0.01	6.14	2.16	0.09	458.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503B	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 31531001 (Map)
Date: 4/28/2017

Exceedance Level: 50%
Time: 11:27 AM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,070.00	4,990.00	0.00	3,500.00	1,490.00
FEB	8,240.00	2,480.00	5,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00

MAY	4,870.00	422.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	482.00	2,580.00	0.00	2,700.00	-122.00
JUL	1,770.00	540.00	1,230.00	0.00	2,000.00	-770.00
AUG	1,360.00	480.00	880.00	0.00	2,400.00	-1,520.00
SEP	1,400.00	387.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	243.00	1,310.00	0.00	1,600.00	-293.00
NOV	2,300.00	288.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	552.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	638,000.00	2,310,000.00	0.00	2,120,000.00	535,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	750.00	0.07	311.00	3.20	0.01	6.83	2.22	0.09	1,070.00
FEB	2,090.00	0.07	381.00	3.20	0.01	6.83	2.22	0.11	2,480.00
MAR	1,800.00	0.07	415.00	3.20	0.01	6.83	2.22	0.11	2,230.00
APR	1,020.00	96.70	369.00	3.20	0.01	6.83	2.22	0.11	1,500.00
MAY	2.59	155.00	251.00	3.10	0.01	6.83	2.22	0.11	422.00
JUN	0.01	220.00	250.00	3.10	0.01	6.83	2.22	0.10	482.00
JUL	0.01	295.00	232.00	3.10	0.01	6.83	2.22	0.10	540.00
AUG	0.00	243.00	224.00	3.10	0.01	6.83	2.22	0.10	480.00
SEP	0.00	158.00	216.00	3.10	0.01	6.83	2.22	0.10	387.00
OCT	8.73	49.80	172.00	3.10	0.01	6.83	2.22	0.10	243.00
NOV	108.00	0.07	167.00	3.10	0.01	6.83	2.22	0.10	288.00
DEC	250.00	0.07	290.00	3.10	0.01	6.83	2.22	0.09	552.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH

ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 71035 (Map)

Date: 4/28/2017

Exceedance Level: 50%

Time: 11:27 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.13	363.00	0.00	135.00	228.00
FEB	478.00	1.37	477.00	0.00	135.00	342.00
MAR	338.00	1.07	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.60
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.62

JUL	16.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.68	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.89	253.00	0.00	135.00	118.00
ANN	112,000.00	1,930.00	110,000.00	0.00	56,900.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.60	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.13
FEB	0.85	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.37
MAR	0.55	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.07
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.89

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		**135.00**	**135.00**	**135.00**	**135.00**	**135.00**	**38.30**	**15.00**	**6.00**	**8.39**	**12.40**	**55.20**	**135.00**

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR

ROGUE BASIN

Water Availability as of 4/28/2017

Watershed ID #: 71034 (Map)

Date: 4/28/2017

Exceedance Level: 50%

Time: 11:27 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.37	193.00	0.00	135.00	57.60
FEB	254.00	0.39	254.00	0.00	135.00	119.00
MAR	183.00	0.37	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.80	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30

NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,300.00	59,200.00	0.00	55,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.06	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
FEB	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
MAR	0.05	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.37
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.80	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		**135.00**	**135.00**	**135.00**	**119.00**	**50.60**	**40.00**	**8.89**	**5.09**	**40.00**	**40.00**	**80.00**	**135.00**

POD #1

Print Report

Oregon Water Resources Department Attribute Report

Report Date: May 17, 2017

General:

TRSQQ:	WM34.00S5.00W8NESW
DLC:	-
Latitude:	42.6294003385
Longitude:	-123.3202446011
Buffer (ft):	1
Elevation (ft):	1408
Basin Name:	Rogue
Basin Plan:	5-Middle Rogue
County:	Josephine
WM District:	14
WM Region:	SOUTHWEST
ODFW Region, District:	Southwest Region, Upper Rogue District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM34.00S5.00W8
Well Logs:	Logs for WM34.00S5.00W8

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

Division 33 (Area, Watershed, species):	**STATEWIDE**, *Grave Creek*, Coho Salmon, Chinook Salmon, Steelhead
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	**The Rogue Scenic Waterway** *390.826 (9)* Rogue River from the boundary of Crater Lake National Park, as constituted on December 8, 1988, downstream to the boundary of the Rogue River National Forest, as constituted on December 8, 1988 (near river mile 173), and from the confluence of the Rogue Status: ABOVE

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1710031003
HUC Watershed:	Grave Creek
WAB Wshed Order:	8
WAB Analysis:	GRAVE CR > ROGUE R - AB BURGESS G
Streamflow:	OWRD Opportunities: Good ODFW Needs: High Combined Priority: Current resources priority
Gaging Station Data:	-

Sources:

General
Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.
Elevation. ESRI World Elevation. February 2000. 1:121,000.

POD #2

Print Report

Oregon Water Resources Department Attribute Report

Report Date: Apr 28, 2017

General:

TRSQQ:	WM34.00S5.00W8NESW
DLC:	-
Latitude:	42.6266058927
Longitude:	-123.3205342797
Buffer (ft):	1
Elevation (ft):	1394
Basin Name:	Rogue
Basin Plan:	5-Middle Rogue
County:	Josephine
WM District:	14
WM Region:	SOUTHWEST
ODFW Region, District:	Southwest Region, Upper Rogue District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM34.00S5.00W8
Well Logs:	Logs for WM34.00S5.00W8

Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

Division 33 (Area, Watershed, species):	**STATEWIDE**, *Grave Creek*, Coho Salmon, Chinook Salmon, Steelhead
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	**The Rogue Scenic Waterway** *390.826 (9)* Rogue River from the boundary of Crater Lake National Park, as constituted on December 8, 1988, downstream to the boundary of the Rogue River National Forest, as constituted on December 8, 1988 (near river mile 173), and from the confluence of the Rogue Status: ABOVE

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1710031003
HUC Watershed:	Grave Creek
WAB Wshed Order:	7
WAB Analysis:	GRAVE CR > ROGUE R - AB WOLF CR
Streamflow:	OWRD Opportunities: Very good ODFW Needs: Highest Combined Priority: Current resources priority
Gaging Station Data:	-

Sources:

General
Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.
Elevation. ESRI World Elevation. February 2000. 1:121,000.

ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

FILE # : R-87930
WM DIST: 14
REGION: SWR
WID #: 15 - 31531009
PUBLIC NOTICE: 9/24/13

Res name: _____ Use: _____

Volume: _____ Dam height: ☐ zero ☐ < 10 ft ☐ _____ft

__ **Land use** ☐ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

__ **Secondary app** necessary ☐ Yes, App S-_____ ☐ No

__ Stream **withdrawn** ☐ Yes ☐ No

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

__ **Electronic/written comments?** ☐ No ☐ Yes _____ **Comment eval?** ☐ No ☐ Yes

__ Appropriate **Fees** ☐ Yes ☐ No, need:_____
($80 base, $20 per af) **OR** ($300 base, $25 per af, & $400 recording) **OR** ($350 base, $30 per af, & $450 recording)

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

__ If in Umatilla: Confederated Tribes of the Umatilla Indian Reservation, Nixyaawii Governance Center
46411 Timine Way, Pendleton, Oregon 97801

Mail forms to appropriate Interagency Review Team members. Mailed on February 15, 2015

ODFW Contact:
DEQ Contact:
Watermaster: Kathy Smith

Water available: not available

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

Measurement Conditions: ☐ Small (≤9.2 af) | ☐ Medium (> 9.2, but < 100 af) | ☐ Large (≥100 af or govt. entity)
*use staff gage if source is runoff or if res is in-channel

Other Conditions: use fishmay if ODFW doesn't request screen/by-pass condition_____

_____

_____

_____

Assign **permit** number R-_____

Remarks:_____

_____

_____

Completed by **Kim French** on **1/23/2015**. Peer review:

Revised 11/18/13

Point of Diversion Characteristics

Right:	App: R 87930 *
Name:	SUNNY VALLEY SAND AND GRAVEL INC. ANDREAS BLECH

TRSQQ: 34.00S-05.00W-08-NWSE

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB BURGESS G (31531009)
GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR @ 14372000 (OWRD: Good, ODFW: High) (31531009)
GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited: Yes

TRSQQ: 34.00S-05.00W-08-SESW

County: Josephine
Basin: Rogue
WM District: 14
WM Region: SW
Withdrawn Area:
WAB: GRAVE CR > ROGUE R - AB WOLF CR (71034)
Priority WAB: GRAVE CR ab WOLF CR (OWRD: Very good, ODFW: Highest) (71034)
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way: ABOVE The Rogue Scenic Waterway
Division 33: STATEWIDE
Water Quality Limited:

Water Availability Analysis

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 71034 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Download Data

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
2	31531008	ROGUE R> PACIFIC OCEAN- AB SHASTA COSTA CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes
3	31531001	ROGUE R> PACIFIC OCEAN- AB MEADOW CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	Yes
4	71035	GRAVE CR> ROGUE R- AT MOUTH	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes
5	71034	GRAVE CR> ROGUE R- AB WOLF CR	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes

Limiting Watersheds

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

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	57.60
FEB	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	119.00
MAR	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	47.60
APR	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-1.70
MAY	71035	GRAVE CR > ROGUE R - AT MOUTH	No	-49.80
JUN	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-128.00
JUL	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-776.00
AUG	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,530.00
SEP	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,390.00
OCT	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-294.00
NOV	31531001	ROGUE R > PACIFIC OCEAN - AB MEADOW CR	No	-1,490.00
DEC	71034	GRAVE CR > ROGUE R - AB WOLF CR	No	-0.34
ANN	71034	GRAVE CR > ROGUE R - AB WOLF CR	Yes	13,100.00

Detailed Reports for Watershed ID #266

ROGUE R > PACIFIC OCEAN - AT MOUTH
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 266 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	13,100.00	1,100.00	12,000.00	0.00	3,500.00	8,500.00
FEB	16,900.00	2,490.00	14,400.00	0.00	3,500.00	10,900.00
MAR	13,900.00	2,240.00	11,700.00	0.00	3,500.00	8,160.00
APR	11,700.00	1,510.00	10,200.00	0.00	3,500.00	6,690.00
MAY	8,190.00	444.00	7,750.00	0.00	3,000.00	4,750.00
JUN	4,890.00	513.00	4,380.00	0.00	2,700.00	1,680.00
JUL	2,690.00	574.00	2,120.00	0.00	2,000.00	116.00
AUG	1,980.00	512.00	1,470.00	0.00	2,400.00	-932.00
SEP	1,930.00	415.00	1,520.00	0.00	2,400.00	-885.00
OCT	2,420.00	260.00	2,160.00	0.00	1,600.00	560.00
NOV	5,040.00	307.00	4,730.00	0.00	3,500.00	1,230.00
DEC	12,300.00	573.00	11,700.00	0.00	3,500.00	8,230.00
ANN	5,700,000.00	654,000.00	5,050,000.00	0.00	2,120,000.00	3,050,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	759.00	0.07	324.00	3.69	0.02	8.15	2.29	0.02	1,100.00
FEB	2,080.00	0.07	394.00	3.69	0.03	8.15	2.29	0.04	2,490.00
MAR	1,800.00	0.09	428.00	3.69	0.03	8.15	2.29	0.04	2,240.00
APR	1,020.00	101.00	382.00	3.69	0.03	8.15	2.29	0.04	1,510.00
MAY	2.88	163.00	264.00	3.59	0.03	8.15	2.29	0.04	444.00
JUN	0.09	230.00	269.00	3.59	0.03	8.14	2.29	0.03	513.00
JUL	0.01	309.00	251.00	3.59	0.03	8.14	2.29	0.03	574.00
AUG	0.00	255.00	243.00	3.59	0.03	8.13	2.29	0.03	512.00
SEP	0.00	166.00	235.00	3.59	0.03	8.13	2.29	0.03	415.00
OCT	8.73	52.20	185.00	3.59	0.03	8.14	2.29	0.03	260.00
NOV	112.00	0.07	160.00	3.59	0.03	8.14	2.29	0.03	307.00
DEC	255.00	0.07	303.00	3.59	0.03	8.15	2.29	0.02	573.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF265A	CERTIFICATE	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00	735.00
MF266A	CERTIFICATE	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00	935.00
SY91503A	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531008

ROGUE R > PACIFIC OCEAN - AB SHASTA COSTA CR
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 31531008 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,780.00	985.00	5,800.00	0.00	3,500.00	2,300.00
FEB	9,190.00	2,350.00	6,840.00	0.00	3,500.00	3,340.00
MAR	7,520.00	2,120.00	5,400.00	0.00	3,500.00	1,900.00
APR	6,680.00	1,490.00	5,190.00	0.00	3,500.00	1,690.00
MAY	5,320.00	421.00	4,900.00	0.00	3,000.00	1,900.00
JUN	3,350.00	465.00	2,860.00	0.00	2,700.00	165.00
JUL	1,920.00	542.00	1,380.00	0.00	2,000.00	-622.00
AUG	1,460.00	482.00	978.00	0.00	2,400.00	-1,420.00
SEP	1,490.00	463.00	1,030.00	0.00	2,400.00	-1,370.00
OCT	1,700.00	264.00	1,440.00	0.00	1,600.00	-164.00
NOV	2,660.00	260.00	2,400.00	0.00	3,500.00	-1,100.00
DEC	6,450.00	460.00	5,990.00	0.00	3,500.00	2,490.00
ANN	3,270,000.00	617,000.00	2,660,000.00	0.00	2,120,000.00	825,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	661.00	0.07	313.00	2.79	0.01	6.16	2.15	0.02	985.00
FEB	1,960.00	0.07	383.00	2.79	0.01	6.16	2.15	0.04	2,350.00
MAR	1,690.00	0.09	417.00	2.79	0.01	6.16	2.15	0.04	2,120.00
APR	1,020.00	96.20	371.00	2.79	0.01	6.16	2.15	0.04	1,490.00
MAY	2.61	155.00	253.00	2.69	0.01	6.16	2.15	0.04	421.00
JUN	0.01	218.00	256.00	2.69	0.01	6.14	2.15	0.03	465.00
JUL	0.01	294.00	238.00	2.69	0.01	6.13	2.15	0.03	542.00
AUG	0.10	242.00	230.00	2.69	0.01	6.13	2.15	0.03	482.00
SEP	72.90	157.00	222.00	2.69	0.01	6.14	2.15	0.03	463.00
OCT	30.10	49.60	174.00	2.69	0.01	6.14	2.15	0.03	264.00

NOV	80.10	0.07	169.00	2.69	0.01	6.14	2.15	0.03	260.00
DEC	157.00	0.07	292.00	2.69	0.01	6.15	2.15	0.02	460.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY915038	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #31531001

ROGUE R > PACIFIC OCEAN - AB MEADOW CR
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 31531001 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,060.00	1,080.00	4,980.00	0.00	3,500.00	1,480.00
FEB	6,240.00	2,480.00	3,760.00	0.00	3,500.00	2,260.00
MAR	6,750.00	2,230.00	4,520.00	0.00	3,500.00	1,020.00
APR	6,040.00	1,500.00	4,540.00	0.00	3,500.00	1,040.00
MAY	4,870.00	423.00	4,450.00	0.00	3,000.00	1,450.00
JUN	3,060.00	488.00	2,570.00	0.00	2,700.00	-128.00
JUL	1,770.00	546.00	1,220.00	0.00	2,000.00	-776.00
AUG	1,360.00	485.00	875.00	0.00	2,400.00	-1,533.00
SEP	1,400.00	392.00	1,010.00	0.00	2,400.00	-1,390.00
OCT	1,550.00	244.00	1,310.00	0.00	1,600.00	-294.00
NOV	2,300.00	289.00	2,010.00	0.00	3,500.00	-1,490.00
DEC	5,730.00	554.00	5,180.00	0.00	3,500.00	1,680.00
ANN	2,950,000.00	640,000.00	2,310,000.00	0.00	2,120,000.00	534,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	752.00	0.07	313.00	3.20	0.01	6.85	2.21	0.02	1,080.00
FEB	2,090.00	0.07	383.00	3.20	0.01	6.85	2.21	0.04	2,480.00
MAR	1,800.00	0.07	417.00	3.20	0.01	6.85	2.21	0.04	2,230.00
APR	1,020.00	96.00	371.00	3.20	0.01	6.85	2.21	0.04	1,500.00
MAY	2.61	156.00	253.00	3.10	0.01	6.85	2.21	0.04	423.00
JUN	0.01	220.00	256.00	3.10	0.01	6.84	2.21	0.03	488.00
JUL	0.01	296.00	238.00	3.10	0.01	6.84	2.21	0.03	546.00
AUG	0.00	244.00	230.00	3.10	0.01	6.84	2.21	0.03	485.00
SEP	0.00	159.00	222.00	3.10	0.01	6.84	2.21	0.03	392.00
OCT	8.73	60.00	174.00	3.10	0.01	6.84	2.21	0.03	244.00
NOV	108.00	0.07	169.00	3.10	0.01	6.84	2.21	0.03	289.00
DEC	250.00	0.07	292.00	3.10	0.01	6.85	2.21	0.02	554.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SY91503C	SWW	3,500.00	3,500.00	3,500.00	3,500.00	3,000.00	2,700.00	2,000.00	2,400.00	2,400.00	1,600.00	3,500.00	3,500.00
Maximum		**3,500.00**	**3,500.00**	**3,500.00**	**3,500.00**	**3,000.00**	**2,700.00**	**2,000.00**	**2,400.00**	**2,400.00**	**1,600.00**	**3,500.00**	**3,500.00**

Detailed Reports for Watershed ID #71035

GRAVE CR > ROGUE R - AT MOUTH
ROGUE BASIN
Water Availability as of 1/23/2015

Watershed ID #: 71035 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	364.00	1.16	363.00	0.00	135.00	228.00
FEB	478.00	1.45	477.00	0.00	135.00	342.00
MAR	338.00	1.11	337.00	0.00	135.00	202.00
APR	216.00	2.37	214.00	0.00	135.00	78.60
MAY	88.70	3.49	85.20	0.00	135.00	-49.80
JUN	38.40	4.72	33.70	0.00	38.30	-4.62
JUL	16.30	6.16	10.10	0.00	15.00	-4.86
AUG	9.68	5.16	4.52	0.00	6.00	-1.48
SEP	8.39	3.54	4.85	0.00	8.39	-3.54
OCT	12.40	1.48	10.90	0.00	12.40	-1.48
NOV	55.20	0.57	54.60	0.00	55.20	-0.57
DEC	254.00	0.90	253.00	0.00	138.00	116.00
ANN	112,000.00	1,940.00	110,000.00	0.00	56,900.00	57,500.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.64	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.16
FEB	0.92	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.45
MAR	0.58	0.00	0.00	0.25	0.00	0.27	0.01	0.00	1.11
APR	0.01	1.84	0.00	0.25	0.00	0.27	0.01	0.00	2.37
MAY	0.00	2.96	0.00	0.25	0.00	0.27	0.01	0.00	3.49
JUN	0.00	4.19	0.00	0.25	0.00	0.26	0.01	0.01	4.72
JUL	0.00	5.63	0.00	0.25	0.00	0.26	0.01	0.01	6.16
AUG	0.00	4.63	0.00	0.25	0.00	0.26	0.01	0.01	5.16
SEP	0.00	3.01	0.00	0.25	0.00	0.26	0.01	0.01	3.54
OCT	0.00	0.95	0.00	0.25	0.00	0.26	0.01	0.01	1.48
NOV	0.04	0.00	0.00	0.25	0.00	0.26	0.01	0.01	0.57
DEC	0.37	0.00	0.00	0.25	0.00	0.27	0.01	0.00	0.90

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS71035A	CERTIFICATE	135.00	135.00	135.00	135.00	135.00	38.30	15.00	6.00	8.39	12.40	55.20	135.00
Maximum		**135.00**	**135.00**	**135.00**	**135.00**	**135.00**	**38.30**	**15.00**	**6.00**	**8.39**	**12.40**	**55.20**	**135.00**

Detailed Reports for Watershed ID #71034

GRAVE CR > ROGUE R - AB WOLF CR
ROGUE BASIN

Water Availability as of 1/23/2015

Watershed ID #: 71034 (Map)
Date: 1/23/2015

Exceedance Level: 50%
Time: 1:30 PM

Water Availability Calculation

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

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	193.00	0.40	193.00	0.00	135.00	57.60
FEB	254.00	0.47	254.00	0.00	135.00	119.00
MAR	183.00	0.39	183.00	0.00	135.00	47.60
APR	119.00	1.70	117.00	0.00	119.00	-1.70
MAY	50.60	2.55	48.00	0.00	50.60	-2.55
JUN	21.60	3.47	18.30	0.00	40.00	-21.70
JUL	8.89	4.56	4.33	0.00	8.89	-4.56
AUG	5.09	3.80	1.29	0.00	5.09	-3.80
SEP	4.35	2.59	1.76	0.00	40.00	-38.20
OCT	6.74	1.03	5.71	0.00	40.00	-34.30
NOV	31.00	0.32	30.70	0.00	80.00	-49.30
DEC	135.00	0.34	135.00	0.00	135.00	-0.34
ANN	60,500.00	1,310.00	59,200.00	0.00	55,500.00	13,100.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	0.09	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.40
FEB	0.15	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.47
MAR	0.08	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.39
APR	0.00	1.39	0.00	0.20	0.00	0.11	0.00	0.00	1.70
MAY	0.00	2.24	0.00	0.20	0.00	0.11	0.00	0.00	2.55
JUN	0.00	3.16	0.00	0.20	0.00	0.11	0.00	0.00	3.47
JUL	0.00	4.25	0.00	0.20	0.00	0.11	0.00	0.00	4.56
AUG	0.00	3.49	0.00	0.20	0.00	0.11	0.00	0.00	3.80
SEP	0.00	2.28	0.00	0.20	0.00	0.11	0.00	0.00	2.59
OCT	0.00	0.72	0.00	0.20	0.00	0.11	0.00	0.00	1.03
NOV	0.01	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.32
DEC	0.03	0.00	0.00	0.20	0.00	0.11	0.00	0.00	0.34

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF256A	CERTIFICATE	80.00	80.00	80.00	80.00	40.00	40.00	5.00	5.00	40.00	40.00	80.00	80.00
IS71034A	CERTIFICATE	135.00	135.00	135.00	119.00	50.60	21.60	8.89	5.09	4.35	6.74	31.00	135.00
Maximum		**135.00**	**135.00**	**135.00**	**119.00**	**50.60**	**40.00**	**8.89**	**5.09**	**40.00**	**40.00**	**80.00**	**135.00**

Res. 2

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application R-87930 County Josephine
Priority Date 9-12-13 Township 34S Range 5W Section 8 SW Taxlot 400
Use Multipurpose Caseworker Mary R.
Amount (AF) 70 Watermaster Kathy Smith, #14

Minimum Requirements (ORS 537.409)

☑ **Completed Watermaster review sheet** signed and dated by Watermaster.
Will the reservoir injure an existing water right? ☐ YES ☑ NO
If YES, can conditions be applied to mitigate the injury? ☐ YES ☐ NO **If NO, return the application.** NA
Did the watermaster determine when water is available for the proposed use? ☐ YES ☐ NO NA
The Watermaster review sheet must have been completed within the last 6 months.
If the watermaster determined that water is NOT available, return the application.
☑ **Completed ODFW review sheet** signed and dated by ODFW representative.
Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☑ YES ☐ NO
If YES, can conditions be applied to mitigate the impact? ☑ YES ☐ NO **If NO, return the application.**
The ODFW review sheet must have been completed within the last 6 months.
☑ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
☑ **Landowner Name, Mailing Address** and Telephone Number.
☑ **Source** *and* tributary listed. ***NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!***
☑ **Reservoir Location-** Township, Range, Section, Quarter Quarter, Taxlot
☑ **Dam height**, if applicable 5 ft.
☑ **Total Quantity** of Storage Requested: 70 af
☑ **Proposed Use of the water....**Cannot accept application for use of this stored water at the same time (E2)
☑ **Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located .....**or**..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
☑ Provide the **legal description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement
☑ **Environmental Impact** section completed?
☑ **Application signed by the landowner(s)**? All parties noted as applicants must sign the application.
Must be an original "wet" signature.
☑ **Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the *applicant.***
☑ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
☑ Scale of the Map (not less than 1" = 1320') **
☑ Reference corner on map
☑ North Directional Symbol **
☑ ¼¼'s clearly identified
☑ Reservoir clearly identified **
☑ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**
☐ Fees enclosed**? Examination: Base Fee$ 350 Permit Recording Fee$ 450
plus$ ~~5ft x 30 = 150~~ AM
plus$ 70af x 30 = 2100

Total Paid $ 2900 **Total Fees $** 2900
Completeness Check by: AM & JS Date: 9-13-13

Revised 2011-3-3

SCHWABE, WILLIAMSON & WYATT®
ATTORNEYS AT LAW

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

MARTHA O. PAGEL
Admitted in Oregon and Washington
Direct Line: Salem 503-540-4260; Portland 503-796-2872
E-Mail: mpagel@schwabe.com

RECEIVED BY OWRD
MAR 25 2016
SALEM, OR

March 23, 2016

Kim R. French
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE Ste A
Salem, OR 97301-1271

Re: Sunny Valley Sand & Gravel Applications R-87930; R-87931 and R-87932

Dear Kim:

I am writing on behalf of our client, Sunny Valley Sand & Gravel, to request a continuation of the administrative hold period for the above-referenced pending applications. As described in my previous hold request, Sunny Valley has been pursuing required land use approvals for the project. Although the proposed aggregate mining operation was approved by the County last year, the decision was appealed and that process is still underway. We are hopeful the land use issues will be resolved soon, but at this point we cannot offer a firm prediction because of the potential for various land use appeals and further delays.

Please be assured that Sunny Valley is prepared to move forward with the applications as soon as the land use process is complete. At this time, we request a continuation of the administrative hold for an additional period of 180 days with an opportunity to request further extensions, if needed, to resolve the land use issues.

Sincerely,

Martha O. Pagel

MOP

cc: Andreas Blech, SVSG

SCHWABE, WILLIAMSON & WYATT®
ATTORNEYS AT LAW

Equitable Center, 530 Center St., NE, Suite 400, Salem, OR 97301 | Phone 503.540.4262 | Fax 503.399.1645 | www.schwabe.com

MARTHA O. PAGEL
Admitted in Oregon and Washington
Direct Line: Salem 503-540-4260; Portland 503-796-2872
E-Mail: mpagel@schwabe.com

RECEIVED
MAR 23 2016
WATER RESOURCES DEPT
SALEM, OREGON

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Sincerely,

Martha O. Pagel

MOP

cc: Andreas Blech, SVSG

RECEIVED
FEB 03 2015
WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE LAND USE BOARD OF APPEALS OF THE STATE OF OREGON

ROGUE ADVOCATES, Petitioner, vs. JOSEPHINE COUNTY, Respondent.	LUBA No. 2014-095
WILLIAM M. CORCORAN II and ELIZABETH CORCORAN, Petitioners, vs. JOSEPHINE COUNTY, Respondent.	LUBA No. 2014-096 MOTION FOR EXTENSION OF TIME FOR FILING RECORD OF PROCEEDING

11/24/14 AM10:50 LUBA

Respondent, Josephine County, by and through County Legal Counsel, and pursuant to OAR 661-010-0067, moves this Board for an extension of time of 90 days from November 19, 2014, through February 17, 2015, within which to serve and file the record of the proceeding under review.

On November 4, 2014, this Board consolidated LUBA Nos. 2014-095 and 2014-096 for LUBA review, and ordered that Josephine County submit a single consolidated record, which record is due on or before November 19, 2014. This is the Respondent's first request for a time extension and one is now sought because, due to the voluminous record, as well as understaffed county departments, and employee leave schedules during the holidays, additional time is necessary to compile the record of the proceeding under review. Further,

JOSEPHINE COUNTY LEGAL COUNSEL
500 N.W. Sixth St., Dept. 13, Room 152
Grants Pass, OR 97526
(541) 474-5226 FAX: (541) 474-5223

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

March 10, 2014

SUNNY VALLEY SAND AND GRAVEL INC.
1867 WILLIAMS HWY SUITE 260
GRANTS PASS, OR 97527

Reference: File R-87930

Dear Applicant:

On March 7, 2014, the Water Resources Department received your request for a 180-day administrative hold on processing the above-referenced application.

On March 10, 2014 the Department received your explanation that the hold was requested to allow the applicant additional time to allow the parallel land use process to move forward.

The Department will not take any action on this application until Wednesday September 3, 2014, unless you inform us that you would like us to process the application sooner. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

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

Sincerely,

Mary Rohling
Water Rights Application Caseworker

cc via email: Watermaster #14
cc via email: Agent - Shonee Langford, Slangford@SCHWABE.com
cc: File

ROHLING Mary F

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Monday, March 10, 2014 1:33 PM
To: Mary Rohling
Subject: RE: App. R-87930, R-87931 and R-87932 (Request for Administrative Hold)

Mary,
I received your phone message. This email updates my request for an administration hold to include an explanation of why the hold is needed. The applicant needs additional time to allow the parallel land use process to move forward.

Please let me know if you need anything else before confirming the hold.

Thank you.

Shonee

Shonee Langford | Schwabe, Williamson & Wyatt | **Direct: 503-540-4261 | Fax: 503-796-2900**

From: Langford, Shonee D.
Sent: Friday, March 07, 2014 9:47 AM
To: 'Mary Rohling'
Subject: App. R-87930, R-87931 and R-87932 (Request for Administrative Hold)

Mary,
On behalf of applicant Sunny Valley Sand & Gravel, Inc., I am writing to request that the above-referenced applications be placed on administrative hold for 180 days, effective immediately.

Please reply with written confirmation of the hold.

Thank you.

Shonee

Shonee D. Langford | Attorney
Schwabe, Williamson & Wyatt
530 Center Street NE, Suite 400, Salem, OR 97301
Direct: 503-540-4261 | Fax: 503-796-2900
Email: slangford@schwabe.com
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com
Legal advisors for the future of your business®
www.schwabe.com

Mary Rohling

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Tuesday, January 14, 2014 4:13 PM
To: Mary Rohling
Subject: Apps. R-87929, R-87930, R-87931 and R-87932

Mary,
I am writing on behalf of applicant Sunny Valley Sand & Gravel regarding the above-referenced alternate reservoir applications, each of which proposes to divert water from the same POD. It has come to my attention that the location of the proposed POD is owned by Jack and Jackie Gray. The Grays were not listed as affected property owners in Section 5 (Property Ownership) of the application forms.

By this email, we are providing notice that the Grays own the property described as tax lot 1002 in Section 8, Township 34 South, Range 5 West, W.M. and that Sunny Valley Sand and Gravel has written authorization permitting access to the Grays' property to construct and use the proposed POD. The Grays' contact information is provided below.

JACK W. AND JACKIE L. GRAY
PO BOX 354
WOLF CREEK, OR 97497-0354

Please let me know if you have any questions.

Thank you.

Shonee

Mr. Shonee D. Langford | Attorney
Schwabe, Williamson & Wyatt
530 Center Street NE, Suite 400, Salem, OR 97301
Direct: 503-540-4261 | Fax: 503-796-2900
Email: slangford@schwabe.com
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com
Legal advisors for the future of your business®
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To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

Water Right Section - Application Comment Evaluation Form

Date:	June 8, 2017
Applications:	R-87930, R-87931, R-87932
Caseworker:	Scott Grew
Name of Commentor:	As many as 100 people signed in general opposition or commented.
Description:	Multiple – see attachment
Evaluation of Comments:	The Department evaluates Alternate Reservoir Applications for three criteria per ORS 537.409. a. water availability b. potential detrimental impact to existing fishery resources c. potential injury to existing water rights
Finding for FO:	The Department considered comments received, however its findings remain unchanged.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 109941

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

INVOICE # _____

RECEIVED FROM: Sunny Valley Sand & Gravel Inc.
BY: _____

APPLICATION	R 87930
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 9118 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 2900.00

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

46111

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

	WATER RIGHTS:	EXAM FEE		RECORD FEE
0201	SURFACE WATER	$ 2450.00	0202	$ 450.00
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

RECEIVED
OVER THE COUNTER

_____ TREASURY OTHER / RDX

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

RECEIPT: 109941 DATED: 9/12/13 BY: BWilliamson

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

Evergreen Bank 2,900.00

RES #2

RECEIVED
SEP 12 2013
WATER RESOURCES DEPT
SALEM, OREGON

SUNNY VALLEY SAND & GRAVEL INC. 9118

Oregom Water Resources Dept. 09/05/13 09/05/13

Bill # 2,900.00

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

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: Sunny Valley Sand and Gravel, Inc. (First) Attn: Andreas Blech (Last)

Mailing Address: 1867 Williams Highway #260

Grants Pass (City) OR (State) 97527 (Zip)

Phone: (Home) 541-244-2644 (Work) 541-226-8784 (Other)

Fax: 541-244-2651 E-Mail Address*: andreas@blech.us

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

2. AGENT INFORMATION

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

Agent: Martha O. Pagel (First) Schwabe Williamson & Wyatt (Last)

Mailing Address: 530 Center St NE, Ste 400

Salem (City) OR (State) 97301 (Zip)

Phone: (Home) 503-540-4260 (Work) (Other)

Fax: 503-796-2900 E-Mail Address*: mpagel@schwabe.com

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

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SEP 12 2013
WATER RESOURCES DEPT
SALEM, OREGON

3. LOCATION AND SOURCE

A. Reservoir Name: Reservoir 2

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

C. County in which diversion occurs: Josephine

For Department Use

App. No. R-87930 Permit No. _____ Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
34S	5W	8	NE SW	400
34S	5W	8	SE SW	400

E. Dam: Maximum height of dam : 5 . feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 70.0

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) _____ Yes x No

4. WATER USE

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

Multipurpose use.

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

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

__ **Yes** *(please check appropriate box below then skip to section 5)*

___ There are no encumbrances

___ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

___ **No** *(Please check the appropriate box below)*

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

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

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

Andreas and Carole Blech, 1867 Williams Hwy., # 270, Grants Pass, OR 97527

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SALEM, OREGON

R-87930

6. ENVIRONMENTAL IMPACT

A. **Channel:** Is the reservoir: ☐ in-stream or ☑ off channel?
B. **Wetland:** Is the project in a wetland? ☐ Yes ☑ No ☐ Don't know
C. **Existing:** Is this an existing reservoir? ☐ Yes ☑ No
If yes, how long has it been in place? N/A years.
D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☑ Yes ☐ No ☐ Don't know
If yes, how much? unknown miles.
E. **Partnerships:** Have you been working with other agencies? ☑ Yes ☐ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

Isaac Sanders, Oregon Dept. of Geology & Mineral Industries, 541-967-2081

7. WITHIN A DISTRICT

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

Irrigation District Name N/A	Address	
City	State	Zip

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

Water will be diverted from Grave Creek using a weir or gated control structure. The water will gravity flow in a pipe to Reservoir 2. The reservoir will be excavated into the subsurface and will have a 5-feet-high dam on the low edge (see sketch on the following page).

An approximately 1-foot-tall berm will be constructed on the uphill sides of the reservoir during the period each year when storm-water run-off may not be intercepted for storage. The berm will be breached or removed during the months that run-off can be collected.

The weir or gated structure on the creek will remain closed outside the authorized storage season. Water can be pumped from the reservoir if it must be drained.

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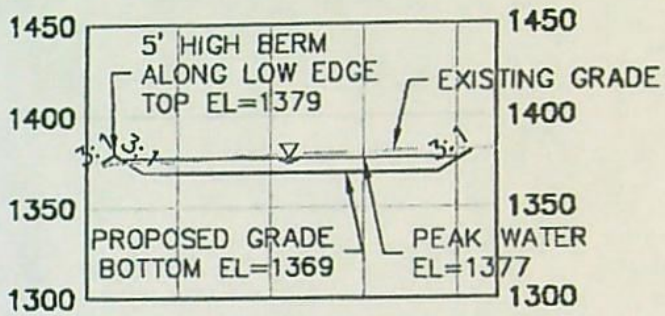
SALEM, OREGON

R-87930

If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



RESERVOIR 2
SCALE: 1"=200' H 1"=100' V

THE RESERVOIR WILL BE LOCATED OFF CHANNEL. LIVE FLOWS WILL NOT BE DIVERTED OUTSIDE OF THE AUTHORIZED STORAGE SEASON. THE RESERVOIR CAN BE EMPTIED (IF NEEDED) BY PUMPING WATER OUT FROM THE RESERVOIR.

9. SIGNATURE

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

Landowner Signature

9-11-13
Date

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SEP 12 2013
WATER RESOURCES DEPT
SALEM, OREGON

Before you submit your application be sure you have:

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

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is $300. In addition, there is a fee of $25 per acre-foot or fraction thereof. Example: 0.3 AF= $325; 1.5 AF= $350; 20.0 AF= $800; 30.0 AF= $1050. Plus a permit recording fee of $400 (this fee is refunded if no permit is issued).

R-87930

Rec 2

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R- **Applicant's Name:** Sunny Valley Sand + Gravel Inc

1) Does the proposed reservoir have the potential to injure existing water rights? ☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights? ☐ NO ☐ YES

If YES, which conditions are recommended:

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature: Kathy Smith Date: 8-12-2013

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

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Sunny Valley Sand and Gravel, Inc.

1867 Williams Highway #260, Grants Pass, OR 97527; 541-244-2644; andreas@blech.us

Reservoir Name: Reservoir 2 Source: Grave Creek Volume (AF): 70.0

Twp Rng Sec QQ: T34S, R5W, Sec. 8, NE SW & SE SW Basin Name: Rogue River ☐ in-channel ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO[1] off channel? ..... ☒ **YES** ☐ **NO**
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF[2] <u>are or were historically</u> present?..... ☐ **YES** ☐ **NO**
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF <u>are or were historically</u> present:
a. Is there an ODFW-approved fish-passage plan?..... ☐ **YES** ☐ **NO**
b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ **YES** ☐ **NO**

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir <u>does not meet</u> the requirements of Oregon Fish Passage Law and <u>shall not</u> be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☒ **YES** ☐ **NO**
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period April through December poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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[1] **AO = Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

[2] **NMF = Native Migratory Fish** Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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Grave Creek provides spawning, rearing, and migration habitat for Federally threatened coho salmon, and State sensitive summer steelhead and Pacific lamprey. Additionally, fall chinook salmon, coastal cutthroat trout and winter steelhead utilize Grave Creek.

There is an instream water right, IS71035A, present on Grave Creek. The purpose of the instream water right is to provide adequate water for spawning, rearing, and migration for the species listed above. OWRD has determined that water would be available for storage during the period January through March. ODFW recommends the applicant only be allowed to divert water during the period January through March if the instream flow requirements are being met.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain) ☒ YES (select from Menu of Conditions on next page)

Fishdiv33
b51a; the period of use has been limited to January through March.
B57

ODFW Signature: Peter Samarin Print Name: Peter Samarin

ODFW Title: Asst District Fish Biologist Date: 8/29/2013

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA Revised June 24, 2011

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

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

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

fishmay: Not withstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level 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.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the_____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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

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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.

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Land Use Information Form

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and <u>**all**</u> of the following apply:
   a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
   b) The application involves a change in place of use only;
   c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; <u>and</u>
   d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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SALEM, OREGON

R-87950

Land Use Information Form

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and <u>all</u> of the following apply:
   a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
   b) The application involves a change in place of use only;
   c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; <u>and</u>
   d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

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Land Use Information Form

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

Applicant: Sunny Valley Sand and Gravel, Inc. (First) Attn: Andreas Blech (Last)

Mailing Address: 1867 Williams Highway #260

Grants Pass (City) OR (State) 97527 (Zip) Daytime Phone: 541-244-2644

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
SEE ATTACHED						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Josephine County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Grave Creek

Estimated quantity of water needed: 70.0 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe:

Water will be diverted to the reservoir in the winter and spring, and stored for subsequent multi-purpose use related to proposed sand and gravel mining operations. A Post Acknowledgement Plan Agreement (PAPA) will be filed within about 30 days. Additional applications will be filed in connection with any proposed secondary use of the stored water.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☐ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Comp Plan Amendment and Rezone	Comp Plan Goals 7 & 10; Articles 66.1, 72.040, and 91	☐ Obtained ☐ Denied	☒ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Reservoir intended to provide water for aggregate mining

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SALEM, OREGON

Name: Dick Converse Title: Interim Planning Director

Signature: Dick Converse Phone: 541-474-5428 Date: 9-4-13

Government Entity: Josephine County Planning

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: _____

R-87930

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Sunny Valley Sand and Gravel Inc.
Reservoir 2

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	Water to be:	Proposed Land Use:
34 S	5 W	8	NE SW	400	Forest Commercial Wood Lot Resource	☐Diverted ☒Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	SE SW	400	Forest Commercial Wood Lot Resource	☐Diverted ☐Conveyed ☒Used	Reservoir for aggregate mining
34 S	5 W	8	NW SE	1002	Rural Residential	☒Diverted ☒Conveyed ☐Used	Reservoir for aggregate mining

R-8726

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(3)

(1)

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK 2010-013083
DED-WRD 10/12/2010 10:31 AM
Cnt=1 Pgs=3 Stn=3 TMORRIS
$15.00 $11.00 $15.00 $8.00 $5.00 Total:$54.00

00258612201000130830030037

I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

Cfa 1632465 (Y9)

After Recording Return to:
Andreas Blech and Carole Blech
1867 Williams Hwy., #270
Grants Pass, OR 97527

Until a change is requested, all tax statements shall be sent to the following address:
Andreas Blech and Carole Blech
1867 Williams Hwy., #270
Grants Pass, OR 97527

54.—

WARRANTY DEED

DOUG AND JACK'S MINE, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to **ANDREAS BLECH and CAROLE BLECH, husband and wife as tenants by the entirety,** Grantees, all of it's right, title and interest in and to the following described real property located at 153 Daisy Mine Road, Wolf Creek, Oregon 97497, more particularly described as follows:

The Southeast Quarter of the Southeast Quarter of Section 7, and the Southwest Quarter of Section 8, all in Township 34, Range 5 West of the Willamette Meridian, Josephine County, Oregon, EXCEPTING THEREFROM and portion lying Northerly of the Southerly right-of-way line of Placer Road. TOGETHER WITH: An Easement appurtenant to the herein described property for ingress and egress including the terms and provisions thereof, as set forth in instrument recorded in Document No. Volume 324, Page 572, Josephine County Deed Records of Josephine County, Oregon

Tax Parcel Number R300831 and R300826

The true and actual consideration for this transfer is the sum of [redacted]

Subject to:

1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

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2. Easement for electric transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers poles, props, guys, and other supports; and related matters.
   Recording information: Volume 153, Page 466, and Volume 165, Page 569, Josephine County Deed Records.
   Grantee: California Oregon Power Company
   Affects: Not Specific

3. Easement for electric transmission and distribution of one or more wires and all necessary pr desirable appurtenances, including telephone and telegraph wires towers, poles, props, guys and other supports; and related matters.
   Recording Information: Volume 214, Page 467, Josephine County Deed Records
   Grantee: California Oregon Power Company
   Affects: Not Specific

4. Easement, including the terms and provisions contained therein:
   Recording Information: Volume 229, Page 399, Josephine County Deed Records
   For: Gas Pipeline

5. Easement, including terms and provisions contained therein:
   Recording Information: Volume 324, Page 1721, Josephine County Deed Records
   For: Permanent easement for roadway purposes (Affects TL 400)

6. Easement, including terms and provisions contained therein:
   Recording Information: Volume 326, Page 1318, Josephine County Deed Records
   For: Well and Pipeline (Affects TL400)

7. Easement, including terms and provisions contained therein:
   Recording Information: 2002-007430 and re-recorded as 2002-008736 Official Records of Josephine County, Oregon.
   For: A permanent easement for roadway purposes

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(3)

~~The true and actual consideration for this transfer is the sum of Six hundred thousand~~

~~Dollars ($600,000.00).~~

Dated this 6th day of October, 2010.

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

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS WHICH IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

DOUG AND JACK'S MINE, LLC, an Oregon limited liability company

By: _____

Jack H. Smith, ~~Managing Member~~, Trustee of the Smith Family Trust dated July 28, 2008 as Managing Member

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SALEM, OREGON

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

This instrument was acknowledged before me on October 6, 2010 by Jack H. Smith as ** ~~Managing Member of Doug and Jack's Mine, LLC~~.

Barbara J. Feinstein
Notary Public for Oregon

** Trustee of the Smith Family Trust dated July 28, 2008 as Managing Member of Doug and Jack's Mine, LLC.

OFFICIAL SEAL
BARBARA J. FEINSTEIN
NOTARY PUBLIC-OREGON
COMMISSION NO. 416641
MY COMMISSION EXPIRES JUNE 27, 2011

R-87930

OREGON

Go

advanced site map

Water Resources Department

Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Friday, September 13, 2013

Base Application Fee for Storage of Surface Water.		$350.00
Proposed Dam Height in feet.	5	
Proposed Reservoir volume in Acre Feet.	70	$2,100.00
Permit Recording Fee. ***		$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		$2,900.00

Return to Fee Calculator Options page

OWRD Fee Schedule

Fee Calculator Version: B20130709

Mailing List for FO

Scheduled Mailing Date:

Application: R-87930

Permit: R-15228

Copies Mailed

by: SP
(STAFF)

on: 9-15-17
(DATE)

Original mailed to Applicant with CBU form:

ANDREAS BLECH; SUNNY VALLEY SAND AND GRAVEL INC.
1867 WILLIAMS HWY SUITE 260
GRANTS PASS OR 97527

Copies of FO and map sent to:

1. File R-87930
2. OWRD - Hydrographics
3. Watermaster District 14, Kathy A. Smith
4. Region Manager: SW REGION

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

1. Agent: Elizabeth Howard, Schwabe, Williamson and Wyatt: ehoward@schwabe.com
2. A.L.O: Jack W. and Jackie L. Gray, PO Box 354, Wolf Creek, OR 87497-0354

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Tuesday, September 12, 2017 10:39 AM
To: 'Howard, Elizabeth E.'
Subject: RE: App. R87930, R87931, R87932 [IWOV-pdx.FID3930133]

Good morning Elizabeth.,

I just returned from two weeks out of the office. The final orders should be signed any day now.

Thank you for your patience,

Scott Grew
Water Right Application Specialist
Oregon Water Resources Department

From: Howard, Elizabeth E. [mailto:EHoward@SCHWABE.com]
Sent: Monday, September 11, 2017 5:04 PM
To: GREW Scott A * WRD
Cc: WALLIN Timothy * WRD
Subject: RE: App. R87930, R87931, R87932 [IWOV-pdx.FID3930133]

Scott, Good afternoon. I'm checking in to see how these applications are progressing (other than App. R-87931, which is on administrative hold). Thanks much, Elizabeth

Schwabe Williamson & Wyatt

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Cell: 503-312-8765
ehoward@schwabe.com

Ideas fuel industries. Learn more at:
www.schwabe.com

From: GREW Scott A * WRD [mailto:Scott.A.Grew@oregon.gov]
Sent: Friday, June 9, 2017 10:52 AM
To: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Cc: WALLIN Timothy * WRD <Timothy.Wallin@oregon.gov>; GREW Scott A * WRD <Scott.A.Grew@oregon.gov>
Subject: RE: App. R87930, R87931, R87932

Ms. Howard,

Alternate Reservoir applications go direct to final order so there is no "initial review". I am actively working on the file and cannot estimate completion at this point.

I forgot to mention from your previous e-mail that there was not an additional comment period. The original comment period was 9/24/2013 to 11/23/2013. Links to info on WRIS: R87930, R87931, R87932

Hope that helps,

Scott Grew
Water Right Specialist
Oregon Water Resources Department

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Ms. Howard,

I have no questions or concerns. My caseload is FULL and have no time to visit. E-mail is the best for me.

Your application is in queue. Please know we are processing applications as quickly and accurately as possible.

Scott Grew
Water Right Specialist
Oregon Water Resources Department

503-986-0899

From: Howard, Elizabeth E. [mailto:EHoward@SCHWABE.com]
Sent: Thursday, June 08, 2017 9:52 AM
To: GREW Scott A * WRD
Cc: Andreas Blech (andreas@blech.us); Pagel, Martha
Subject: App. R87930, R87931, R87932

Scott,

Good morning. With the 60 day timeframe for public notice quickly approaching (6/19), I would like to check in and see whether there are any questions or concerns you may have related to the alternative reservoir applications submitted by Sunny Valley. Is there a time we could visit tomorrow or Monday?

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GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Tuesday, June 27, 2017 1:20 PM
To: GALL Ivan K * WRD
Subject: RE: Sunny Valley Findings and Ordinance

Thank you Ivan. I will review.

Scott

From: GALL Ivan K * WRD
Sent: Tuesday, June 27, 2017 12:57 PM
To: GREW Scott A * WRD; WALLIN Timothy * WRD
Subject: FW: Sunny Valley Findings and Ordinance

Link is to the 127 page document from county planning; don't know if you need for the apps.
Thanks-ikg

Ivan Gall – Administrator, Field Services Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
503.986.0847
ivan.k.gall@oregon.gov

From: Jeff Page [mailto:JPage@co.josephine.or.us]
Sent: Tuesday, June 27, 2017 10:56 AM
To: GALL Ivan K * WRD
Cc: SMITH Kathy A
Subject: Sunny Valley Findings and Ordinance

Hi Ivan,

Kathy let me know yesterday that you would like a copy of the Sunny Valley Sand and Gravel findings from JoCo planning. Click here for the documents.

Thank you,

Jeff Page, Planner II
Josephine County Community Development Department
Planning Division
700 NW Dimmick Street, Suite C
Grants Pass, OR 97526
Office (541) 474-5420
Fax (541) 474-5422
jpage@co.josephine.or.us

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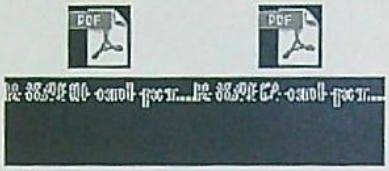
To: GALL Ivan K * WRD
Cc: WALLIN Timothy * WRD; WOODY Jennifer L * WRD
Subject: RE: question regarding Alt Res and GW

Thank you for the feedback Ivan.

Here they are with the additional language.

"Reservoir shall be constructed to have a minimum bottom elevation above the water table seasonal high."



Scott

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Sent: Monday, June 26, 2017 1:23 PM
To: GREW Scott A * WRD
Cc: WALLIN Timothy * WRD; WOODY Jennifer L * WRD
Subject: RE: question regarding Alt Res and GW

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Tim, are these the same ponds we worked with them on over the last couple years, or some amended location/application?
Thanks-ikg

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From: GREW Scott A * WRD
Sent: Monday, June 26, 2017 10:03 AM
To: GALL Ivan K * WRD; WOODY Jennifer L * WRD
Cc: FRENCH Dwight W * WRD; MCCARTY Patricia E * WRD
Subject: RE: question regarding Alt Res and GW

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Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

From: GALL Ivan K * WRD
Sent: Friday, June 23, 2017 7:49 AM
To: LAMARCHE Jon L * WRD; STAHR Kenneth L * WRD; GREW Scott A * WRD
Cc: IVERSON Justin T * WRD
Subject: RE: question regarding Alt Res and GW

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Please check in with Jen and me prior to issuing.

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From: LAMARCHE Jon L * WRD
Sent: Thursday, June 22, 2017 4:37 PM
To: STAHR Kenneth L * WRD; GALL Ivan K * WRD
Cc: IVERSON Justin T * WRD
Subject: FW: question regarding Alt Res and GW

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Jonathan La Marche, P.E. | Hydrologist
Oregon Water Resources Department
231 SW Scalehouse Loop, suite 103| Bend, OR 97702
p: 541.306.6885 | f: 541.388.5101

jon.l.lamarche@wrd.state.or.us | http://www.wrd.state.or.us

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Subject: question regarding Alt Res and GW

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From: GREW Scott A * WRD
Sent: Thursday, June 22, 2017 10:16 AM
To: LAMARCHE Jon L * WRD
Subject: question regarding Alt Res and GW

Jonathan,

I have 3 Alt Res applications in Grave Creek area (Jo Co) that have been controversial. There has been concern by the public about these "Alt Res" (70 AF, 65 AF and 80 AF) will be bisecting the GW table.

The applications are for winter water only (JAN-MAR). Once these reservoirs are constructed is there way to determine if they have influence on the GW table?

Because of the expedited nature (limited review) of the Alt Res process I just wanted to get the man in the fields perspective.

Thanks for any thoughts you can provide.

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Monday, June 26, 2017 10:03 AM
To: GALL Ivan K * WRD; WOODY Jennifer L * WRD
Cc: FRENCH Dwight W * WRD; MCCARTY Patricia E * WRD
Subject: RE: question regarding Alt Res and GW

Thank you Ivan for your e-mail.

As you may recall Sunny Valley Sand and Gravel submitted 3 Alt Res applications. Their agent Martha Pagel and Elizabeth Howard of Schwabe Williams & Wyatt recently brought in the Land Use form from the county to show they had gained compliance.

On 6/12/17 I received a request for administrative hold for pond 3 (R-87931)

- "This request is to provide Sunny Valley with time needed to gather data to evaluate whether groundwater is unlikely to infiltrate into Reservoir 3. When we requested that the hold be lifted in April 2017, we believed that the groundwater data for Reservoirs 2 and 4 would provide that information, but on further evaluation, it appears that Sunny Valley will need some additional data specific to Reservoir 3. It will take some time and effort to gather the necessary information. It is for this reason that we are seeking an administrative hold."

As you already know Alt Res applications are limited in scope for review and go direct to Final Order. Linked below are copies of the FO and permits for Pond 2 (R-87930) and Pond 4 (R-87932). I would be very happy to get further direction if you feel we need to add any conditions (I don't have any examples or language for such) to ensure groundwater is not compromised.

\\wrd.state.or.us\owrd\groups\wr\apps\R\87901-88000\87930\R-87930-ord-permit.pdf
\\wrd.state.or.us\owrd\groups\wr\apps\R\87901-88000\87932\R-87932-ord-permit.pdf

Thank you for any assistance and expertise you can provide.

Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

From: GALL Ivan K * WRD
Sent: Friday, June 23, 2017 7:49 AM
To: LAMARCHE Jon L * WRD; STAHR Kenneth L * WRD; GREW Scott A * WRD
Cc: IVERSON Justin T * WRD
Subject: RE: question regarding Alt Res and GW

Jen Woody and Tim Wallin and I have a long history with these; probably Patricia as well.
Please check in with Jen and me prior to issuing.

Ivan Gall – Administrator, Field Services Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271
503.986.0847

ivan.k.gall@oregon.gov

From: LAMARCHE Jon L * WRD
Sent: Thursday, June 22, 2017 4:37 PM
To: STAHR Kenneth L * WRD; GALL Ivan K * WRD
Cc: IVERSON Justin T * WRD
Subject: FW: question regarding Alt Res and GW

FYI. See below request from Scott. Not sure where (or how and who) we want these requests handled. Figured you two are the best choices to figure it out and advise as necessary.

Jonathan La Marche, P.E. | Hydrologist
Oregon Water Resources Department
231 SW Scalehouse Loop, suite 103| Bend, OR 97702
p: 541.306.6885 | f: 541.388.5101

jon.l.lamarche@wrd.state.or.us | http://www.wrd.state.or.us

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Scott Grew
Water Right Specialist
Oregon Water Resources Department

GREW Scott A * WRD

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Friday, June 23, 2017 3:42 PM
To: GREW Scott A * WRD
Subject: RE: Sunny Valley R87931 UPDATED

Great – I'm glad we got that cleared up. Thanks for your quick reply, and have a nice weekend! Elizabeth

Schwabe Williamson & Wyatt

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Cell: 503-312-8765
ehoward@schwabe.com

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www.schwabe.com

[redacted]

From: GREW Scott A * WRD [mailto:Scott.A.Grew@oregon.gov]
Sent: Friday, June 23, 2017 3:10 PM
To: Howard, Elizabeth E.
Subject: RE: Sunny Valley R87931 UPDATED

Oh I see what you are saying. The original application map (with the POD) is the one that I am using so it's good. The original map showing locations and POD is sufficient. The minimum requirements for the map for Alt Res do not require the amount of AF listed. Just the "Reservoir clearly identified" per ORS 537.409.

My understanding was that the other map was simply additional map not meant to replace the original but illustrate topography.

Thank you,
Scott

From: Howard, Elizabeth E. [mailto:EHoward@SCHWABE.com]
Sent: Friday, June 23, 2017 2:45 PM
To: GREW Scott A * WRD
Cc: WALLIN Timothy * WRD
Subject: RE: Sunny Valley R87931 UPDATED

We do not need to change the POD. My question was whether it needs to be included in an updated map? The original application maps show the POD that Sunny Valley intends to use, but the additional maps submitted later (showing the updated acre feet for the reservoirs) does not include the intended (or any) POD. If you are OK to use the original maps

for the location of the POD, then we are fine. I wanted to make sure we were clear on this issue in order to avoid problems with the F.O. Thanks much, Elizabeth

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Ms. Howard,

Do they need to change the POD on Grave Creek?

If so then I will need an updated map with dimensions. I'm getting close to finalizing R-87903 and R-87932.
If that is the case the sooner the better.

I don't think changing the POD location will have any bearing on the reviews. I just need to get it clarified on a new map so that It will read correctly on the permits.

Scott Grew
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Cc: Weckel, Chris
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Mr. Grew,

Could we schedule a brief call related to the POD for the alternative reservoirs? I expect it will be 5 minutes or less.

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Attached is application R-87931 administrative hold confirmation letter.

Thank you,

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Water Right Specialist
Oregon Water Resources Department

From: Weckel, Chris [mailto:CWeckel@SCHWABE.com]
Sent: Monday, June 12, 2017 10:29 AM
To: GREW Scott A * WRD
Cc: Howard, Elizabeth E.
Subject: Sunny Valley R87931

Dear Mr. Grew,

Please find enclosed Elizabeth Howard's letter regarding Application R 87931. Could you please acknowledge receipt of this email? Thank you.

Chris

Schwabe Williamson & Wyatt

Chris Weckel
Legal Secretary/Assistant to Elizabeth E. Howard, Darien S. Loiselle, and Brian King
Direct: 503-796-3770
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Subject: RE: question regarding Alt Res and GW

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Ivan Gall – Administrator, Field Services Division
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Water Right Specialist
Oregon Water Resources Department

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Thursday, June 15, 2017 3:15 PM
To: WOODY Jennifer L * WRD
Subject: RE: Sunny Valley Sand and Gravel, R-87930, R-87931, R-87932

I'm sorry it's been awhile since I followed up with you. Will you be around tomorrow (6/16/17)?
If so what is a good time?

Thanks,

Scott

From: WOODY Jennifer L * WRD
Sent: Thursday, June 08, 2017 3:13 PM
To: GREW Scott A * WRD
Subject: RE: Sunny Valley Sand and Gravel, R-87930, R-87931, R-87932

Yes, it's been a few years since I thought about that one- there were some gw LL applications at that site.
I'm in tomorrow if you want to discuss. I will search my cobwebby memory for details.
j

From: GREW Scott A * WRD
Sent: Thursday, June 08, 2017 11:30 AM
To: WOODY Jennifer L * WRD
Cc: GREW Scott A * WRD
Subject: Sunny Valley Sand and Gravel, R-87930, R-87931, R-87932

Jen,

These are 3 applications for reservoirs in Josephine County. There is concern about the digging of these reservoirs and them bisecting into groundwater. They submitted some data (in the driest years) from observation wells regarding the groundwater levels.

R-87930, R-87931, R-87932

I was told that you may have looked at this at one time? If so, I'd really like to get some GW perspective in the file.

Thanks,

Scott Grew
Water Right Specialist
Oregon Water Resources Department

GREW Scott A * WRD

From: Howard, Elizabeth E. <EHoward@SCHWABE.com>
Sent: Friday, June 09, 2017 5:41 PM
To: GREW Scott A * WRD
Cc: WALLIN Timothy * WRD
Subject: RE: App. R87930, R87931, R87932

Thanks Scott. Sorry about the confusion, I did mix up the initial review with the public comment timeframe. Just wanted to let you know we'll be sending you a letter next week to put Reservoir 3 onto administrative hold. Have a nice weekend. Elizabeth

Schwabe Williamson & Wyatt

Elizabeth E. Howard
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Direct: 503-796-2093
Cell: 503-312-8765
ehoward@schwabe.com

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From: GREW Scott A * WRD [mailto:Scott.A.Grew@oregon.gov]
Sent: Friday, June 09, 2017 10:52 AM
To: Howard, Elizabeth E.
Cc: WALLIN Timothy * WRD; GREW Scott A * WRD
Subject: RE: App. R87930, R87931, R87932

Ms. Howard,

Alternate Reservoir applications go direct to final order so there is no "initial review". I am actively working on the file and cannot estimate completion at this point.

I forgot to mention from your previous e-mail that there was not an additional comment period. The original comment period was 9/24/2013 to 11/23/2013. Links to info on WRIS: R87930, R87931, R87932

Hope that helps,

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Thanks Scott. I appreciate the email back. When will the initial review be complete? Elizabeth

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Sent: Friday, June 09, 2017 8:38 AM
To: Howard, Elizabeth E.
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Subject: RE: App. R87930, R87931, R87932

Ms. Howard,

I have no questions or concerns. My caseload is FULL and have no time to visit. E-mail is the best for me.

Your application is in queue. Please know we are processing applications as quickly and accurately as possible.

Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

From: Howard, Elizabeth E. [mailto:EHoward@SCHWABE.com]
Sent: Thursday, June 08, 2017 9:52 AM
To: GREW Scott A * WRD
Cc: Andreas Blech (andreas@blech.us); Pagel, Martha
Subject: App. R87930, R87931, R87932

Scott,

Good morning. With the 60 day timeframe for public notice quickly approaching (6/19), I would like to check in and see whether there are any questions or concerns you may have related to the alternative reservoir applications submitted by Sunny Valley. Is there a time we could visit tomorrow or Monday?

Thanks much, Elizabeth

Schwabe Williamson & Wyatt

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Ms. Howard,

Alternate Reservoir applications go direct to final order so there is no "initial review". I am actively working on the file and cannot estimate completion at this point.

I forgot to mention from your previous e-mail that there was not an additional comment period. The original comment period was 9/24/2013 to 11/23/2013. Links to info on WRIS: R87930, R87931, R87932

Hope that helps,

Scott Grew
Water Right Specialist
Oregon Water Resources Department

From: Howard, Elizabeth E. [mailto:EHoward@SCHWABE.com]
Sent: Friday, June 09, 2017 10:27 AM
To: GREW Scott A * WRD
Cc: WALLIN Timothy * WRD
Subject: RE: App. R87930, R87931, R87932

Thanks Scott. I appreciate the email back. When will the initial review be complete? Elizabeth

Schwabe Williamson & Wyatt

Elizabeth E. Howard
Shareholder
Direct: 503-796-2093
Cell: 503-312-8765
ehoward@schwabe.com

Ideas fuel industries. Learn more at:
www.schwabe.com

From: GREW Scott A * WRD [mailto:Scott.A.Grew@oregon.gov]
Sent: Friday, June 09, 2017 8:38 AM
To: Howard, Elizabeth E.

Cc: WALLIN Timothy * WRD; GREW Scott A * WRD
Subject: RE: App. R87930, R87931, R87932

Ms. Howard,

I have no questions or concerns. My caseload is FULL and have no time to visit. E-mail is the best for me.

Your application is in queue. Please know we are processing applications as quickly and accurately as possible.

Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

From: Howard, Elizabeth E. [mailto:EHoward@SCHWABE.com]
Sent: Thursday, June 08, 2017 9:52 AM
To: GREW Scott A * WRD
Cc: Andreas Blech (andreas@blech.us); Pagel, Martha
Subject: App. R87930, R87931, R87932

Scott,

Good morning. With the 60 day timeframe for public notice quickly approaching (6/19), I would like to check in and see whether there are any questions or concerns you may have related to the alternative reservoir applications submitted by Sunny Valley. Is there a time we could visit tomorrow or Monday?

Thanks much, Elizabeth

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ehoward@schwabe.com

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GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Thursday, June 08, 2017 11:30 AM
To: WOODY Jennifer L * WRD
Cc: GREW Scott A * WRD
Subject: Sunny Valley Sand and Gravel, R-87930, R-87931, R-87932

Jen,

These are 3 applications for reservoirs in Josephine County. There is concern about the digging of these reservoirs and them bisecting into groundwater. They submitted some data (in the driest years) from observation wells regarding the groundwater levels.

R-87930, R-87931, R-87932

I was told that you may have looked at this at one time? If so, I'd really like to get some GW perspective in the file.

Thanks,

Scott Grew
Water Right Specialist
Oregon Water Resources Department

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Thursday, June 08, 2017 11:30 AM
To: WOODY Jennifer L * WRD
Cc: GREW Scott A * WRD
Subject: Sunny Valley Sand and Gravel, R-87930, R-87931, R-87932

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Oregon Water Resources Department

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Cc: Andreas Blech (andreas@blech.us); Pagel, Martha
Subject: App. R87930, R87931, R87932

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GREW Scott A * WRD

From: Peter A Samarin <peter.a.samarin@state.or.us>
Sent: Monday, May 22, 2017 9:04 AM
To: GREW Scott A * WRD
Subject: RE: R-87930, R-87931, R-87932

Scott,

To my knowledge, there isn't a reason to change the intial determination for any of the applications. Thanks, Pete

---

From: GREW Scott A * WRD [mailto:Scott.A.Grew@oregon.gov]
Sent: Friday, May 19, 2017 10:05 AM
To: SAMARIN Peter A <Peter.A.Samarin@state.or.us>
Cc: GREW Scott A * WRD <Scott.A.Grew@oregon.gov>
Subject: R-87930, R-87931, R-87932

Dear Peter,

I have some older files that I am working on and you had done Alt Res reviews on these 3 reservoirs in 2013.
My question is has there been any changes in your determination for these since 2013? Would you be willing to take a look at them?

I appreciate your time.

Let me know if you have any questions.

Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

<< File: ODFW Review R-87930.pdf >> << File: ODFW Review R-87931.pdf >> << File: ODFW Review R-87932.pdf >>

GREW Scott A * WRD

From: GREW Scott A * WRD
Sent: Friday, May 19, 2017 10:05 AM
To: SAMARIN Peter A
Cc: GREW Scott A * WRD
Subject: R-87930, R-87931, R-87932

Dear Peter,

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My question is has there been any changes in your determination for these since 2013? Would you be willing to take a look at them?

I appreciate your time.

Let me know if you have any questions.

Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

GREW Scott A * WRD

From: Wolfgang Nebmaier <wn1470@bingo-ev.de>
Sent: Wednesday, June 14, 2017 1:54 PM
To: GREW Scott A * WRD
Subject: Re: re Application: R 87930-31-32

Dear Scott Grew,

I don't have a recod of another reply to my inquiry beyond the one below.

I remember making it clear that I do get the weekly notices. I also explained, that any further development with the application mentioned are not likely to trigger an entry in these weekly notices. You know what I mean.

Please let me know you received this request. I am open to find a soluetion to this public notice loophole in this case.

Thank you very much,

Wolfgang Nebmaier

Mr. Nebmaier,

The Department's Public Notice is published each week on our website at http://www.wrd.state.or.us/ If you would like to receive a free weekly notification when it is published, please send your request to Marissa.L.Andrews@oregon.gov.

Also below is the link for our Record Request policy.

Public Notice page:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21
Public Records Request:
http://www.oregon.gov/owrd/docs/public_records_request.doc
Latest WRD notice:
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WrdNotice&notice_item_id=6915

I hope you find this information helpful.

Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

-----Original Message-----
Hello Scott,

"making contact" so to speak.

I am a neighbor to these applications.

Would it be possible to be notified if there is any movement on any of these applications?
By "movement":, I mean any. After all, there are many types of maneuvers.
And by "possible", I don't mean merely what law or rule mandates.

I thank you very much.

Wolfgang Nebmaier

GREW Scott A * WRD

From: Wolfgang Nebmaier <wn1470@bingo-ev.de>
Sent: Thursday, April 27, 2017 5:31 PM
To: GREW Scott A * WRD
Subject: Re: re Application: R 87930-31-32

On 4/27/2017 9:05 AM, GREW Scott A * WRD wrote:

Mr. Nebmaier,

The Department's Public Notice is published each week on our website at http://www.wrd.state.or.us/ If you would like to receive a free weekly notification when it is published, please send your request to Marissa.L.Andrews@oregon.gov.

Also below is the link for our Record Request policy.

Public Notice page:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21
Public Records Request:
http://www.oregon.gov/owrd/docs/public_records_request.doc
Latest WRD notice:
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WrdNotice&notice_item_id=6915

I hope you find this information helpful.

Frankly, Scott,no I don't find it helpful.
I know all that bureaucratese.
The subect line mentioned the applications my inquiry was about
which have been on a 967 day (or 5.37 times) 180 day administrative hold.
You know as well as I do that future "movement" on these applications will not trigger a notification.
Or am I wrong?

rsvp

Wolfgang Nebmaier

Scott Grew
Water Right Specialist
Oregon Water Resources Department
503-986-0899

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