

3-7

Name ALTON SULLIVAN
By DIXIE SULLIVAN
Address PO BOX 2118
LEBANON OR 97355

Application No. R- 87497
Permit No. R 14857
Certificate No. _____

FEEES PAID

Date	Amount	Receipt No.
7-15-09	977.50	97184
7-31-09	500.50	97333
5-13-10	400.00	99955
7-15-25	780.00	145646
Cert. Fee		

CIS

Priority 7-15-2009
County LIN WM# 2

Date _____
DENIED _____
MISFILED _____
WITHDRAWN _____
CANCELLED _____

Volume	Page
_____	_____
_____	_____

FEEES REFUNDED

Date	Amount	Receipt No.
9/10/09	300.00	97333 JV
_____	_____	_____
_____	_____	_____

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

DEVELOPMENT

Date

Completion 6/10/2015
Extended to _____
Final Proof received _____
Proposed Cert. Mailed _____

REMARKS

MAP LOCATION

8-3-2009

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 # 146938

INVOICE # _____

RECEIVED FROM: Dixie G Sullivan

BY: Alton E Sullivan

APPLICATION	<u>R-87497</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 1929 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 720.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$
	WATER RIGHTS:	
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$
	WELL CONSTRUCTION	
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
0223	OTHER (IDENTIFY) <u>Protest</u>	\$ <u>720.00</u>

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: 146938

DATED: 2-25-26 BY: m-niles

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

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

SCANNED

MAR 04 2026

February 24, 2026

Protestant/Applicant:

Alton E. and Dixie G. Sullivan
PO Box 2118
Lebanon, OR 97355
(541) 979-6456

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Statement of Protest:

We, Alton E. and Dixie G. Sullivan, as applicant, are protesting the decision to deny the extension of time application submitted for Water Right Application R-87497, Permit R-14857. We are protesting to protect our interest and investment in the project, but also represent the public interest which will be specifically outlined in this letter.

We believe that the Oregon Water Resources Department (OWRD) caseworker made deficient findings in the proposed final order and misunderstood some of the information that was provided in the application. We hired an agent to complete the extension of time application. Our agent was working with us and the designing engineering firm to gather necessary information. We will provide further detail and clarity on progress made toward the development of Permit R-14857 that was omitted from the submitted extension of time application.

At this point, we request that OWRD reviews this letter and reconsiders the proposed denial. If a hearing is necessary after this review, we request that be the next step.

Background:

Application R-87497 was submitted on July 15, 2009. The Permit R-14857 was issued on June 10, 2010 with a completion date of June 10, 2015, five years from the issuance. Construction on permitted Ponds 1, 2, and 3 began in June of 2010. Simultaneously, Permit R-14785 had also been issued by OWRD on October 9, 2009 for the same Ponds 1, 2, and 3 allowing different volumes. When construction began in June 2010, the goal was to develop all three ponds and the

total volume allowed by both Permits R-14857 and R-14785. Due to the cost of development and other project delays, only Pond 3 was completed. A claim of beneficial use was submitted for Permit R-14785, but not Permit R-14857. Despite the development being partially authorized by Permit R-14857, OWRD allowed the total volume for all three ponds authorized under Permit R-14785 to be claimed in just Pond 3 and accepted the claim of beneficial use. This was eventually issued a Certificate 97445 in 2023. Meanwhile the other permit, R-14857, sat dormant for years in OWRD's queue. There was always support and good cause to develop the remaining ponds, but it wasn't until the 60-day notice sent by OWRD on August 30, 2024 that an extension of time was considered. After reviewing the benefit of development and considering the hardship that allowing cancelation of the permit would cause, it was decided to proceed in good faith with a time extension, citing the progress that had been made toward development of all three ponds from June 2010-2015.

In Response to PFO, Review Criteria:

OWRD has correctly stated that Pond 3 was developed and claimed under Permit R-14785. OWRD has also correctly stated that construction of Pond 3 did begin prior to June 10, 2015; however, we believe OWRD has omitted any Pond 1 and 2 construction from the review criteria. We also believe that OWRD is incorrectly stating all Pond 3 development was accomplished under Permit R-14785 when a portion of Pond 3 was authorized by Permit R-14857.

In Response to PFO, Good Cause:

Under "Amount of Construction", OWRD has again incorrectly aligned all construction with Pond 3. Construction of Ponds 1 and 2 also began prior to the completion date. Pond 3 development was partially authorized by Permit R-14857.

The following conditions were required by Permit R-14857: installation of a staff gage, submittal of annual water use report, installation of an outlet pipe, submit as-built plans, and submittal of an engineer's letter. All of these conditions except the outlet pipe would occur after water storage. Since development of Ponds 1 and 2 stopped before water storage began, these conditions were not met. The outlet pipe and valve equipment were purchased, but development stopped before they were installed since the dams were not completed. This is one of the reasons an extension of time has been requested. More time is needed to finish the development of the storage area, but also to comply with the permit conditions when water storage occurs.

The financial investment made of \$329,400 has been incorrectly assigned by OWRD to only Pond 3. It is difficult to split the investment when work was completed for multiple ponds under two permits simultaneously. The below table attempts to provide further clarity on the progress that was made and associated costs:

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Date	Work Accomplished	Cost
6/2010	Complete DSL permit and wetland mitigation credit purchase: 1.22 acres (0.72 acres for Ponds 1 and 2)	\$120,000
6/2010	Clearing brush and trees in pond locations: Ponds 1, 2, 3	\$8,350
6/2010	Stripping of dam footprint: Ponds 1 and 2	\$15,750
6/2010	Stripping of dam footprint: Pond 3	\$10,250
	<i>Subtotal for stripping</i>	<i>\$26,000</i>
7/2010	Construction of cut-off trench: Pond 3	\$24,000
7/2010	Purchase of drain conduits and valve assembly: Ponds 1 and 2	\$8,200
7/2010	Purchase and install drain conduit and valve: Pond 3	\$29,400
8/2010	Disced and prepped water storage area: Ponds 1 and 2	\$12,740
8/2010	Additional contouring of land in preparation for excavation: Ponds 1 and 2	\$7,600
9/2010	Completion of dam, outfall structure, overflow, and final contouring and grading: Pond 3	\$250,000
	TOTAL	\$486,290

The work accomplished that was listed in the extension of time application was summarized and tailored to fit the form that OWRD requires. As you can see in this list, the overall investment to the project authorized by both Permits R-14857 and R-14785 is actually larger than what was provided in the extension application. It is impossible to split the investment for each permit since they authorize the same water storage facilities. This more detailed description of work accomplished proves that progress was made on Ponds 1 and 2 prior to the completion date with great initial intent to finish development.

The remaining work to be accomplished for Ponds 1 and 2 that is projected in the extension of time application is accurate at an estimated cost of \$315,820. Additional stripping of the dam footprint would be needed to proceed with construction. The other remaining work was completed for Pond 3, but not Ponds 1 and 2. The extended completion time to October 2028 is needed to complete this work and meet the permit conditions following completion of construction.

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Public Interest:

As stated in the proposed final order, the amount of water was determined to be available to satisfy other affected water rights at the time of issuance. There is no detrimental impact to other water users or stream flows. Additionally, the reservoirs are not located within a withdrawn area, scenic waterway, or a water quality limited stream. There is no detrimental impact in these ways. The reservoir locations were reviewed by Oregon Department of Fish and Wildlife at the time of application and determined to not be detrimental to habitat. Inversely, the reservoirs would provide additional wildlife habitat and refuge year-round. The permitted use is for fish life, fire protection and wildlife, with no out-of-reservoir uses proposed. This means the water will be available to certain species year-round with no disruption.

The Lebanon Fire District strongly supports the construction of these ponds. They state that it would significantly enhance their ability to respond to fire emergencies in an area where the risk of wildfire is elevated. Rural fire protection is very much in the public interest. Our project poses a solution to a major problem with wildfire preparedness at no cost to other residents in the area.

Conclusion:

In response to the proposed final order denial for Permit R-14857 extension of time application, we, as applicant, request that OWRD reviews the additional information in this letter and reconsiders the incorrect and deficient findings that resulted in the proposed denial. We respectfully request that as part of that reconsideration you take into account the harmful impact a denial would have on public interest. Lastly, we request that you take into reconsideration the hardship of losing our previous investment to this project. Processing water rights takes a long time, but so does the development required once permitted. We have provided evidence of reasonable diligence, good cause, and the need for the water to be stored. We just need more time to complete the development.

Thank you for your reconsideration,



Alton E. and Dixie G. Sullivan

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Enclosed: Lebanon Fire Department letter of support from new Division Chief-Fire Marshal, DSL permit and proof of mitigation credit purchase, Proposed Final Order Denial



1/20/2026

To Whom it may concern,

Lebanon Fire District (LFD) strongly supports the proposal by Mr. Sullivan to construct two ponds on the property located on Mt. Hope Drive. These ponds would provide year-round access to improved drafting sites, significantly enhancing our ability to respond to fire emergencies.

The proposed location is near the Wildland-Urban Interface (WUI), where the risk of wildfire is elevated and rapid access to water is critical. Currently, during wildland or rural fire incidents, our water tenders must travel into town to access hydrants for refilling—a process that significantly delays response times and reduces operational efficiency. Having accessible water sources closer to the WUI would allow tenders to refill and return to the scene much faster, improving fire containment and reducing potential property loss.

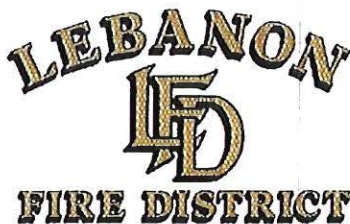
This project represents a proactive and collaborative approach to wildfire preparedness and rural fire protection. The benefits to public safety and emergency response are substantial and will positively impact on our ability to protect lives, property, and natural resources. We appreciate your consideration of this proposal and encourage its approval. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

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Candace Hedding, Division Chief- Fire Marshal

Lebanon Fire District

Phone: (541) 451-1901 | Email: chedding@lebanonfireoregon.gov

Website: LebanonFireOregon.gov



Oregon Wetlands LLC
6001 NW Gilmour Lane
Albany, Oregon 97321
Office: (541) 928-2507
Fax: (541) 967-2310
Cell: (541) 760-1777

One-Horse Slough Mitigation Bank

Credit Sales Receipt

Date: 10/20/2009

Purchased by: Al Sullivan

Phone Number:

Project Name: First Creek, Lebanon

Project Location: S4&5, T12, R1W

Credits Purchased: 1.22

DSL Permit #: 43062-RF

Corps Permit#: 2009-457

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Purchaser has paid the Bank the agreed upon price for the number of wetland mitigation credits noted above.

By: _____

Ray Fiori

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**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-14857, Water Right Application R-87497
in the name of Alton E. and Dixie G. Sullivan

) PROPOSED
) FINAL
) ORDER DENIAL

Permit Information

Application:	R-87497
Permit:	R-14857
Basin:	2B – Middle Willamette / Watermaster District 16
Date of Priority:	July 15, 2009
Source of Water:	Runoff, a tributary of Onehorse Slough
Purpose or Use:	Storage for Fish Life, Fire Protection and Wildlife
Storage Facilities:	Pond 1, Pond 2, and Pond 3
Maximum Rate:	97.5 acre-feet (AF), being 31.0 AF in Pond 1, 4.5 AF in Pond 2 and 62.0 AF in Pond 3

Please read this Proposed Final Order in its entirety.

In summary, the Department proposes to:

- Deny an extension of time to complete construction of the reservoirs from June 10, 2015, to October 1, 2028.
- Deny an extension of time to store the permitted volume of water from June 10, 2015, to October 1, 2028.
- Cancel Permit R-14857

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. The cancelation of the permit is being processed in accordance with Oregon Revised Statute 537.260.

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ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department

PFO – Proposed Final Order

AF - acre-feet

AUTHORITY

Generally, see ORS 537.230, ORS 537.260 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) contain the factors that the Department must consider to make findings that support a “good cause” determination.

ORS 537.260(1) provides that the Oregon Water Resources Department may cancel a permit after 60 days notice by registered mail or by certified mail with return receipt, when proof of completion has not been submitted.

FINDINGS OF FACT

1. On June 10, 2010, Permit R-14857 was issued by the Department. The permit authorizes the storage of up to 97.5 AF of water, being 31.0 AF in Pond 1, 4.5 Af in Pond 2 and 62.0 AF in Pond 3 from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife. The permit specified construction was to be completed, and the permitted volume of water was to be stored within five years of the date of permit issuance, being June 10, 2015.
2. On August 30, 2024 the Department sent by Certified Mail, notice to the permit holders of record, as required by Oregon Revised Statute 537.260, prior to the beginning of cancelation of the permit for failure to submit proof of completion of the appropriation as required by ORS 537.230.
3. On July 15, 2025, the permit holder, Alton E. and Dixie G. Sullivan, submitted an “Application for Extension of Time” to the Department, requesting the time to complete

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construction of the water system extended from June 10, 2015, to October 1, 2028 and the time to apply water to full beneficial use under the terms of Permit R-14857 be extended from June 10, 2015, to October 1, 2028. This is the first permit extension requested for Permit R-14857.

4. Notification of the Application for Extension of Time for Permit R-14857 was published in the Department's Public Notice dated July 22, 2025. No public comments were received regarding the extension application.

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)]

5. On July 15, 2025, the Department received a completed Application for Extension of Time 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)]

6. According to the Application, construction began June 2010 with the stripping of the dam footprint.
7. On December 20, 2021, a Claim of Beneficial Use (COBU) for Permit R-14785 was submitted to the Department. Permit R-14785 was issued October 9, 2009, authorizing the storage of up to 102.0 AF of water, being 23.0 AF in Pond 1, 14.0 AF in Pond 2, and 65.0 AF in Pond 3. The COBU identifies that construction began June 2010. The Claim of beneficial use also indicates that only Pond 3 was constructed under Permit R-14785. Certificate 97445 was issued by the Department on November 17, 2023, describing the perfection of the storage of 102.0 AF of water in Pond 3, developed under Permit R-14785.

The Department has determined that construction of Pond 3 did begin prior to June 10, 2015, however this construction was accomplished in the development of Pond 3 as described in the COBU submitted for Permit R-14785.

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).

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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.¹

8. Construction of Pond 3 began prior to the deadline specified in the permit, however as described in FOF 7 above, this construction was in the development of Pond 3 under Permit R-14785 and perfected under Certificate 97445.
9. Th Application also identifies work accomplished between July 2010 through September 2010 for the completion of the dam for Pond 3, however as described in FOF 7 above, this construction was in the development of Pond 3 under Permit R-14785 and perfected under Certificate 97445.
10. The Application does not identify any additional work after September 2010.

The Application does not provide evidence of progress made towards construction of Pond 1, Pond 2 or Pond 3 as authorized under Permit R-14857 or progress towards the storage of water authorized under Permit R-14857 within the time period provided by the permit. Therefore, the Department cannot find good cause or reasonable diligence towards the complete application of water to beneficial use under work has been accomplished within the time allowed in Permit R-14857.

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

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

11. The Department has considered the permit holder's compliance with conditions, and has identified the following concern; annual reports of the amount of water stored each month were not received by the Department by June 10, 2015.

The Application does not provide evidence toward perfecting the water right under the terms and conditions of the permit. Therefore, the Department has determined the permit holder has not

¹ "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.

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been diligent in developing or perfecting the water use permit, and has not complied with all terms and conditions, as required by Permit R-14857.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

The amount of beneficial use made of the water during the permit or previous extension conditions.

12. According to the Application, a maximum volume of 102.0 AF of water has been stored from the runoff, a tributary of Onehorse Slough. As described in FOF 7 above, this 102.0 AF of water stored in Pond 3 has already been developed under Permit R-14785, and perfected under Certificate 97445.

Based on FOF 6, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because no water has been stored in Pond 1, Pond 2, or Pond 3 as authorized by Permit R-14857.

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

13. According to the Application an investment of approximately \$329,400, has been made in the development of Pond 3, which is about 51 percent of the total projected cost for complete development of this project. An additional \$315,820 investment is anticipated for the completion of Pond 1 and Pond 2.

Though the Application identifies an investment towards the development of Pond 3, this investment occurred in the development of Pond 3 as authorized by Permit R-14785, and perfected under Certificate 97445. The Department has determined that an investment in the development of Pond 1, Pond 2, and Pond 3, as authorized under Permit R-14857, has not been made.

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

The application provides evidence that no work has been accomplished towards completion of the reservoirs as authorized under Permit R-14857; the permit holder has not demonstrated compliance with permit conditions, and; beneficial use of water has not been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit R-14857.

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*

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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 determined at the time of issuance of Permit G-14857; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.
15. Current Water Availability Analysis for the South Santiam River, (Tributary to Santiam River) at the mouth (watershed ID 30200601) show that no water is available during the months of July, August, September and October 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).

16. The reservoirs are located on a tributary of Onehorse Slough, and are not located within a Withdrawn Area.
17. Onehorse Slough is not located within or above a state or federal scenic waterway.
18. The reservoirs are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

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.

19. Onehorse Slough is located within an area ranked "low" 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.

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

Economic interests dependent on completion of the project.

20. The Application identifies an approximate total of \$329,400 has been invested in the project.

The Department has determined that the investment was made in the development of Pond 3 as authorized under Permit R-14785. See FOF 7 above.

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

Other economic interests dependent on completion of the project.

21. No other economic interests dependent on completion of the project have been identified.

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

Other factors relevant to the determination of the market and present demand for water and power.

22. No other factors relevant to the determination of the market and present demand for water and power have been identified.

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

23. 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 690-315-0040(2)(g)]

24. The Application states: "The applicant was getting push back from a forest service representative saying the ponds were not necessary; however, Lebanon Fire District is very much in favor of Ponds 1 and 2 and has provided a letter in support." The Application does not describe how this the "push back" is tied to any additional governmental requirements that were needed to be met to construct the reservoirs on the property owned by the applicant.

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

25. The Application states; "With pushback from the forest service and rising cost of constructing ponds, it was initially decided to delay this portion of the project to spread out the cost."

As described in FOF 24 above, the Application did not provide how the "push back" from the forest service resulted in a delay in the development. Additionally, the applicants decision to delay the project due to rising costs would not be considered an "unforeseen event" as it was a decision made by the permit holder not to pursue development due to financial considerations.

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Denial of an Extension Would Result in Undue Hardship IOAR 690-315-0040(2)(1)

26. The Application states: "not having fire suppression water available for rural fires will be a hardship. This hardship has been seen in recent years by nearby areas with catastrophic consequences."

Good Faith of the Appropriator IOAR 690-315-0040(2)(c)

27. The Application does not provide evidence of good faith of the appropriator under Permit. The Application only describes work accomplished to develop a reservoir as described by a different permit, for which a COBU has been submitted, and Certificate 97445 has been issued.

Based on Findings of Fact 7, 8, 9, 10, 11, and 12, above, the Department finds that the Applicant has not demonstrated good faith in the development of the authorized use under Permit R-14857.

Duration of Extension IOAR 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.

28. As of July 15, 2025, the permit holder states the remaining work to be completed consists of beginning construction of Pond 1 and Pond 2 and storing the authorized volume of water.

The Department has determined that the request extend the time to complete construction and store water under permit R-14857 is not reasonable because no work toward the development of the reservoirs, as authorized by permit R-14857, has occurred as the investment described in the Application was towards the development of a reservoir authorized under Permit R-14785. Additionally, the Application does not describe any additional work towards the development of the reservoirs since September 2010.

Good Cause IOAR 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

FEB 25 2026

Salem, OR

has not 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).

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 begin construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The application established that there has been no construction, no financial invest or reasonable diligence towards development of the reservoirs as authorized by Permit R-14857. The permit holder has not 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).
4. The Department has provided notice pursuant ORS 537.260 to begin cancelation of the permit.

PROPOSED ORDER

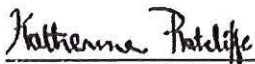
Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Deny an extension of time to complete construction of the reservoirs from June 10, 2015, to October 1, 2028.

Deny an extension of time to store the permitted volume of water from June 10, 2015, to October 1, 2028.

Cancel Permit R-14857.

DATED: January 13, 2026



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

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

Received by OWRD
FEB 25 2026
Salem, OR

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 February 27, 2026, 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 \$720 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$1,425 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



Received by OWRD

FEB 25 2026

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Alton & Dixie Sullivan

PO Box 2118 Lebanon, OR 97355

Transaction Type: Protest

Fees Received: \$ 720.00

☐ Cash

☒ Check:

Check No. 1929

Name(s) on Check: Dixie & Alton Sullivan

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: Sarah Benham
(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

COUNTY OF LINN

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: R-87497

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

STORAGE FACILITY: POND 1, POND 2, AND POND 3

PURPOSE OR USE OF THE STORED WATER: FISH LIFE, FIRE PROTECTION AND WILDLIFE

MAXIMUM VOLUME: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 AF IN POND 3

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

DATE OF PRIORITY: JULY 15, 2009

THE MAXIMUM HEIGHT OF THE DAMS AND AREA SUBMERGED, WHEN FULL, FOR POND 1, POND 2, AND POND 3 ARE 16.0 FEET AND 6.16 ACRES, 14.0 FEET AND 2.88 ACRES, AND 30.0 FEET AND 8.36 ACRES, RESPECTIVELY.

DAM LOCATIONS:

POND 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T12S, R1W, W.M.; 4848 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NE CORNER, SECTION 5

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

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

NE ¼ SE ¼ POND 3
SE ¼ SE ¼ POND 3
SECTION 5

NE ¼ NW ¼ POND 1, POND 2
SECTION 9
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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 each reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall maintain all required devices in good working order.
- C. 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.
- D. The permittee shall keep a complete record of the amount of water used 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not release stored water from the reservoir(s) into the stream channel of Onehorse Slough July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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.

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

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

Notwithstanding that Oregon Department of Fish and Wildlife 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/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

Dam Conditions

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications.

If final construction deviates from the approved design, a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

STANDARD CONDITIONS

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

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

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

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

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

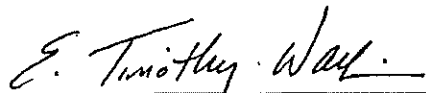
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

extension of time, which may be approved based upon the merit of the application.

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

Issued June 10, 2010



for Phillip C. Ward, Director
Water Resources Department

Mailing List for Extension PFO Copies

PFO Date: January 13, 2026

Copies Mailed

Application: R-87497

Permit: R-14857

By: TM

On: 1-13-2026

Original mailed to Applicant:

Alton E. and Dixie G. Sullivan
P.O. Box 2118
Lebanon, OR 97355

Copies sent to:

1. WRD - App. File R-87497/ Permit R-14857

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)

(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 16, Greg Wacker
4. Agent – Will McGill

CASEWORKER: JDP

9589 0710 5270 0208 3754 71

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
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☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
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Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
R-87497 Permit R-14857 Alton E. and Dixie G. Sullivan PO Box 2118 Lebanon, OR 97355	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

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-14857, Water Right Application R-87497
in the name of Alton E. and Dixie G. Sullivan

) PROPOSED
) FINAL
) ORDER DENIAL

Permit Information

Application:	R-87497
Permit:	R-14857
Basin:	2B – Middle Willamette / Watermaster District 16
Date of Priority:	July 15, 2009
Source of Water:	Runoff, a tributary of Onehorse Slough
Purpose or Use:	Storage for Fish Life, Fire Protection and Wildlife
Storage Facilities:	Pond 1, Pond 2, and Pond 3
Maximum Rate:	97.5 acre-feet (AF), being 31.0 AF in Pond 1, 4.5 AF in Pond 2 and 62.0 AF in Pond 3

Please read this Proposed Final Order in its entirety.

In summary, the Department proposes to:

- Deny an extension of time to complete construction of the reservoirs from June 10, 2015, to October 1, 2028.
- Deny an extension of time to store the permitted volume of water from June 10, 2015, to October 1, 2028.
- Cancel Permit R-14857

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. The cancelation of the permit is being processed in accordance with Oregon Revised Statute 537.260.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department

PFO – Proposed Final Order

AF - acre-feet

AUTHORITY

Generally, see ORS 537.230, ORS 537.260 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) contain the factors that the Department must consider to make findings that support a “good cause” determination.

ORS 537.260(1) provides that the Oregon Water Resources Department may cancel a permit after 60 days notice by registered mail or by certified mail with return receipt, when proof of completion has not been submitted.

FINDINGS OF FACT

1. On June 10, 2010, Permit R-14857 was issued by the Department. The permit authorizes the storage of up to 97.5 AF of water, being 31.0 AF in Pond 1, 4.5 Af in Pond 2 and 62.0 AF in Pond 3 from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife. The permit specified construction was to be completed, and the permitted volume of water was to be stored within five years of the date of permit issuance, being June 10, 2015.
2. On August 30, 2024 the Department sent by Certified Mail, notice to the permit holders of record, as required by Oregon Revised Statute 537.260, prior to the beginning of cancelation of the permit for failure to submit proof of completion of the appropriation as required by ORS 537.230.
3. On July 15, 2025, the permit holder, Alton E. and Dixie G. Sullivan, submitted an “Application for Extension of Time” to the Department, requesting the time to complete

construction of the water system extended from June 10, 2015, to October 1, 2028 and the time to apply water to full beneficial use under the terms of Permit R-14857 be extended from June 10, 2015, to October 1, 2028. This is the first permit extension requested for Permit R-14857.

4. Notification of the Application for Extension of Time for Permit R-14857 was published in the Department's Public Notice dated July 22, 2025. No public comments were received regarding the extension application.

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)]

5. On July 15, 2025, the Department received a completed Application for Extension of Time 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)]

6. According to the Application, construction began June 2010 with the stripping of the dam footprint.
7. On December 20, 2021, a Claim of Beneficial Use (COBU) for Permit R-14785 was submitted to the Department. Permit R-14785 was issued October 9, 2009, authorizing the storage of up to 102.0 AF of water, being 23.0 AF in Pond 1, 14.0 AF in Pond 2, and 65.0 AF in Pond 3. The COBU identifies that construction began June 2010. The Claim of beneficial use also indicates that only Pond 3 was constructed under Permit R-14785. Certificate 97445 was issued by the Department on November 17, 2023, describing the perfection of the storage of 102.0 AF of water in Pond 3, developed under Permit R-14785.

The Department has determined that construction of Pond 3 did begin prior to June 10, 2015, however this construction was accomplished in the development of Pond 3 as described in the COBU submitted for Permit R-14785.

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.¹

8. Construction of Pond 3 began prior to the deadline specified in the permit, however as described in FOF 7 above, this construction was in the development of Pond 3 under Permit R-14785 and perfected under Certificate 97445.
9. The Application also identifies work accomplished between July 2010 through September 2010 for the completion of the dam for Pond 3, however as described in FOF 7 above, this construction was in the development of Pond 3 under Permit R-14785 and perfected under Certificate 97445.
10. The Application does not identify any additional work after September 2010.

The Application does not provide evidence of progress made towards construction of Pond 1, Pond 2 or Pond 3 as authorized under Permit R-14857 or progress towards the storage of water authorized under Permit R-14857 within the time period provided by the permit. Therefore, the Department cannot find good cause or reasonable diligence towards the complete application of water to beneficial use under work has been accomplished within the time allowed in Permit R-14857.

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

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

11. The Department has considered the permit holder's compliance with conditions, and has identified the following concern; annual reports of the amount of water stored each month were not received by the Department by June 10, 2015.

The Application does not provide evidence toward perfecting the water right under the terms and conditions of the permit. Therefore, the Department has determined the permit holder has not

¹ "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.

been diligent in developing or perfecting the water use permit, and has not complied with all terms and conditions, as required by Permit R-14857.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

The amount of beneficial use made of the water during the permit or previous extension conditions.

12. According to the Application, a maximum volume of 102.0 AF of water has been stored from the runoff, a tributary of Onehorse Slough. As described in FOF 7 above, this 102.0 AF of water stored in Pond 3 has already been developed under Permit R-14785, and perfected under Certificate 97445.

Based on FOF 6, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because no water has been stored in Pond 1, Pond 2, or Pond 3 as authorized by Permit R-14857.

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

13. According to the Application an investment of approximately \$329,400, has been made in the development of Pond 3, which is about 51 percent of the total projected cost for complete development of this project. An additional \$315,820 investment is anticipated for the completion of Pond 1 and Pond 2.

Though the Application identifies an investment towards the development of Pond 3, this investment occurred in the development of Pond 3 as authorized by Permit R-14785, and perfected under Certificate 97445. The Department has determined that an investment in the development of Pond 1, Pond 2, and Pond 3, as authorized under Permit R-14857, has not been made.

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

The application provides evidence that no work has been accomplished towards completion of the reservoirs as authorized under Permit R-14857; the permit holder has not demonstrated compliance with permit conditions, and; beneficial use of water has not been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit R-14857.

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 determined at the time of issuance of Permit G-14857; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.
15. Current Water Availability Analysis for the South Santiam River, (Tributary to Santiam River) at the mouth (watershed ID 30200601) show that no water is available during the months of July, August, September and October 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).

16. The reservoirs are located on a tributary of Onehorse Slough, and are not located within a Withdrawn Area.
17. Onehorse Slough is not located within or above a state or federal scenic waterway.
18. The reservoirs are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

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.

19. Onehorse Slough is located within an area ranked "low" 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.

20. The Application identifies an approximate total of \$329,400 has been invested in the project.

The Department has determined that the investment was made in the development of Pond 3 as authorized under Permit R-14785. See FOF 7 above.

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

Other economic interests dependent on completion of the project.

21. No other economic interests dependent on completion of the project have been identified.

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

Other factors relevant to the determination of the market and present demand for water and power.

22. No other factors relevant to the determination of the market and present demand for water and power have been identified.

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

23. 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 690-315-0040(2)(g)]

24. The Application states: "The applicant was getting push back from a forest service representative saying the ponds were not necessary; however, Lebanon Fire District is very much in favor of Ponds 1 and 2 and has provided a letter in support." The Application does not describe how this the "push back" is tied to any additional governmental requirements that were needed to be met to construct the reservoirs on the property owned by the applicant.

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

25. The Application states; "With pushback from the forest service and rising cost of constructing ponds, it was initially decided to delay this portion of the project to spread out the cost."

As described in FOF 24 above, the Application did not provide how the "push back" from the forest service resulted in a delay in the development. Additionally, the applicants decision to delay the project due to rising costs would not be considered an "unforeseen event" as it was a decision made by the permit holder not to pursue development due to financial considerations.

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

26. The Application states: “not having fire suppression water available for rural fires will be a hardship. This hardship has been seen in recent years by nearby areas with catastrophic consequences.”

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

27. The Application does not provide evidence of good faith of the appropriator under Permit. The Application only describes work accomplished to develop a reservoir as described by a different permit, for which a COBU has been submitted, and Certificate 97445 has been issued.

Based on Findings of Fact 7, 8, 9, 10, 11, and 12, above, the Department finds that the Applicant has not demonstrated good faith in the development of the authorized use under Permit R-14857.

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.

28. As of July 15, 2025, the permit holder states the remaining work to be completed consists of beginning construction of Pond 1 and Pond 2 and storing the authorized volume of water.

The Department has determined that the request extend the time to complete construction and store water under permit R-14857 is not reasonable because no work toward the development of the reservoirs, as authorized by permit R-14857, has occurred as the investment described in the Application was towards the development of a reservoir authorized under Permit R-14785. Additionally, the Application does not describe any additional work towards the development of the reservoirs since September 2010.

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 not 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).

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 begin construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The application established that there has been no construction, no financial invest or reasonable diligence towards development of the reservoirs as authorized by Permit R-14857. The permit holder has not 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).
4. The Department has provided notice pursuant ORS 537.260 to begin cancelation of the permit.

PROPOSED ORDER

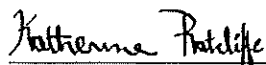
Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Deny an extension of time to complete construction of the reservoirs from June 10, 2015, to October 1, 2028.

Deny an extension of time to store the permitted volume of water from June 10, 2015, to October 1, 2028.

Cancel Permit R-14857.

DATED: January 13, 2026



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

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

Protests

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 February 27, 2026, 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 \$720 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$1,425 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

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>.

- Fax: 503-986-0901

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 # 145646

INVOICE # _____

RECEIVED FROM: Will McGinnis Surveying, LLC

BY: _____

APPLICATION	R-87497
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 2435 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

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$ 780.00

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$
0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$

0205 TRANSFER EXAM FEE

WELL CONSTRUCTION

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

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 RECEIVED
OBJ. CODE _____ VENDOR # OVER THE COUNTER
DESCRIPTION \$

RECEIPT:

145646

DATED: 7-15-25 BY: [Signature]

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



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

July 21, 2025

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-87497 (Permit R-14857)**. 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.



Received by OWRD

JUL 15 2025

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Alton E. & Dixie G. Sullivan

PO Box 2118 Lebanon, OR 97355

Transaction Type: Extension

Fees Received: \$ 780.00

☐ Cash

☒ Check:

Check No. 2435

Name(s) on Check: Will McGill Surveying

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: Sarah Benham
(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.

Application: R-87497 Permit: R-14857
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) Alton E. and Dixie G. Sullivan
PO Box 2118
Lebanon, OR 97355

Proposed Completion Date: 10-1-2028

☐ WRIG...Money Receipted on: _____

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

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

☒ Tonya Miller...

☒ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 7.22.2025

☒ Update WRIS Database

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

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

☒ Yes or ☐ No: Return file to Extension Specialist after PN returned 7.21.2025

NOTES:

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



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

Received by [signature]

JUL 15 2025

Salem, OR

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.

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).

Salem, OR

JUL 15 2025

Received by OWRD

I, Alton E. and Dixie G. Sullivan

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

PO Box 2118

ADDRESS

Lebanon

CITY

OR

STATE

97355

ZIP

541-979-6456

PHONE

dgsullivan@live.com

E-MAIL ADDRESS

the permit holder of:

Application Number R-87497

Permit Number R-14857

[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: 6 Day: 10 Year: 2015, be extended to October 1, 2028, [OAR 690-315-0020(3)(l)]

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

Printed Name

Title

The agent below is authorized to represent the applicant in all matters relating to THIS application.

Permit Holder Initials

Will McGill Surveying, LLC

(503) 931-0210

Authorized Agent (Print Agent Name)

Agent contact

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: **Received by OWRD**

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

JUL 15 2025

Salem, OR

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: _____

Received by OWRD

JUL 15 2025

Salem, OR

For Surface/Reservoir Permit

Has construction of the water system begun? ☒ Yes ☐ No

Date construction began Month: 06 Day: 13 Year: 2010

Details of construction and attach documentation: Ponds 1, 2, and 3 are authorized by Permits R-14785 and R-14857. Pond 3 construction began June 2010, completed September 2010, and a claim for Permit R-14785 only was submitted on Dec. 20, 2021.

JUL 15 2025

Salem, OR

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 – POND 3 ONLY		
☒	Installation of a meter/ totalizing flow meter (Staff Gage)	☒ Yes ☐ No	Sep. 2010
☒	Submittal of annual water use report	☒ Yes ☐ No	2022, 2023, 2024
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	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	July 2010
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☒	Submit as-built plans and specification	☒ Yes ☐ No	June 2019
☒	Submittal of a letter from an engineer prior to storage	☒ Yes ☐ No	Oct. 2010
☐	Other (Specify):	☐ Yes ☐ No	
☐	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.

[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.*)

Received by OWRD
JUL 15 2025
Salem, OR

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
6/10/2010	Date the permit was signed - find date above signature on last page of permit.	
6/2010	Stripping of dam footprint	\$26,000
7/2010	Construction of cut-off trench	\$24,000
7/2010	Construction of drain conduit and valve	\$29,400
9/2010	Completion of dam, outfall structure, overflow, and grading	\$250,000
6/10/2015	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$329,400

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
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: \$329,400
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

Received by OWRD
JUL 15 2025
Salem, OR

JUL 15 2025

Salem, OR

[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 = 102 AF

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

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

CHART-D

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

Received by OWRD

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

9. **For Irrigation and Nursery Use Permits Extensions**

JUL 15 2025

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

Salem, OR

a) Total acres irrigated to date: _____

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

Year	Acres	Year	Acres	Year	Acres

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

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

(POD/POA)#_____ Acres_____ (POD/POA) #_____ Acres_____

(POD/POA) #_____ Acres_____ (POD/POA) #_____ Acres_____

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
8/4-8/2026	Stripping of dam footprints for ponds 1 and 2	\$41,760
8/11-22/2026	Construct cut-off trench for ponds 1 and 2	\$33,560
8/25/2026 – 9/5/2026	Construct drain conduit for ponds 1 and 2	\$40,500
9/8-30/2026	Finish dam, overflow outlet structure, grading for ponds 1 and 2	\$200,000
Year: 2028	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$315,820

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

11. Estimated remaining cost to complete the project: \$315,820

(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.)* Same as Chart E above.

[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 time necessary to get the permit extension and coordinate construction of ponds 1 and 2 will be several months. Construction is planned to begin when the extension of time is granted. Estimating this to occur by August 2026, construction of the two ponds is estimated to take two months beyond that. The final date of October 2028 is requested to meet all the conditions and allow enough time to completely fill the ponds following construction.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* Yes, not having the fire suppression water available for rural fires will be a hardship. This hardship has been seen in recent years by nearby areas with catastrophic consequences.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)* No.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) Yes. The applicant was getting push back from a forest service representative saying the ponds were not necessary; however, Lebanon Fire District is very much in favor of ponds 1 and 2 and has provided a letter in support.

[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) With the push back from the forest service and rising cost of constructing ponds, it was initially decided to delay this portion of the project to spread out the cost.

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

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

N/A

[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 Lebanon Fire District is in favor of ponds 1 and 2 being constructed and having the additional supply of fire fighting water. See attached Division Chief, Fire Marshal letter.

[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)* This project will provide a fair and reasonable return on the investment by increasing the land value and providing fish and wildlife habitat which is priceless. Having the insurance of stored water on hand for fire protection of structures and timber has a value that can't be estimated.

[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 use of the stored water for fire protection has the potential of being a huge economic interest to surrounding properties. Future generations will be able to benefit from the property due to increased value and the wildlife habitat that will be created.

Attach permit, and documentation to the application

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JUL 15 2025

Salem, OR

STATE OF OREGON

COUNTY OF LINN

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: R-87497

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

STORAGE FACILITY: POND 1, POND 2, AND POND 3

PURPOSE OR USE OF THE STORED WATER: FISH LIFE, FIRE PROTECTION AND WILDLIFE

MAXIMUM VOLUME: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 AF IN POND 3

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

DATE OF PRIORITY: JULY 15, 2009

THE MAXIMUM HEIGHT OF THE DAMS AND AREA SUBMERGED, WHEN FULL, FOR POND 1, POND 2, AND POND 3 ARE 16.0 FEET AND 6.16 ACRES, 14.0 FEET AND 2.88 ACRES, AND 30.0 FEET AND 8.36 ACRES, RESPECTIVELY.

DAM LOCATIONS:

POND 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T12S, R1W, W.M.; 4848 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NE CORNER, SECTION 5

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

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

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NE ¼ SE ¼ POND 3
SE ¼ SE ¼ POND 3
SECTION 5

NE ¼ NW ¼ POND 1, POND 2
SECTION 9
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.

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JUL 15 2025
Salem, OR

Measurement, recording and reporting conditions:

- A. 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 each reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall maintain all required devices in good working order.
- C. 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.
- D. The permittee shall keep a complete record of the amount of water used 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not release stored water from the reservoir(s) into the stream channel of Onehorse Slough July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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.

JUL 15 2025

PAGE 3

Salem, OR
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.

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

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

Notwithstanding that Oregon Department of Fish and Wildlife 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/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

Dam Conditions

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications.

JUL 15 2025

PAGE 4

Salem, OR

If final construction deviates from the approved design, a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

STANDARD CONDITIONS

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

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

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

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

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

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

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

extension of time, which may be approved based upon the merit of the application.

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

Issued June 10, 2010

E. Timothy Ward

for Phillip C. Ward, Director
Water Resources Department

Received by OWRD

JUL 15 2025

Salem, OR

APPLICATION NO. R-87497
 PERMIT NO. _____

APPLICATION MAP - POND #1

SW 1/4 SEC. 4, T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

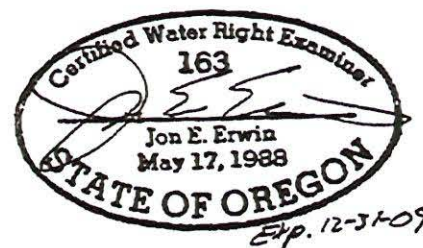
WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
 MAP 12S-1W-4
 TAX LOT 500

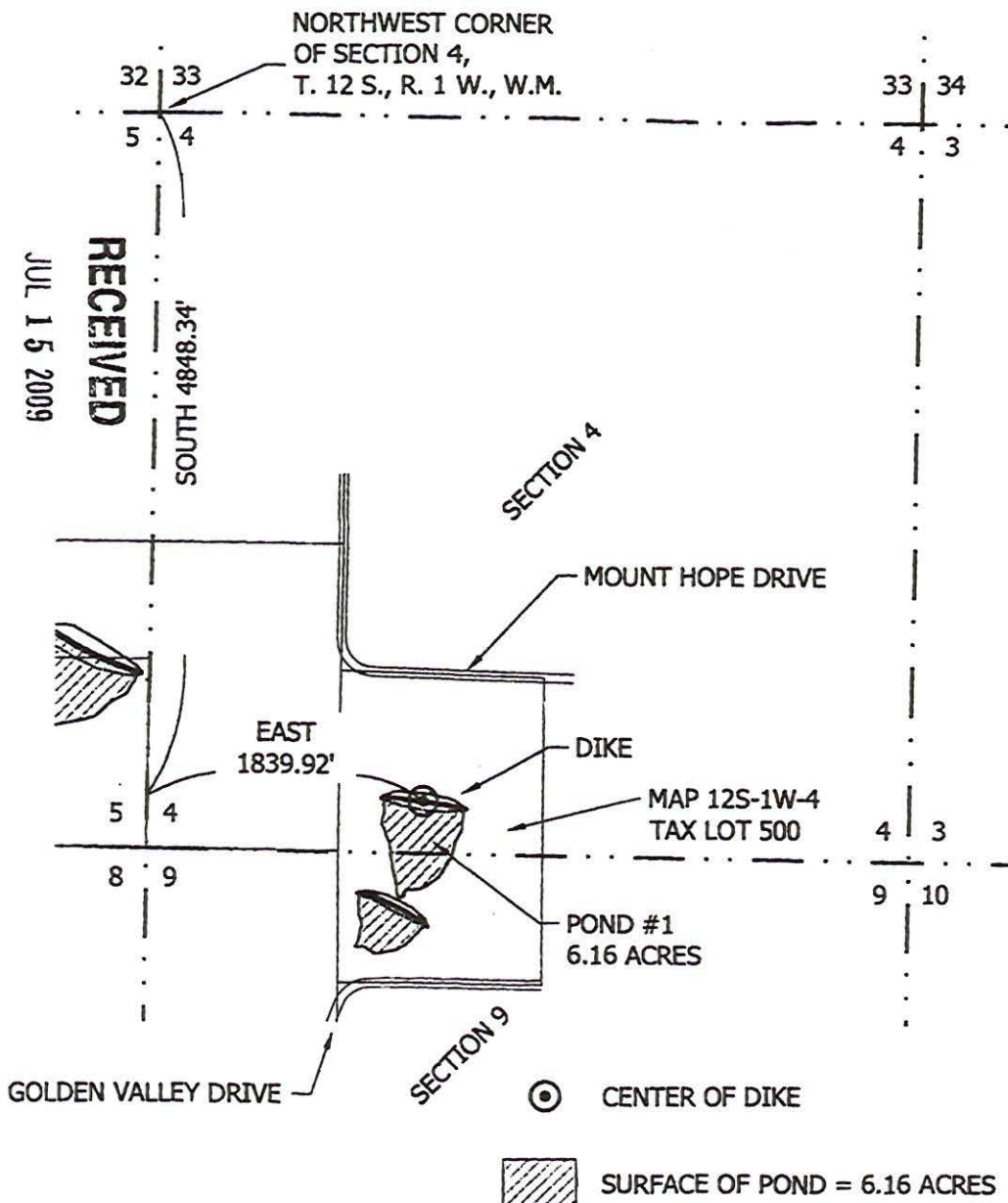
PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



Udell
 ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355
 PH. (541) 451-5125
 FAX (541) 451-1366

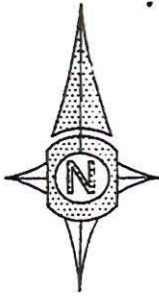


APPLICATION NO. R-87497
PERMIT NO. _____

APPLICATION MAP - POND #2

NW 1/4 SEC. 9 T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
ALTON E. SULLIVAN
P.O. BOX 2118
LEBANON, OR. 97355

ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
ERWIN CONSULTING ENGINEERING, L.L.C.
33923 BOND ROAD
LEBANON, OR. 97355

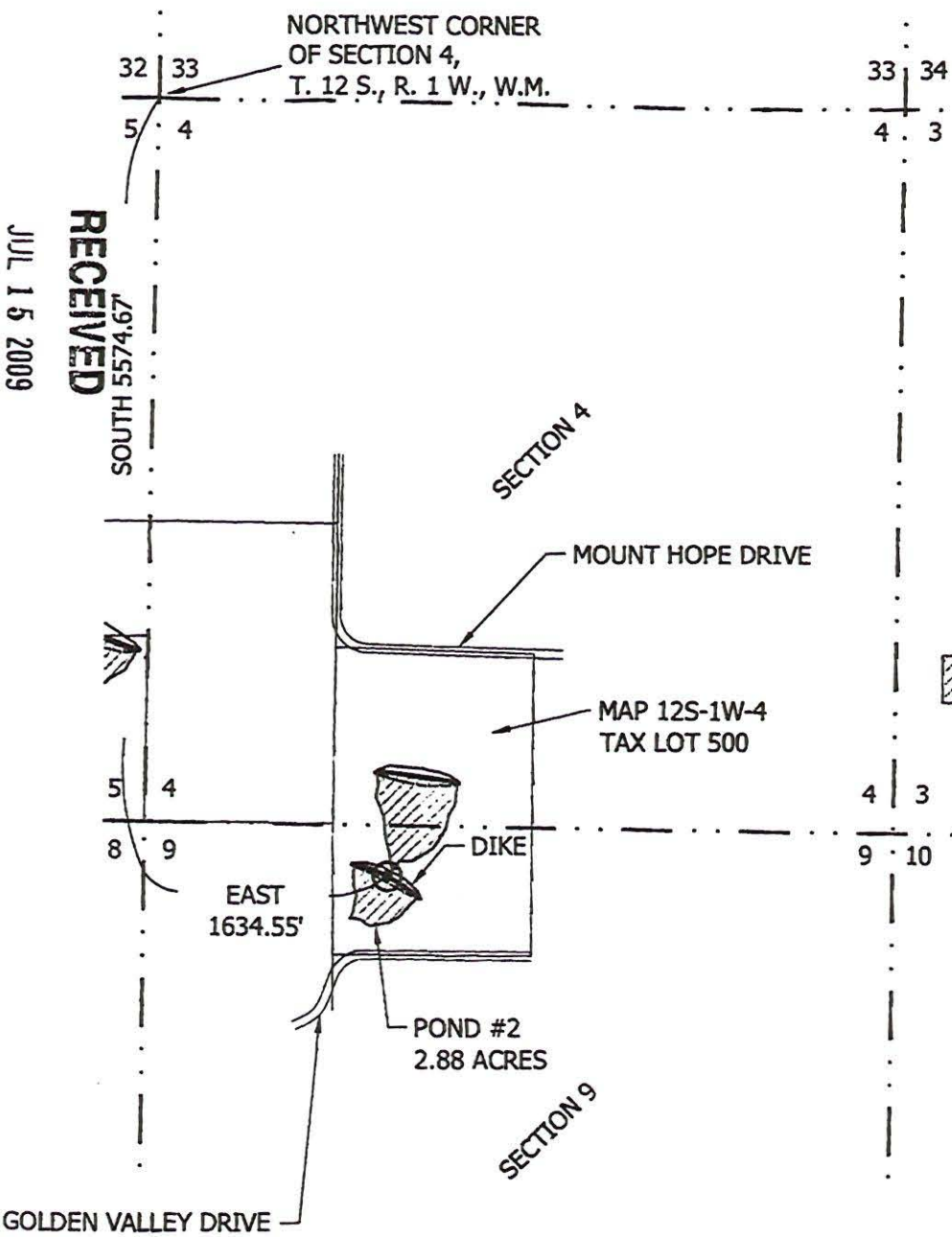
PROPERTY SUMMARY POND #1 & #2:
MAP 12S-1W-4
TAX LOT 500

PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

JUL 15 2009

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SOUTH 5574.67'



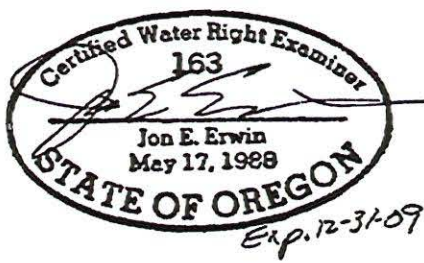
Received by CWRD
JUL 15 2009
Salem, OR

⊙ CENTER OF DIKE

▨ SURFACE OF POND = 2.88 ACRES

NOTE:

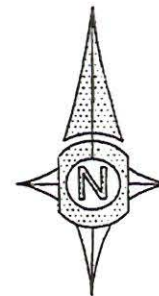
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Udell
ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

SE 1/4 SEC. 5, T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
ALTON E. SULLIVAN
P.O. BOX 2118
LEBANON, OR. 97355

ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
MAP 12S-1W-4
TAX LOT 500

PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

⊙ CENTER OF DIKE

 SURFACE OF POND = 8.36 ACRES

U dell

ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355

PH. (541) 451-5125
FAX (541) 451-1366

08-155 SULLIVAN RESERVOIR WTR RTS

WATER RESOURCES DEPT

JUL 15 2009

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NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
OR LOCATE PROPERTY OWNERSHIP LINES.

Salem, OR

JUL 15 2025

Received by OMRD



Exp 12-31-08

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ALTON E. SULLIVAN
DIXIE SULLIVAN
PO BOX 2118
LEBANON OR 97355

confirms the right to store water perfected under the terms of Permit R-14785. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-87397

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

STORAGE FACILITY: POND 3

PURPOSE OR USE OF THE STORED WATER: FIRE PROTECTION, FISH CULTURE, AND WILDLIFE

MAXIMUM STORAGE VOLUME: 102.0 ACRE-FEET

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

DATE OF PRIORITY: FEBRUARY 20, 2009

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	1 W	WM	5	NE SE	3961 FEET SOUTH AND 711 FEET WEST FROM NE CORNER, SECTION 5

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
12 S	1 W	WM	5	NE SE
12 S	1 W	WM	5	SE SE

Received by OWRD

JUL 15 2009

Salem, OR

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

JUL 15 2025

Salem, OR

Measurement, recording and reporting conditions:

- A. The water user shall maintain, in good working order, a staff gage that measures the entire range and stage between full reservoir level and dead pool storage must be installed and maintained in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The water user 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 water user shall keep a complete record of the amount of water used 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 water user to report general water-use information, including the place and nature of use of water under the right.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

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

The water user shall not release stored water from the reservoir July 1 through October 1, unless determined necessary by the Water Resources Department to satisfy prior downstream.

The Director may require the user to measure inflow and outflow, above and below the reservoir, 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 specific periodic basis and reported to the Department annually or more frequently.

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

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

Notwithstanding that Oregon Department of Fish and Wildlife has made a determination that fish screens and/or by-pass devices are not necessary at this time, the water user may be required in the future to install, maintain, and operate fish screening and/or by-pass devices to prevent fish from entering the diversion, and to provide adequate upstream and downstream passage for fish.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon Licensed professional engineer and approved by the Water Resources DamSafety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

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

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

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

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

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

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

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued **NOV 17 2023**



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

Received by OWRD
JUL 15 2023
Salem, OR

COBU - POND #3 APPLICATION R-87397 PERMIT R-14785

SE 1/4 SEC. 5, T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

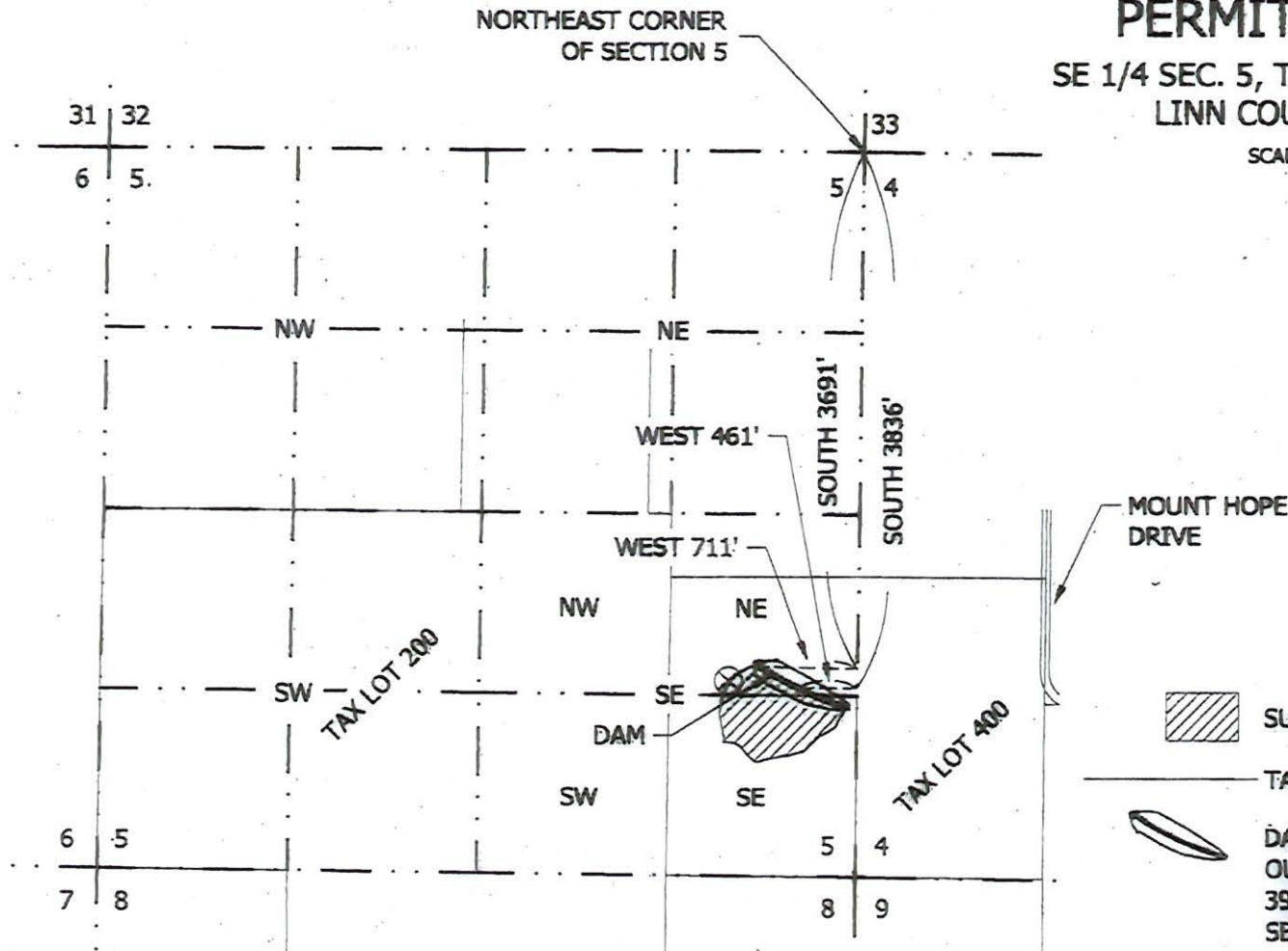
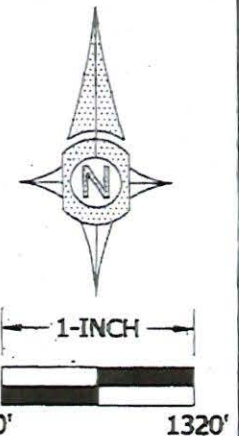
SCALE: 1" = 1320'

OWNER:
ALTON E. SULLIVAN
P.O. BOX 2118
LEBANON, OR. 97355

ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
ENVITROLOGIC RESOURCES, INC.
P.O. BOX 86762
PORTLAND, OREGON 97280

PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400



SURFACE OF POND = (8.36 ACRES)



TAX LOT LINE



DAM WITH OUTFALL STRUCTURE
OUTFALL STRUCTURE 711' WEST,
3961' SOUTH OF NE CORNER OF
SECTION 5.



STAFF GAUGE.
11 FEET READING
CORRESPONDS TO
ELEVATION OF 451 FEET

RECEIVED

DEC 20 2021

OWRD

Received by OWRD

JUL 15 2025

Salem, OR

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
OF WATER RIGHT AND IS NOT INTENDED TO PROVIDE
LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY
OWNERSHIP LINES.



12/21/21

Udell
ENGINEERING & LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

OR-155 SULLIVAN RESERVOIR WTR DTS



Lebanon Fire District
1050 West Oak Street
Lebanon, OR 97355

(541) 451-1901
(541) 451-6101 fax
www.lebanonfire.org

March 6, 2025

RE: Proposed water storage

To whom it may concern,

For providing a water supply and supporting our operations within the Lebanon Rural Fire Protection District. The District would be in support of the proposed water storage located at 39320 Mount Hope Drive in Lebanon Oregon providing that:

- We have proper access easements to the property
- We have 24/7 Knox access to the property
- We have all-weather, all-season road access to the stored water

Thank you,

Ken Foster, Division Chief – Fire Marshal
Lebanon Fire District
Phone: (541) 451-1901 | Email: kfoster@lebanonfireoregon.gov

Received by OWRD

JUL 15 2025

Salem, OR

SKAUG Jonnine L * WRD

R-87497(8.30.24)

From: Brian Vandetta <brian@udelleng.com>
Sent: Wednesday, March 26, 2025 1:29 PM
To: DIGHT Eugene K * WRD
Cc: dgsullivan@live.com; SKAUG Jonnine L * WRD
Subject: RE: Water Right Cancellation Outreach PERMIT R-14857

Thank you Eugene....

Jonnine...I am working to get Grant McGill, WRE involved to help guide us....

Take care...

Brian Vandetta PE, PLS
UDELL ENGINEERING AND LAND SURVEYING, LLC
63 East Ash Street
Lebanon, Oregon 97355
541-451-5125

From: DIGHT Eugene K * WRD <Eugene.K.DIGHT@water.oregon.gov>
Sent: Wednesday, March 26, 2025 1:18 PM
To: Brian Vandetta <brian@udelleng.com>
Cc: dgsullivan@live.com; SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>
Subject: RE: Water Right Cancellation Outreach PERMIT R-14857

Good afternoon Brian,

I am forwarding this email to Jonnine Skaug, the caseworker for permit R-14857, she will make note that you are pursuing retaining the permit once she has had a chance to review this email. Thanks for reaching out!

From: Brian Vandetta <brian@udelleng.com>
Sent: Wednesday, March 26, 2025 11:08 AM
To: DIGHT Eugene K * WRD <Eugene.K.DIGHT@water.oregon.gov>
Cc: dgsullivan@live.com
Subject: RE: Water Right Cancellation Outreach

Hi Eugene,

Just wanted to follow up on this with you.....we are working to get an extension application completed and submitted.

Working to get a CWRE involved to better guide the process.

Can you note the file?

SKAUG Jonnine L * WRD

From: DIGHT Eugene K * WRD
Sent: Tuesday, January 21, 2025 8:04 AM
To: SKAUG Jonnine L * WRD
Subject: WR Outreach Group Cancellation Contacts

Good morning Jonnine,

Hope you had an excellent extended weekend! I wanted to follow-up on some of the cancellations you reached out about last week. Also, I have CC'd you on a couple responses to permit holders, so let me know if you'd like that handled differently. I will update the 60-Day Letter spreadsheet at the end of the day after I attempt contact with the current landowners of permit S-53860.

Date Added	Application	Permit	Region	District	Name	CON'
1/7/2025	S-85857	S -54134		18	Vincent Rigert, Rigert Shade Trees	Spoke with Vince isn't going to take interest in retaini
1/7/2025	R-85677	R-14132		18	Hartung Farms Homeowners Association	Sent email, and re you on. They are pursuing retentio
1/7/2025	S-84800	S-53860		16	Renewable Resources Inc., Daniel Ekenbarger	Spoke with Danie in lands with WR business is disma each tax lot today to let landowners is.
1/7/2025	R-87497	R-14857		16	Alton E. & Dixie G Sullivan	Spoke with Alton, engineering. Let t Unsure if they wil Alton made it sou CC'd you on an er know of the situa email to Brian V e

Eugene K Dight

NW Region Assistant Watermaster

10722 SE Hwy 212 | Clackamas, OR | Phone 503-779-8645



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

RESOURCES

"Water Rights In Oregon" "Water Well Owners Handbook"

"Water Rights Mapper"

"Water Hauling"

SKAUG Jonnine L * WRD

From: WACKER Gregory J * WRD
Sent: Friday, January 17, 2025 7:51 AM
To: SKAUG Jonnine L * WRD
Cc: JOHNSTONE Jake D * WRD; MCCORD Mike L * WRD
Subject: RE: Applications Up For Cancellation

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Jonnine,

I have not received any communications from these permit holders.

Thanks,

Greg Wacker

Watermaster, District 16
Oregon Water Resources Department
725 Summer St NE Ste A Salem, OR 97301 | 971-719-6262



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: SKAUG Jonnine L * WRD <Jonnine.L.SKAUG@water.oregon.gov>
Sent: Thursday, January 16, 2025 4:14 PM
To: WACKER Gregory J * WRD <Gregory.J.WACKER@water.oregon.gov>
Cc: JOHNSTONE Jake D * WRD <Jake.D.JOHNSTONE@water.oregon.gov>; MCCORD Mike L * WRD <Mike.L.MCCORD@water.oregon.gov>
Subject: Applications Up For Cancellation

Good afternoon,

In the next two weeks I will be preparing to send out cancellation orders for Application S-84800 Permit S-53860 and Application R-87497 Permit R-14857. I am contacting you to double check to make sure you have not received any communications or see if more time is needed to reach out to the applicants before I send off the cancellation orders.

If you have any questions please let me know, I appreciate your help with this.

Thank you,

Jonnine Skaug
Certificate Specialist
Water Rights Services Division
Oregon Water Resources Dept

From: DIGHT Eugene K * WRD
Sent: Friday, January 17, 2025 12:30 PM
To: dgsullivan@live.com
Cc: SKAUG Jonnine L * WRD
Subject: Water Right Cancellation Outreach
Attachments: 97445.pdf; R_14785.pdf; R_14857.pdf; Resource Sheet 2019 .pdf

Good afternoon Alton,

It was a pleasure speaking on the phone with you earlier. It looks like the three reservoirs we spoke about on the phone had two applications submitted. One was certificated for 1 of 3 reservoirs and no further action needs taken. The other application was left in the permit stage and is missing a claim of beneficial use. It looks like both applications are for the same reservoirs at the time they were submitted to the department, but with different amounts of storage for each reservoir.

You should review the two water rights to make sure the information in them accurately reflects the reality. If you don't need the application left in the permit stage please use the attached Resource Sheet to voluntarily cancel the permit. Otherwise I would reach out to Brian V. at Udell Engineering and your Certified Water Rights Examiner to make sure that what you were trying to accomplish in building your reservoirs reflects what is in the permits/certificate.

Application R-87397 was issued permit R-14785 and certificated in November 2023 under certificate number 97445. This application is complete and authorizes 1 of 3 reservoirs, labelled as "Pond 3" on the permit maps. Application R-87497 was issued permit R- 14857 in June 2010, and never had its claim of beneficial use submitted to the department. This will need to be done to avoid cancellation. If it qualifies for an extension of time, you will need to apply for said extension in the event that the remaining two reservoirs not built yet are something you want to pursue. Your case worker Jonnine Skaug should be able to let you know if permit R-14857 qualifies for an extension of time. I have included Jonnine on this email.

I have attached the permits and certificates issued to each application for your review. Additionally, I have included a resource sheet that will guide you through the Oregon Water Resources Department website to take actions such as voluntary cancellation, or to find a licensed Certified Water Rights Examiner if you need one. Please let me know if there are any questions, but for any actions taken on making your claim of beneficial use or cancellation of your permit, please contact Jonnine. Thank you for your time.

Eugene K Dight

NW Region Assistant Watermaster

10722 SE Hwy 212 | Clackamas, OR | Phone 503-779-8645



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

RESOURCES

["Water Rights In Oregon"](#) ["Water Well Owners Handbook"](#)
["Water Rights Mapper"](#) ["Water Hauling"](#)

Mailing List for 60-Day Letter

Application: R-87497

Permit: R-14857

Permit Holder(s):

ALTON E. SULLIVAN
DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #16
2. File

Other persons to receive copies:

Copies Mailed

by: TM
(STAFF)

on: 8-30-2024
(DATE)

7022 1670 0001 3569 9255

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

*NOTE: For water rights information and useful forms, please see our web site at
www.oregon.gov/OWRD*

Certified mail number **7022 1670 0001 3569 9255**
Return receipt requested

August 30, 2024

ALTON E. SULLIVAN
DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

Reference: Application R-87497, Permit R-14857

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by June 10, 2015.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of June 10, 2015. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 31, 2024) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Jonnine.L.Skaug@water.oregon.gov, the address above or by telephone at 503-979-3943. Due to Covid-19, email may be the best way to reach me.

Sincerely,

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

Jonnine Skaug

Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 16

STATE OF OREGON

COUNTY OF LINN

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: R-87497

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

STORAGE FACILITY: POND 1, POND 2, AND POND 3

PURPOSE OR USE OF THE STORED WATER: FISH LIFE, FIRE PROTECTION AND WILDLIFE

MAXIMUM VOLUME: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 AF IN POND 3

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

DATE OF PRIORITY: JULY 15, 2009

THE MAXIMUM HEIGHT OF THE DAMS AND AREA SUBMERGED, WHEN FULL, FOR POND 1, POND 2, AND POND 3 ARE 16.0 FEET AND 6.16 ACRES, 14.0 FEET AND 2.88 ACRES, AND 30.0 FEET AND 8.36 ACRES, RESPECTIVELY.

DAM LOCATIONS:

POND 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T12S, R1W, W.M.; 4848 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NE CORNER, SECTION 5

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

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

NE ¼ SE ¼ POND 3
SE ¼ SE ¼ POND 3
SECTION 5

NE ¼ NW ¼ POND 1, POND 2
SECTION 9
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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 each reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall maintain all required devices in good working order.
- C. 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.
- D. The permittee shall keep a complete record of the amount of water used 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not release stored water from the reservoir(s) into the stream channel of Onehorse Slough July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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.

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

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

Notwithstanding that Oregon Department of Fish and Wildlife 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/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

Dam Conditions

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications.

If final construction deviates from the approved design, a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

STANDARD CONDITIONS

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

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

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

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

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

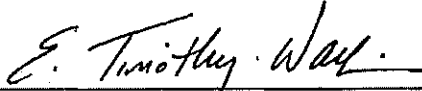
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

extension of time, which may be approved based upon the merit of the application.

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

Issued June 10, 2010



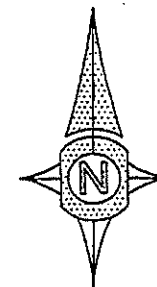
for Phillip C. Ward, Director
Water Resources Department

APPLICATION NO. R-87497
 PERMIT NO. _____

APPLICATION MAP - POND #3

SE 1/4 SEC. 5, T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

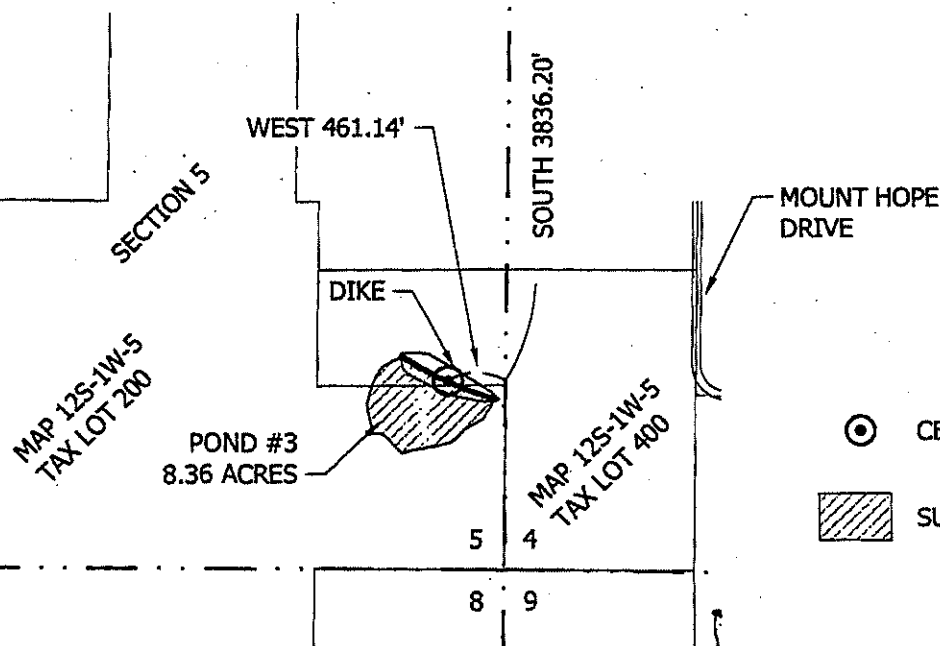
WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
 MAP 12S-1W-4
 TAX LOT 500

PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

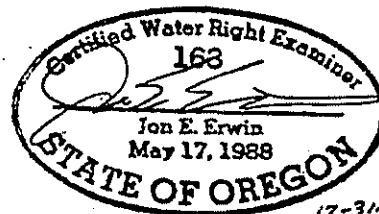
⊙ CENTER OF DIKE

▨ SURFACE OF POND = 8.36 ACRES



NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



Exp 12-31-09

Udell
 ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

PH. (541) 451-5125
 FAX (541) 451-1366

08-155 SULLIVAN RESERVOIR WTR RTS

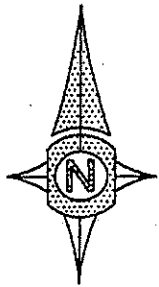
WATER RESOURCES DEPT
 JUL 15 2009
 RECEIVED

APPLICATION NO. R-87497
PERMIT NO. _____

APPLICATION MAP - POND #1

SW 1/4 SEC. 4, T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
ALTON E. SULLIVAN
P.O. BOX 2118
LEBANON, OR. 97355

ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OR. 97355

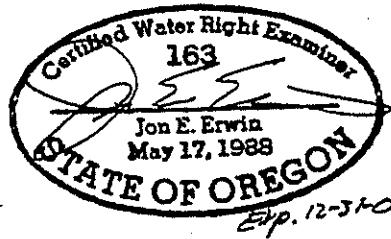
WATER RIGHTS EXAMINER:
ERWIN CONSULTING ENGINEERING, L.L.C.
33923 BOND ROAD
LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
MAP 12S-1W-4
TAX LOT 500

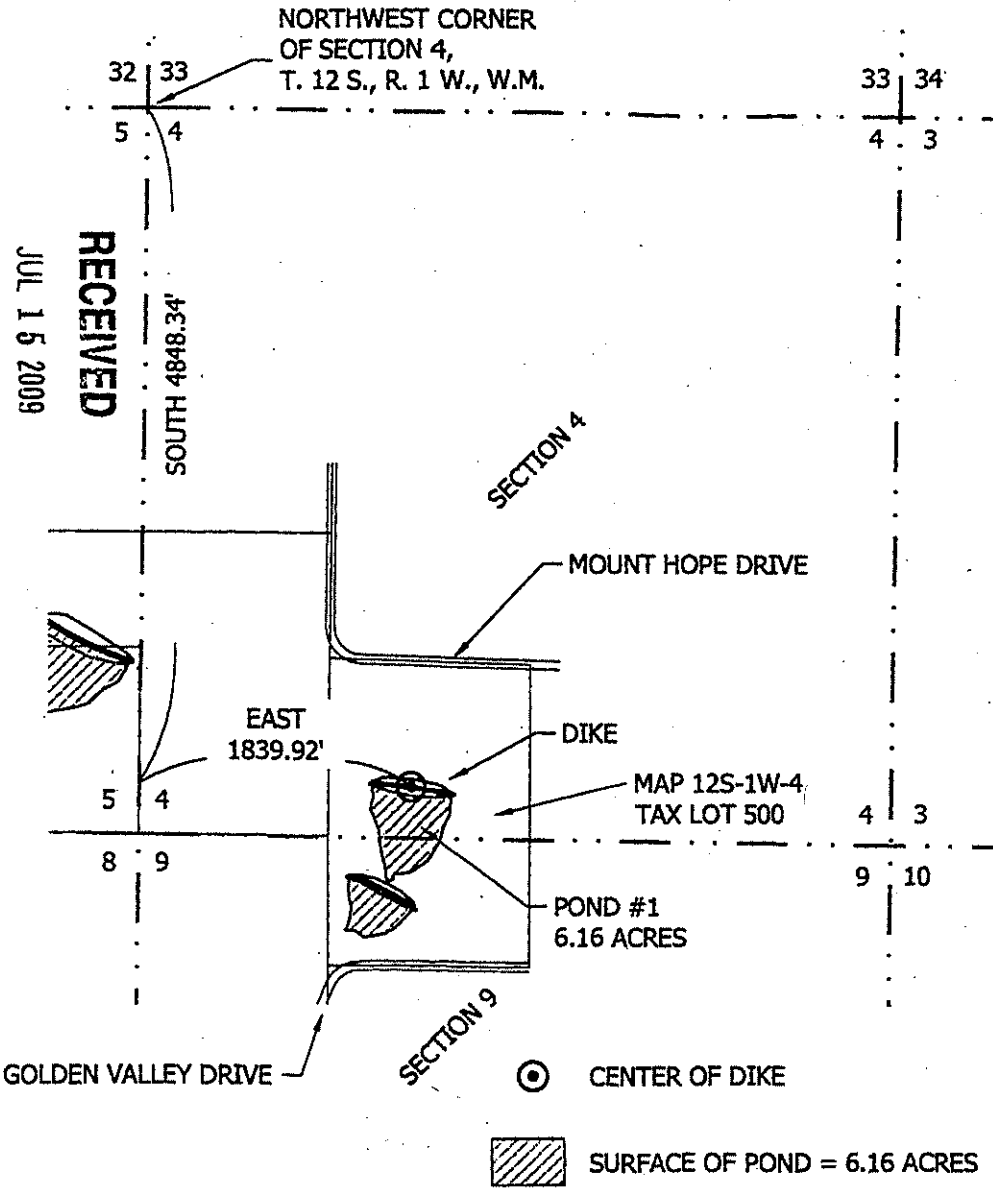
PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
OR LOCATE PROPERTY OWNERSHIP LINES.



Udell
ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366



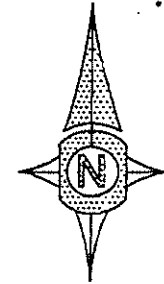
RECEIVED
JUL 15 2009

APPLICATION NO. R-87497
 PERMIT NO. _____

APPLICATION MAP - POND #2

NW 1/4 SEC. 9 T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
 MAP 12S-1W-4
 TAX LOT 500

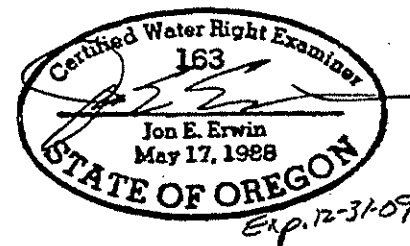
PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

⊙ CENTER OF DIKE

▨ SURFACE OF POND = 2.88 ACRES

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



Udell

ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

PH. (541) 451-5125
 FAX (541) 451-1366

08-155 SULLIVAN RESERVATION WTD DTC

NORTHWEST CORNER
 OF SECTION 4,
 T. 12 S., R. 1 W., W.M.

32 33 33 34
 5 4 4 3

SECTION 4

MOUNT HOPE DRIVE

MAP 12S-1W-4
 TAX LOT 500

DIKE

EAST
 1634.55'

POND #2
 2.88 ACRES

SECTION 9

GOLDEN VALLEY DRIVE

JUL 15 2009

RECEIVED

SOUTH 5574.67'

P R-14857

COMPLETENESS PROJECT

Page 1

60 Day Letter

PERMIT STATUS REVIEW BY: Jonnine Skaug DATE: August 2024 FILE # R-87497

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update WRIS if appropriate

____ Extension pending Yes / No _____

____ Assignment is pending Yes / No _____

____ Cancellation has been requested Yes / No _____

____ Claim of Beneficial Use received Yes / No _____
Date information received _____

Dept. has already sent a certified 60-Day Compliance letter (date _____, Cert mail # _____)

Was 60 days notice allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

2. IF NONE OF THE ABOVE APPLY

Send certified "C" date notice packet to permit holder.

"C" DATE 6/10/2015 BASIN NUMBER 2 WM # 16

CWRE or AGENT Yes/No _____

3. AOI Yes _____ NO If Yes, name(s) of AOI _____

4. Current Landowner(s) and Mailing Address

If new owner: Same

County of Place of Use Linn Tax Lot(s) 500 1/2 400

Attach copy of email from County Assessor or Printout from Assessor's Site

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner – Date of Request _____ Requesting Parties Name _____

Hold Action Until (Date) _____

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE – Date of Request _____ CWRE Name _____

Hold Action Until (Date) _____

No more than 6 months beyond original deadline to submit a CBU

T 125 R 10 Sec 4, 5 1/2 9

COMPLETENESS PROJECT

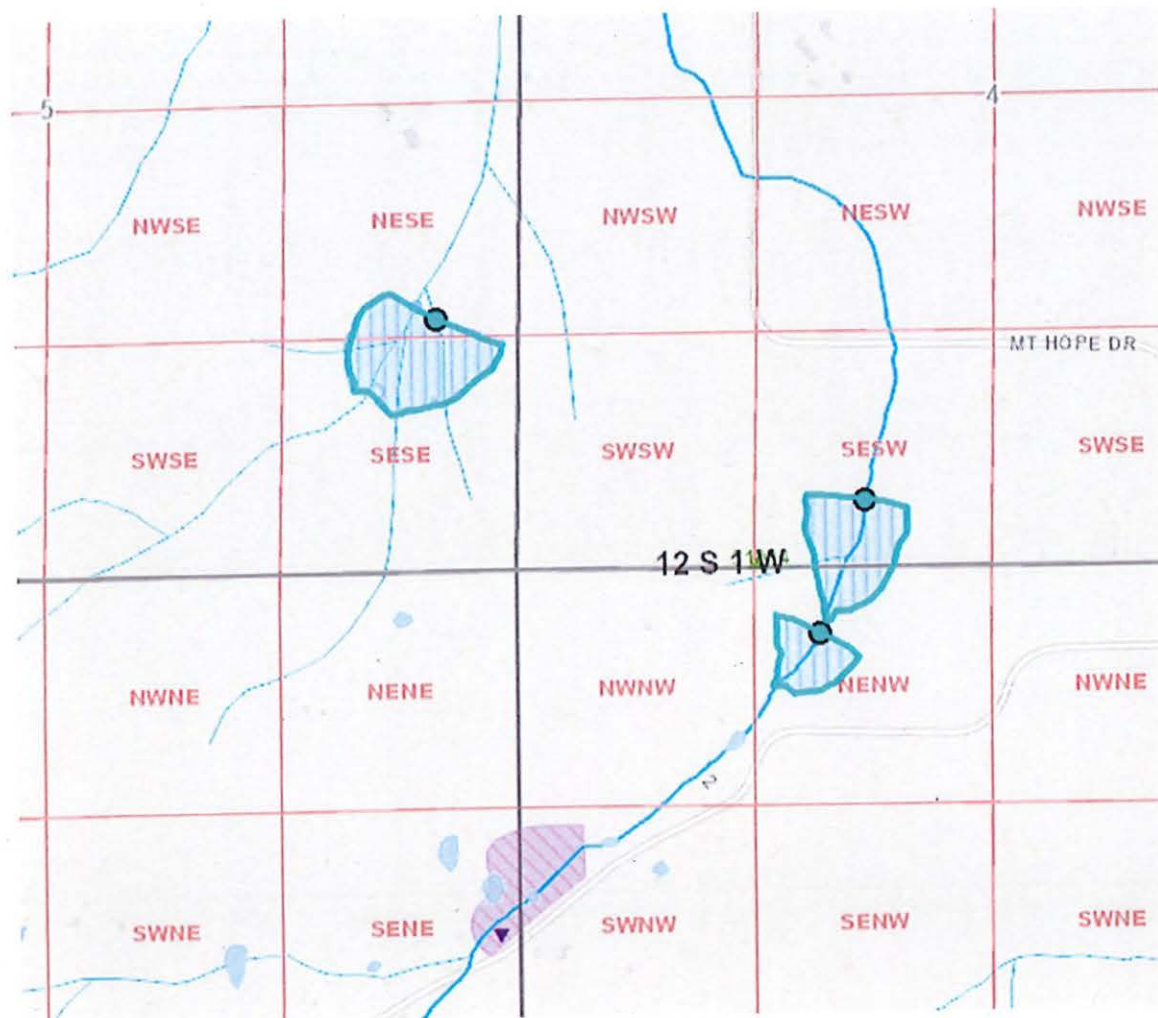
Page 2

Final Cancellation Review

PERMIT STATUS REVIEW BY _____ DATE _____

1. C Date ____/____/____
 2. Certified Letter Date ____/____/____
 3. Return Receipt Rcvd. ____/____/____
 4. Return Receipt Signed By _____
 5. Other Communication: ____/____/____
-

Recommend Cancellation ☐ or
Hold Action until ____/____/____



R-87497

Property Search Online

Account

 Assessment Summary

[Account](#) [Taxes](#) [Sales History](#) [Value History](#) [Reports](#) [Files](#)

Real Property

Situs Address

39716 MOUNT HOPE DR LEBANON OR 97355

Mailing Address

A & D SULLIVAN ENTERPRISES INC
C/O ALTON E SULLIVAN & DIXIE G
PO BOX 2118
LEBANON OR 97355

Map and Taxlot

12S01W05-00-00400

Owner

A & D SULLIVAN ENTERPRISES INC

 Related Accounts

 Name Ledger  Names

Assessment

Assessment Year | 2023

 Assessment Summary

	RMV	MAV	AV
Land	\$536,620		
Improvements	\$0		
Total	\$536,620	\$19,210	\$59,740

Account Status	Active
Size	89.41 Acre(s)
Property Class	541 - FARM SPCL ASSMT BY APPLICATION IMPROVED
Legal Description	See Record

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

Property Search Online

Account [REDACTED] Assessment Summary

[Account](#) [Taxes](#) [Sales History](#) [Value History](#) [Reports](#) [Files](#)

Real Property

Situs Address

39768 MOUNT HOPE DR LEBANON OR 97355

Mailing Address

A & D SULLIVAN ENTERPRISES INC
C/O ALTON E SULLIVAN & DIXIE G
PO BOX 2118
LEBANON OR 97355

Map and Taxlot

12S01W04-00-00500

Owner

A & D SULLIVAN ENTERPRISES INC

 Related Accounts

 Name Ledger  Names

Assessment

Assessment Year | 2023

 Assessment Summary

	RMV	MAV	AV
Land	\$469,500		
Improvements	\$0		
Total	\$469,500	\$20,800	\$47,539

Account Status	Active
Size	65.70 Acre(s)
Property Class	540 - FARM SPCL ASSMT BY APPLICATION VACANT
Legal Description	See Record

Improvements

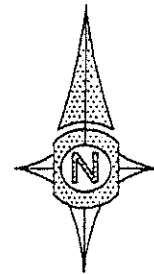
Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
--------	------------	-------------	--------------	------------	-----------

APPLICATION NO. R-87497
 PERMIT NO. _____

APPLICATION MAP - POND #1

SW 1/4 SEC. 4, T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:

ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:

BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

WATER RIGHTS EXAMINER:

ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:

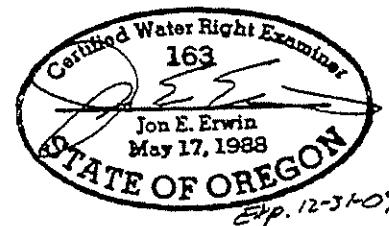
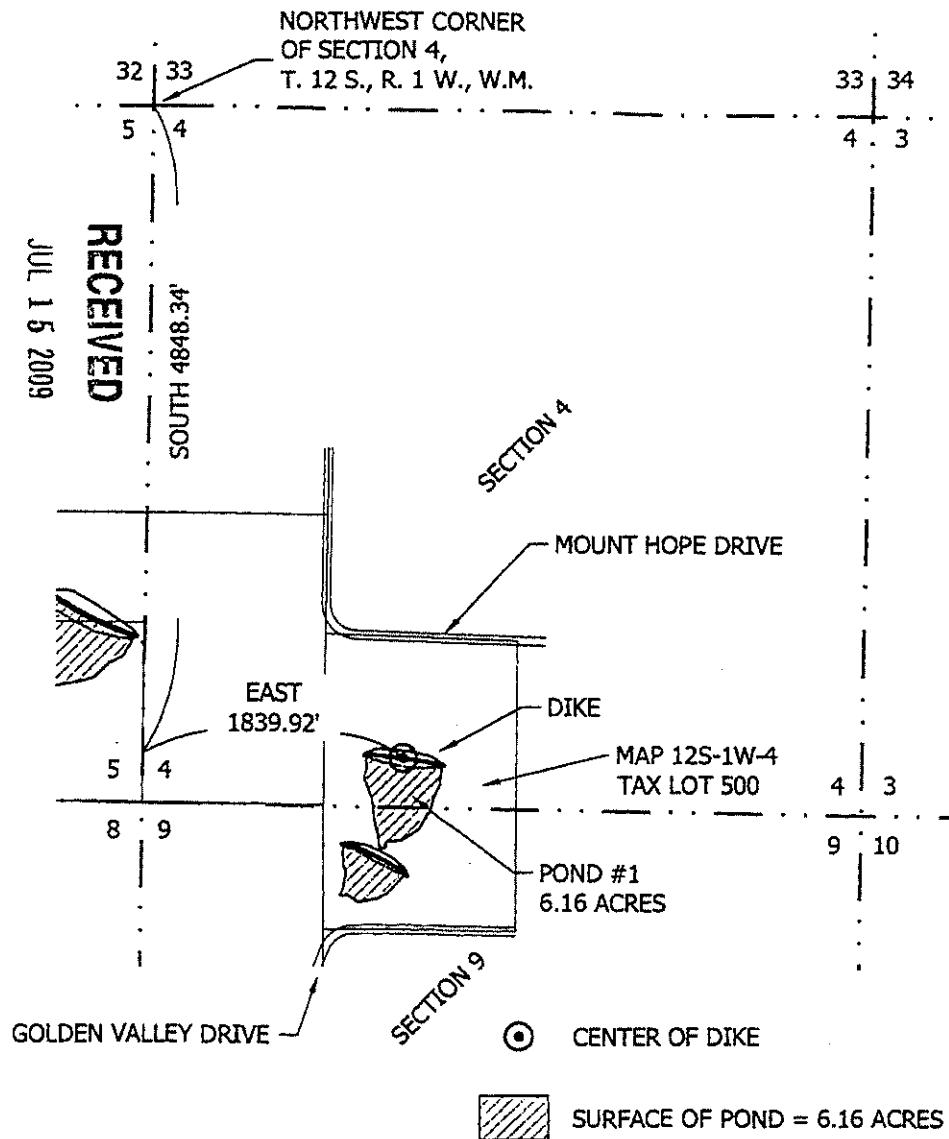
MAP 12S-1W-4
 TAX LOT 500

PROPERTY SUMMARY POND #3:

MAP 12S-1W-5
 TAX LOT 200 AND 400

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



Udell

ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

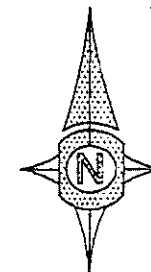
PH. (541) 451-5125
 FAX (541) 451-1366

APPLICATION NO. R-87497
PERMIT NO. _____

APPLICATION MAP - POND #2

NW 1/4 SEC. 9 T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

SCALE: 1" = 1320'

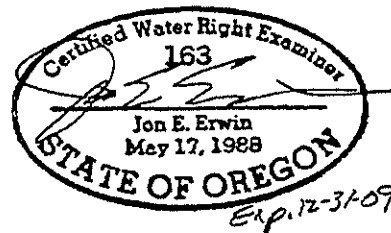
OWNER:
ALTON E. SULLIVAN
P.O. BOX 2118
LEBANON, OR. 97355ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
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LEBANON, OR. 97355PROPERTY SUMMARY POND #1 & #2:
MAP 12S-1W-4
TAX LOT 500PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

○ CENTER OF DIKE



SURFACE OF POND = 2.88 ACRES

NOTE:

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Udell
ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

08-155 SULLIVAN RESERVATION W/TO DTS

NORTHWEST CORNER
OF SECTION 4,
T. 12 S., R. 1 W., W.M.32 33
5 433 34
4 3

JUL 15 2009

RECEIVED
71455
5574.67

SOUTH HUNS

SECTION 4

MOUNT HOPE DRIVE

MAP 12S-1W-4
TAX LOT 500

DIKE

EAST
1634.55'POND #2
2.88 ACRES

SECTION 9

GOLDEN VALLEY DRIVE

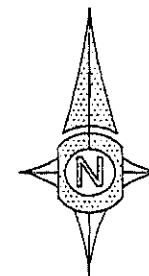
WATER RESOURCES STAFF

APPLICATION NO. R-87497
 PERMIT NO. _____

APPLICATION MAP - POND #3

SE 1/4 SEC. 5, T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

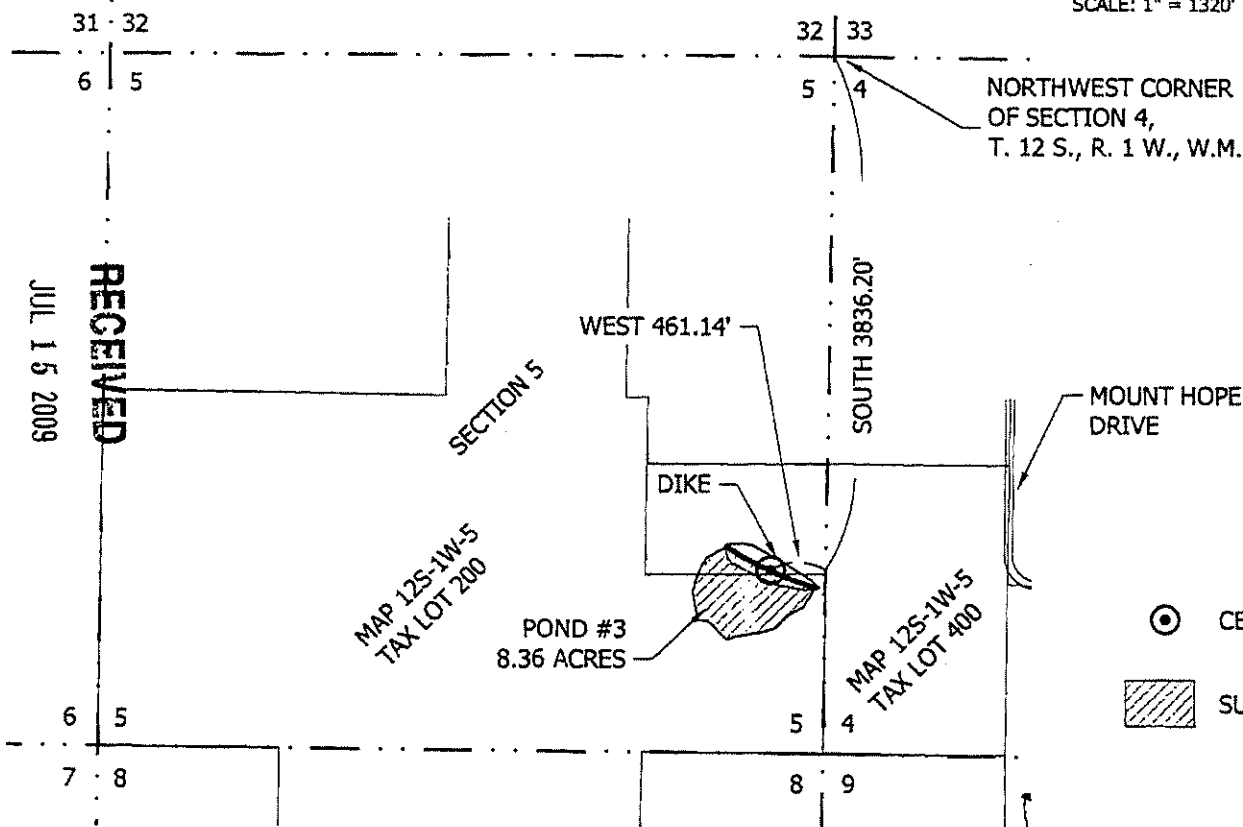
ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
 MAP 12S-1W-4
 TAX LOT 500

PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

RECEIVED
 JUL 15 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

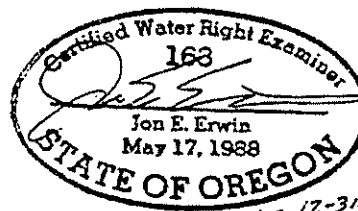


⊙ CENTER OF DIKE

▨ SURFACE OF POND = 8.36 ACRES

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



EXP 12-31-09

Udell

ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

PH. (541) 451-5125
 FAX (541) 451-1366

08-155 SULLIVAN RESERVOIR WTR RTS

STATE OF OREGON

COUNTY OF LINN

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: R-87497

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

STORAGE FACILITY: POND 1, POND 2, AND POND 3

PURPOSE OR USE OF THE STORED WATER: FISH LIFE, FIRE PROTECTION AND WILDLIFE

MAXIMUM VOLUME: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 AF IN POND 3

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

DATE OF PRIORITY: JULY 15, 2009

THE MAXIMUM HEIGHT OF THE DAMS AND AREA SUBMERGED, WHEN FULL, FOR POND 1, POND 2, AND POND 3 ARE 16.0 FEET AND 6.16 ACRES, 14.0 FEET AND 2.88 ACRES, AND 30.0 FEET AND 8.36 ACRES, RESPECTIVELY.

DAM LOCATIONS:

POND 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T12S, R1W, W.M.; 4848 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NE CORNER, SECTION 5

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

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

NE ¼ SE ¼ POND 3
SE ¼ SE ¼ POND 3
SECTION 5

NE ¼ NW ¼ POND 1, POND 2
SECTION 9
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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 each reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall maintain all required devices in good working order.
- C. 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.
- D. The permittee shall keep a complete record of the amount of water used 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not release stored water from the reservoir(s) into the stream channel of Onehorse Slough July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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.

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

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

Notwithstanding that Oregon Department of Fish and Wildlife 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/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

Dam Conditions

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications.

If final construction deviates from the approved design, a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

STANDARD CONDITIONS

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

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

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

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

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

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

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

extension of time, which may be approved based upon the merit of the application.

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

Issued June 10, 2010

E. Timothy Way

for Phillip C. Ward, Director
Water Resources Department

Mailing List for Permit Copies

Application #R-87497

Original mailed to applicant with claim of beneficial use form:

ALTON AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON OR 97355

Copies sent to:

1. WRD - File # R-87497
2. WRD - Ken Stahr
3. WRD - Dam Safety (for reservoir applications only)

Copies Mailed	
By: <u>JS</u>	(SUPPORT STAFF)
on: <u>6/11/10</u>	(DATE)

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

4. WRD - Watermaster District #: 2
5. Erwin, Jon, CWRE #163
Udell Engineering & Land Surveying, LLC, 63 E Ash St, Lebanon OR 97355

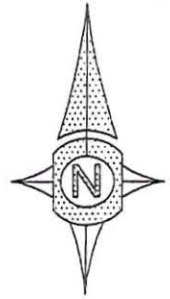
CASEWORKER : Jeana Eastman

APPLICATION NO. R-87497
PERMIT NO. _____

APPLICATION MAP - POND #1

SW 1/4 SEC. 4, T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

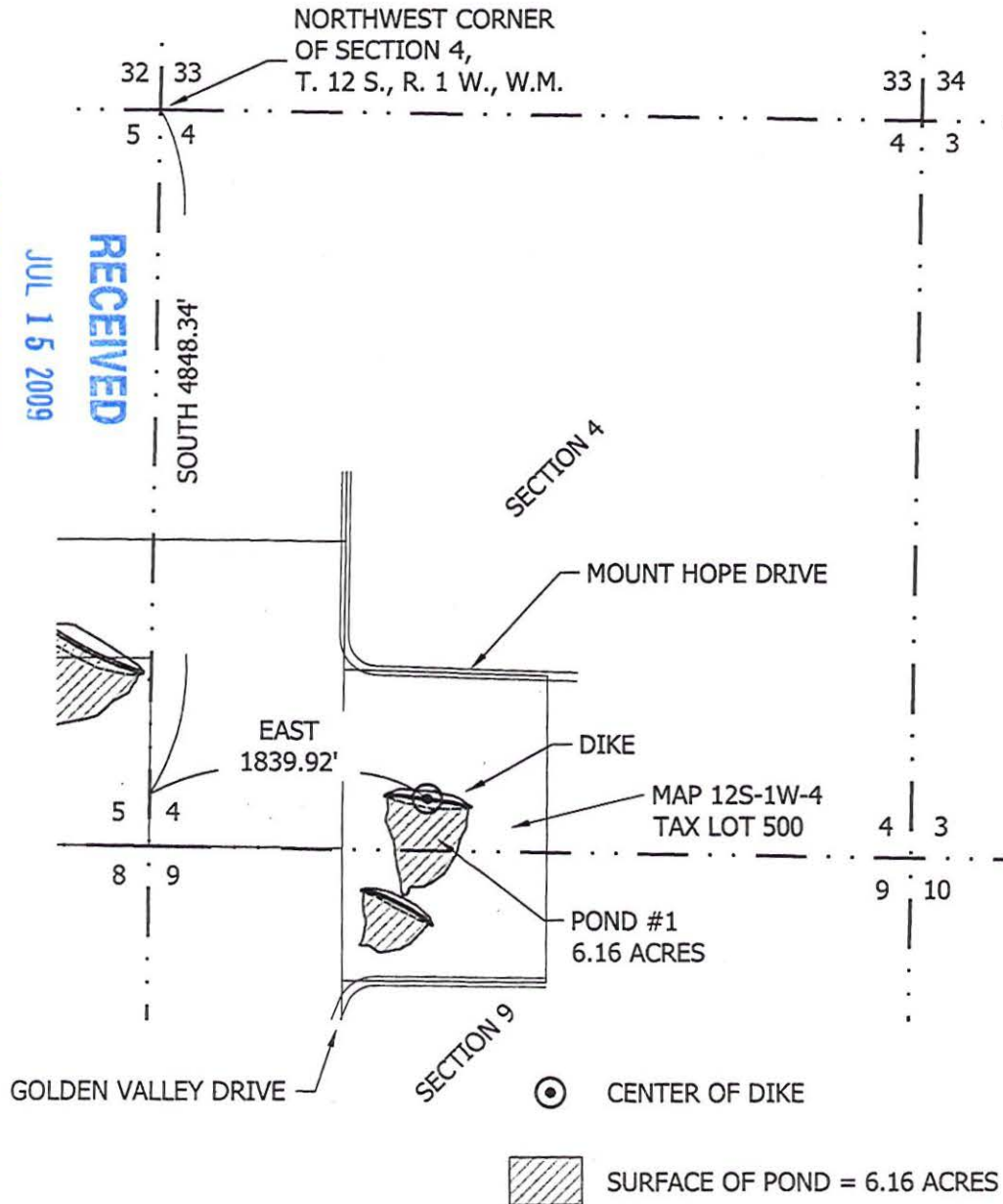
SCALE: 1" = 1320'

OWNER:
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P.O. BOX 2118
LEBANON, OR. 97355ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OR. 97355WATER RIGHTS EXAMINER:
ERWIN CONSULTING ENGINEERING, L.L.C.
33923 BOND ROAD
LEBANON, OR. 97355PROPERTY SUMMARY POND #1 & #2:
MAP 12S-1W-4
TAX LOT 500PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

NOTE:

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LAND SURVEYING, LLC
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97355
PH. (541) 451-5125
FAX (541) 451-1366

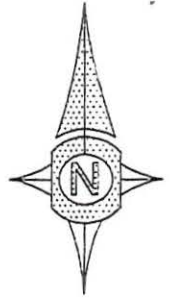


APPLICATION NO. R-87497
PERMIT NO. _____

APPLICATION MAP - POND #2

NW 1/4 SEC. 9 T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

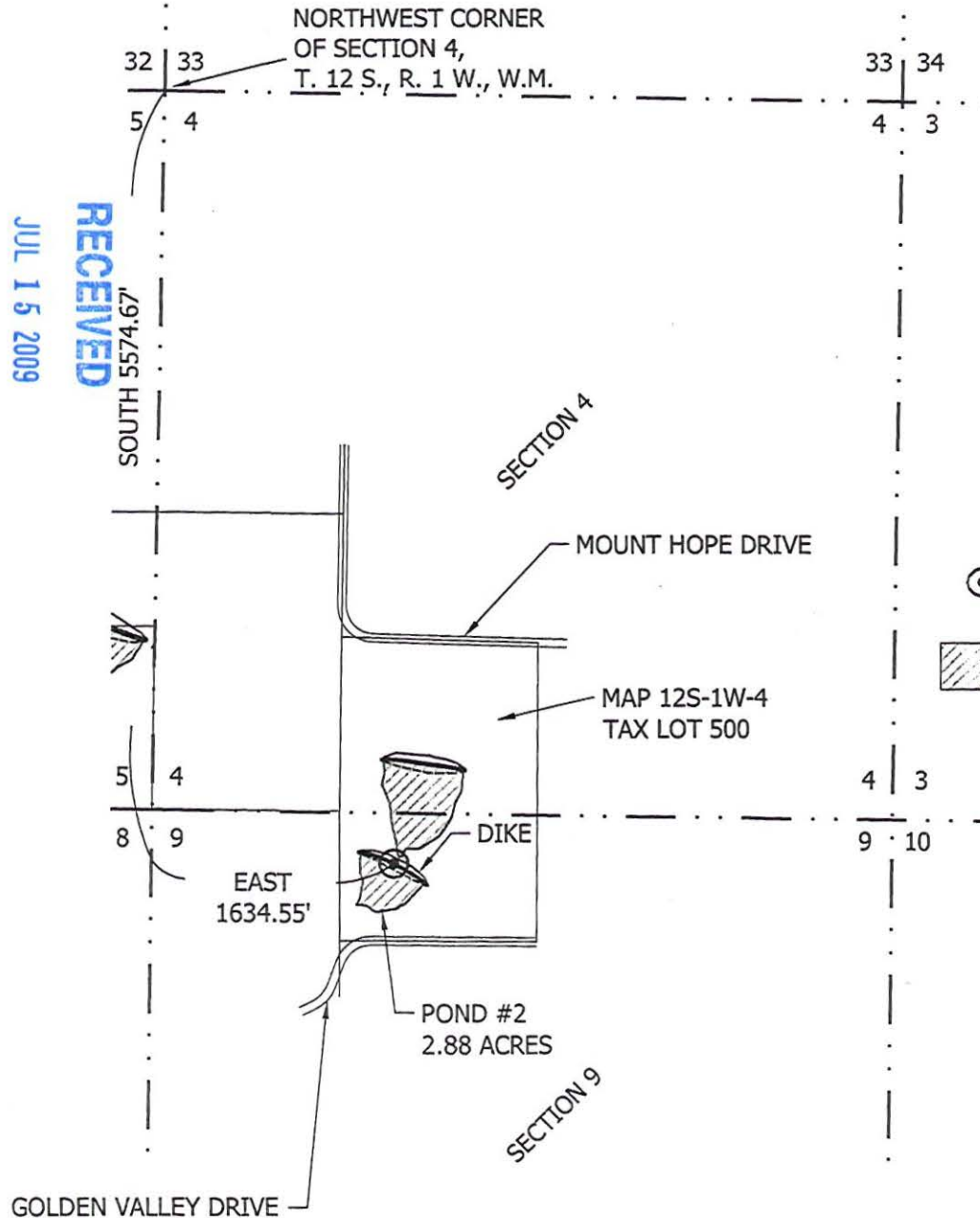
SCALE: 1" = 1320'

OWNER:
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P.O. BOX 2118
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MAP 12S-1W-5
TAX LOT 200 AND 400

● CENTER OF DIKE

 SURFACE OF POND = 2.88 ACRESNOTE:MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
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ENGINEERING &
LAND SURVEYING, LLC
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LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

08-155 SULLIVAN RESERVATION WTD DTC

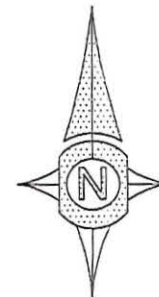


APPLICATION NO. R-87497
 PERMIT NO. _____

APPLICATION MAP - POND #3

SE 1/4 SEC. 5, T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
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 LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

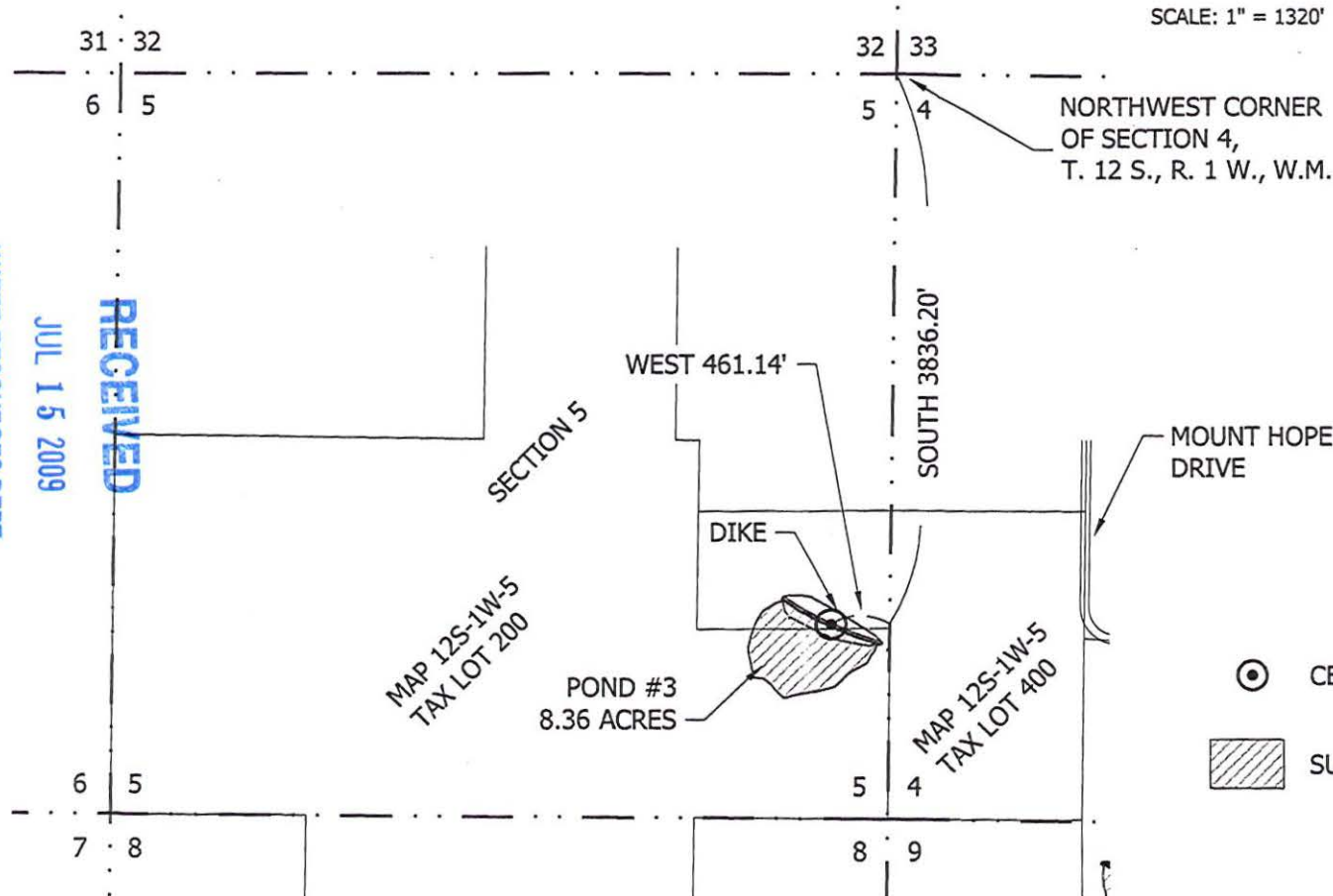
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 MAP 12S-1W-4
 TAX LOT 500

PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

WATER RESOURCES DEPT
 SALEM, OREGON

JUL 15 2009

RECEIVED



⊙ CENTER OF DIKE

▨ SURFACE OF POND = 8.36 ACRES

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 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

PH. (541) 451-5125
 FAX (541) 451-1366

08-155 SULLIVAN RESERVOIR WTR RTS

FO CHECKLIST

Application C-87497

- ☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No
- ☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A
- ☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.
- ☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A
- ☒ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☒ N/A ☐ Yes ☐ No
- ☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☒ No
- If so: _____

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

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

☒ Fees	Base Fee	Water Amount (Q)
	\$300 / \$500	1 st CFS/AF <u>400</u>
	\$700 / \$1000	<u>20.20</u>
		_____ Addl @ _____
		<u>78</u> Addl @ <u>\$1</u> <u>78</u>
		Add'l ☐ POD/POA ☐ use + _____

500 (base) + 478 (Q) = 978 (total exam fee)

EXAM FEE REQUIRED	<u>1178</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>- 1178</u>	RECORDING FEE PAID	<u>paid \$400 5/13/10</u> <u>- 0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>400</u>

- ☒ FO w/ draft permit; still needed: ☒ FO w/ permit # C-14857 ☐ FO to deny refund \$ _____
- ☒ fees
- ☐ easement
- ☐ st water contract
- ☐ approved dam plans & specs
- ☐ land use approval
- ☐ well construction approval

Name: Jeana Eastman

Date: 4/21/10 / 5/14/10

Peer Reviewer: joc

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

PFO CHECKLIST

App r-87497

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

☒ IR requested additional information ☒ No ☐ Yes

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

☒ IR Date 8/28/09 Public Notice Date 9/1/09 Comments received? ☒ No ☐ Yes

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

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

well has PSI with

GW conditions

☒ Conditions wnr: nov-jun; add: nov-jul, wq, no release into stream channel → one horse sl jul-oct;

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

☒ SW availability ☐ NA ☐ 80% ☒ 50% jan-jul; oct-dec

☒ Allowed Use/Rate/Season 1-3 af 2-4.5 af 3-6.2 af nov-jun Limit Duty

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

☒ Prior to permit, applicant must submit ☐ NA ☒ fees ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

☒ Changes from IR determinations

☒ Copy to ☐ NWR ☐ ER ☒ WM # 2 ☒ CWRE 163 ☐ affected landowner(s)

☒ Fees Base Fee Water Amount (Q)

\$300 / \$500	1 st CFS/AF	<u>400</u>
\$700 / \$1000		
	<u>78 af</u> Addl @ <u>31</u> +	<u>78</u>
	<u>2 add'l res \$100/ea</u>	<u>200</u>
<u>500</u> (base) +		<u>600</u> <u>678</u> = <u>1178</u> (total exam fee)

EXAM FEE REQUIRED	<u>1178</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>- 1178</u>	RECORDING FEE PAID	<u>- 400</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0 400</u>

Name: Jeana Eastman

Date: 1/28/10

Peer Reviewer: brook

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

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

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

Application #: R-87497 Applicant's Name: Alton Sullivan

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

☒ YES

☐ NO ☐

SOMETIMES; between _____ and _____.

2) Does the affected surface water source ever go dry in the area of the proposed diversion? ☐ YES ☐ NO don't know X

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

If YES, please explain: _____

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

If NO, please explain: _____ Yes!, November through June _____

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

Who: _____ Agency: _____ Date: _____

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

If YES, please explain: _____ NA _____

7) What conditions do you recommend? I like the: may be required to measure in and out, it may come to that someday.

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

Watermaster Signature: MM Date: 9/4/2009

WRD Contact: Caseworker: Jena Eastman, Water Rights Division, 503-986-0900 / Fax 503-986-0901

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG

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

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

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

ODFW DIVISION 33 APPLICATION REVIEW SHEET

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

Application #: R-87497 Applicant's Name: Sullivan

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

☐ NO ☒ YES Species: Winter steelhead, Chinook salmon Status: ☐ Sensitive ☒ Threatened ☐ Endangered

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

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

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

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

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

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?
☐ NO; skip to question 6. ☒ YES

Which conditions are recommended? (select from Menu of Conditions) wq; limit diversion of water to November 1 to July 1. Except for normal bypass flows after diversion allocation has been met, or in case of emergency, no release of water from reservoirs directly into stream channel leading to One Horse Slough from July 1 to October 31.

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

If YES, please explain:

Diverting water from July through October could reduce water and habitat for fish in One Horse Slough. Releasing warm water from reservoirs in to One Horse Slough during summer months could raise water temperatures above suitable levels for salmonids species.

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

wq; limit diversion of water to November 1 to July 1. Except for normal bypass flows after diversion allocation has been met, or in case of emergency, no release of water from reservoirs directly into stream channel leading to One Horse Slough from July 1 to October 31

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

ODFW Representative signature: Karen Hans Date: October 23, 2009

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division, 503-986-0900 / Fax 503-986-0901

ODFW PUBLIC INTEREST REVIEW SHEET

Application #: R-87497 Applicant's Name: Sullivan

- 1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

☐ NO (Sign form and return)

*YES Species: winter steelhead, Chinook salmon, Pacific lamprey, cutthroat trout

Other: other native fishes such as red side shiner, dace, sculpin

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

- 2) Will the proposed use result in a loss of habitat? ☐ NO ☒ YES

- 3) Can conditions be applied to mitigate the impact to the loss of habitat? ☐ NO ☒ YES

Which conditions are recommended? (select from Menu of Conditions) wq; limit diversion of water to November 1 to July

1. Except for normal bypass flows after diversion allocation has been met, or in case of emergency, no release of water from reservoirs directly into stream channel leading to One Horse Slough from July 1 to October 31.

- 4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species? ☐ NO ☒ YES

If YES, please explain: ____ Diverting water from July through October could reduce water and habitat for fish in One Horse Slough. Releasing warm water from reservoirs in to One Horse Slough during summer months could raise water temperatures above suitable levels for salmonids species.

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

_____ wq; limit diversion of water to November 1 to July 1. Except for normal bypass flows after diversion allocation has been met, or in case of emergency, no release of water from reservoirs directly into stream channel leading to One Horse Slough from July 1 to October 31.

- 6) Your recommendation: X Approval with conditions
 Approval without conditions
 Denial

ODFW Representative signature: Karen Hans Date: October 23, 2009

WRD Contact: **Caseworker:** Jeana Eastman, Water Rights Division, 503-986-0900 / Fax 503-986-0901

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DEQ DIVISION 33 APPLICATION REVIEW SHEET

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

Application #: R97497 Applicant's Name: Sullivan, A and D

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

Explain: South Santiam and basin tributaries limited for temperature, mercury, bacteria.

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

Explain: Bypass overflow in June-Sept has potential to increase temperature

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

If YES, how? Warm temperatures are not suitable for cold water fish migratory, healthy, or spawning.

4) Can conditions be applied to mitigate the impact of the use? ☐ NO ☒ YES

Which conditions are recommended? (select from Menu of Conditions)

Wq 3 No intentional bypass overflow when reservoir at allocation/less during June-Sept.

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

If YES, please explain: NA

6) If a permit is issued, are there any conditions you would like to see included in the permit?

Refer to 4) above and bshd1033 to control erosion of sediment containing natural mercury

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

DEQ Representative signature: [Signature] Date: 9/9/09

WRD Contact: Caseworker: Jeanne Eastman, Water Rights Division, 503-986-0900 / Fax 503-986-0901

IR CHECKLIST

App C-87497



priority date wrong on ir.
slb 7/15/09. fix @ pfo

- ☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☐ Fujii reviewed recommendations _____
- ☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA
- ☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained _____
- ☒ Authorized agent specified ☒ NA ☐ needed ☐ Yes _____
- ☒ Requested Use/Rate/Season for ir; 97.5 af
1-31 af
2-4.5 af
3-42 af
- Allowed Use/Rate/Season _____ Limit _____ Duty _____
- ☒ DIV 9 ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly conditioned...
☐ classify as surface water well _____ has PSI with _____
(include basin map if true) well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____
GW conditions _____
- ☒ Conditions _____
- ☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 0.5 CFS, ≥ 100 AF
use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water
use Large for: Tenmile Lake, NU or other temp control, gov. entities, and HC exceptions; Large-7g, Large-7i for 7g/7i
use Large-TFM if GW in: South Salem Hills, or 10+ acres in Stage Gulch CGWA
- ☒ ORS 538 prohibits use ☒ No ☐ Yes (stop processing and return app and fees)
- ☒ Use is ☒ allowed ☐ not allowed ☒ limited ☒ OAR ☐ Compact 690-502-0040(4)(a) now-jun
- ☒ Stream is withdrawn ☐ NA ☒ No ☐ Yes, allows use/season _____
- ☒ SW availability ☐ NA ☐ 80% ☒ 50% jan-jul, oct-dec WID: 2-30200001
- ☐ Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)
- ☒ DIV 33 ☐ NA ☐ No ☐ above Bonneville, ☐ and not allowed 4/15 - 9/30
☒ below Bonneville
☐ statewide
- ☒ SWW ☒ NA ☐ above ☐ within _____ (If GW and interference, copy form for Stahr.)
- ☒ Use is within a high priority area for streamflow restoration ☐ NA ☒ No ☐ Yes
- ☒ Basin Maps have been checked ☒ NA ☐ Yes limits _____
- ☒ POU conflict ☒ NA ☐ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate
☐ Yes _____
- ☒ Use is supplemental, checked for primary rights ☒ NA ☐ Yes limits _____
- ☒ Prior to permit, applicant must submit ☐ NA ☐ storage contract ☐ easement ☒ plans/specs ☐ evidence of well repair

C:\My Documents\work\ir checklist (jeana).wpd Current as of 07/31/08

Jeana Eastman

From: George Robison
Sent: Wednesday, August 26, 2009 1:26 PM
To: Jeana Eastman
Subject: RE: R-87497, Sullivan - enlargement app (orig R-87397) --->FW: App R-87397 Dam Safety Review
Jenna

These recommendations remain the same.

George Robison

E. George Robison, PhD; PE
Dam Safety Coordinator
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem OR 97301
Ph. 503-986-0840
Cell: 503-580-3970
Email: george.robison@state.or.us

From: Jeana Eastman
Sent: Wednesday, August 26, 2009 9:46 AM
To: George Robison
Subject: R-87497, Sullivan - enlargement app (orig R-87397) --->FW: App R-87397 Dam Safety Review

Hi George -

The applicant has submitted a new application, R-87497, for the enlargement of all the reservoirs (originally applied for under R-87397). The dam heights and area submerged has not changed; only the volume of water has increased. Here is a link to the enlargement, R-87497:

http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_folder_image.aspx?snp_id=166733

Considering only the volume has increased, will your recommended conditions remain the same for the enlargement app, R-87497?

Thanks,

Jeana Eastman
Water Rights Caseworker
voice 503.986.0859

From: Joel Plahn
Sent: Friday, August 21, 2009 8:37 AM
To: Jeana Eastman
Subject: FW: App R-87397 Dam Safety Review

FYI – you have the related file. This may help in processing.

8/26/2009

From: George Robison
Sent: Friday, August 21, 2009 8:30 AM
To: Joel Plahn
Subject: App R-87397 Dam Safety Review

Joel

I have reviewed the design drawings for these three dams and Barry and I have approved the construction drawings. Attached are the proposed conditions for the permit.

George Robison

E. George Robison, PhD; PE
Dam Safety Coordinator
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem OR 97301
Ph. 503-986-0840
Cell: 503-580-3970
Email: george.robison@state.or.us

8/26/2009



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266

503-986-0900

FAX 503-986-0904

MEMORANDUM

DATE: August 21, 2009
TO: Water Rights Section
FROM: George Robison
SUBJECT: Conditions of Permit for an Earthen Dam R-87397

*also applicable
to R-87497
per George
Robison
8/26/09*

Please include the following items as conditions of permit for construction of the proposed Sullivan, Reservoirs Application R-87397

- All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.
- No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.
- The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.
- No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If final construction deviates from the approved design a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.
- Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.
- Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

Point of Diversion Characteristics

Right:	App:R 87497 *
Name:	ALTON SULLIVAN

TRSQQ: 12.00S-01.00W-04-SESW Digital Map of TRSQQ

County: Linn

Basin: Willamette

WM District: 2

WM Region: NW

Withdrawn Area:

WAB: S SANTIAM R > SANTIAM R - AT MOUTH (30200601)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited:

TRSQQ: 12.00S-01.00W-05-NESE Digital Map of TRSQQ

County: Linn

Basin: Willamette

WM District: 2

WM Region: NW

Withdrawn Area:

WAB: S SANTIAM R > SANTIAM R - AT MOUTH (30200601)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited:

TRSQQ: 12.00S-01.00W-09-NENW Digital Map of TRSQQ

County: Linn

Basin: Willamette

WM District: 2

WM Region: NW

Withdrawn Area:

WAB: S SANTIAM R > SANTIAM R - AT MOUTH (30200601)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited:

WATER RESOURCES DEPARTMENT

DIVISION 502

WILLAMETTE BASIN PROGRAM

690-502-0040 General Provisions

(4) Storage:

- (a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;
- (b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;
- (c) Water legally stored may be released or used at any time for any beneficial purpose, such as domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

Water Availability Analysis

S SANTIAM R > SANTIAM R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/17/2009

Watershed ID #: 30200601

Date: 8/17/2009

Exceedance Level: 50%

Time: 1:53 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	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	182	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	183	WILLAMETTE R> COLUMBIA R- AB MILL CR AT GAGE 14191000	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	167	SANTIAM R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
5	168	SANTIAM R> WILLAMETTE R- AB MORGAN CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
6	30200601	S SANTIAM R> SANTIAM R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes

Limiting Watersheds

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	5,850.00
FEB	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	4,260.00
MAR	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	3,690.00
APR	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	3,740.00
MAY	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	2,920.00
JUN	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	1,350.00
JUL	167	SANTIAM R > WILLAMETTE R - AT MOUTH	Yes	416.00
AUG	167	SANTIAM R > WILLAMETTE R - AT MOUTH	No	-133.00
SEP	168	SANTIAM R > WILLAMETTE R - AB MORGAN CR	No	-5.20
OCT	168	SANTIAM R > WILLAMETTE R - AB MORGAN CR	Yes	459.00
NOV	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	3,630.00
DEC	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	6,020.00
STO	30200601	S SANTIAM R > SANTIAM R - AT MOUTH	Yes	1,950,000.00

Detailed Reports for Watershed ID #181

WILLAMETTE R > COLUMBIA R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/17/2009

Watershed ID #: 181

Date: 8/17/2009

Exceedance Level: 50%

Time: 1:53 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage 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	51,100.00	2,720.00	48,400.00	0.00	1,500.00	46,900.00
FEB	49,100.00	8,000.00	41,100.00	0.00	1,500.00	39,600.00
MAR	42,400.00	7,570.00	34,800.00	0.00	1,500.00	33,300.00
APR	36,400.00	7,200.00	29,200.00	0.00	1,500.00	27,700.00
MAY	28,300.00	4,460.00	23,800.00	0.00	1,500.00	22,300.00
JUN	15,800.00	2,610.00	13,200.00	0.00	1,500.00	11,700.00
JUL	7,980.00	2,550.00	5,430.00	0.00	1,500.00	3,930.00
AUG	5,530.00	2,320.00	3,210.00	0.00	1,500.00	1,710.00
SEP	5,740.00	1,950.00	3,790.00	0.00	1,500.00	2,290.00
OCT	8,390.00	746.00	7,640.00	0.00	1,500.00	6,140.00
NOV	24,400.00	1,030.00	23,400.00	0.00	1,500.00	21,900.00
DEC	52,800.00	1,380.00	51,400.00	0.00	1,500.00	49,900.00
STO	19,700,000.00	2,550,000.00	17,200,000.00	0.00	1,090,000.00	16,100,000.00

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	1,930.00	0.00	485.00	99.60	9.49	23.80	131.00	43.70	2,720.00
FEB	7,200.00	0.00	485.00	99.60	9.49	23.80	131.00	43.70	8,000.00
MAR	6,770.00	6.41	485.00	99.60	9.48	23.80	131.00	46.80	7,570.00
APR	6,370.00	42.50	485.00	99.60	9.48	23.80	125.00	46.80	7,200.00
MAY	3,430.00	293.00	481.00	99.60	9.33	23.80	93.70	26.20	4,460.00
JUN	442.00	586.00	1,340.00	99.60	9.18	23.80	82.90	24.90	2,610.00
JUL	14.00	993.00	1,340.00	94.30	9.17	23.80	54.30	24.60	2,550.00
AUG	2.03	780.00	1,340.00	94.30	9.17	22.40	52.60	24.50	2,320.00
SEP	0.75	385.00	1,340.00	99.50	9.17	22.40	68.10	24.80	1,950.00
OCT	0.54	27.70	476.00	99.60	9.17	22.40	71.20	38.60	746.00
NOV	262.00	0.00	485.00	99.60	9.47	23.80	110.00	42.10	1,030.00
DEC	584.00	0.00	485.00	99.60	9.49	23.80	132.00	43.70	1,380.00

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
MF181A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

Detailed Reports for Watershed ID #182

WILLAMETTE R > COLUMBIA R - AB MOLALLA R
WILLAMETTE BASIN

Water Availability as of 8/17/2009

Watershed ID #: 182

Date: 8/17/2009

Exceedance Level: 50%

Time: 1:53 PM

Monthly Streamflows in Cubic Feet per Second
Storage 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	38,500.00	2,250.00	36,200.00	0.00	1,500.00	34,700.00
FEB	37,100.00	7,440.00	29,700.00	0.00	1,500.00	28,200.00
MAR	32,800.00	7,220.00	25,600.00	0.00	1,500.00	24,100.00
APR	28,300.00	6,870.00	21,400.00	0.00	1,500.00	19,900.00
MAY	22,200.00	4,200.00	18,000.00	0.00	1,500.00	16,500.00
JUN	12,500.00	2,050.00	10,500.00	0.00	1,500.00	8,950.00
JUL	6,330.00	1,870.00	4,460.00	0.00	1,500.00	2,960.00
AUG	4,290.00	1,720.00	2,570.00	0.00	1,500.00	1,070.00
SEP	4,420.00	1,470.00	2,950.00	0.00	1,500.00	1,450.00
OCT	6,690.00	717.00	5,970.00	0.00	1,500.00	4,470.00
NOV	19,000.00	851.00	18,100.00	0.00	1,500.00	16,600.00
DEC	40,700.00	924.00	39,800.00	0.00	1,500.00	38,300.00
STO	15,200,000.00	2,250,000.00	13,000,000.00	0.00	1,090,000.00	11,900,000.00

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	1,530.00	0.00	512.00	84.80	8.12	18.00	77.20	24.80	2,250.00
FEB	6,720.00	0.00	512.00	84.80	8.12	18.00	77.20	24.80	7,440.00
MAR	6,490.00	4.37	512.00	84.80	8.12	18.00	79.30	24.90	7,220.00
APR	6,120.00	29.10	512.00	84.80	8.12	18.00	75.80	24.90	6,870.00
MAY	3,300.00	201.00	509.00	84.80	8.12	18.00	65.70	9.66	4,200.00
JUN	420.00	404.00	1,040.00	84.80	8.12	18.00	63.50	9.51	2,050.00
JUL	3.91	676.00	1,040.00	79.60	8.12	18.00	35.60	9.22	1,870.00
AUG	1.99	528.00	1,040.00	79.50	8.12	16.60	34.20	9.14	1,720.00
SEP	0.70	261.00	1,040.00	84.70	8.12	16.60	49.80	9.40	1,470.00
OCT	0.36	19.00	512.00	84.80	8.12	16.60	53.10	23.20	717.00
NOV	126.00	0.00	512.00	84.80	8.12	18.00	76.10	24.80	851.00
DEC	198.00	0.00	512.00	84.80	8.12	18.00	77.20	24.80	924.00

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
MF182A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

Detailed Reports for Watershed ID #183

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
WILLAMETTE BASIN

Water Availability as of 8/17/2009

Watershed ID #: 183
Date: 8/17/2009

Exceedance Level: 50%
Time: 1:53 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage 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	32,500.00	2,190.00	30,300.00	0.00	1,300.00	29,000.00
FEB	31,500.00	7,380.00	24,100.00	0.00	1,300.00	22,800.00
MAR	28,600.00	7,170.00	21,400.00	0.00	1,300.00	20,100.00
APR	25,700.00	6,820.00	18,900.00	0.00	1,300.00	17,600.00
MAY	21,000.00	4,110.00	16,900.00	0.00	1,300.00	15,600.00
JUN	12,100.00	1,630.00	10,500.00	0.00	1,300.00	9,170.00
JUL	6,070.00	1,380.00	4,690.00	0.00	1,300.00	3,390.00
AUG	4,110.00	1,270.00	2,840.00	0.00	1,300.00	1,540.00
SEP	4,210.00	1,100.00	3,110.00	0.00	1,300.00	1,810.00
OCT	6,410.00	701.00	5,710.00	0.00	1,300.00	4,410.00
NOV	17,000.00	809.00	16,200.00	0.00	1,300.00	14,900.00
DEC	34,700.00	862.00	33,800.00	0.00	1,300.00	32,500.00
STO	13,500,000.00	2,120,000.00	11,400,000.00	0.00	942,000.00	10,400,000.00

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	1,500.00	0.00	569.00	58.30	3.53	12.70	24.00	23.80	2,190.00
FEB	6,690.00	0.00	569.00	58.30	3.53	12.70	24.00	23.80	7,380.00
MAR	6,470.00	3.08	569.00	58.30	3.53	12.70	25.10	23.80	7,170.00
APR	6,110.00	19.40	569.00	58.30	3.53	12.70	22.60	23.80	6,820.00
MAY	3,300.00	141.00	565.00	58.30	3.53	12.70	21.50	9.09	4,110.00
JUN	419.00	286.00	818.00	58.30	3.53	12.70	21.50	9.09	1,630.00
JUL	3.86	477.00	815.00	54.70	3.53	12.70	5.05	8.87	1,380.00
AUG	1.98	370.00	815.00	54.70	3.53	12.70	5.05	8.79	1,270.00
SEP	0.68	183.00	817.00	58.20	3.53	12.70	19.10	8.97	1,100.00
OCT	0.28	13.40	569.00	58.30	3.53	12.70	21.40	22.80	701.00
NOV	119.00	0.00	569.00	58.30	3.53	12.70	22.90	23.80	809.00
DEC	171.00	0.00	569.00	58.30	3.53	12.70	24.00	23.80	862.00

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
MF183A	APPLICATION	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00
Maximum		1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00

Detailed Reports for Watershed ID #167

SANTIAM R > WILLAMETTE R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/17/2009

Watershed ID #: 167

Date: 8/17/2009

Exceedance Level: 50%

Time: 1:53 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage 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	11,200.00	1,050.00	10,200.00	0.00	320.00	9,830.00
FEB	10,300.00	3,320.00	6,980.00	0.00	320.00	6,660.00
MAR	8,610.00	2,890.00	5,720.00	0.00	320.00	5,400.00
APR	8,840.00	2,880.00	5,960.00	0.00	320.00	5,640.00
MAY	7,090.00	1,930.00	5,160.00	0.00	320.00	4,840.00
JUN	3,750.00	1,080.00	2,670.00	0.00	320.00	2,350.00
JUL	1,750.00	1,010.00	736.00	0.00	320.00	416.00
AUG	1,140.00	953.00	187.00	0.00	320.00	-133.00
SEP	1,170.00	844.00	326.00	0.00	320.00	6.16
OCT	1,560.00	764.00	796.00	0.00	320.00	476.00
NOV	7,030.00	716.00	6,310.00	0.00	320.00	5,990.00
DEC	10,300.00	708.00	9,590.00	0.00	320.00	9,270.00
STO	4,380,000.00	1,090,000.00	3,290,000.00	0.00	232,000.00	3,070,000.00

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	342.00	77.80	362.00	8.36	3.90	3.88	5.07	245.00	1,050.00
FEB	2,620.00	74.30	362.00	8.36	3.90	3.88	5.07	243.00	3,320.00
MAR	2,170.00	79.20	362.00	8.36	3.90	3.88	5.07	255.00	2,890.00
APR	2,120.00	112.00	362.00	8.36	3.90	3.88	5.07	263.00	2,880.00
MAY	1,090.00	217.00	358.00	8.36	3.90	3.88	5.07	240.00	1,930.00
JUN	134.00	317.00	376.00	8.36	3.90	3.88	5.07	227.00	1,080.00
JUL	0.21	413.00	371.00	7.44	3.90	3.88	3.60	210.00	1,010.00
AUG	0.53	395.00	371.00	7.44	3.90	3.88	3.60	166.00	953.00
SEP	0.00	302.00	376.00	8.33	3.90	3.88	4.29	145.00	844.00
OCT	0.02	199.00	362.00	8.36	3.90	3.88	5.07	181.00	764.00
NOV	2.23	118.00	362.00	8.36	3.90	3.88	5.07	212.00	716.00
DEC	5.11	81.40	362.00	8.36	3.90	3.88	5.07	238.00	708.00

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
MF167A	APPLICATION	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00
Maximum		320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00

Detailed Reports for Watershed ID #168

SANTIAM R > WILLAMETTE R - AB MORGAN CR
WILLAMETTE BASIN

Water Availability as of 8/17/2009

Watershed ID #: 168

Date: 8/17/2009

Exceedance Level: 50%

Time: 1:53 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage 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	11,000.00	1,050.00	9,950.00	0.00	330.00	9,620.00

FEB	10,100.00	3,320.00	6,780.00	0.00	330.00	6,450.00
MAR	8,470.00	2,890.00	5,580.00	0.00	330.00	5,250.00
APR	8,760.00	2,880.00	5,880.00	0.00	330.00	5,550.00
MAY	7,090.00	1,920.00	5,170.00	0.00	330.00	4,840.00
JUN	3,750.00	1,060.00	2,690.00	0.00	330.00	2,360.00
JUL	1,750.00	993.00	757.00	0.00	330.00	427.00
AUG	1,140.00	936.00	204.00	0.00	330.00	-126.00
SEP	1,160.00	835.00	325.00	0.00	330.00	-5.20
OCT	1,550.00	761.00	789.00	0.00	330.00	459.00
NOV	7,010.00	714.00	6,300.00	0.00	330.00	5,970.00
DEC	10,100.00	706.00	9,390.00	0.00	330.00	9,060.00
STO	4,320,000.00	1,080,000.00	3,240,000.00	0.00	239,000.00	3,010,000.00

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	341.00	77.80	361.00	8.28	3.90	3.88	4.15	245.00	1,050.00
FEB	2,620.00	74.30	361.00	8.28	3.90	3.88	4.15	243.00	3,320.00
MAR	2,170.00	79.00	361.00	8.28	3.90	3.88	4.15	255.00	2,890.00
APR	2,120.00	111.00	361.00	8.28	3.90	3.88	4.15	263.00	2,880.00
MAY	1,090.00	211.00	358.00	8.28	3.90	3.88	4.15	240.00	1,920.00
JUN	134.00	304.00	375.00	8.28	3.90	3.88	4.15	227.00	1,060.00
JUL	0.21	394.00	370.00	7.37	3.90	3.88	3.37	210.00	993.00
AUG	0.53	381.00	370.00	7.37	3.90	3.88	3.37	166.00	936.00
SEP	0.00	296.00	375.00	8.26	3.90	3.88	3.37	145.00	835.00
OCT	0.03	198.00	361.00	8.28	3.90	3.88	4.15	181.00	761.00
NOV	1.89	118.00	361.00	8.28	3.90	3.88	4.15	212.00	714.00
DEC	4.55	81.40	361.00	8.28	3.90	3.88	4.15	238.00	706.00

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
MF168A	APPLICATION	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00
Maximum		330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00	330.00

Detailed Reports for Watershed ID #30200601

S SANTIAM R > SANTIAM R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/17/2009

Watershed ID #: 30200601

Date: 8/17/2009

Exceedance Level: 50%

Time: 1:53 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage 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	6,110.00	258.00	5,850.00	0.00	0.00	5,850.00
FEB	5,780.00	1,520.00	4,260.00	0.00	0.00	4,260.00
MAR	4,940.00	1,250.00	3,690.00	0.00	0.00	3,690.00

APR	4,780.00	1,040.00	3,740.00	0.00	0.00	3,740.00
MAY	3,630.00	707.00	2,920.00	0.00	0.00	2,920.00
JUN	1,530.00	178.00	1,350.00	0.00	0.00	1,350.00
JUL	662.00	198.00	464.00	0.00	0.00	464.00
AUG	364.00	184.00	180.00	0.00	0.00	180.00
SEP	354.00	155.00	199.00	0.00	0.00	199.00
OCT	692.00	133.00	559.00	0.00	0.00	559.00
NOV	3,760.00	134.00	3,630.00	0.00	0.00	3,630.00
DEC	6,160.00	136.00	6,020.00	0.00	0.00	6,020.00
STO	2,330,000.00	351,000.00	1,980,000.00	0.00	0.00	1,980,000.00

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	126.00	0.00	110.00	5.02	0.15	1.83	0.38	15.70	258.00
FEB	1,390.00	0.00	110.00	5.02	0.15	1.83	0.38	15.70	1,520.00
MAR	1,120.00	0.02	110.00	5.02	0.15	1.83	0.38	15.70	1,250.00
APR	906.00	0.16	110.00	5.02	0.15	1.83	0.38	15.70	1,040.00
MAY	567.00	20.60	110.00	5.02	0.15	1.83	0.38	1.95	707.00
JUN	9.53	41.70	117.00	5.02	0.15	1.83	0.38	1.95	178.00
JUL	0.21	72.60	117.00	4.13	0.15	1.83	0.38	1.95	198.00
AUG	0.53	57.70	117.00	4.13	0.15	1.83	0.38	1.95	184.00
SEP	0.00	28.20	117.00	5.02	0.15	1.83	0.38	1.95	155.00
OCT	0.09	0.09	110.00	5.02	0.15	1.83	0.38	15.70	133.00
NOV	0.70	0.00	110.00	5.02	0.15	1.83	0.38	15.70	134.00
DEC	2.86	0.00	110.00	5.02	0.15	1.83	0.38	15.70	136.00

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

No instream flow requirements were found for this watershed.

Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

Application R 87497 County LINN Priority Date 7-31-2009

Township 12 S Range 1 W Section _____

#1 31 #2 4.5 #3 62 ADDITIONAL

Amount TOTAL 97.5 Use STORAGE Watermaster Dist. # 2
AF

Caseworker Assigned

☐ Brook Geffen ☒ Jeana Eastman ☐ Joel Plahn ☐ Kerry Kavanagh ☐ Michele McAleer

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

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

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

☒ Property ownership indicated.

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

☐ If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Groundwater development section (Page 3 and 4, Section B) or a well log report.

☒ Proposed use of water. If supplemental, list primary acreage.

☐ Enclosed Supplemental Form for each proposed use.

☐ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

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

☒ Period of use

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

☒ Project schedule (If system is already completed, indicate "existing").

☒ For Standard reservoir applications proposing to store more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required. In addition, the map must be prepared by a CWRE. * copied from r-87397

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

☒ ^{LEGAL GREEN JKS} You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

☒ ^{LAND-USE GREEN JKS} A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*

☒ The map must meet all the minimum requirements of OAR 690-310-0050.

- ☒ Township, Range, Section
- ☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- ☒ Place of use, 1/4, 1/4's and tax lot clearly identified
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
- ☒ Location of each diversion point, well or dam by reference to a recognized public land survey corner
- ☒ Reference corner on map
- ☒ North Directional Symbol
- ☒ Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture
- ☒ Each point of diversion coordinate
- ☐ Other _____

* note: related app
r-87397
this is an
enlargement of
the reservoirs
under r-87397

☒ ^{COMPLETED 7-31-2009} Fees: Amount of water requested 97.5 af

Base Fee \$ \$700

Additional Use @ _____ = _____

1st CFS/AF \$25 for 20 af = \$500

Total Exam Fees \$ \$1478

78 Addtn'l CFS/AF @ \$1 = \$78

Total Paid \$ \$977.50 CK #1

2 Addtn' POD @ \$100 = \$200

Amount Due \$ \$500.50

CHECK #2 \$500.50 (7-31-2009)

Reviewed by: JOHN E

Date: 7-29-2009

* per dwf, accept apps under
to current fee schedule until
fee bill is signed; then
request add'l fees if fee bill
is signed

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-87497

Final Order

Appeal Rights

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

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

Application History

On July 15, 2009, Alton and Dixie G. Sullivan submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 16, 2010. The protest period closed April 2, 2010, and no protest was filed.

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

Order

Application R-87497 is therefore approved as proposed by the Proposed Final Order. Upon payment of outstanding fees in the amount of \$400, a permit shall be issued authorizing the proposed water use.

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

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

DATED May 6 , 2010

E. Timothy Wall.

for Phillip C. Ward, Director
Water Resources Department

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

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

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

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

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF LINN

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: R-87497

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

STORAGE FACILITY: POND 1, POND 2, AND POND 3

PURPOSE OR USE OF THE STORED WATER: FISH LIFE, FIRE PROTECTION AND WILDLIFE

MAXIMUM VOLUME: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 AF IN POND 3

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

DATE OF PRIORITY: JULY 15, 2009

THE MAXIMUM HEIGHT OF THE DAMS AND AREA SUBMERGED, WHEN FULL, FOR POND 1, POND 2, AND POND 3 ARE 16.0 FEET AND 6.16 ACRES, 14.0 FEET AND 2.88 ACRES, AND 30.0 FEET AND 8.36 ACRES, RESPECTIVELY.

DAM LOCATIONS:

POND 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T12S, R1W, W.M.; 4848 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NE CORNER, SECTION 5

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

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

NE ¼ SE ¼ POND 3
SE ¼ SE ¼ POND 3
SECTION 5

NE ¼ NW ¼ POND 1, POND 2
SECTION 9
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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 each reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall maintain all required devices in good working order.
- C. 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.
- D. The permittee shall keep a complete record of the amount of water used 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not release stored water from the reservoir(s) into the stream channel of Onehorse Slough July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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.

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

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

Notwithstanding that Oregon Department of Fish and Wildlife 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/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

Dam Conditions

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications.

If final construction deviates from the approved design, a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

STANDARD CONDITIONS

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

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

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

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

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

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

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

extension of time, which may be approved based upon the merit of the application.

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

Issued

DRAFT - THIS IS **NOT** A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #R-87497

Original mailed to applicant with claim of beneficial use form:

ALTON AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON OR 97355

Copies sent to:

1. WRD - File # R-87497
2. WRD - Ken Stahr
3. WRD - Dam Safety (for reservoir applications only)

Copies Mailed	
By: <u>SPS</u>	(SUPPORT STAFF)
on: <u>9/7/10</u>	(DATE)

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

4. WRD - Watermaster District #: 2
5. Erwin, Jon, CWRE #163
Udell Engineering & Land Surveying, LLC, 63 E Ash St, Lebanon OR 97355

CASEWORKER : Jeana Eastman

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-87497

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$400.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Proposed Final Order

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

Application History

On July 15, 2009, Alton E. and Dixie G. Sullivan submitted an application to the Department for the following water use permit:

- Amount of Water: 97.5 acre feet (AF), being 31.0 AF in Pond 1, 4.5 AF in Pond 2, and 62.0 AF in Pond 3
- Use of Water: fish life, fire protection and wildlife
- Source of Water: runoff, a tributary of Onehorse Slough
- Area of Proposed Use: Linn County within Section 4, Section 5, and Section 9, Township 12 South, Range 1 West, W.M.

On August 28, 2009, the Department mailed the applicant notice of its Initial Review, determining that "The storage of 97.5 AF, being 31.0 AF in Pond 1, 4.5 AF in Pond 2, and 62.0 AF in Pond 3 from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife may be allowed January 1 through June 30 and November 1 through December 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On September 1, 2009, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

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

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

Findings of Fact

The Willamette Basin Program allows fish life, fire protection and wildlife.

Senior water rights exist on runoff, a tributary of Onehorse Slough, or on downstream waters.

Runoff, a tributary of Onehorse Slough, is not within or above a State Scenic Waterway.

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

The Department finds that the amount of water requested, 97.5 AF, is an acceptable amount.

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

Limit the season to November 1 through June 30.

The permittee shall not release stored water from the reservoir(s) into the stream channel of Onehorse Slough July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer

meet existing state or federal water quality standards due to reduced flows.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

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

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

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

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

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

Recommendation

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

DATED February 16, 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **April 2, 2010**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;

- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than **April 2, 2010**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.

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

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

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

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

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

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

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

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF LINN

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: R-87497

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

STORAGE FACILITY: POND 1, POND 2, AND POND 3

PURPOSE OR USE OF THE STORED WATER: FISH LIFE, FIRE PROTECTION AND WILDLIFE

MAXIMUM VOLUME: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 AF IN POND 3

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

DATE OF PRIORITY: JULY 15, 2009

THE MAXIMUM HEIGHT OF THE DAMS AND AREA SUBMERGED, WHEN FULL, FOR POND 1, POND 2, AND POND 3 ARE 16.0 FEET AND 6.16 ACRES, 14.0 FEET AND 2.88 ACRES, AND 30.0 FEET AND 8.36 ACRES, RESPECTIVELY.

DAM LOCATIONS:

POND 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, T12S, R1W, W.M.; 4848 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NW CORNER, SECTION 4

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

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

NE ¼ SE ¼ POND 3
SE ¼ SE ¼ POND 3
SECTION 5

NE ¼ NW ¼ POND 1, POND 2
SECTION 9
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. 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 each reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall maintain all required devices in good working order.
- C. 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.
- D. The permittee shall keep a complete record of the amount of water used 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.
- E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The permittee shall not release stored water from the reservoir(s) into the stream channel of Onehorse Slough July 1 through October 31 unless determined necessary by the Water Resources Department to satisfy prior downstream rights.

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.

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

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

Notwithstanding that Oregon Department of Fish and Wildlife 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/or by-pass devices to prevent fish from entering the proposed diversion, and to provide adequate upstream and downstream passage for fish.

Dam Conditions

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications.

If final construction deviates from the approved design, a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

STANDARD CONDITIONS

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

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

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

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

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

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

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

extension of time, which may be approved based upon the merit of the application.

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

Issued

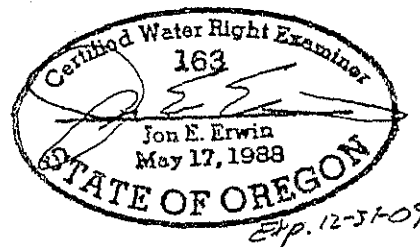
DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

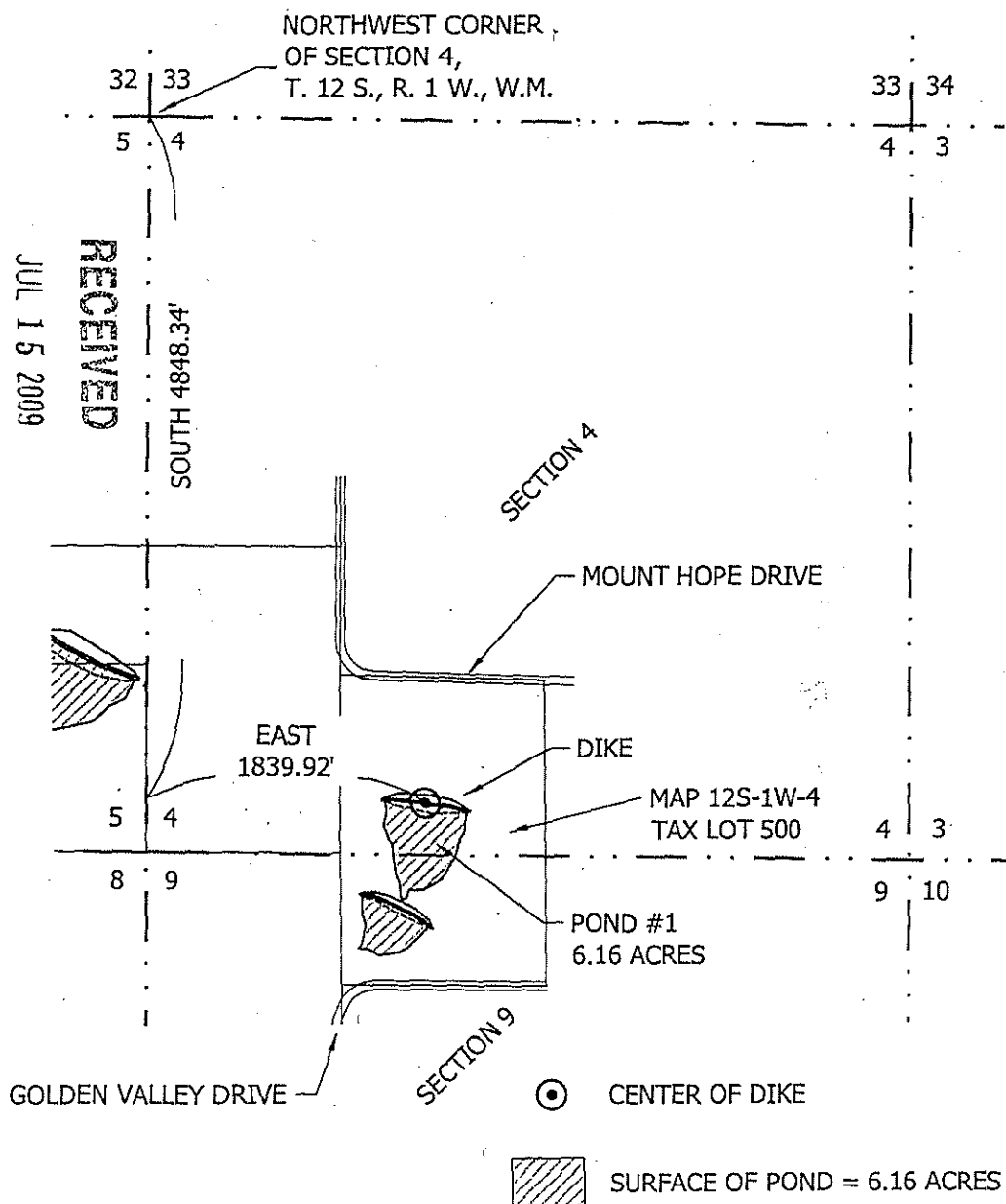
SW 1/4 SEC. 4, T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
OR LOCATE PROPERTY OWNERSHIP LINES.



Udell
ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366



APPLICATION NO. R-87497

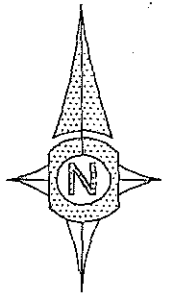
PERMIT NO. _____

APPLICATION MAP - POND #2

NW 1/4 SEC. 9 T. 12 S., R. 1 W., W.M.

LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
ALTON E. SULLIVAN
P.O. BOX 2118
LEBANON, OR. 97355

ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
ERWIN CONSULTING ENGINEERING, L.L.C.
33923 BOND ROAD
LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
MAP 12S-1W-4
TAX LOT 500

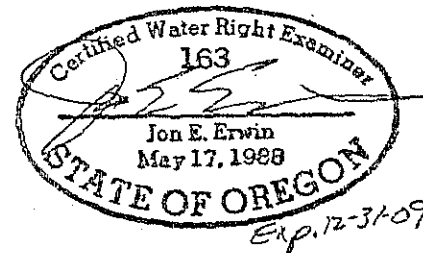
PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

⊙ CENTER OF DIKE

▨ SURFACE OF POND = 2.88 ACRES

NOTE:

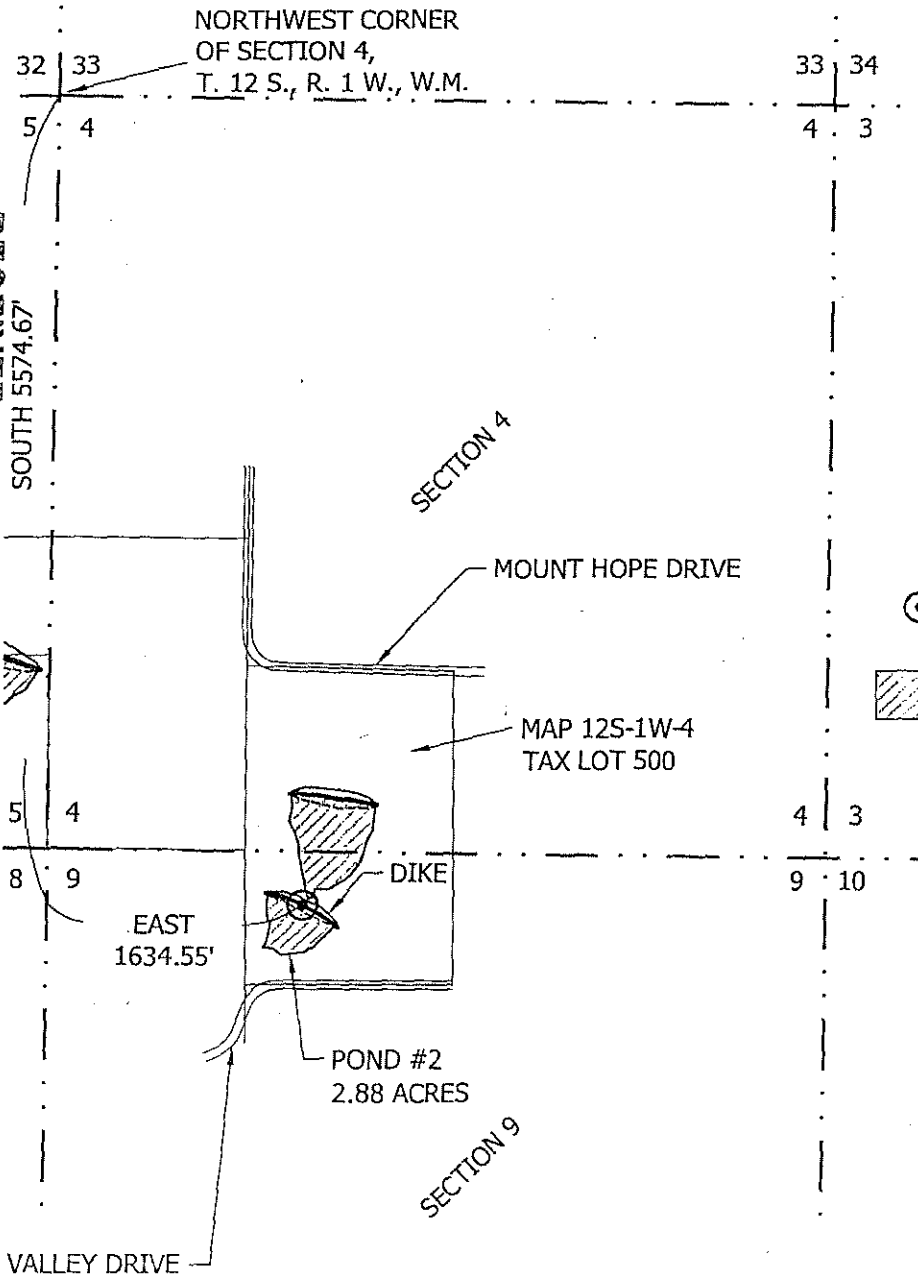
MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
OR LOCATE PROPERTY OWNERSHIP LINES.



Udell

ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355

PH. (541) 451-5125
FAX (541) 451-1366



SOUTH 5574.67'

EAST
1634.55'

RECEIVED

JUL 15 2009

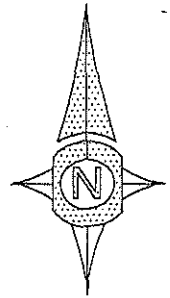
WATER RESOURCES DEPT
SALEM OREGON

APPLICATION NO. R-87497
 PERMIT NO. _____

APPLICATION MAP - POND #3

SE 1/4 SEC. 5, T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



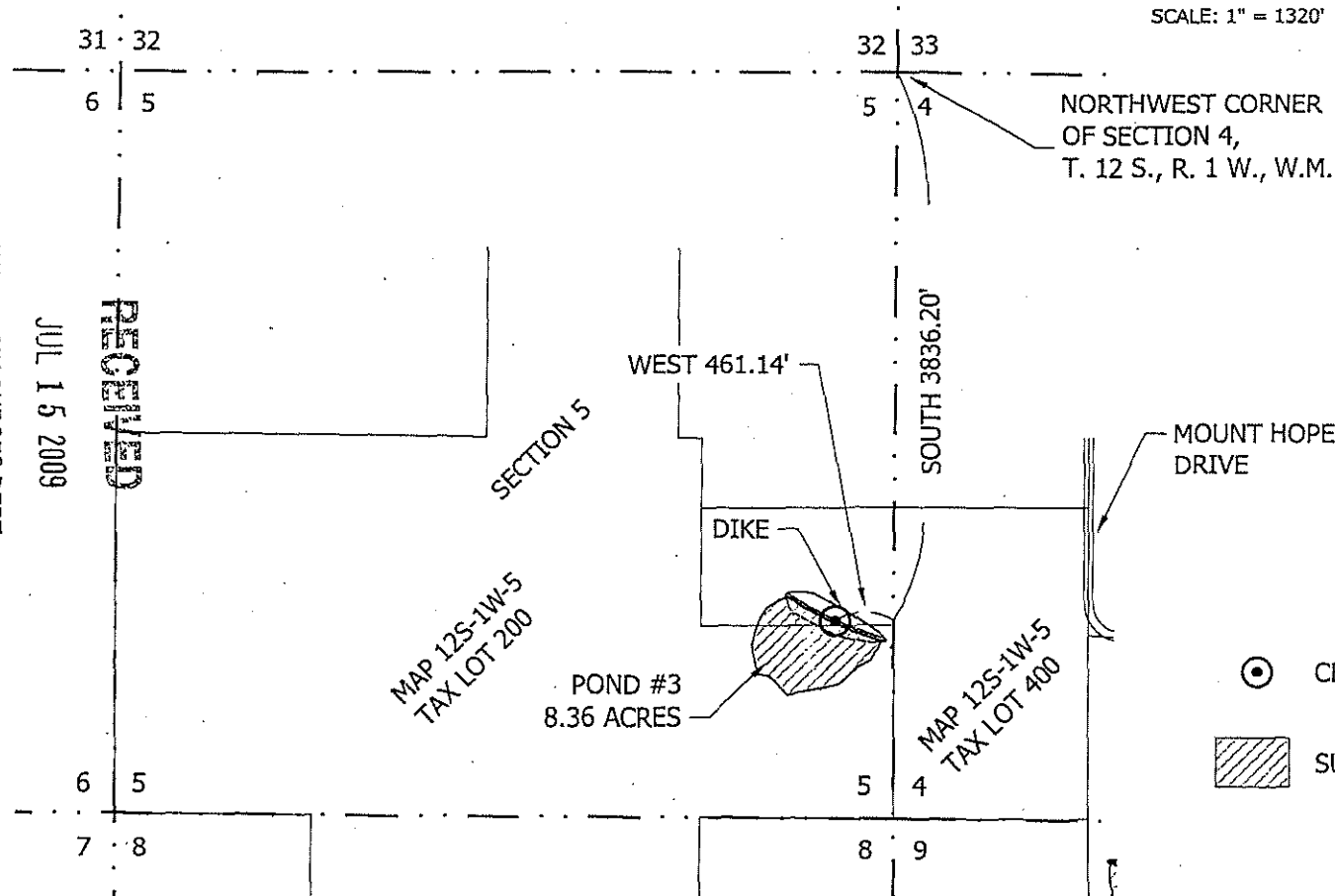
OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
 MAP 12S-1W-4
 TAX LOT 500

PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

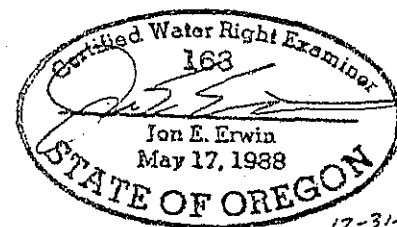


○ CENTER OF DIKE

▨ SURFACE OF POND = 8.36 ACRES

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



Exp 12-31-09

Udell
 ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

PH. (541) 451-5125
 FAX (541) 451-1366

08-155 SULLIVAN RESERVOIR WTR RTS

WATER RESOURCES DEPT

JUL 15 2009

RECEIVED

Mailing List for PFO Copies

Application #R-87497

PFO Date: February 9, 2010

Original mailed to applicant:

ALTON E. AND DIXIE G. SULLIVAN
, PO BOX 2118, LEBANON, OR 97355

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>2/10/10</u>
(DATE)

Copies sent to:

1. WRD - File # R-87497
2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

3. WRD - Watermaster # 2
4. WRD - Dam Safety

Protest/ Standing Dates checked <u>2/8/10</u>
--

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

1. Erwin, Jon, CWRE #163
Udell Engineering & Land Surveying, LLC, 63 E Ash St, Lebanon OR 97355

CASEWORKER : jme



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

September 14, 2009

Alton & Dixie Sullivan
PO Box 2118
Lebanon, OR 97355

RE: Application File # R-87497

Dear Applicant:

Governor Theodore Kulongoski signed SB788 on July 23, 2009, which, in part, raised the fee for many of the Department's water right related processes. The bill included an emergency clause that stated that the bill was to become effective on July 1, 2009. The Department has determined that in the interest of fairness to the public, and consistent with other provisions of the affected fee statutes that give considerable discretion to the Department, we should implement this bill on any applicants effective July 24, 2009, and later.

Thus, the Department is refunding \$300.00. A check for this amount is enclosed. Please call Jerry Sauter (503-986-0817) if you have any questions about this refund.

Sincerely,

Dwight French
Water Rights & Adjudication Division Administrator

cc: file

MEMORANDUM

To: Fiscal

From: J.K. Sauter, Water Rights Section JS

Subject: Refund Request

Please refund \$ 300⁰⁰ to: ALTON E. & DIXIE G. SULLIVAN

Application R-87497 Receipt No. 97333

Reason for refund: OVERPAYMENT OF CRAW FEES.

Refund to:

Name: ALTON & DIXIE SULLIVAN

Address: P.O. Box 2118
LEBANON, OREGON 97355

Authorized By: _____

Signature and Title

Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

Application R 87497 County Linn Priority Date 7-31-2009

Township 12 S Range 1 W Section _____

#1 31 #2 4.5 #3 62 ADDITIONAL

Amount TOTAL 97.5 Use STORAGE Watermaster Dist. # 2
AF

Caseworker Assigned

☐ Brook Geffen ☒ Jeana Eastman ☐ Joel Plahn ☐ Kerry Kavanagh ☐ Michele McAleer

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

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

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

☒ Property ownership indicated.

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

☐ If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Groundwater development section (Page 3 and 4, Section B) or a well log report.

☒ Proposed use of water. If supplemental, list primary acreage.

☒ Enclosed Supplemental Form for each proposed use.

☐ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

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

☒ Period of use

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

☒ Project schedule (If system is already completed, indicate "existing").

☒ For Standard reservoir applications proposing to store more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required. In addition, the map must be prepared by a CWRE. ** copied from r-87397*

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

☒ *LEGAL GOOD JKS*
You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

☒ *LAND-USE GOOD JKS*
A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*

☒ The map must meet all the minimum requirements of OAR 690-310-0050.

- ☒ Township, Range, Section
- ☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- ☒ Place of use; 1/4, 1/4's and tax lot clearly identified
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
- ☒ Location of each diversion point, well or dam by reference to a recognized public land survey corner
- ☒ Reference corner on map
- ☒ North Directional Symbol
- ☒ Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture
- ☒ Each point of diversion coordinate
- ☐ Other _____

*300 sq over Pmt
Reservoirs Res. Dec 5 400*

** note: related app
r-87397*

*this is an
enlargement of
the reservoirs
under r-87397*

☒ *COMPLETED 7-31-2009*
Fees: Amount of water requested 97.5 af

Base Fee \$ \$700 ⁵⁰⁰
1st CFS/AF ⁷⁰ \$25 for 20 af = \$500 ⁴⁰⁰
78 Addtn'l CFS/AF @ \$1 = \$78 ⁷⁰
2 Addtn'l POD @ \$100 = \$200 ²⁰⁰

Additional Use @ _____ = _____
Total Exam Fees \$ \$1478 ¹¹⁷⁰
Total Paid \$ \$977.50 ^{CK #1}
Amount Due \$ \$500.50

CHECK #2 \$500.50 (7-31-2009)

Reviewed by: JOAN C

Date: 7-20-2009

** per dwf, accept apps under
current fee schedule until
fee bill is signed; then
request add'l fees if fee bill
is signed*

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **97184**
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Allen E. Diggins
BY: Sullivan

CASH: ☐ CHECK: ☒ 5716 OTHER: (IDENTIFY) ☐

APPLICATION R-87497
PERMIT
TRANSFER

TOTAL REC'D \$977.50

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

4611

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$977.50 0202 RECORD FEE \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$

WELL CONSTRUCTION

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

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

0807 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **97184** DATED: 7.19.09 BY: LTG

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **97333**

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

INVOICE # _____

RECEIVED FROM: **Mt. Hope Tree Farm LLC**
BY: _____

APPLICATION	R-87497
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # **2005** OTHER: (IDENTIFY) ☐

TOTAL REC'D **\$500.50**

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES	4611		\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY)			\$
TC162 DEPOSIT LIAB. (IDENTIFY)			\$
0240 EXTENSION OF TIME			\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$ 500.50	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		\$

RECEIPT: **97333**

DATED: **7.31.09** BY: **LXG**

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



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

August 28, 2009

ALTON E. AND DIXIE G. SULLIVAN
PO BOX 2118
LEBANON, OR 97355

Reference: File R-87497

Dear Mr. and Mrs. Sullivan:

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

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

Initial Review Determinations:

1. The application is an enlargement of Application R-87397.

The application proposed the storage of 97.5 acre feet (AF) of water, being 31.0 AF in Pond 1, 4.5 AF in Pond 2, and 62.0 AF in Pond 3, from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife.

The proposed dam heights and area submerged for Pond 1, Pond 2, and Pond 3 are 16.0 feet and 6.16 acres, 14.0 feet and 2.88 acres, and 30.0 feet and 8.36 acres, respectively.

2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife is allowable January 1 through June 30 and November 1 through December 31 of each year under the Willamette Basin Program.
4. Surface water is available during the period January 1 through July 31 and October 1 through December 31 of each year.

Summary of Initial Determinations

The storage of 97.5 AF, being 31.0 AF in Pond 1, 4.5 AF in Pond 2, and 62.0 AF in Pond 3 from runoff, a tributary of Onehorse Slough, for fish life, fire protection and wildlife may be allowed January 1 through June 30 and November 1 through December 31 of each year.

Because of the Department's determination, your application can be moved to the next phase of the water-rights application review process, where public interest factors will be evaluated. However, due to **#3 and #4** above, your application will likely be limited accordingly.

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

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, September 11, 2009**. 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, 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.
 - B. The permittee shall maintain all required devices in good working order.
 - C. 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.
 - D. The permittee shall keep a complete record of the amount of water used 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.
 - E. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

3. 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.

4. Dam Conditions:

All construction shall be performed under the supervision of a registered professional engineer licensed in Oregon.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specifications on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If final construction deviates from the approved design a set reproducible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer's letter of completion.

Routine maintenance or repair of the dam, its spillway and all appurtenant structures shall be performed to include, but not limited to, the removal of woody vegetation or debris, prompt restoration of areas of erosion or to replace defective equipment necessary for the continued safe operation of the project works.

Except for routine repair and maintenance, design plans and specifications must be prepared by an Oregon licensed professional engineer and approved by the Water Resources Dam Safety program prior to any enlargement, modification, or alteration of the dam, its spillway or any appurtenant structure.

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

R-87497
WAB 2-30200601
POU 2-30200601
GW

APPLICATION FACT SHEET

Application File Number: R-87497

Applicant: ALTON AND DIXIE G. SULLIVAN

County: Linn

Watermaster: 2

Priority Date: July 31, 2009

Source: RUNOFF, A TRIBUTARY OF ONEHORSE SLOUGH

Use: FISH LIFE, FIRE PROTECTION AND WILDLIFE

Quantity: 97.5 ACRE FEET (AF), BEING 31.0 AF IN POND 1, 4.5 AF IN POND 2, AND 62.0 AF IN POND 3

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 6 S SANTIAM R MISC

Dam Location(s):

POND 1: SESW, SECTION 4, T12S, R1W, W.M.; 4848 FEET SOUTH AND 1840 FEET EAST FROM NW CORNER, SECTION 4

POND 2: NENW, SECTION 9, T12S, R1W, W.M.; 5575 FEET SOUTH AND 1635 FEET EAST FROM NW CORNER, SECTION 4

POND 3: NESE, SECTION 5, T12S, R1W, W.M.; 3836 FEET SOUTH AND 461 FEET WEST FROM NW CORNER, SECTION 4

Place of Use:

SE ¼ SW ¼ POND 1
SECTION 4

NE ¼ SE ¼ POND 3
SE ¼ SE ¼ POND 3
SECTION 5

NE ¼ NW ¼ POND 1, POND 2
SECTION 9
TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 11, 2009

PUBLIC NOTICE DATE: Tuesday, September 1, 2009

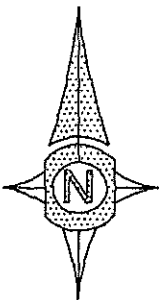
30 DAY COMMENT DEADLINE DATE: Thursday, October 1, 2009

APPLICATION NO. _____
PERMIT NO. _____

APPLICATION MAP - POND #1

SW 1/4 SEC. 4, T. 12 S., R. 1 W., W.M.
LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
ALTON E. SULLIVAN
P.O. BOX 2118
LEBANON, OR. 97355

ENGINEER/SURVEYOR:
BRIAN VANDETTA
UDELL ENGINEERING & LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OR. 97355

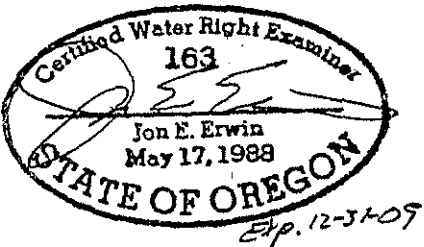
WATER RIGHTS EXAMINER:
ERWIN CONSULTING ENGINEERING, L.L.C.
33923 BOND ROAD
LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
MAP 12S-1W-4
TAX LOT 500

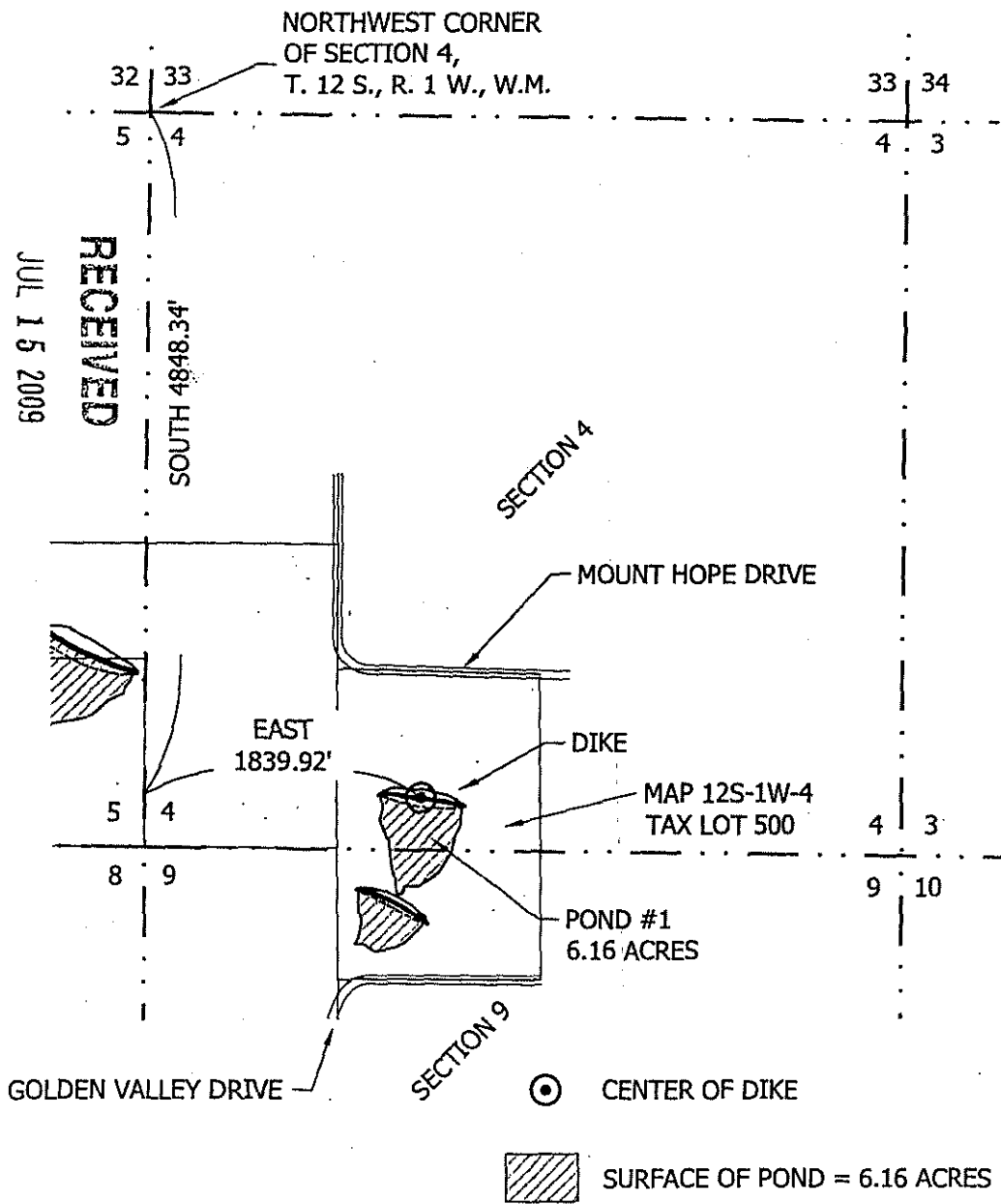
PROPERTY SUMMARY POND #3:
MAP 12S-1W-5
TAX LOT 200 AND 400

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
OR LOCATE PROPERTY OWNERSHIP LINES.



Udell
ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

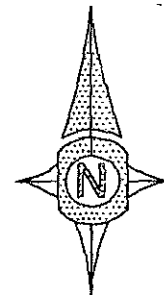


APPLICATION NO. _____
 PERMIT NO. _____

APPLICATION MAP - POND #2

NW 1/4 SEC. 9 T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

PROPERTY SUMMARY POND #1 & #2:
 MAP 12S-1W-4
 TAX LOT 500

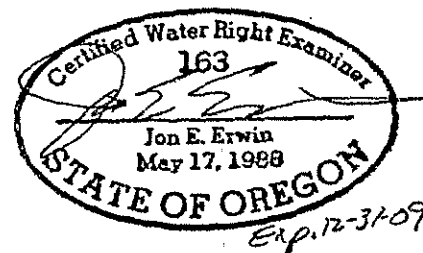
PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

⊙ CENTER OF DIKE

▨ SURFACE OF POND = 2.88 ACRES

NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



Udell
 ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

PH. (541) 451-5125
 FAX (541) 451-1366

08-155 SULLIVAN RESERVOIR WITH DTG

NORTHWEST CORNER
 OF SECTION 4,
 T. 12 S., R. 1 W., W.M.

32 33
 5 4

33 34
 4 3

SOUTH LINES
 5574.67'

JUL 15 2009

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SECTION 4

MOUNT HOPE DRIVE

MAP 12S-1W-4
 TAX LOT 500

DIKE

EAST
 1634.55'

POND #2
 2.88 ACRES

SECTION 9

GOLDEN VALLEY DRIVE

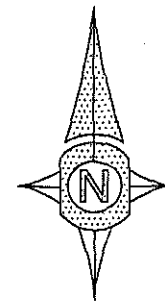
WATER RIGHTS DIVISION
 CALIFORNIA

APPLICATION NO. _____
 PERMIT NO. _____

APPLICATION MAP - POND #3

SE 1/4 SEC. 5, T. 12 S., R. 1 W., W.M.
 LINN COUNTY, OREGON

SCALE: 1" = 1320'



OWNER:
 ALTON E. SULLIVAN
 P.O. BOX 2118
 LEBANON, OR. 97355

ENGINEER/SURVEYOR:
 BRIAN VANDETTA
 UDELL ENGINEERING & LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OR. 97355

WATER RIGHTS EXAMINER:
 ERWIN CONSULTING ENGINEERING, L.L.C.
 33923 BOND ROAD
 LEBANON, OR. 97355

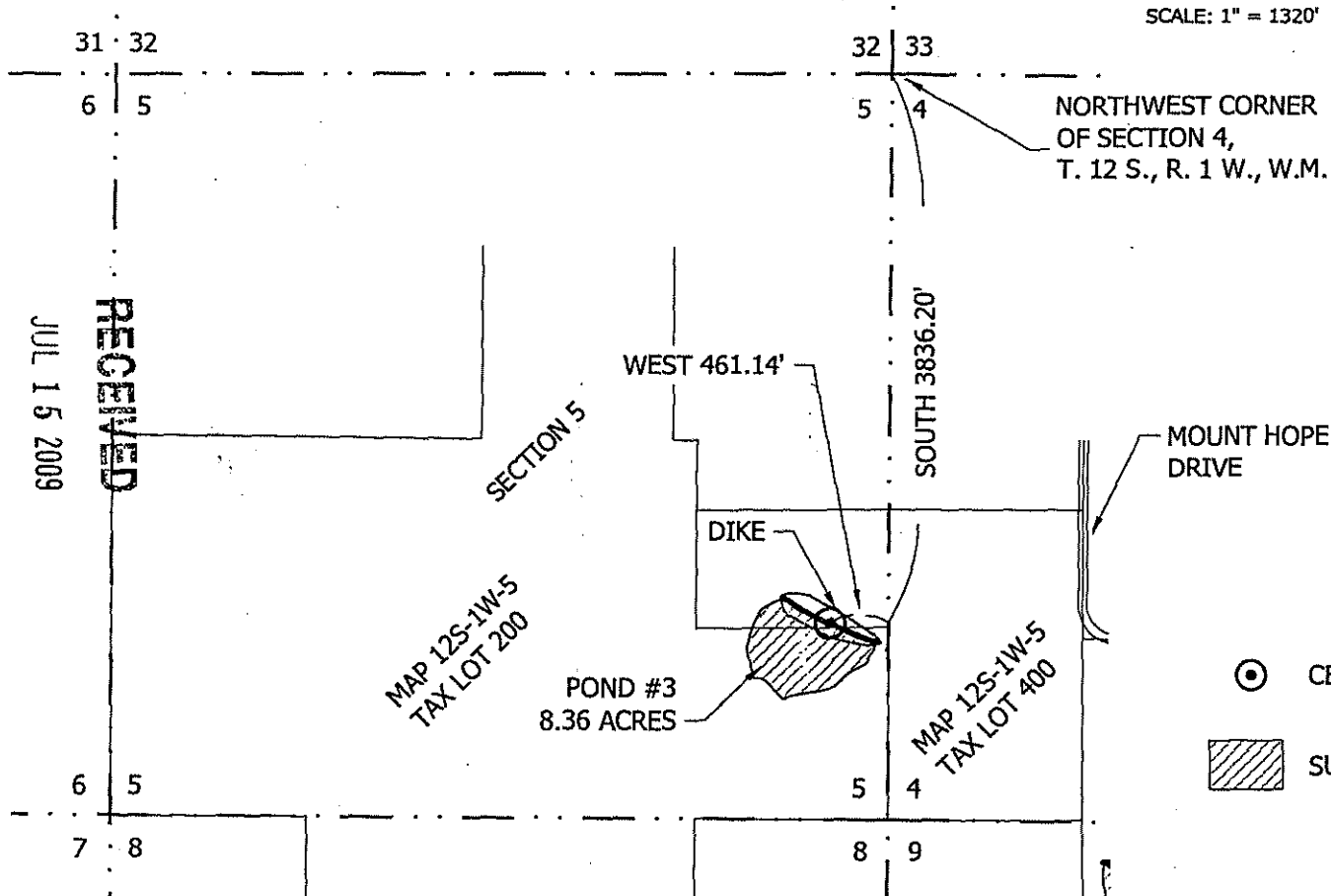
PROPERTY SUMMARY POND #1 & #2:
 MAP 12S-1W-4
 TAX LOT 500

PROPERTY SUMMARY POND #3:
 MAP 12S-1W-5
 TAX LOT 200 AND 400

WATER RESOURCES DEPT
 SALEM, OREGON

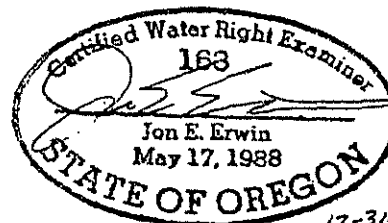
JUL 15 2009

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NOTE:

MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION
 OR LOCATE PROPERTY OWNERSHIP LINES.



ELP 12-31-09

Udell
 ENGINEERING &
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON
 97355

PH. (541) 451-5125
 FAX (541) 451-1366

08-155 SULLIVAN RESERVOIR WTR RTS

Mailing List for IR Copies

Application #R-87497

IR Date : August 28, 2009

Original mailed to applicant:

ALTON AND DIXIE G. SULLIVAN , PO BOX 2118, LEBANON, OR 97355

Copies sent to:

1. WRD - File # R-87497
2. WRD - Water Availability: Ken Stahr

Copies Mailed

By: TCB
(SUPPORT STAFF)
on: 8/27/09
(DATE)

IR, Map, and Fact Sheet Copies sent VIA EMAIL to:

3. WRD - Watermaster # 2 (include Division 33 form)
4. ODFW: (include Division 33 form)
5. DEQ: (include Division 33 form)

IR, Map, and Fact Sheet Copies sent to:

6. Department of Agriculture

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

1. Erwin, Jon, CWRE #163

Udell Engineering & Land Surveying, LLC, 63 E Ash St, Lebanon OR 97355

COPYSHT.IR

Caseworker: Jeana Eastman

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 # 97184

INVOICE #

RECEIVED FROM: Atton E. + Dixie G. Sullivan

BY: _____

APPLICATION	R-87497
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 5716 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$977.50

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

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

4611

EXAM FEE	
\$977.50	0202
\$	0204

RECORD FEE	
\$	
\$	

LICENSE FEE	
\$	0219
\$	0220

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: 97184

DATED: 7-19-09 BY: LAG

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



Oregon Water Resources
725 Summer Street NE, Suite 200
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Originals

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

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION:

Applicant: Alton E. and Dixie G. Sullivan
First Last

Mailing Address: P.O. Box 2118

Lebanon Oregon 97355
City State Zip

Phone: 541-259-5515 541-979-6456
Home Work Other

*Fax: _____ *Email Address: _____

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is _____

2. SOURCE OF WATER for the proposed use: Seasonal Ditch,
a tributary of South Santiam River

Is the proposed use an enlargement of an existing dam/reservoir? ☒ Yes ☐ No

If the reservoir is not in channel of a stream, state how it is to be filled:

Winter run-off from the seasonal ditch and rainfall collection.

For Department Use

App. No. _____ Permit No. _____ Date _____

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3. DAM HEIGHT AND COMPOSITION #1 = 16

The maximum height of the structure will be #2 = 14 feet above streambed or ground surface at the centerline of the crest of the dam.

#3 = 30

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): ☒ Earthfill ☐ Concrete ☐ Flash board ☐ Other

If "other" give description:

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

The outlet conduit will be located at the base of the earth filled dam in alignment with the seasonal ditch. The diameter of the conduit will be 12".

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

The emergency spillway will be located adjacent to the ends of the earth filled dams in native soils. The spillways will be approximately 15 feet in width. The final dimensions will be determined with the construction document design and based on the overflow capacity.

6. THE USE(s) of the impounded water will be:

Fire protection for tree farm, wildlife habitat, and wetland enhancement.

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WATER RESOURCES DEPT
SALEM, OREGON

Storage Water/2

7. THE AMOUNT OF WATER to be stored is: $\begin{matrix} \#1 = 31 \\ \#2 = 4.5 \\ \#3 = 62 \end{matrix}$ acre-feet.

The area submerged by the reservoir, when filled, will be $\#1 = 6.16$ acres.

8. PROJECT SCHEDULE (List Month and Year)

$\#2 = 2.88$

$\#3 = 8.36$

Proposed date construction will begin: September 09'

Proposed date construction will be completed: November 09'

Proposed date beneficial water use will begin: November 09'

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

9. PROPERTY OWNERSHIP

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

☒ Yes (Please check appropriate box below then skip to section 10)

☒ There are no encumbrances

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

☐ No (Please check the appropriate box below)

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

☐ I do not currently have written authorization or 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).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners*

* Attach additional sheet(s) if necessary.

10. MAP REQUIREMENTS The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

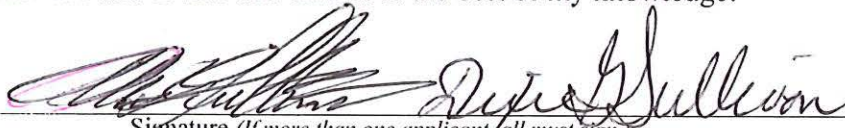
11. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant:


Signature (If more than one applicant/all must sign.)

7-13-09
Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include 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 policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

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

Applicant Name: ALTON E. SULLIVAN
Mailing Address: PO BOX 2118
City: LEBANON State: OR Zip: 97355 Day Phone: 541-979-6456

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
12S	01W	05		200	F/F	☐ Diverted ☐ Conveyed ☒ Used	RESERVOIR
12S	01W	05		400	F/F	☐ Diverted ☐ Conveyed ☒ Used	RESERVOIR
12S	01W	04		500	F/F	☐ Diverted ☐ Conveyed ☒ Used	RESERVOIR
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) SEASONAL SWALE

Estimated quantity of water needed: 97.5 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other _____

Briefly describe: FIRE PROTECTION, WILDLIFE HABITAT, AND WETLANDS.

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

Receipt for Request for Land Use Information

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

RECEIVED
JUL 15 2009
WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
none	928.610(B)(17)	☒ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ 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.

12S 1W 5 200 and 400 are zoned F/F
 12S 1W 4 500 are zoned F/F 928.610(B)(17)
 CREATION of, RESTORATION of Wetlands only.

Name: Olivia Glantz Title: Planner
 Signature: [Signature] Phone: 5419673816 Date: 7/14/09
 Government Entity: Linn Co.

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: _____

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JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

LINN COUNTY, OREGON

2007-29189

D-WD

Cnt=1 Stn=7 M. FISHER

12/19/2007 11:52:36 AM

\$20.00 \$20.00 \$11.00 \$10.00

\$61.00



✓ After recording return to:
Alton E. Sullivan and Dixie G. Sullivan
P.O. Box 2118
LEBANON, OR 97355

Until a change is requested all tax statements
shall be sent to the following address:

Alton E. Sullivan and Dixie G. Sullivan
P.O. Box 2118
LEBANON, OR 97355

File No.: 7091-1146314 (SCC)

Date: December 17, 2007



00069494200700291890040040

I, Steve Druckenmiller, County Clerk for Linn
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk
records.

Steve Druckenmiller - County Clerk



STATUTORY WARRANTY DEED

Trust Company of America FBO Edward L. Daniels, it's undivided 50% interest, Grantor,
conveys and warrants to Alton E. Sullivan and Dixie G. Sullivan as tenants by the entirety,
Grantee, the following described real property free of liens and encumbrances, except as specifically set
forth herein:

PARCEL I:

Beginning at the Northwest corner of the Northeast quarter of Section 5, Township 12
South, Range 1 West of the Willamette Meridian, in Linn County, Oregon; running thence
South 160 rods; thence East 70 rods;
thence North 160 rods; thence West 70 rods to the place of beginning.

PARCEL II:

Southwest Quarter; West half of the Southeast Quarter; and the Southeast Quarter of
Southeast Quarter of Section 5, Township 12 South, Range 1 West of the Willamette
Meridian, in Linn County, Oregon.

PARCEL III:

North half of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter of
Section 8, Township 12 South, Range 1 West of the Willamette Meridian, in Linn County,
Oregon.

SAVE AND EXCEPT that portion of the above described property described property
described in a certain deed from Otto G. Paetsch and Bertha M. Paetsch to Harriet A.
Alexander, recorded in Volume 341, Page 811.

PARCEL IV:

Page 1 of 3

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JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

TL 200

12-16-05 / 200

First American Title 1146314

All of the Northwest Quarter of the Northeast Quarter of Section 8, in Township 12 South, Range 1 West of the Willamette Meridian in Linn County, Oregon.

SAVE AND EXCEPT that portion of the above described tracts of land lying within the boundaries of public roads and highways.

PARCEL V:

A tract of land situated in the Northwest Quarter of Section 5, Township 12 South, Range 1 West of the Willamette Meridian, in the County of Linn, State of Oregon, more particularly described as follows:

Beginning at a 5/8 Inch Iron rod near the Southerly right of way line of Linn County Road No. 723, said rod being South $46^{\circ} 10' 40''$ West 761.47 feet from the Northeast corner of the Northwest Quarter of Section 5, Township 12, South, Range 1 West of the Willamette Meridian, Linn County, Oregon; thence South $0^{\circ} 51'$ West 650.66 feet to a 5/8 Inch rod, said rod being the true point of beginning; thence East 486.69 feet, more or less, to a point 60.0 feet West of the true North-South centerline of said Section 5, (said true North-South centerline having never been precisely located on the ground by recorded survey to date); thence Northerly, parallel to and 60.0 feet West of the true North-South centerline of Section 5, 700 feet, more or less, to its intersection with the centerline of said County Road No. 723; thence Northeasterly, along said centerline of road, to the East line of the Northwest Quarter of said Section 5; thence South, along the East line of the Northwest Quarter Section, to the Southeast corner of the Northwest Quarter of Section 5; thence West, along the South line of the Northwest Quarter 546.69 feet, more or less, to a point South $0^{\circ} 51'$ West of the true point of beginning; thence North $0^{\circ} 51'$ East 1385 feet, more or less to the true point of beginning.

Subject to: See Attached Exhibit "B"

The true consideration for this conveyance is **\$325,000.00**. (Here comply with requirements of ORS 93.030)

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JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007.

Dated this 17 day of December, 2007.

Trust Company of Oregon FBO Edward L. Daniels

X [Signature]
By: C. MAGNUSSEN
ASST. TRUST OFFICER



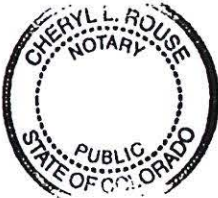
STATE OF Oregon COLORADO)
) ss.
County of Lincoln ARAPAHOE)

This instrument was acknowledged before me on this 17th day of December, 2007
by C. Magnusson as Asst Trust of Trust Company of Oregon FBO Edward
L. Daniels, on behalf of the . Officer

[Signature]

Notary Public for Oregon COLORADO
My commission expires:

My Commission Expires 07/18/2009



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WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "B"

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. Reservation of Mineral Rights as reserved in deed, including terms and provisions thereof.
Recorded: Book 127, Page 489, Deed Records
4. Reservation of Mineral Rights and oil and gas as disclosed by deed, including terms and provisions thereof.
In favor of: The Union Central Life Insurance Company, an Ohio corporation
Recorded: December 01, 1949 in Book 212, Page 214, Deed Records
(Affects Parcel III)
5. Reservations in the deed recorded in Book 127 Page 487, Deed Records, as disclosed by the deed recorded October 23, 1967 in Book 326, Page 782, Deed Records
6. Easement, including terms and provisions contained therein:
Recording Information: April 03, 1980 in Volume 253, Page 116, Microfilm Records
In Favor of: Consumers Power Inc
For: Poles, lines and anchors
Affects: A portion of Parcel I
7. Easement, including terms and provisions contained therein:
Recording Information: June 15, 1982 in Volume 314, Page 674, Microfilm Records
In Favor of: Consumers Power Inc
For: Anchor
Affects: A portion of Parcel I
8. Timber reservation as contained in Deed:
Reserving: the right to harvest the timber on the property and all trees now growing or later planted upon the property including the right to harvest said trees until May 1, 2023
Reserved By: Otto G. Gaetsch, Trustee of the Otto G. Paetsch Living Trust and Bertha M. Paetsch, Trustee of the Berth M. Paetsch Living Trust
Recorded: June 13, 2003
Recording Information: Volume 1439, Page 93, Microfilm Records
9. Contract of Sale, including the terms and conditions thereof, as disclosed in Memorandum of Contract
Vendor: Otto G. Paetsch, trustor/trustee of the Otto G. Paetsch Living Trust dated September 03, 1998 and Bertha M. Paetsch, trustor/trustee of the Bertha M. Paetsch Living Trust dated September 03, 1998, husband and wife
Vendee: Alton E. Sullivan and Dixie G. Sullivan, husband and wife, as to an undivided 50% interest and Edward L. Daniels as to an undivided 50% interest, to hold as tenants in common
Recorded: June 13, 2003
Recording Information: Volume 1439, Page 97, Microfilm Records

(Affects Timber Only)

The Vendee's interest in said Contract was assigned by Instrument
Dated: September 25, 2003
Recorded: September 30, 2003
Recording Information: Volume 1494, Page 822, Microfilm Records
To: Mt. Hope Tree Farm, LLC
10. Unrecorded leases or periodic tenancies, if any.

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JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON



✓ After recording return to:
Alton E. Sullivan and Dixie G. Sullivan
PO Box 2118
Lebanon, OR 97355

Until a change is requested all tax statements
shall be sent to the following address:
Alton E. Sullivan and Dixie G. Sullivan
PO Box 2118
Lebanon, OR 97355

File No.: 7091-1146339 (SCC)
Date: December 17, 2007

LINN COUNTY, OREGON

2007-29190

D-WD

Cnt=1 Stn=7 M. FISHER

12/19/2007 11:52:36 AM

\$15.00 \$20.00 \$11.00 \$10.00

\$56.00



00069496200700291900030039

I, Steve Druckenmiller, County Clerk for Linn
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk
records.

Steve Druckenmiller - County Clerk



STATUTORY WARRANTY DEED

Edward Daniels, his undivided one-half interest, Grantor, conveys and warrants to **Alton E. Sullivan and Dixie G. Sullivan, as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Parcel I:

The Southwest quarter of the Southwest quarter of Section 4, Township 12 South, Range 1 West of the Willamette Meridian; also a tract of land described as follows; Beginning at the Northeast corner of the Southwest quarter of the Southwest quarter of Section 4, Township 12 South, Range 1 West of the Willamette Meridian; Thence North 50 rods; Thence West 160 rods Thence South 50 rods, Thence East 160 rods to the place of beginning, all lying and being in Linn County.

Parcel II:

Beginning at a point which is South 1.00 chain distance from the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 4, in Township 12 South, Range 1 West of the Willamette Meridian, Linn County, Oregon; running thence South 89°15' East, along the center of a County Road, 21.28 chains; thence South 32.83 chains; thence West 21.35 chains to the West boundary line of the East half of the Northwest Quarter of Section 9, in said Township and Range; thence North 33.10 chains to the place of beginning, Excepting therefrom property conveyed by Bargain and Sale Deed dated February 8, 1982 in favor of Linn County, Oregon for County Road #724, recorded June 3, 1982 at Volume 314, Page 83 Microfilm Records.

Subject to:

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JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

TL 400 & 500

12-1W-05/400; 12-1W-04/500
1146337
FIRST AMERICAN TITLE

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. 2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways. 3. Easement recorded September 24, 1963 in Book 297 page 237. 4. Easement recorded August 11, 1982 in Volume 318 Page 62. 5. Oil, Gas and Mineral Lease recorded March 25, 1988 in Volume 467 Page 33. 6. Deed of Trust, recorded February 14, 2006 as 2006-03628 in favor of Bertha M. Paetsch, Trustee of the Bertha M. Paetsch Living Trust dated September 3, 1998, which Deed of Trust the grantees herein assume and agree to pay according to the terms contained therein. 7. Deed of Trust, recorded February 14, 2006 as 2006-03629 in favor of Otto G. Paetsch, which Deed of Trust the grantees herein assume and agree to pay according to the terms contained therein.

The true consideration for this conveyance is **\$200,000.00**. (Here comply with requirements of ORS 93.030)

RECEIVED

JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

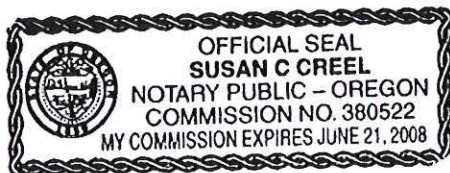
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007.

Dated this 19th day of December, 2007.


Edward Daniels

STATE OF Oregon)
)ss.
County of Linn)

This instrument was acknowledged before me on this 19th day of DEC, 2007
by **Edward Daniels**.



Notary Public for Oregon
My commission expires: 6-21-08

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JUL 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

Herb Mosgar

R-87397

From: Brian Vandetta [brian@udelleng.com]
Sent: Thursday, February 26, 2009 11:51 AM
To: Herb Mosgar
Cc: 'Bob Speaker'; 'Jon Erwin'
Subject: Sullivan Application
Attachments: Pond #3 Prelim. Design.pdf

Copied
from
r-87397

Hi Herb,

Here is a sketch of our basic design concept. This concept will be used for all 3 of the ponds/reservoirs that we are requesting a permit to store water in. We will be proceeding with a full design and construction documents when we have reached a level of comfort with respect to receiving the permit to store water. Thanks for all your help and communication. Let me know if I need to provide additional documents or data to allow this permit review to proceed.

Take care,

Brian



Brian Vandetta PE, PLS
Udell Engineering and Land Surveying, LLC
63 East Ash St. Lebanon, OR 97355
541-451-5125 (Phone) 541-451-1366 (Fax)

2/26/2009

Udell Engineering & Land Surveying, LLC

63 East Ash St.

Lebanon, OR 97355

Ph: 541-451-5125 Fax: 541-451-1366

7-30-09

MR. HERB MOSGAR,

ENCLOSED IS THE ADDITIONAL MONEY
TO BRING THE SULLIVAN APPLICATION
UP TO YOUR CURRENT FEE OF \$1478 .

CASE # R87497

THANK YOU,

BRIAN VANDETTA

RECEIVED

JUL 31 2009

**WATER RESOURCES DEPT
SALEM, OREGON**

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **97333**

INVOICE # _____

RECEIVED FROM: Mt. Hope Tree Farm LLC
BY: _____

APPLICATION	<u>R 87497</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 2005 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 500.50

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ <u>500.50</u>	0202	RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **97333**

DATED: 7.31.09 BY: LAB

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 # 99955

INVOICE # _____

RECEIVED FROM: Mt. Hope Tree
BY: Farm LLC

APPLICATION	<u>R-84497</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 2019 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

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

WATER RIGHTS:	
0201 SURFACE WATER	\$
0203 GROUND WATER	\$
0205 TRANSFER	\$

WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTOR	\$
LANDOWNER'S PERMIT	\$
OTHER (IDENTIFY)	\$

EXAM FEE	
0202	\$
0204	\$

RECORD FEE	
0202	\$ <u>400.00</u>
0204	\$

LICENSE FEE	
0219	\$
0220	\$

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: 99955

DATED: 5-13-10 BY: 212

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

R-87394

copied
from
R-87397

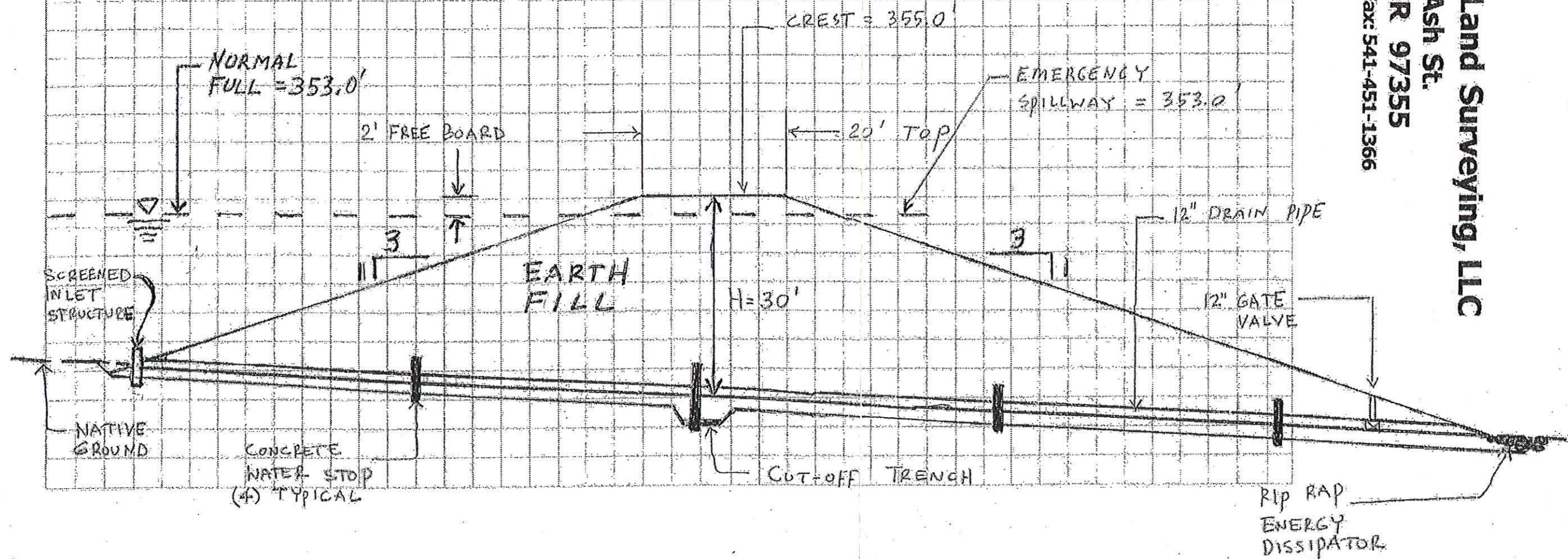
SULLIVAN RESERVOIR

2-26-99

POND # 3

PRELIMINARY DESIGN

* THE DAM WILL BE DESIGN WITH AN
EMERGENCY SPILLWAY CAPABLE OF
FLOWING A 100-YR STORM FROM THE
UP STREAM BASIN. THE SPILLWAY WILL
BE AROUND THE DAM IN NATIVE SOIL.



Ph: 541-451-5125 Fax: 541-451-1366

Lebanon, OR 97355

63 East Ash St.

Udell Engineering & Land Surveying, LLC