

REINSTATED

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

Application No. R 87397  
 Permit No. R 14785  
 Certificate No. 97445

FEES PAID

| Date       | Amount    | Receipt No. |
|------------|-----------|-------------|
| 2/20/09    | 982.00    | 95684       |
| 9-22-09    | 400.00    | 97910       |
| 5-7-2021   | 520.00    | 135181      |
| 12-20-2021 | 4230.00   | 137129      |
|            | Cert. Fee |             |

Priority 2-2d-2009  
 County LINN WM# 2

Denied \_\_\_\_\_  
 Misfiled \_\_\_\_\_  
 Withdrawn \_\_\_\_\_  
 Cancelled 4/22/21 Volume 120 Page 231

FEES REFUNDED

| Date | Amount | Receipt No. |
|------|--------|-------------|
|      |        |             |
|      |        |             |
|      |        |             |

RELATED FILES

ASSIGNMENTS

| Date | To Whom | Address |
|------|---------|---------|
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |
|      |         |         |

DEVELOPMENT

Completion 10-9-2014  
 Extended to \_\_\_\_\_  
 Final Proof received 12-20-2021  
~~Proposed~~ Cert. Mailed 11-17-2023

REMARKS

Reinstated 6/8/2021, S.O.V. No. Pg. 754

MAP LOCATION



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 # 95684

INVOICE # \_\_\_\_\_

RECEIVED FROM: Udell Engineering + Land  
BY: Surveying, LLC

APPLICATION R-87397  
PERMIT  
TRANSFER

CASH: ☐ CHECK: # 35594 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 982.00

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 \$ 982.00 0202 \$  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$

WELL CONSTRUCTION

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

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION \$

RECEIPT: 95684 DATED: 2/20/09 BY: L Bell

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

# Mailing List for Final Certificate

**Application:** R-87397

**Permit:** R-14785

**Certificate:** 97445

**Permit/Certificate Holder:**

ALTON E. SULLIVAN  
DIXIE 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 Certificate to be sent to:**

1. Watermaster District #: 16
2. Vault
3. File

**Other persons to receive copies: (include map):**

4. ENVIROLOGIC RESOURCES, INC  
NANCY EAST-SMITH  
PO BOX 80762  
PORTLAND, OR 97280

|                      |                              |
|----------------------|------------------------------|
| <b>Copies Mailed</b> |                              |
| by:                  | <u>KMWF</u><br>(STAFF)       |
| on:                  | <u>NOV 17 2023</u><br>(DATE) |

## 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 |

**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.



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.

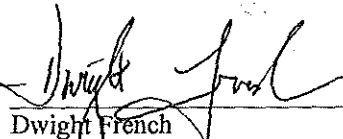
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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.

NOV 17 2023

Issued \_\_\_\_\_



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

# Mailing List for Proposed Certificate

Application: R-87397

Permit: R-14785

Certificate:

Permit/Certificate Holder:

ALTON E. SULLIVAN  
DIXIE 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 Proposed Certificate to be sent to:**

1. Watermaster District #: 16
2. File

**Other persons to receive copies: (include map):**

1. NANCY EAST-SMITH, CWRE

|                      |                              |
|----------------------|------------------------------|
| <b>Copies Mailed</b> |                              |
| by:                  | <u>KMWF</u><br>(STAFF)       |
| on:                  | <u>AUG 15 2023</u><br>(DATE) |





# Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

Date Mailed: **AUG 15 2023**

Reference: Application R-87397 Permit R-14785

## PROPOSED

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-979-9895.

If you have any questions please contact Codi Holmes at 503-979-3184.

Sincerely,

Dwight French  
Administrator  
Water Right Services

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 Dam Safety 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 \_\_\_\_\_

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

**PROPOSED**

STATE OF OREGON

COUNTY OF LINN

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON, OR 97355

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 1, POND 2, AND POND 3

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

MAXIMUM VOLUME: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, AND 65.0 AF IN POND 3

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

DATE OF PRIORITY: FEBRUARY 20, 2009

THE AREA SUBMERGED BY POND 1, WHEN FULL, WILL BE 6.16 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 16.0 FEET.

THE AREA SUBMERGED BY POND 2, WHEN FULL, WILL BE 2.88 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 14.0 FEET.

THE AREA SUBMERGED BY POND 3, WHEN FULL, WILL BE 8.36 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 30.0 FEET.

DAM LOCATION:

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 NE CORNER, SECTION 5



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

| <u>POND 1</u>                         | <u>POND 2</u>                                  | <u>POND 3</u>                                                          |
|---------------------------------------|------------------------------------------------|------------------------------------------------------------------------|
| SE $\frac{1}{4}$ SW $\frac{1}{4}$     | SECTION 4                                      |                                                                        |
|                                       | SECTION 5                                      | NE $\frac{1}{4}$ SE $\frac{1}{4}$<br>SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$     | NE $\frac{1}{4}$ NW $\frac{1}{4}$<br>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 the reservoir(s). 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 pass all live flow outside the storage season described above.

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



The Director may require the user to measure inflow and outflow, above and below each 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.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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 *OCTOBER 9 2009*



for Phillip C. Ward, Director  
Water Resources Department

## PERMIT

## MEMO -Proof to Satisfaction

|                                       |                       |                                        |
|---------------------------------------|-----------------------|----------------------------------------|
| Application # <b>2 87397</b>          | Permit #              | Permit Amendment (T-FILE)# <b>Full</b> |
| WRD Reviewer (CW) <b>holmes</b>       | Date <b>June 23</b>   |                                        |
| WRD Peer Reviewer (PR) <b>J Skene</b> | Date <b>July 2023</b> |                                        |
| Related Files:                        |                       |                                        |

| CW                                  | PR                                  | RESEARCH                                                                                                                                                                                                                                                      |
|-------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>Organize:</b> file in chronological Order; Pull following items from paper file:                                                                                                                                                                           |
|                                     |                                     | <input checked="" type="checkbox"/> CBU Report/Map <input type="checkbox"/> App (Permit) Map <input type="checkbox"/> Assignment <input type="checkbox"/> Extension                                                                                           |
|                                     |                                     | <input type="checkbox"/> Fish Screen Doc <input type="checkbox"/> Pump Test <input type="checkbox"/> n/a <input type="checkbox"/> SWL (paper) <input type="checkbox"/> n/a <input type="checkbox"/> Water Use Charts                                          |
|                                     |                                     | <input type="checkbox"/> Permit Amendment <input type="checkbox"/> n/a                                                                                                                                                                                        |
|                                     |                                     | <b>Electronic Application Folder:</b>                                                                                                                                                                                                                         |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Create CBU folder <input checked="" type="checkbox"/> Create Work Packet folder                                                                                                                                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>Scan:</b> Above documents into "CBU Folder"                                                                                                                                                                                                                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>Save other docs electronically:</b> save these in the Work Packet folder per naming conventions                                                                                                                                                            |
|                                     |                                     | <input checked="" type="checkbox"/> Permit <input type="checkbox"/> Transfer Order <input checked="" type="checkbox"/> POU Report (conflict) <b>none</b> <input checked="" type="checkbox"/> Water Use Report                                                 |
|                                     |                                     | <input type="checkbox"/> SWL (GW) <input checked="" type="checkbox"/> n/a <input checked="" type="checkbox"/> OrMap Tax Lot Map <b>1251W5 400</b> <input checked="" type="checkbox"/> Ownership Report <b>SAME</b> <input type="checkbox"/> BLM Map           |
|                                     |                                     | <input type="checkbox"/> PT Approve/Deny <input checked="" type="checkbox"/> n/a <input type="checkbox"/> Dam Safety <input type="checkbox"/> n/a <input type="checkbox"/> Mitigation <input checked="" type="checkbox"/> n/a <input type="checkbox"/> Others |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <b>Search :</b>                                                                                                                                                                                                                                               |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> Interactive Mapper <input type="checkbox"/> AOI <input type="checkbox"/> n/a <input type="checkbox"/> Map and TaxLot <input type="checkbox"/> New Owner & Address:                                                                   |
|                                     |                                     | Research Comments:                                                                                                                                                                                                                                            |

3 Ponds: 1-23 AF 2:14 AF 3:65 AF

## REVIEW OF CLAIM: Comments on Second Page

| Required By Permit/Order                                                                                    | Complied Y/N                                                     | CONDITIONS             | NOTES:                   |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------|--------------------------|
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a            | <input type="checkbox"/> Y <input type="checkbox"/> N            | Fish Condition         | <b>NOT @ THIS TIME</b>   |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a            | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Meter/Measuring Device | <b>STAFF GAGE</b>        |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a            | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Water Use Reporting    | <b>SHALL 2022 only</b>   |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a            | <input type="checkbox"/> Y <input type="checkbox"/> N            | Pump Test              |                          |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a            | <input type="checkbox"/> Y <input type="checkbox"/> N            | SWL (Month)            |                          |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Dam Safety             | <b>YES →</b>             |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a            | <input type="checkbox"/> Y <input type="checkbox"/> N            | Well Id                |                          |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a            | <input type="checkbox"/> Y <input type="checkbox"/> N            | Other:                 |                          |
| <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a                       | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | C-date <b>5 YRS</b>    | Ext C-date <b>9/2021</b> |

OCT 9 2014

REVIEW OF MAP: ☐ Yes ☐ No is a REVISED Map required?

| CW                                  | PR                       | Notes:                          |
|-------------------------------------|--------------------------|---------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Verify POA/POD Location         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Verify POU                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | POU clearly identified use type |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | DLC/GOV'T LOT                   |

## RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

| POD/POA PERMIT | POD/POA CLAIM | PERMITTED RATE | CLAIM RATE | CALCULATED RATE | NOTES: |
|----------------|---------------|----------------|------------|-----------------|--------|
|                |               |                |            |                 |        |
|                |               |                |            |                 |        |
|                |               |                |            |                 |        |
|                |               |                |            |                 |        |



**DETERMINATION:**

| CW                       | PR                       | DOCUMENT                 | NOTES: |
|--------------------------|--------------------------|--------------------------|--------|
| <input type="checkbox"/> | <input type="checkbox"/> | LETTER FOR CLARIFICATION |        |
| <input type="checkbox"/> | <input type="checkbox"/> | DRAFT (PLEASE EXPLAIN)   |        |
| <input type="checkbox"/> | <input type="checkbox"/> | PROPOSED                 |        |
| <input type="checkbox"/> | <input type="checkbox"/> | FINAL                    |        |
| <input type="checkbox"/> | <input type="checkbox"/> | PROPOSED ORDER TO CANCEL |        |

**FINAL CHECKS: Review your document; BEFORE printing proposed for Support**

| CW                       | PR                       | DID YOU CHECK?                                              | NOTES:                                                                              |
|--------------------------|--------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | DATA REVIEW                                                 |                                                                                     |
|                          |                          | <input type="checkbox"/> POA/POD/DAM<br>TABLES/DESCRIPTIONS | <input type="checkbox"/> PLACE OF USE TABLES,<br>INCLUDING ACRES FOR GOV'T LOTS/DLC |
| <input type="checkbox"/> | <input type="checkbox"/> | SPELL CHECKED DOC                                           |                                                                                     |
| <input type="checkbox"/> |                          | CERT NUMBER ISSUED                                          | CERT #                                                                              |

**EXTRAS: BEFORE Printing your Final Certificate**

| CW                       | PR                       | DID YOU CHECK?                                        | NOTES: |
|--------------------------|--------------------------|-------------------------------------------------------|--------|
| <input type="checkbox"/> | <input type="checkbox"/> | DATA REVIEW COMMENTS                                  |        |
| <input type="checkbox"/> | <input type="checkbox"/> | SPELL CHECKED DOC BEFORE<br>FINAL CERTIFICATE PRINTED |        |

**CASEWORKER REVIEW COMMENTS:****PEER REVIEWER COMMENTS:**

OCT1 - MAY1 102AF

· FIRE PROTECTION

· FISH CULTURE

· WILDLIFE

CLAIM POND 3 = TOTAL OF ALL RES



**Oregon**  
Kate Brown, Governor

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

January 4, 2022

Alton & Dixie Sullivan  
PO Box 2118  
Lebanon OR 97355

On December 20, 2021 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application R-87397 Permit R-14785

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time, we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file R-87397  
Nancy A East Smith, CWRE

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 # **137129**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Alton E. Sullivan  
BY: Dixie B. Sullivan

|             |                |
|-------------|----------------|
| APPLICATION | <u>R-87597</u> |
| PERMIT      |                |
| TRANSFER    |                |

CASH: ☐ CHECK:# ☒ 4646 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 230.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

|                    |          |      |            |
|--------------------|----------|------|------------|
| 0201 SURFACE WATER | EXAM FEE | 0202 | RECORD FEE |
| 0203 GROUND WATER  | \$       | 0204 | \$         |
| 0205 TRANSFER      | \$       |      |            |

**WELL CONSTRUCTION**

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

0200 OTHER (IDENTIFY) COB4 \$230.00

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

|                                 |    |
|---------------------------------|----|
| 0233 POWER LICENSE FEE (FW/WRD) | \$ |
| 0231 HYDRO LICENSE FEE (FW/WRD) | \$ |
| HYDRO APPLICATION               | \$ |

**TREASURY OTHER / RDX**

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

RECEIPT: **137129**

DATED: 12-20-2021 BY: [Signature]

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



**CLAIM OF  
BENEFICIAL USE  
for Reservoir Permits by CWRE's  
(not self-certified)**

**OREGON** Oregon Water Resources  
**WATER RESOURCES** Department  
**DEPARTMENT** 725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

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**A fee of \$230 must accompany this form for permits  
with priority dates of July 9, 1987, or later.  
Claims received without the correct fee of \$200 will be returned.**

**A separate form shall be completed for each permit.**

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1**

**GENERAL INFORMATION**

**1. File Information**

| APPLICATION # | PERMIT # (IF APPLICABLE) | PERMIT AMENDMENT # (IF APPLICABLE) |
|---------------|--------------------------|------------------------------------|
| R-87397       | R-14785                  | None                               |

**2. Property Owner (current owner information)**



|                                                            |                    |                                  |                        |
|------------------------------------------------------------|--------------------|----------------------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Alton and Dixie Sullivan</b> |                    | PHONE NO.<br><b>541 979 6456</b> | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>PO Box 2118</b>                              |                    |                                  |                        |
| CITY<br><b>Lebanon</b>                                     | STATE<br><b>OR</b> | ZIP<br><b>97355</b>              | E-MAIL<br><b>None</b>  |

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. **Each** permit holder of record must sign this form.

**3. Permit holder of record (this may, or may not, be the current property owner)**

|                                                            |                    |                     |  |
|------------------------------------------------------------|--------------------|---------------------|--|
| PERMIT HOLDER OF RECORD<br><b>Alton and Dixie Sullivan</b> |                    |                     |  |
| ADDRESS<br><b>PO Box 2118</b>                              |                    |                     |  |
| CITY<br><b>Lebanon</b>                                     | STATE<br><b>OR</b> | ZIP<br><b>97355</b> |  |

|                                    |       |     |
|------------------------------------|-------|-----|
| ADDITIONAL PERMIT HOLDER OF RECORD |       |     |
| ADDRESS                            |       |     |
| CITY                               | STATE | ZIP |

**4. Date of Site Inspection:**

Nov 2, 2021

**5. Person(s) interviewed and description of their association with the project:**

| NAME           | DATE        | ASSOCIATION WITH THE PROJECT |
|----------------|-------------|------------------------------|
| Alton Sullivan | Nov 2, 2021 | Permit and Property Owner    |
| Brian Vandetta | Nov 2, 2021 | Design Engineer              |

**6. County**

Linn

**7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):**

|                                          |       |     |
|------------------------------------------|-------|-----|
| OWNER OF RECORD<br><b>Not Applicable</b> |       |     |
| ADDRESS                                  |       |     |
| CITY                                     | STATE | ZIP |

Add additional tables for owners of record as needed

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**SECTION 2  
SIGNATURES**

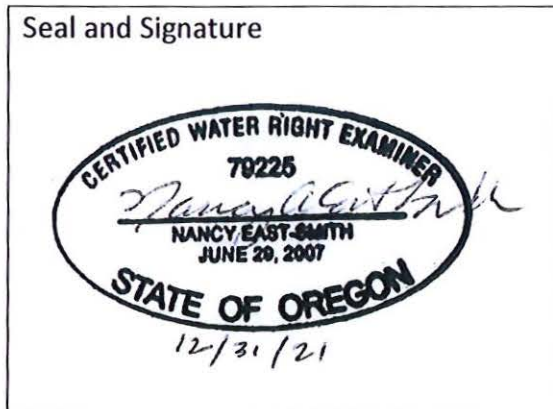
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CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



|                                        |                    |                                  |                                               |
|----------------------------------------|--------------------|----------------------------------|-----------------------------------------------|
| CWRE NAME<br><b>Nancy A East Smith</b> |                    | PHONE NO.<br><b>503 860-9658</b> | ADDITIONAL CONTACT NO.<br><b>503 768 5121</b> |
| ADDRESS<br><b>PO Box 80762</b>         |                    |                                  |                                               |
| CITY<br><b>Portland</b>                | STATE<br><b>OR</b> | ZIP<br><b>97280</b>              | E-MAIL<br><b>nancyesmith@h2ogeo.com</b>       |

Permit Holder's of Record Signature or Acknowledgement

Each permit or transfer holder of record must sign this form in the space provided below.

| SIGNATURE | PRINT OR TYPE NAME | TITLE | DATE       |
|-----------|--------------------|-------|------------|
|           | ALTON SULLIVAN     |       | 12-07-2021 |
|           | Dixie Sullivan     |       | 12-16-2021 |
|           |                    |       |            |
|           |                    |       |            |
|           |                    |       |            |

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

# Checklist for Claims of Beneficial Use Received at CSG Counter

|               |                  |              |        |
|---------------|------------------|--------------|--------|
| Application # | R 87 397         | WRD Reviewer | Holmes |
| Transfer #    |                  |              |        |
| Date Received | Dec. 20 2021     |              |        |
| CWRE Name     | Nancy East-Smith |              |        |

## Priority Date:

## Fees Required:

☒ YES NO A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES NO A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App  
or Transfer  
Number

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

## Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

| MONEY SLIP                     |                            |                  |                |
|--------------------------------|----------------------------|------------------|----------------|
| DATE:                          | RECEIPT #:                 |                  |                |
| RECEIVED FROM:                 | APPLICATION                |                  |                |
|                                | PERMIT                     |                  |                |
|                                | TRANSFER                   |                  |                |
| CASH                           | CHECK #                    | OTHER (IDENTIFY) | TOTAL REC'D \$ |
|                                |                            |                  |                |
| 1081 TREASURY                  | 4178 MISC CASH ACCT.       |                  |                |
| 0407 COPIES                    | (IDENTIFY)                 |                  |                |
| 0407 OTHER                     | (IDENTIFY)                 |                  |                |
| 0243 Instream Lease            | 0244 Min. Water Right Plan | 0245 Cons. Water |                |
| 1081 TREASURY                  | 4178 MISC OPERATING ACCT.  |                  |                |
| MISCELLANEOUS                  |                            |                  |                |
| 0407 COPY & TAPE FEES          | 4611                       |                  |                |
| 0410 RESEARCH FEES             |                            |                  |                |
| 0408 MISC REVENUE (IDENTIFY)   |                            |                  |                |
| TC-103 DEPOSIT LAB. (IDENTIFY) |                            |                  |                |
| 0240 EXTENSION OF TIME         |                            |                  |                |
| WATER RIGHTS                   |                            |                  |                |
| 0201 SURFACE WATER             | EXAM FEE                   | 0202             | RECORD FEE     |
| 0203 GROUND WATER              |                            | 0204             |                |
| 0205 TRANSFER                  |                            |                  |                |
| WELL CONSTRUCTION              |                            |                  |                |
| 0218 WELL DRILL CONSTRUCTION   | EXAM FEE                   | 0219             | RECORD FEE     |
| LANDOWNER'S PERMIT             |                            | 0220             |                |
| 0200 OTHER (IDENTIFY)          | COBU                       |                  |                |
| 0407 TREASURY                  | 0487 HYDROELECTRIC         |                  |                |
| 0223 POWER LICENSE FEE (HYDRO) | LIC. NUMBER                |                  |                |
| 0221 HYDRO LICENSE FEE (HYDRO) |                            |                  |                |
| HYDRO APPLICATION              |                            |                  |                |
| SPECIAL INSTRUCTIONS:          |                            |                  |                |

☐ RETURN TO APPLICANT - LETTER ATTACHED

## Groundwater File Review:

Pump Test Required? YES NO Pump Test Submitted? YES NO\*

\*If no, include pump test flyer w/acknowledgment letter



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December 14, 2021  
10478.001

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

**Subject:** Claim of Beneficial Use  
Permit R-14785  
Alton and Dixie Sullivan  
Linn County, Oregon

**Attention:** Codi Holmes  
Certificate Specialist

On behalf of Alton and Dixie Sullivan, we have prepared the enclosed Claim of Beneficial Use (COBU) report for Permit R-14785. We appreciate how helpful you and the Department have been in getting this project complete. If you have any questions or comments please contact us at (503) 768-5121.

Sincerely,  
*EnviroLogic Resources, Inc.*

*Nancy East-Smith*

Nancy East-Smith, RG, CWRE  
Senior Project Geologist

*Nancy East-Smith*

Thomas J. Calabrese, RG, CWRE  
Principal Hydrogeologist

Enclosure: COBU Report R-14785

**SECTION 3**  
**CLAIM DESCRIPTION**

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**1. Reservoir source and, if from surface water, the tributary:**

| RESERVOIR<br>NAME OR NUMBER | SOURCE | TRIBUTARY       |
|-----------------------------|--------|-----------------|
| Pond 3                      | Runoff | Onehorse Slough |
|                             |        |                 |
|                             |        |                 |
|                             |        |                 |

**2. Developed use(s), period of use, and acre foot (af) for each use:**

| RESERVOIR<br>NAME OR NUMBER    | USES                                       | SEASON OR MONTHS<br>WHEN WATER<br>WAS APPROPRIATED FOR<br>STORAGE | VOLUME STORED<br>(AF) |
|--------------------------------|--------------------------------------------|-------------------------------------------------------------------|-----------------------|
| Pond 3                         | Fire Protection, Fish<br>Culture, Wildlife | Oct 1 to May 1                                                    | 102.0 AF              |
|                                |                                            |                                                                   |                       |
|                                |                                            |                                                                   |                       |
|                                |                                            |                                                                   |                       |
| Total Quantity of Water Stored |                                            |                                                                   | 102.0 AF              |

**3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:**

Runoff from unnamed draw (tributary to Onehorse Slough) is captured at southwest end of Pond 3. Outflow structure is at northwest corner of Pond 3.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

**4. Variations:**

Was the use developed differently from what was authorized by the permit, YES  
permit amendment final order, or extension final order? If yes, describe below.

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

The permit allowed for storage of 102.0 AF in three ponds. Only Pond 3 was completed. All of the allowed storage occurs in Pond 3, which was constructed within the size limits as identified in the permit. At the time of the site visit the permitted amount of water was being stored.

**5. Claim Summary:**

| RESERVOIR NAME OR # | MAXIMUM STORAGE AUTHORIZED BY<br>PERMIT (AF) | MAXIMUM STORAGE DEVELOPED<br>(AF) |
|---------------------|----------------------------------------------|-----------------------------------|
| Pond 3              | 102                                          | 127                               |
|                     |                                              |                                   |



**SECTION 4**  
**SYSTEM DESCRIPTION**

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Are there multiple reservoirs?

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NO

If "YES" you will need to copy and complete Sections A through E for each reservoir.

Reservoir Name or Number this section describes (only needed if there is more than one):

**A. Reservoir Location**

1. Is the reservoir on-channel?

YES

2. Provide dam outlet location .

| TWP | RNG | MER | SEC | QQ   | GLOT | DLC | MEASURED DISTANCES                                                 |
|-----|-----|-----|-----|------|------|-----|--------------------------------------------------------------------|
| 12S | 1W  | WM  | 5   | NESE |      |     | 711 ft west and 3691 ft south of NE corner of Sec 5, T 12 S, R 1 W |
|     |     |     |     |      |      |     |                                                                    |

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Glot), and Quarter-Quarters (QQ).

**B. Diversion and Delivery System Information**

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

NO

6. Additional notes or comments related to the system:

The source of water is run off so there is no specific in bound delivery system. Allowed uses are in reservoir uses only, there is no out flow delivery system.

**C. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

**D. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

If "NO", items 2 through 4 relating to this section may be deleted.



## E. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications? **No**  
Unless there were deviations during construction.

There were no significant deviations during construction. However, as-builts were submitted in 2019 and approved by the Dam Safety Section.

*If "YES", answer item 2; items 3 through 8 relating to this section may be deleted.*

*If "NO", skip items 2; answer items 3 through 8.*

### 2. Complete the table:

| HAVE THE DOCUMENTS BEEN<br>SUBMITTED?<br>YES OR NO | WHEN WERE THE DOCUMENTS<br>SUBMITTED? | HAVE THEY BEEN APPROVED<br>BY THE DEPARTMENT? | NUMBER OF ACRE FEET<br>STORED |
|----------------------------------------------------|---------------------------------------|-----------------------------------------------|-------------------------------|
| Yes                                                | May 2019                              | Yes                                           | 102.0                         |

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## SECTION 5

### CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

#### 1. Time Limits:

Permits and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or extension final order:

|                                   | DATE FROM PERMIT | DATE ACCOMPLISHED* | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS |
|-----------------------------------|------------------|--------------------|---------------------------------------------------------------------------|
| ISSUANCE DATE                     | 10/9/2009        |                    |                                                                           |
| BEGIN CONSTRUCTION (A)            | Not lited        | June, 2010         | Construction Started                                                      |
| COMPLETE CONSTRUCTION (B)         | Oct 9, 2014      | Sept, 2010         | Construction Completed                                                    |
| COMPLETE APPLICATION OF WATER (C) | Oct 9, 2014      | Sept, 2011         | Volume stored, beneficial uses achieved.                                  |

\* must be within period between permit or any extension final order issuance and the date to completely apply water

#### 2. Is there an extension final order(s)?

NO

#### 3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? YES

The requirement is for installation of a staff gage, not a meter.

*If "NO", items b through f relating to this section may be deleted.*

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed?

Not Applicable

A staff gage is installed. Gage is currently installed on a piling for the west dock. Gage reading of 11 feet corresponds to elevation 451 as surveyed by Udell Engineering & Surveying LLC. On the stage storage volume graph this corresponds to a storage volume of 102 AF. This is a replacement gage, prior to this installation water elevation was determined from water level relative to outflow structure. If water level falls below gage level water elevation would be measured from the outflow structure which has a known elevation.

#### 4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

YES

*If "NO", item b relating to this section may be deleted.*

b. Have the reports been submitted?

NO

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If the reports have not been submitted, attach a copy of the reports if available.

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## 5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit?

YES

If "NO", items b through c relating to this section may be deleted.

b. Has the outlet pipe been installed?

YES

If "YES", items c relating to this section may be deleted.

## 6. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

## 7. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

## 8. Other conditions required by permit, permit amendment final order, or extension final order

a. Was the water user required to restore the riparian area if it was disturbed? YES

b. Was a fishway required? NO

c. Was submittal of a letter from an engineer required prior to storage of water? YES

d. Was submittal of a water management and conservation plan required? NO

e. Other conditions? YES

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

8a. Riparian areas were restored in compliance with permit.

8c. Status of original notification is unknown. See Attachment A and B.

8e 2) Permit holder complies with storage, pass through, and no release season as conditioned in permit.

8e 3) Dam construction conditions were complied with. See Attachment B

8e 4) Dam height and submerged area comply with permit conditions. See Attachments B and C



**SECTION 6**  
**ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

| ATTACHMENT NAME | DESCRIPTION                                 |
|-----------------|---------------------------------------------|
| A               | WRD Correspondence, Permit R-14785 and Map  |
| B               | As Built Plans and Construction Information |
| C               | Survey Information                          |
| D               | Water Use Reporting                         |

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## SECTION 7

### CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Map was prepared by Udell Engineering and Surveying LLC using GPS equipment working from the ODOT-ORGN network along with the Google Earth Public Land Survey System kmzl overlay to determine locations.

During the COBU site visit field locations were documented using a hand held GPS device in conjunction with Linn County GIS maps and on line information and Google Earth imagery and tools.

### Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film.
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☐ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water *RUN OFF*
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☐ CWRE stamp and signature

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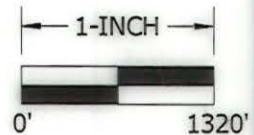
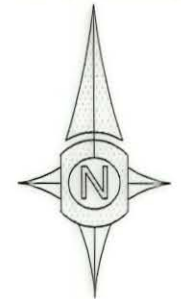
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# COBU - POND #3 APPLICATION R-87397 PERMIT R-14785

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

SCALE: 1" = 1320'

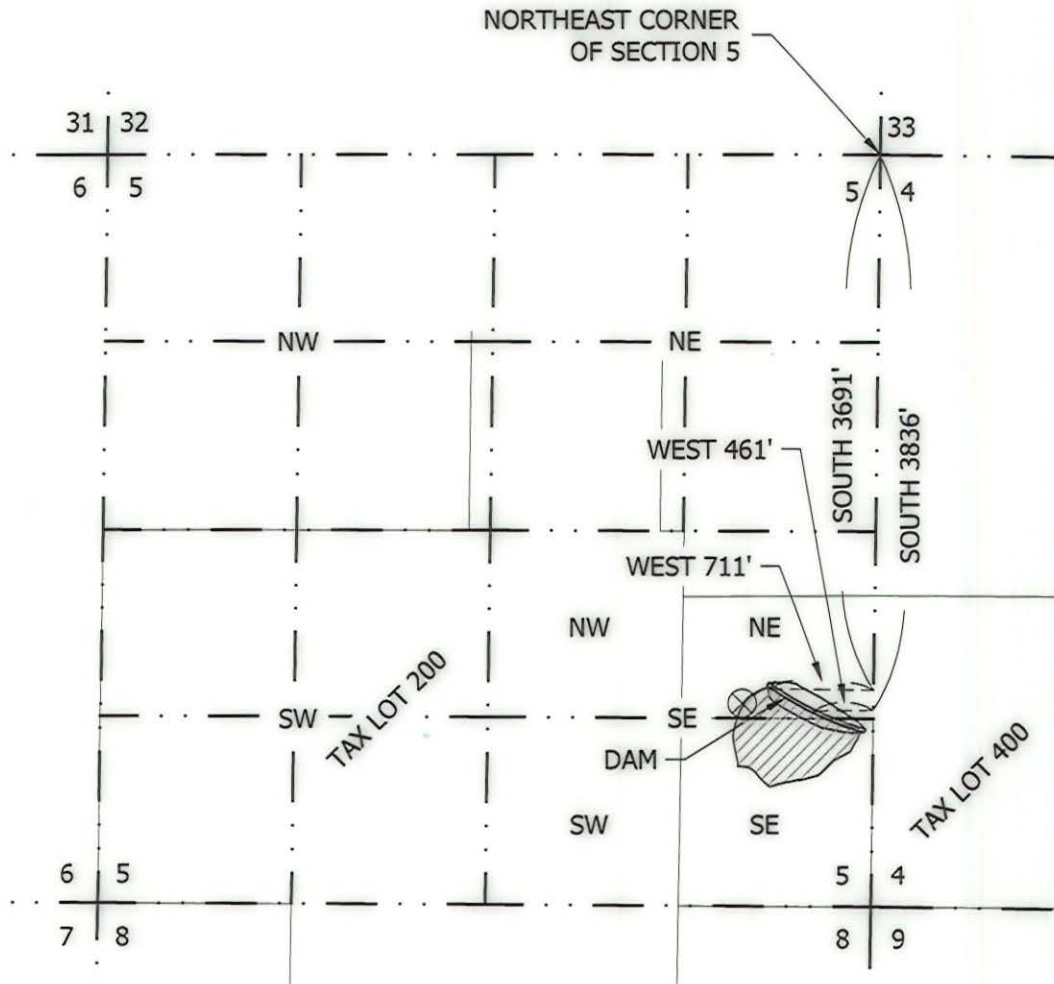


OWNER:  
ALTON E. SULLIVAN  
P.O. BOX 2118  
LEBANON, OR. 97355

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

WATER RIGHTS EXAMINER:  
ENVIROLOGIC 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



## 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.

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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 RESERVOIR WTR RTS



From HOLMES Codi N \* WRD <Codi.N.Holmes@oregon.gov> ★

Reply Reply All Forward More

9/24/2021, 9:22 AM

Subject Sullivan- R87397

To Me★

To protect your privacy, Thunderbird has blocked remote content in this message.

Options X

Nancy-

I was finally able to locate this file.

1. George Robison and Barry Norris reviewed and approved the construction drawings on Aug. 21, 2009. I am unsure at where copies of those are, maybe via email that never made it to the application file OR dam safety files. However, with his email and the current dam safety ok- I'll accept that as condition met.
2. I believe that all the time sensitive conditions are met.
3. A permit amendment is not necessary at this time. The Dam is in the foot print as proposed and the dam is under the authorized height and the capacity is for the total of the permit.
4. I am aware you are working hard on finishing the claim and working with your timeframe is good with me.

Thank you for your patience as I haven't been in the office and processes had a MIA file for a while. Please let me know if you need anything else.

Codi Holmes

Certificate Specialist

Oregon Water Resources

725 Summer St NE Suite A

Salem OR 97301

503-979-3184 cell / 503-986-0887 office (only in office every other week)



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



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STATE OF OREGON

COUNTY OF LINN

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PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON, OR 97355

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 1, POND 2, AND POND 3

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

MAXIMUM VOLUME: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, AND 65.0 AF IN POND 3

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

DATE OF PRIORITY: FEBRUARY 20, 2009

THE AREA SUBMERGED BY POND 1, WHEN FULL, WILL BE 6.16 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 16.0 FEET.

THE AREA SUBMERGED BY POND 2, WHEN FULL, WILL BE 2.88 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 14.0 FEET.

THE AREA SUBMERGED BY POND 3, WHEN FULL, WILL BE 8.36 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 30.0 FEET.

DAM LOCATION:

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 NE CORNER, SECTION 5



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

| <u>POND 1</u>                         | <u>POND 2</u>                                  | <u>POND 3</u>                                                          |
|---------------------------------------|------------------------------------------------|------------------------------------------------------------------------|
| SE $\frac{1}{4}$ SW $\frac{1}{4}$     | SECTION 4                                      |                                                                        |
|                                       | SECTION 5                                      | NE $\frac{1}{4}$ SE $\frac{1}{4}$<br>SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$     | NE $\frac{1}{4}$ NW $\frac{1}{4}$<br>SECTION 9 |                                                                        |
| TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M. |                                                |                                                                        |

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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(s). 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 pass all live flow outside the storage season described above.

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



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PAGE 3

The Director may require the user to measure inflow and outflow, above and below each 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.



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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.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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 *OCTOBER 9 2009*

*E. Timothy Wall*

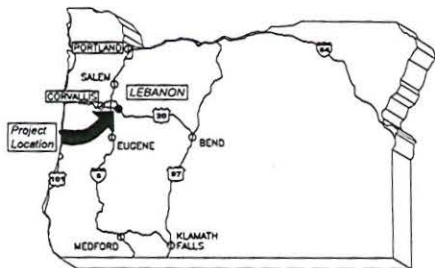
for Phillip C. Ward, Director  
Water Resources Department

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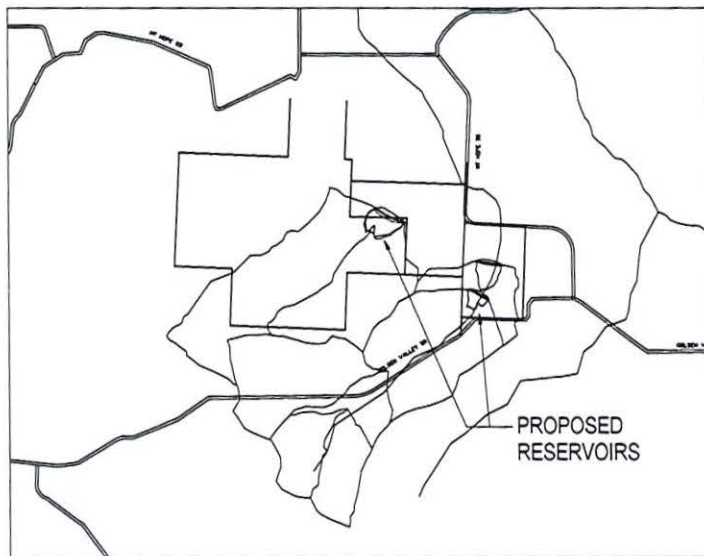
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LOCATION MAP



VICINITY MAP NOT TO SCALE

# INDEX

- 1 - COVER SHEET
- 2 - CONSTRUCTION NOTES
- 3 - VICINITY AND WATER SHED MAP
- 4 - WEST RESERVOIR LAYOUT
- 5 - POND PROFILE
- 6 - POND CENTERLINE AXIS PROFILE
- 7 - MAINTENANCE SECTIONS
- 8 - OUTLET AND OVERFLOW LAYOUT
- 9 - DETAILS

# PROPERTY

EAST RESERVOIR

MAP 125-1664

TAX LOT 806

WEST RESERVOIR

MAP 125-1665

TAX LOT 201 AND 400

# OWNER

ALTON E. SULLMAN

LEBANON, OR 97355

541-293-9115

# CIVIL ENGINEER/SURVEYOR

UDELL ENGINEERING AND LAND SURVEYING, LLC

61 E. 3RD STREET

LEBANON, OREGON 97355

(541) 451-5125

CLIENT:  
SULLIVAN CONSTRUCTION  
1000 S. 1ST STREET  
ALBANY, OREGON  
541-925-1292

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC  
61 E. 3RD STREET  
LEBANON, OREGON 97355  
(541) 451-5125  
(541) 451-5125 FAX

COVER SHEET  
SULLIVAN RESERVOIRS  
LEBANON, OREGON

DATE: 06/01/2021  
DRAWN BY: J. SULLIVAN  
CHECKED BY: J. SULLIVAN  
SCALE: AS SHOWN



# AS-BUILT

NOTE: AS-BUILT CONDITIONS FOR  
STORM DRAIN AND CONTIGUOUS ONLY.  
ALL OTHER DATA IS SHOWN PER DESIGN.

| PLAN REVISIONS       | DATE      |
|----------------------|-----------|
| AS-BUILT PREPARATION | 6/01/2021 |
|                      |           |
|                      |           |
|                      |           |
|                      |           |
|                      |           |

SCALE: SEE BARS/SCALE

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0095. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987).

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## GENERAL NOTES

- OWNER SHALL PROCURE AND CONFORM TO ALL PERMITS REQUIRED BY PUBLIC AND/OR PRIVATE AGENCIES HAVING JURISDICTION.
- ALL MATERIALS AND WORKMANSHIP FOR FACILITIES SHALL CONFORM TO GEO-TECHNICAL REPORT BY OGD CONSULTING, P.C., DATED
- THE CONTRACTOR SHALL PERFORM ALL WORK NECESSARY TO COMPLETE THE PROJECT IN ACCORDANCE WITH THE APPROVED CONSTRUCTION DRAWINGS INCLUDING SUCH MODIFICATIONS AS MAY BE NECESSARY TO MEET APPLICABLE AGENCY REQUIREMENTS AND PROVIDE A COMPLETE PROJECT.
- ANY INSPECTIONS BY OREGON WATER RESOURCES DEPARTMENT (OWRD), DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), OR ANY OTHER AGENCY, SHALL NOT, IN ANY WAY, RELIEVE THE CONTRACTOR FROM ANY OBLIGATION TO PERFORM THE WORK IN STRICT COMPLIANCE WITH THE APPLICABLE PLANS, CODES, AND AGENCY REQUIREMENTS.
- RECORD DRAWINGS: THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF APPROVED DRAWINGS ON THE CONSTRUCTION SITE AT ALL TIMES WHEREON HE WILL RECORD ANY APPROVED DEVIATIONS IN CONSTRUCTION FROM THE APPROVED DRAWINGS, AS WELL AS THE STATION LOCATIONS AND DEPTHS OF ALL EXISTING UTILITIES ENCOUNTERED. THESE FIELD RECORD DRAWINGS SHALL BE KEPT UP TO DATE AT ALL TIMES AND SHALL BE AVAILABLE FOR INSPECTION BY WRD UPON REQUEST.
- ELEVATIONS SHOWN ON THE DRAWINGS ARE BASED ON NAVD 88 DATUM. CONTRACTOR IS TO NOTIFY ENGINEER/SURVEYOR TWO WORKING DAYS PRIOR TO DISTURBING EXISTING SURVEY MONUMENT(S). SURVEYOR IS TO RESTORE FOR LINN COUNTY SURVEYOR REQUIREMENTS.
- THE LOCATION AND DESCRIPTIONS OF EXISTING UTILITIES SHOWN ON THE DRAWINGS ARE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. THE ENGINEER OR UTILITY COMPANIES DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF SUCH RECORDS. CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL LOCATE AND MARK ALL EXISTING PROPERTY AND STREET MONUMENTS PRIOR TO CONSTRUCTION. ANY MONUMENTS DISTURBED DURING CONSTRUCTION OF THE PROJECT SHALL BE REPLACED BY A REGISTERED LAND SURVEYOR AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL SEED ALL EXPOSED SLOPES AND DISTURBED AREAS.

## EXCAVATION NOTES

CONTRACTOR TO CONSTRUCT EARTH DAM PER GEO-TECH REPORT BY OGD CONSULTING, P.C., DATED

POND EXCAVATION SHALL HAVE MAXIMUM 2:1 SIDE SLOPES UNLESS OTHERWISE SPECIFIED ON PLANS.

EXISTING GROUND UNDERNEATH PROPOSED BERM SHALL BE STRIPPED AND GRUBBED 6", THEN SCARIFIED, MOISTURE CONDITIONED, AND COMPACTED TO MIN. 12" DEPTH.

EMBANKMENT FILL SHALL BE PLACED AND COMPACTED IN MAXIMUM 12" THICK LIFTS AT +1% TO +3% OF OPTIMUM MOISTURE TO 95% RELATIVE COMPACTION ACCORDING TO ASTM D998. EMBANKMENT SHALL HAVE MAXIMUM 3H:1V SIDE SLOPES. EMBANKMENT LIFTS TO BE APPROVED BY GEO-TECHNICAL ENGINEER.

CLAY CORE FILL SHALL BE PLACED AND COMPACTED IN MAXIMUM 8" THICK LIFTS AT +1% TO +3% OF OPTIMUM MOISTURE TO 95% R.C. ACCORDING TO ASTM D998. CUTOFF TRENCH SHALL HAVE SIDE SLOPES OF 1:1 RATIO AND SHALL EXTEND TO DEPTH OF BASE ROCK. EMBANKMENT LIFTS TO BE APPROVED BY GEO-TECHNICAL ENGINEER.

## PIPE NOTES

OUTFLOW CONDUIT SHALL BE PRESSURE CLASSED 150PSI MINIMUM.

OUTFLOW CONDUIT VALVE SHALL BE MANUAL FLANGED AND BE RATED MINIMUM 150PSI.

ALL DRAIN PIPES SHALL BE BEDDED AND BACKFILLED WITH CONTROLLED DENSITY FILL (CDF) TO BE EXTENDED A MINIMUM OF 12" OVER THE TOP OF THE PIPE IN ALL CASES.

## LEGEND

- - ABOVE GROUND UTILITY STRUCTURES
- RO - R.O.W.
- C - TOP OF CURB ELEVATION
- CB - CATCH BASIN
- CI - CURB INLET
- CO - CLEAN OUT
- CS - COUNTY SURVEY
- EX - EXISTING
- FD - FLOOD
- FI - FRESH FLOOR
- FW - FRESH WATER
- FL - FLOW LINE
- G 000.0 - FRESH GRADE ELEVATION
- G - GARBAGE COLLECTION POINT
- IR - IRON ROD
- IC - INVERT ELEVATION (FLOW LINE)
- IS - METER STOP IN METER BOX
- MH - MANHOLE
- P - PAVEMENT ELEVATION
- PP - UTILITY POLE
- PUE - PUBLIC UTILITY EASEMENT
- R - RADIUS
- R-00' - RADIUS
- R - RECYCLING COLLECTION POINT
- R.O.W. - RIGHT-OF-WAY
- SS - SANITARY SEWER
- SD - STORM DRAIN
- S.L. - STREET LIGHT
- TOC - TOP FACE OF CURB
- T.O.P. - TOP OF PINE
- TOB - TOP OF BANK ELEVATION
- V - SEWERAL ELEVATION
- Z - SANITARY SEWER SERVICE LATERAL
- A - EXISTING GAS VALVE
- S - EXISTING GAS VALVE
- W - EXISTING WATER VALVE
- FW - EXISTING FRESH WATER
- PO - EXISTING POWER POLE
- PO - NEW SURFACE GRADE
- DR - DRAIN DIRECTION
- E - PROPOSED ELECTRICAL TRANSFORMER
- EXISTING SS LINE
- EXISTING SS LINE
- EXISTING WATER LINE
- EXISTING OVERHEAD POWER LINE
- EXISTING FIELD FENCE
- SET TO IRON ROD WITH YELLOW PLASTIC CAP MARKED "NAD83A PLS 5047". COORDINATES SHOWN PER LOCAL DATUM. SEE SHEET 3 FOR RELATIONSHIP TO CONTIGUOUS CORNERS.
- TEST PIT LOCATIONS (SEE REPORT BY OGD CONSULTING, PC)

CLIENT:

SULLIVAN CONSTRUCTION  
PO BOX 299  
LEBANON, OREGON  
541.925.1972

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC

DEAN W. UDELL  
LEBANON, OREGON  
(503) 451-5145 TEL  
(503) 451-1968 FAX

CONSTRUCTION NOTES  
SULLIVAN RESERVOIRS  
LEBANON, OREGON

DATE: 12/20/2021  
DRAWN BY: J. SULLIVAN  
CHECKED BY: J. SULLIVAN  
SCALE: AS SHOWN

## AS-BUILT

NOTE: AS-BUILT CONDITIONS FOR UTILITY DRAWING AND CONTIGUOUS ONLY. ALL OTHER DATA IS SHOWN PER DESIGN.

| PLAN REVISIONS       | DATE      |
|----------------------|-----------|
| AS-BUILT PREPARATION | 5/15/2019 |
|                      |           |
|                      |           |
|                      |           |
|                      |           |
|                      |           |



REVISION: NONE IN 2021

|                     |
|---------------------|
| 2                   |
| 9                   |
| SCALE: SEE BARSCALE |

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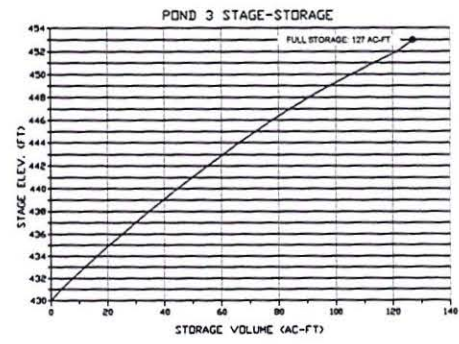
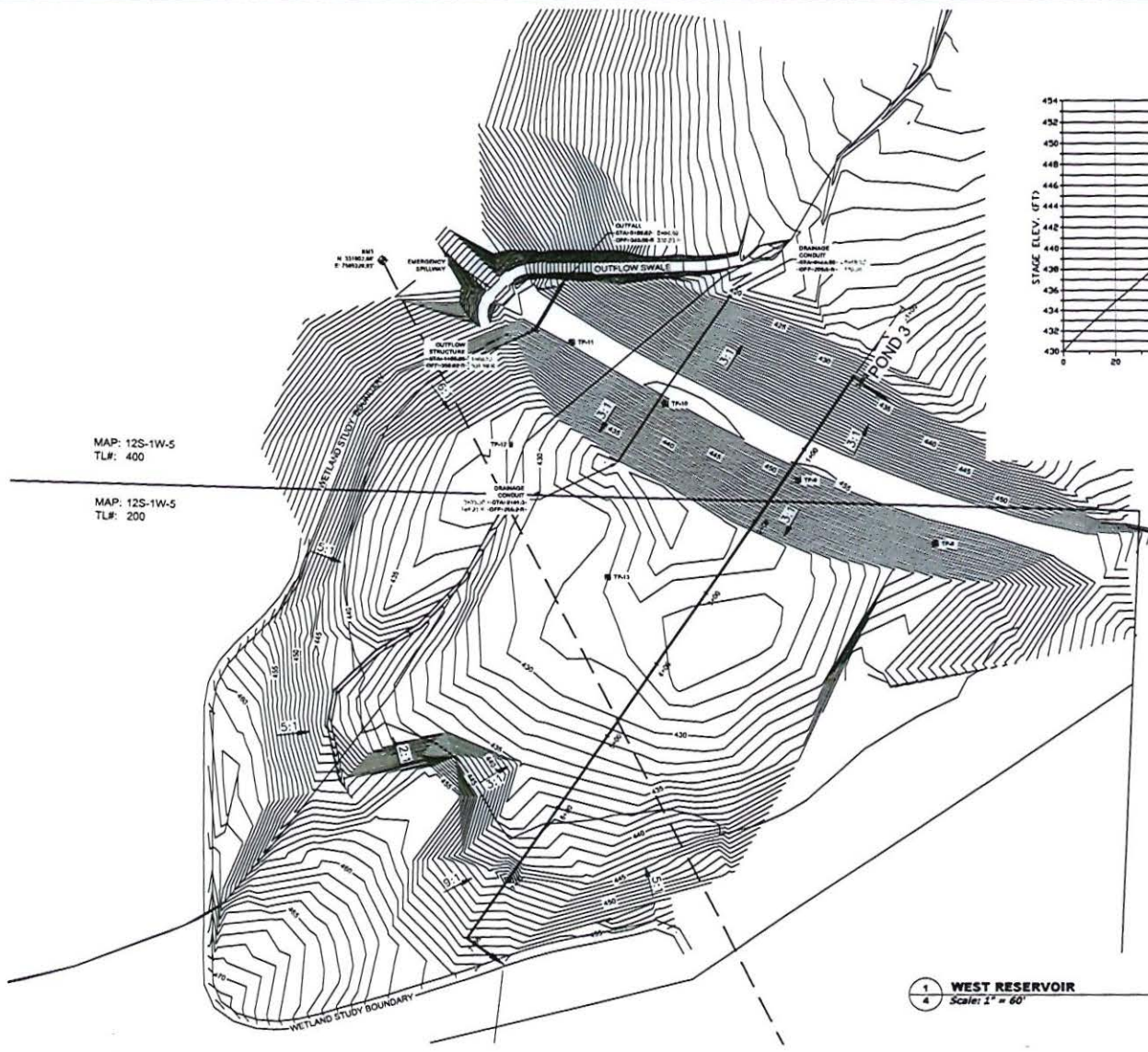
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MAP: 12S-1W-5  
T.M#: 400

MAP: 12S-1W-5  
T.M#: 200



**POND 3 VOLUMES**  
 CUT: 56,700 CY  
 FILL: 60,700 CY  
 NET CUT/FILL: +4,000 CY  
 WATER VOLUME: 127 AC-FT

**POND 3 ELEVATIONS**  
 BERM: 455.00'  
 FULL WATER SURFACE: 452.20'

- SET 1/2" IRON ROD WITH YELLOW PLASTIC CAP MARKED "VANDETTA PLS 51041". COORDINATES SHOWN FOR LOCAL DATUM. SEE SHEET 3 FOR RELATIONSHIP TO GOVERNMENT CORNERS.
- TEST PIT LOCATIONS (SEE REPORT BY GGD CONSULTING, PC)



**WEST RESERVOIR**  
 Scale: 1" = 60'

**AS-BUILT**  
 NOTE: AS-BUILT CONDITIONS FOR DFORM DRUM AND CONTOURS ONLY. ALL OTHER DATA IS SHOWN PER DESIGN.

| PLAN REVISIONS       | DATE     |
|----------------------|----------|
| AS-BUILT PREPARATION | SEP-2019 |
|                      |          |
|                      |          |
|                      |          |

**CLIENT:**  
 SULLIVAN CONSTRUCTION  
 PO BOX 209  
 LEBANON, OREGON  
 97036-0209  
 (503) 451-1512 FAX  
 (503) 451-1500 FAX

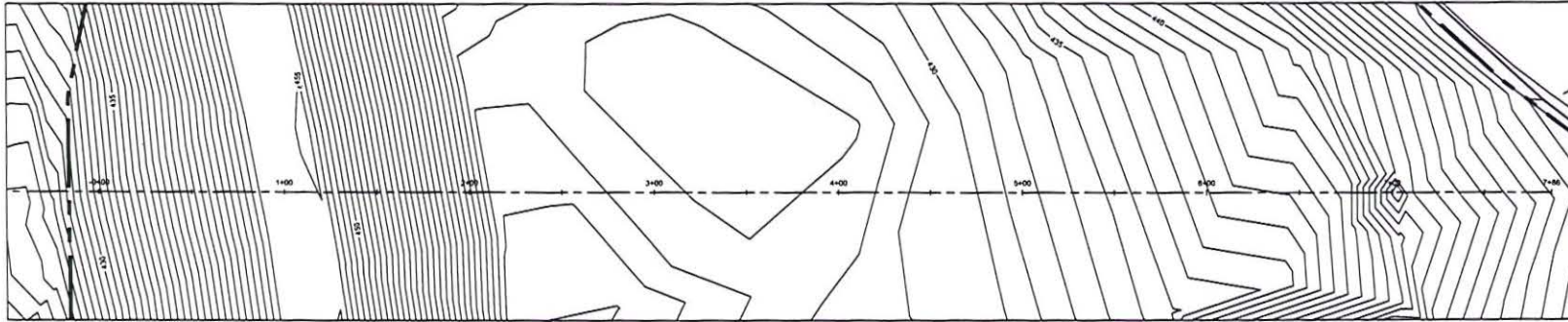
**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 1000 N. 10TH AVE.  
 LEBANON, OREGON 97036  
 (503) 451-1512 FAX  
 (503) 451-1500 FAX

**WEST RESERVOIR**  
 SULLIVAN RESERVOIRS  
 LEBANON, OREGON

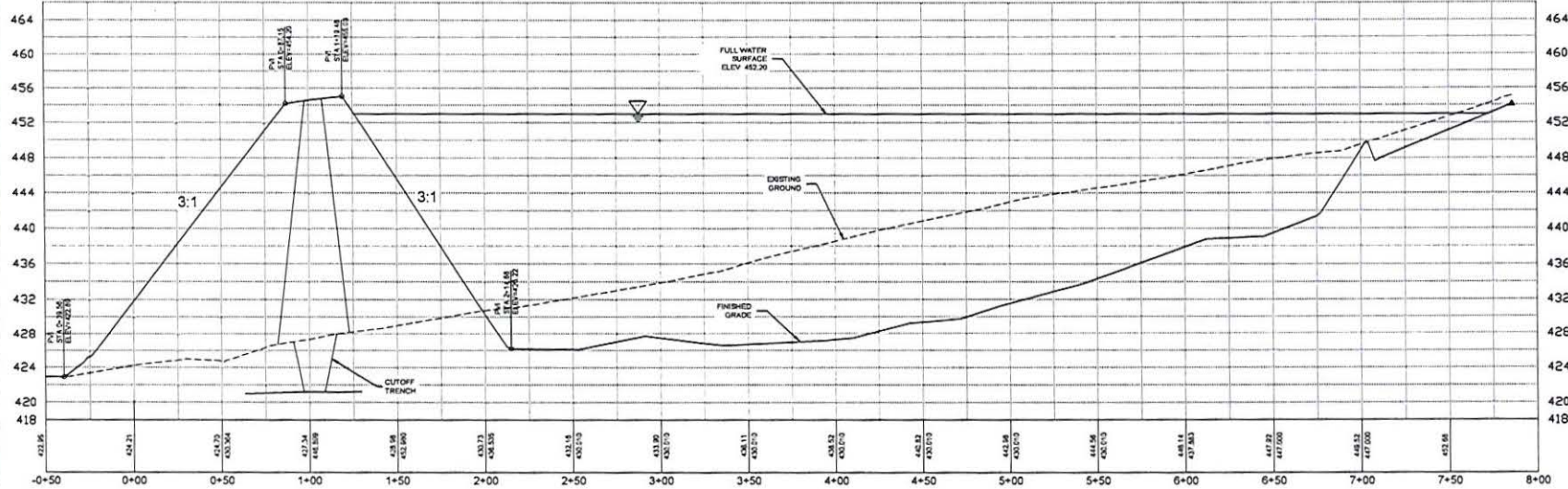


SCALE: SEE BARSCALE

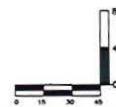
RECEIVED  
 DEC 20 2021  
 OWRD



1 RESERVOIR 3 PLAN  
Scale: 1" = 30'



2 RESERVOIR 3 PROFILE  
Scale: 1" = 30'



**AS-BUILT**

NOTE: AS-BUILT CONDITIONS FOR STORM DRAIN AND CONTOURS ONLY. ALL OTHER DATA IS SHOWN PER DESIGN.

|                      |           |
|----------------------|-----------|
| PLAN REVISIONS       | DATE      |
| AS-BUILT PREPARATION | 2-28-2019 |
|                      |           |
|                      |           |
|                      |           |
|                      |           |

SCALE: SEE BARSCALE

CLIENT:  
SULLIVAN CONSTRUCTION  
PO BOX 248  
ALBANY, OREGON  
541-926-1992

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC  
61 EAST ASH ST.  
LEBANON, OREGON 97355  
(503) 451-1566 FAX

RESERVOIR 3 PROFILE  
SULLIVAN RESERVOIRS  
LEBANON, OREGON

DATE: 2/28/2019  
PROJECT: SULLIVAN RESERVOIRS  
DRAWN BY: J. K. JONES  
CHECKED BY: J. K. JONES



RECEIVED

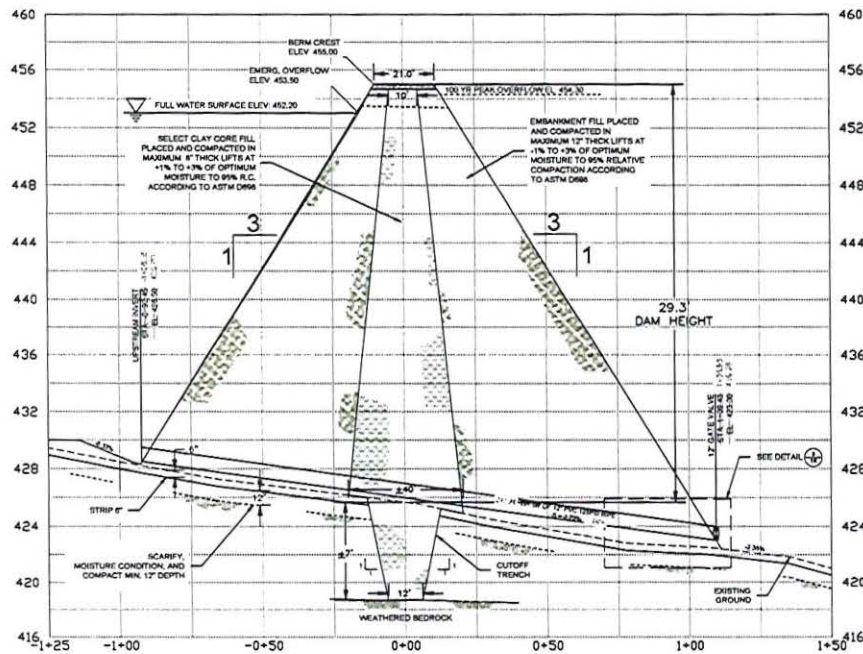
DEC 20 2021

OWRD









1  
7 RESERVOIR 3 MAXIMUM SECTION  
Scale: 1" = 20'

NOTES:  
OUTFLOW CONDUIT PIPE TO BE 12" SD 125PSI GASKETED PIPE. ALL JOINTS TO BE STANDARD PUSH-ON UNLESS SPECIFIED OTHERWISE.  
FOR VALVE INSTALLATION SEE DETAIL 3 ON SHEET 18

RECEIVED

DEC 20 2021

OWRD

AS-BUILT

NOTE: AS-BUILT CONDITIONS FOR STORM DRAIN AND CONTOURS ONLY. ALL OTHER DATA IS SHOWN PER DESIGN.

| PLAN REVISION        | DATE     |
|----------------------|----------|
| AS-BUILT PREPARATION | MAY 2019 |
|                      |          |
|                      |          |
|                      |          |
|                      |          |



CLIENT:  
SULLIVAN CONSTRUCTION  
PO BOX 8200  
ALBANY, OREGON  
503-225-2742

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC  
43 EAST ASH ST.  
LEBANON, OREGON 97036  
(503) 455-5133 TEL  
(503) 455-1566 FAX

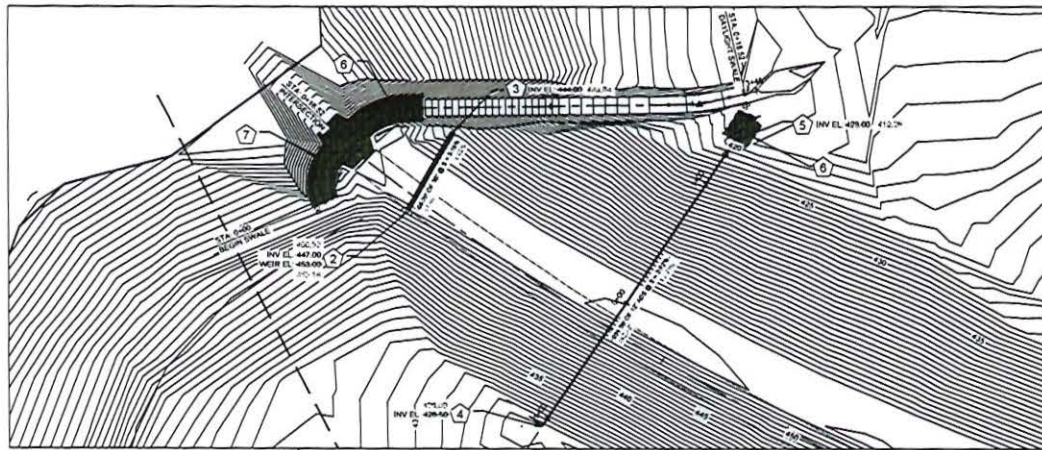
RESERVOIR 3 MAX SECTION  
SULLIVAN RESERVOIRS  
LEBANON, OREGON

DATE: 5/20/2019  
PROJECT: SULLIVAN RESERVOIRS  
DRAWN BY: J. UDELL  
CHECKED BY: J. UDELL  
SCALE: 1" = 20'

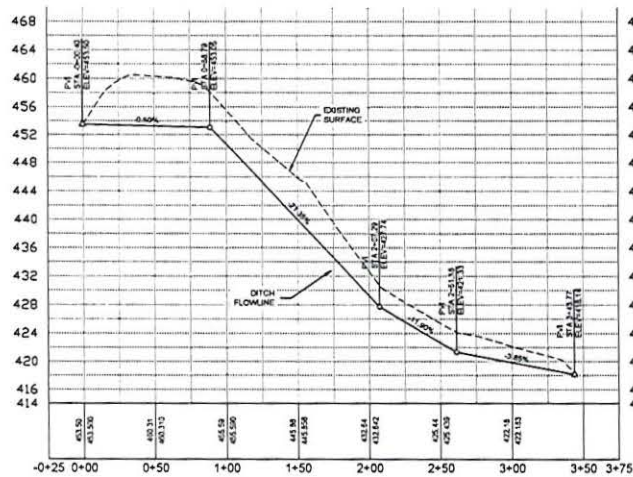


REVISION: JUNE 20 2020

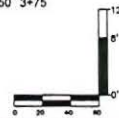
7  
9  
SCALE: 1" = 20' BAR SCALE



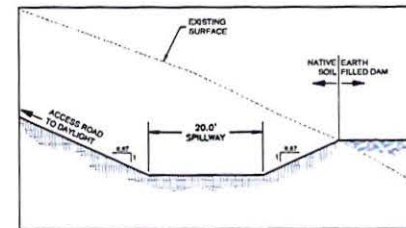
1 POND 3 OUTFLOW PLAN  
Scale: 1" = 40'



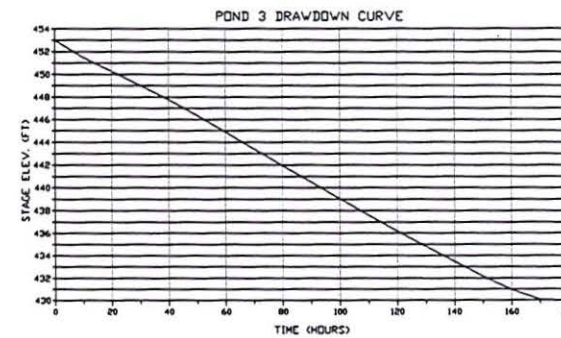
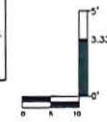
2 POND 3 OVERFLOW SWALE PROFILE  
Scale: 1" = 40'



| STORM DRAIN CONSTRUCTION NOTES |                                                                                                                                       |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 1                              | CONSTRUCT EMERGENCY SWALE AS SHOWN SEE DETAIL 1718 FOR RAMP SECTION CONSTRUCTION INTERSECTION WITH ACCESS ROAD PER DETAIL THIS SHEET. |
| 2                              | INSTALL 60" STANDPIPE STRUCTURE PER DETAIL 4 SHEET 1A                                                                                 |
| 3                              | INSTALL 36" ADS SD AS NOTED                                                                                                           |
| 4                              | INSTALL 12" ENGAGED 125 PIR GASKETTED SD PER DETAIL 3118                                                                              |
| 5                              | INSTALL 12" MANUAL FLANGE VALVE PER DETAIL 3 SHEET 1B                                                                                 |
| 6                              | INSTALL BLANKET OF CL-60 RIPRAP WHERE NOTED BY HATCH                                                                                  |
| 7                              | CONSTRUCT CONNECTION TO FUTURE ACCESS ROAD PER DETAIL THIS SHEET                                                                      |



3 SPILLWAY/ROAD INTERSECTION  
Scale: 1" = 10'



AS-BUILT

NOTE: AS-BUILT CONDITIONS FOR STORM DRAIN AND CONTOURS ONLY. ALL OTHER DATA IS SHOWN PER DESIGN.

| PLAN REVISIONS       | DATE     |
|----------------------|----------|
| AS-BUILT PREPARATION | MAY 2019 |
|                      |          |
|                      |          |
|                      |          |

CLIENT:  
SULLIVAN CONSTRUCTION  
PO BOX 299  
LEBANON, OREGON  
503.925.1992

RESERVOIR 3 OUTLETS  
SULLIVAN RESERVOIRS  
LEBANON, OREGON

DESIGNED BY:  
UDALL ENGINEERING AND LAND SURVEYING, LLC  
100 EAST ASH ST.  
LEBANON, OREGON 97355  
(503) 416-5125 PHL  
(503) 416-1985 FAX

DATE: AUGUST 2018  
PROJECT: SULLIVAN RESERVOIRS  
DRAWN BY: J. J. JENSEN  
CHECKED BY: J. J. JENSEN  
IN CHARGE: J. J. JENSEN



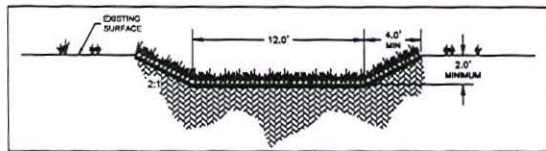
REVISIONAL JUNE 16, 2020

|                     |
|---------------------|
| SCALE: SEE BARSCALE |
|---------------------|

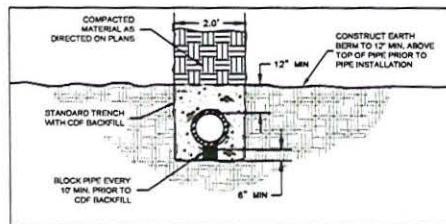
RECEIVED

DEC 20 2021

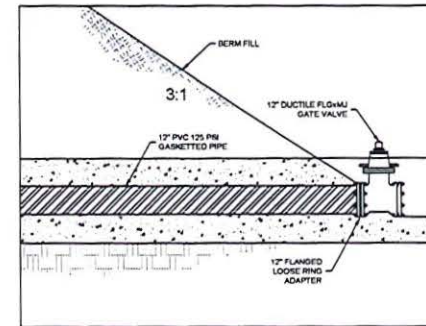
OJWRD



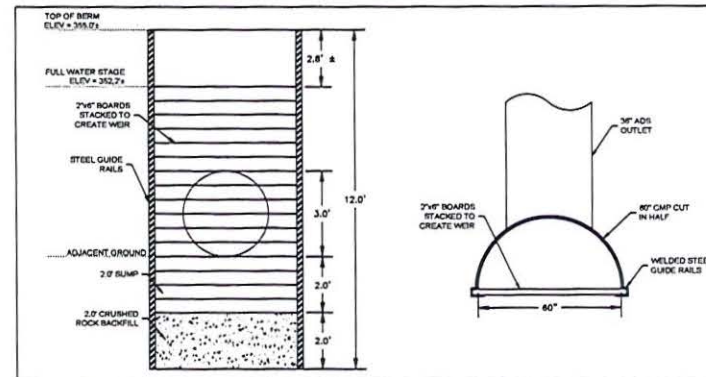
1  
9  
**OUTFLOW SWALE SECTION**  
Scale: 1" = 4'



2  
9  
**PIPE TRENCH DETAIL**  
NTS



3  
9  
**CONDUIT GATE VALVE DETAIL**  
NTS



4  
9  
**OUTFLOW STANDPIPE STRUCTURE**  
Scale: 1" = 2'

### AS-BUILT

NOTE: AS-BUILT CONDITIONS FOR  
STORM DRAIN AND CONDUIT CHIL F.  
ALL OTHER DATA IS SHOWN PER DESIGN.

| PLAN REVISIONS       | DATE      |
|----------------------|-----------|
| AS-BUILT PREPARATION | 5/15/2019 |
|                      |           |
|                      |           |
|                      |           |
|                      |           |

CLIENT:  
SULLIVAN CONSTRUCTION  
PO BOX 298  
LEBANON, OREGON  
97036-0298  
(503) 435-1322

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC  
81 EAST ASH ST.  
LEBANON, OREGON 97036  
(503) 435-5333 PHL  
(503) 435-1366 FAX

DETAILS  
SULLIVAN RESERVOIRS  
LEBANON, OREGON

DATE: 5/15/2019  
BY: J. J. J. J.  
CHECKED BY: J. J. J. J.  
DATE: 5/15/2019



REVISED, APRIL 10, 2019

SCALE: SEE PARALLEL

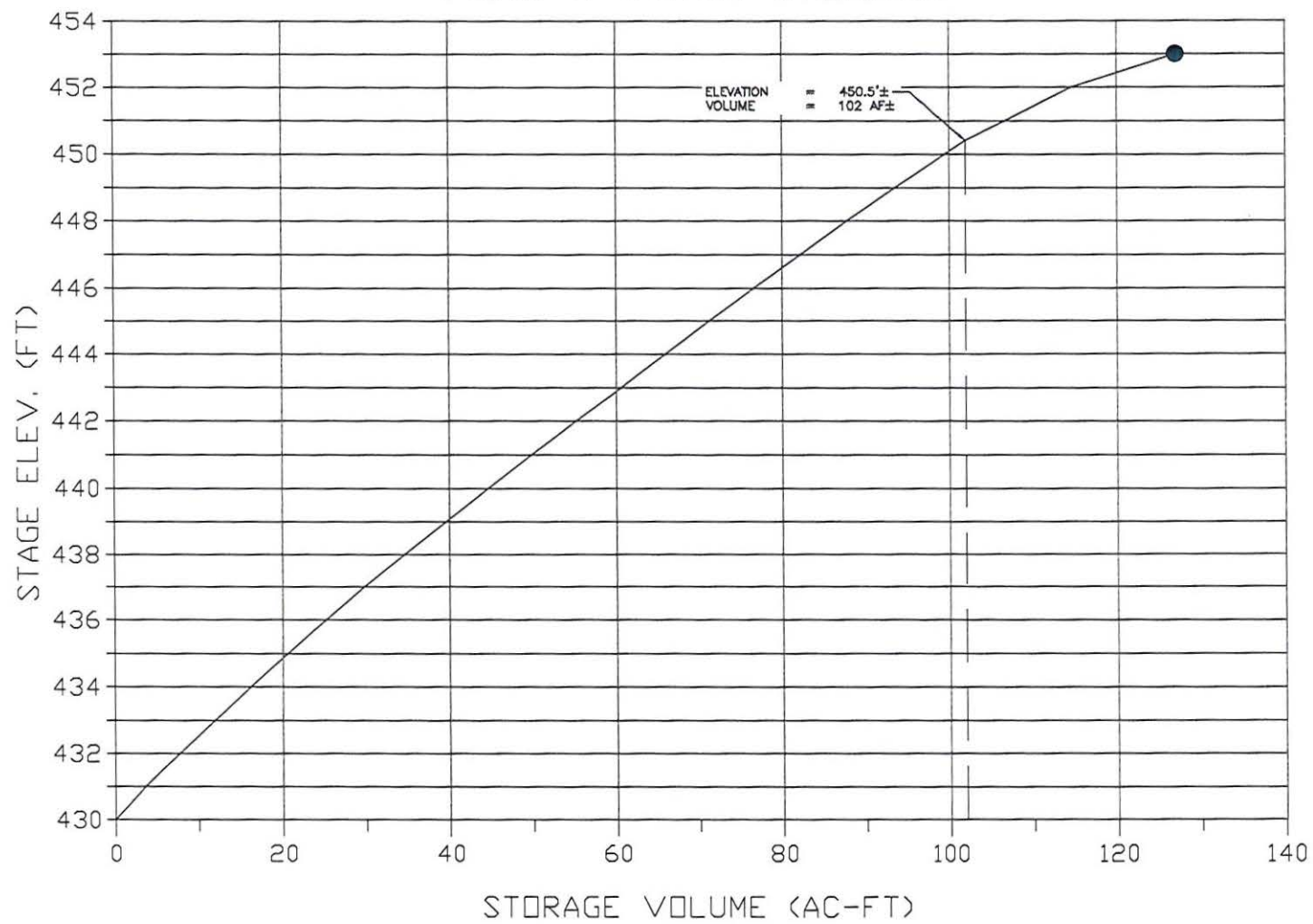
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# POND 3 STAGE-STORAGE



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DEC 20 2021

OWRD



# Udell Engineering & Land Surveying, LLC



63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

## Memorandum

**To:** Nancy East-Smith RG, CWRE  
**From:** Brian Vandetta PE, PLS  
**Date:** November 28, 2021  
**Re:** Sullivan Reservoir Confirmation of Completion

Mrs. East-Smith;

This memo was prepared at the request of EnviroLogic Resources, Inc. and summarizes some key construction benchmarks for Pond 3 under Permit R-14785. It is our understanding you requested this summary because original documentation from the construction period could not be located.

1. The core trench excavation was inspected by the Oregon Dam Safety inspector and the Geotechnical Engineer of Record, Melvin McCracken, prior to the core trench back fill. See attached letter from Mr. McCracken dated November 5, 2021.
2. The subgrade of the dam was periodically inspected and approved by the Geotechnical Engineer of Record, Melvin McCracken prior to any dam fill being placed. See attached letter from Mr. McCracken dated November 5, 2021.
3. The construction of the dam was periodically inspected by the Geotechnical Engineer of Record, Melvin McCracken and myself. The construction was performed with heavy construction equipment including scrapers, dozers, excavators and pad foot rollers.
4. The dam was constructed in general conformance with the construction drawings that were reviewed and approved by the Oregon Dam Safety division of the Oregon Water Resources Department. To the best of my knowledge, no significant changes from the design were made during construction.

Respectfully,

Brian Vandetta PE, PLS  
Udell Engineering and Land Surveying, LLC  
63 East Ash Street  
Lebanon, OR 97355  
Phone: 541-451-5125  
Fax: 541-451-1366



RENEWAL JUNE 30, 2022

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# McCracken Consulting, LLC

*Residential Geotechnical Engineering Services*

Brian Vandetta, PE  
Udell Engineering and Surveying, Inc.  
63 E. Ash Street  
Lebanon, Oregon 97355

November 5, 2021

**Re:           Geotechnical Observation  
              Sullivan Reservoir  
              Lebanon, Oregon**

Dear Mr. Vandetta:

While working at OGD Consulting I completed a geotechnical investigation for a series of new reservoirs planned at the Sullivan Tree Farm off Mt. Hope Drive in Lebanon, Oregon. The investigation, including geotechnical recommendations for the new earth embankment dams, was summarized in a report dated August 17, 2009.

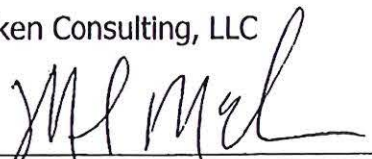
Subsequent to the report construction was completed for one of the reservoirs (Reservoir #3, as referenced in the report). We were present periodically during the initial work at the site to observe the key trench excavation, which typically extended two feet or more into the underlying decomposed bedrock surface. We also observed the stripping and initial fill placement for the new embankment fill, which was being completed using scrapers with compaction being accomplished using a pad foot roller. The materials were being moisture conditioned at the time of placement. Based on our initial observations at the site the work was being completed in general conformance with our geotechnical recommendations.

We trust this information meets your current needs. Please call if you have any questions or need additional assistance.

Sincerely,

McCracken Consulting, LLC

By:

  
Mel McCracken, P.E., G.E.

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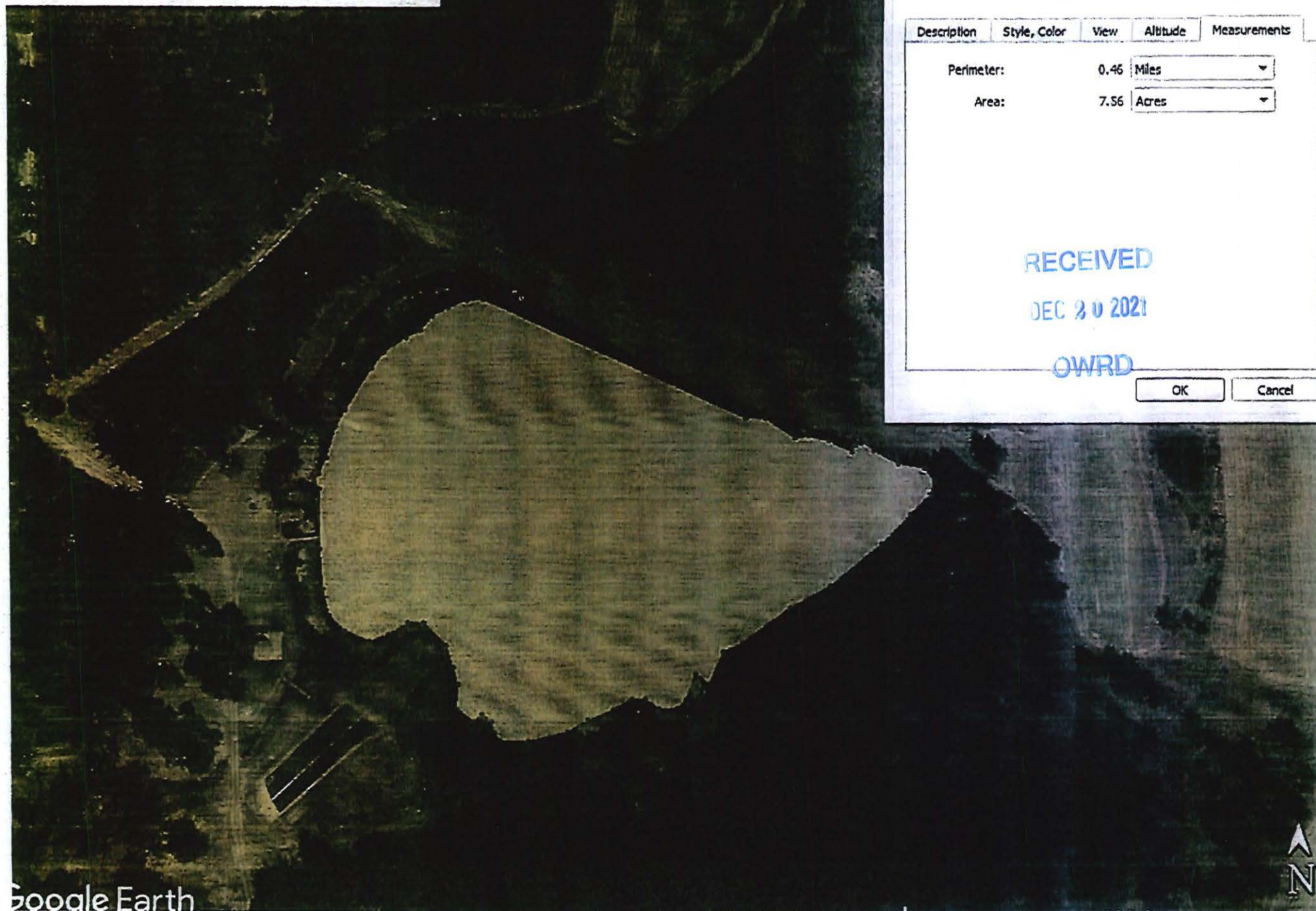
DEC 20 2021

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# Sullivan Reservoir R-14785

Surface Area of Reservoir







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| Point Nu... | Easting       | Northing     | Point Elevati... | Name                  | Raw Description | Full Descript... | Description For... | Grid Easting  | Grid Northing | Longitude        | Latitude        | Scale Fac... | Converge...    |
|-------------|---------------|--------------|------------------|-----------------------|-----------------|------------------|--------------------|---------------|---------------|------------------|-----------------|--------------|----------------|
| 2000        | 7595192.8820' | 331350.2850' | 456.444'         | TBM 1/2" IR RPC       | TBM 1/2" IR RP  |                  |                    | 7595192.8820' | 331350.2850'  | W122° 49' 42.52" | N44° 33' 05.55" | 1.000        | -1° 39' 04.77" |
| 5000        | 7595500.5470' | 331723.0770' | 454.749'         | SD HEADGATE TOP BOARC | SD HEADGATE     |                  |                    | 7595500.5470' | 331723.0770'  | W122° 49' 38.42" | N44° 33' 09.32" | 1.000        | -1° 39' 01.86" |
| 5001        | 7595504.9640' | 331720.5190' | 454.699'         | SD HEADGATE TOP BOARC | SD HEADGATE     |                  |                    | 7595504.9640' | 331720.5190'  | W122° 49' 38.36" | N44° 33' 09.30" | 1.000        | -1° 39' 01.82" |
| 5002        | 7595504.1060' | 331723.8100' | 450.527'         | SD IE 36" CMP -NE     | SD IE 36" CMP   |                  |                    | 7595504.1060' | 331723.8100'  | W122° 49' 38.38" | N44° 33' 09.33" | 1.000        | -1° 39' 01.83" |



WATER USE REPORTING  
PERMIT R-14785

T 12 S, R 1 W, Sec 5  
Linn County Oregon

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WATER USE

| Year | Fish Culture | Wildlife | Fire Protection |
|------|--------------|----------|-----------------|
| 2011 | Yes          | Yes      | RWA             |
| 2012 | Yes          | Yes      | RWA             |
| 2013 | Yes          | Yes      | RWA             |
| 2014 | Yes          | Yes      | RWA             |
| 2015 | Yes          | Yes      | RWA             |
| 2016 | Yes          | Yes      | RWA             |
| 2017 | Yes          | Yes      | RWA             |
| 2018 | Yes          | Yes      | RWA             |
| 2019 | Yes          | Yes      | RWA             |
| 2020 | Yes          | Yes      | RWA             |
| 2021 | Yes          | Yes      | RWA             |

Notes:

2011 was first year of beneficial use

RWA= Ready, Willing, Able

## **HOLMES Codi N \* WRD**

---

**From:** Nancy East-Smith <nanciesmith@h2ogeo.com>  
**Sent:** Wednesday, January 5, 2022 12:07 PM  
**To:** HOLMES Codi N \* WRD  
**Subject:** COBU Sullivan R-14785

Codi,

You should have received the final COBU for this permit. Let me know if you didn't. It was sent in about Dec 17.

I have a follow up question: we would like to request a waiver from the annual water use reporting. Does that seem reasonable? and if so how should we pursue that?

Thanks,

Nancy

--

Nancy A. East-Smith, RG, CWRE  
Senior Project Geologist  
EnviroLogic Resources, Inc.  
PO Box 80762  
Portland, Oregon, 97280  
nanciesmith@h2ogeo.com  
503 860-9658 (cell)  
503 768-5121 (office)

# Routing Slip

Oregon Water Resources Department

Water Rights Service Division

Date: 5-20-2021

File: R-87397

Subject/Process: Reinstatement

From: Mary Bjork

| ACTION                                        | DATE      |
|-----------------------------------------------|-----------|
| NOTES:                                        |           |
| TO: Dwight → Pls forward file →<br>Tonya      | 5-20-2021 |
| TO: Tonya → Pls return file →<br>me when done |           |
| TO: Self → Rolling Cart                       |           |



**HOLMES Codi N \* WRD**

---

**From:** nanciesmith <nanciesmith@h2ogeo.com>  
**Sent:** Thursday, September 16, 2021 5:13 PM  
**To:** HOLMES Codi N \* WRD  
**Cc:** Tom Calabrese  
**Subject:** Sullivan R-14785

Codi,

Thanks for taking the time to go over this permit with me. I want to confirm my understanding of the conclusions of our conversation just to make sure we provide WRD with the right information.

We discussed that it appears that all the time sensitive permit conditions are met. Therefore a time extension would not be required. WRD approved the dam design prior to issuing the permit and based on the as-builts the dam appears to have been built as designed. WRD does have a copy of stamped as built plans which identify the dam height is 29.2 feet (within the 30 ft requirement). Dam Safety has accepted the dam into the state inventory. The as builts are stamped in 2019.

We discussed the issue of having a "certification letter" from the engineer of record that was dated before the C date. WRD believes that based on the fact that dam safety has accepted the as-built plans and it appears the as-builts are consistent with the plans reviewed as part of the permit issuance this would not trigger requiring a time extension.

It was confirmed to me that Dwight French stated a permit amendment would not be required to store all the water in the one pond constructed (Pond 3), rather than the three listed in the permit. This is partially due to the fact that the dam for Pond 3 was constructed in compliance with the permit conditions.

I am off next week but when I get back I will have a date when the COBU will be performed. Hoping that will satisfy the deadline for reinstatement of the permit.

Thanks again Codi,

Nancy

## HOLMES Codi N \* WRD

---

**From:** Brian Vandetta <brian@udelleng.com>  
**Sent:** Monday, September 13, 2021 2:23 PM  
**To:** JANICEK Tony M \* WRD; Nancy East-Smith  
**Cc:** Tom Calabrese; HOLMES Codi N \* WRD  
**Subject:** RE: Sullivan Reservoir Permit R-14785

Thanks Tony

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

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

**From:** JANICEK Tony M \* WRD <Tony.M.Janicek@oregon.gov>  
**Sent:** Monday, September 13, 2021 2:23 PM  
**To:** Brian Vandetta <brian@udelleng.com>; Nancy East-Smith <nanciesmith@h2ogeo.com>  
**Cc:** Tom Calabrese <tomcalabrese@h2ogeo.com>; HOLMES Codi N \* WRD <Codi.N.Holmes@oregon.gov>  
**Subject:** RE: Sullivan Reservoir Permit R-14785

In dam safety, it would be the invert of the lowest outlet works. However, if this is specific to the water right, you might want to confirm with the case worker as they may have another definition.

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

**From:** Brian Vandetta <brian@udelleng.com>  
**Sent:** Monday, September 13, 2021 2:09 PM  
**To:** JANICEK Tony M \* WRD <Tony.M.Janicek@oregon.gov>; Nancy East-Smith <nanciesmith@h2ogeo.com>  
**Cc:** Tom Calabrese <tomcalabrese@h2ogeo.com>  
**Subject:** RE: Sullivan Reservoir Permit R-14785

Thank you for the communication Tony.

The low-level conduit you are referring to being the 36-inch pipe from the outflow structure? Not the 12" bottom drain that is valved?

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

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

**From:** JANICEK Tony M \* WRD <Tony.M.Janicek@oregon.gov>  
**Sent:** Monday, September 13, 2021 1:42 PM  
**To:** Nancy East-Smith <nanciesmith@h2ogeo.com>  
**Cc:** Tom Calabrese <tomcalabrese@h2ogeo.com>; Brian Vandetta <brian@udelleng.com>  
**Subject:** RE: Sullivan Reservoir Permit R-14785

Dead pool refers to water that cannot be drained by gravity through the low-level conduit so the dead pool level is typically taken as the invert to the low-level conduit.

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

From: Nancy East-Smith <nanciesmith@h2ogeo.com>  
Sent: Monday, September 13, 2021 1:05 PM  
To: JANICEK Tony M \* WRD <Tony.M.Janicek@oregon.gov>  
Cc: Tom Calabrese <tomcalabrese@h2ogeo.com>; Brian Vandetta <brian@udelleng.com>  
Subject: Re: Sullivan Reservoir Permit R-14785

Tony,

Can you define for me what the dead pool level of the reservoir is. A replacement gage is being installed and we want to make sure it spans the correct water levels.

Nancy

On 9/8/2021 10:10 AM, JANICEK Tony M \* WRD wrote:

> Nancy,  
>  
> We do not have anything from the engineer other than stamped/signed As-Built drawings. The only item that we will need from the engineer of record is a brief project completion report. The report only needs to address the conditions listed under the "Dam Conditions" section of the permit.

>  
>  
> Tony Janicek, PhD, PE, CWRE  
> Civil Engineer | Dam Safety Program Coordinator  
> 725 Summer St. NE, Suite A, Salem, Oregon 97301  
> Cell: 971-718-7921  
>  
> Integrity | Service | Technical Excellence | Teamwork |  
> Forward-Looking

>  
>  
>  
> -----Original Message-----  
> From: Nancy East-Smith <nanciesmith@h2ogeo.com>  
> Sent: Tuesday, September 7, 2021 1:25 PM  
> To: JANICEK Tony M \* WRD <Tony.M.Janicek@oregon.gov>; HOLMES Codi N \*  
> WRD <Codi.N.Holmes@oregon.gov>  
> Cc: Tom Calabrese <tomcalabrese@h2ogeo.com>; Brian Vandetta  
> <brian@udelleng.com>  
> Subject: Sullivan Reservoir Permit R-14785

>  
> Codi and Tony,  
>  
> I have talked with both of you on the phone regarding this permit. We are trying to get everything together to determine if we can submit the Claim of Beneficial Use directly or need to request additional time.

>  
> I am having trouble tracking down written certification from the engineer of record. Do either of you have any information in your files. I know that stamped as-built plans were submitted by Udell Engineering in 2019.



>  
> I am trying to confirm that the "Dam Conditions" of the permit were met. Udel Engineering has stated that the dam construction was monitored by a geotech, do either of you have any submittals from them?

>  
> Thanks for your help.

>  
> Nancy

>  
> --

> Nancy A. East-Smith, RG, CWRE  
> Senior Project Geologist  
> EnviroLogic Resources, Inc.  
> PO Box 80762  
> Portland, Oregon, 97280  
> nanciesmith@h2ogeo.com  
> 503 860-9658 (cell)  
> 503 768-5121 (office)

>  
>  
>

--

Nancy A. East-Smith, RG, CWRE  
Senior Project Geologist  
EnviroLogic Resources, Inc.  
PO Box 80762  
Portland, Oregon, 97280  
nanciesmith@h2ogeo.com  
503 860-9658 (cell)  
503 768-5121 (office)

## **HOLMES Codi N \* WRD**

---

**From:** JANICEK Tony M \* WRD  
**Sent:** Wednesday, September 8, 2021 10:11 AM  
**To:** Nancy East-Smith; HOLMES Codi N \* WRD  
**Cc:** Tom Calabrese; Brian Vandetta  
**Subject:** RE: Sullivan Reservoir Permit R-14785

Nancy,

We do not have anything from the engineer other than stamped/signed As-Built drawings. The only item that we will need from the engineer of record is a brief project completion report. The report only needs to address the conditions listed under the "Dam Conditions" section of the permit.

Tony Janicek, PhD, PE, CWRE  
Civil Engineer | Dam Safety Program Coordinator  
725 Summer St. NE, Suite A, Salem, Oregon 97301  
Cell: 971-718-7921

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

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

**From:** Nancy East-Smith <nanciesmith@h2ogeo.com>  
**Sent:** Tuesday, September 7, 2021 1:25 PM  
**To:** JANICEK Tony M \* WRD <Tony.M.Janicek@oregon.gov>; HOLMES Codi N \* WRD <Codi.N.Holmes@oregon.gov>  
**Cc:** Tom Calabrese <tomcalabrese@h2ogeo.com>; Brian Vandetta <brian@udelleng.com>  
**Subject:** Sullivan Reservoir Permit R-14785

Codi and Tony,

I have talked with both of you on the phone regarding this permit. We are trying to get everything together to determine if we can submit the Claim of Beneficial Use directly or need to request additional time.

I am having trouble tracking down written certification from the engineer of record. Do either of you have any information in your files. I know that stamped as-built plans were submitted by Udell Engineering in 2019.

I am trying to confirm that the "Dam Conditions" of the permit were met. Udell Engineering has stated that the dam construction was monitored by a geotech, do either of you have any submittals from them?

Thanks for your help.

Nancy

--

Nancy A. East-Smith, RG, CWRE  
Senior Project Geologist  
EnviroLogic Resources, Inc.

## HOLMES Codi N \* WRD

---

**From:** Nancy East-Smith <nanciesmith@h2ogeo.com>  
**Sent:** Tuesday, September 7, 2021 1:25 PM  
**To:** JANICEK Tony M \* WRD; HOLMES Codi N \* WRD  
**Cc:** Tom Calabrese; Brian Vandetta  
**Subject:** Sullivan Reservoir Permit R-14785

Codi and Tony,

I have talked with both of you on the phone regarding this permit. We are trying to get everything together to determine if we can submit the Claim of Beneficial Use directly or need to request additional time.

I am having trouble tracking down written certification from the engineer of record. Do either of you have any information in your files. I know that stamped as-built plans were submitted by Udell Engineering in 2019.

I am trying to confirm that the "Dam Conditions" of the permit were met. Udell Engineering has stated that the dam construction was monitored by a geotech, do either of you have any submittals from them?

Thanks for your help.

Nancy

--  
Nancy A. East-Smith, RG, CWRE  
Senior Project Geologist  
EnviroLogic Resources, Inc.  
PO Box 80762  
Portland, Oregon, 97280  
nanciesmith@h2ogeo.com  
503 860-9658 (cell)  
503 768-5121 (office)



## HOLMES Codi N \* WRD

---

**From:** Nancy Smith <nancydougsmith@gmail.com>  
**Sent:** Tuesday, August 31, 2021 3:05 PM  
**To:** HOLMES Codi N \* WRD  
**Cc:** tomcalabrese@h2ogeo.com; nancyesmith@h2ogeo.com  
**Subject:** Sullivan R-14785

Codi,

I talked with Tony Janicek with Dam Safety today. He made a site visit in May 2019 and has a copy of the stamped as built plans. Tony was going to check his records, but to the best of his knowledge Dam Safety had no issues with the dam as it was built. However, he was pretty sure the plans were not approved before the dam was built.

Although the dam was constructed by the C date. I am not sure what the status would be of the permit condition for dam approval before beneficial use. Would the May 2019 date be considered meeting that condition? If so would that trigger us to need a time extension, no matter the issue of storing all the water in one pond versus three ponds.

I thought this might be a key piece of information before you talk with Dwight.

Thanks,  
Nancy East Smith, CWRE  
EnviroLogic Resources, Inc.  
503 860-9658

## HOLMES Codi N \* WRD

---

**From:** Nancy East-Smith <nanciesmith@h2ogeo.com>  
**Sent:** Monday, August 23, 2021 11:33 AM  
**To:** HOLMES Codi N \* WRD  
**Cc:** Tom Calabrese  
**Subject:** Re: Permit R-14785

Codi,

Enjoyed talking with you. Please talk with Gerry and let me know about the possibility of needing the time extension. I do know he wants to store all 102 AF in Pond 3, so if we need a permit amendment to make that happen that is the route the landowner will take.

On my to do list is confirming the as built dam height and confirming that Pond #3 was filled at least once by July 1 during the 5-year period.

Let me know if you think I need to reach out to the watermaster about the staff gage. He does have one now so that will get installed.

Thanks again,

Nancy A. East-Smith, RG, CWRE  
Senior Project Geologist  
EnviroLogic Resources, Inc.  
PO Box 80762  
Portland, Oregon, 97280  
nanciesmith@h2ogeo.com  
503 860-9658 (cell)  
503 768-5121 (office)

On 7/30/2021 11:07 AM, HOLMES Codi N \* WRD wrote:

> Yes submitting an extension of time will meet the requirements.  
>  
> Codi Holmes  
> Certificate Specialist  
> Oregon Water Resources  
> 725 Summer St NE Suite A  
> Salem OR 97301  
> 503-979-3184 cell / 503-986-0887 office (only in office every other  
> week)  
>  
>  
> Integrity | Service | Technical Excellence | Teamwork |  
> Forward-Looking  
>  
> -----Original Message-----  
> From: Nancy East-Smith <nanciesmith@h2ogeo.com>

> Sent: Tuesday, July 27, 2021 10:52 AM  
> To: HOLMES Codi N \* WRD <Codi.N.Holmes@oregon.gov>  
> Cc: Tom Calabrese <tomcalabrese@h2ogeo.com>  
> Subject: Permit R-14785  
>  
> Codi,  
>  
> You are identified as the case worker for this permit so I wanted to reach out to you to make sure our strategy would satisfy WRD requirements for the reinstatement order.  
>  
> The permit was proposed for cancellation, but got reinstated. The 120 day count down to meet permit conditions started on June 6. The reality is they need a time extension to come into compliance. We can definitely have the time extension request submitted by then, before recommending that strategy to them I wanted to make sure it would satisfy the WRD 120 day deadline.  
>  
> Thanks,  
>  
> Nancy  
>  
> --  
> Nancy A. East-Smith, RG, CWRE  
> Senior Project Geologist  
> EnviroLogic Resources, Inc.  
> PO Box 80762  
> Portland, Oregon, 97280  
> nanciesmith@h2ogeo.com  
> 503 860-9658 (cell)  
> 503 768-5121 (office)  
>  
>  
>  
--  
Nancy A. East-Smith, RG, CWRE  
Senior Project Geologist  
EnviroLogic Resources, Inc.  
PO Box 80762  
Portland, Oregon, 97280  
nanciesmith@h2ogeo.com  
503 860-9658 (cell)  
503 768-5121 (office)



# Mailing List for Reinstatement Order

Volume 120, Page 754

Application: R-87397

Permit: R-14785

## Copies Mailed

by: TM  
(STAFF)

on: 10/8/2021  
(DATE)

### Permit Holder(s):

Alton Sullivan  
Dixie Sullivan  
PO Box 2118  
Lebanon OR 97355

### Copies of Reinstatement Order to be sent to Permit Holder and following:

1. Watermaster District #: 16
2. Water Availability
3. Vault
4. File

### Other persons to receive copies:

Udell Engineering and Land Surveying, LLC  
c/o Brian Vandetta PE, PLS  
63 East Ash Street  
Lebanon, OR 97355

**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 # **135181**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Akon E Sullivan

APPLICATION R-87397

BY: \_\_\_\_\_

PERMIT \_\_\_\_\_

TRANSFER \_\_\_\_\_

CASH: ☐ CHECK: # 4492 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 520.00

**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:**

|                    | EXAM FEE |      | RECORD FEE |
|--------------------|----------|------|------------|
| 0201 SURFACE WATER | \$ _____ | 0202 | \$ _____   |
| 0203 GROUND WATER  | \$ _____ | 0204 | \$ _____   |
| 0205 TRANSFER      | \$ _____ |      |            |

**WELL CONSTRUCTION**

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

0251 OTHER (IDENTIFY) Reinstatement \$ 520.00

**0536 TREASURY 0437 WELL CONST. START FEE**

|                           |          | CARD # |
|---------------------------|----------|--------|
| 0211 WELL CONST START FEE | \$ _____ |        |
| 0210 MONITORING WELLS     | \$ _____ |        |

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: **135181**

DATED: 5-7-2021 BY: Mandy Carol

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

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON

IN THE MATTER OF THE )  
REINSTATEMENT OF PERMIT R-14785 ) ORDER

**Findings of Fact**

1. On April 22, 2021, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The permittee requested reconsideration of the April 22, 2021, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and the necessary re-instatement fee required under ORS 536.050 was received.

PERMIT(S) TO CONSTRUCT RESERVOIRS AND STORE WATER:

| <u>Name</u>    | <u>Basin<br/>Number</u> | <u>Watermaster<br/>District</u> | <u>Application<br/>Number</u> | <u>Permit<br/>Number</u> |
|----------------|-------------------------|---------------------------------|-------------------------------|--------------------------|
| ALTON SULLIVAN | 2                       | 16                              | R-87397                       | R-14785                  |
| DIXIE SULLIVAN |                         |                                 |                               |                          |

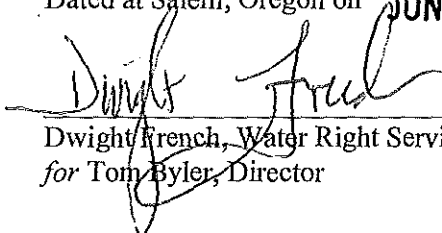
**Conclusions of Law**

1. Permits may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

**Order**

1. NOW, THEREFORE, it is hereby ORDERED that the permit listed above is reinstated.
2. The Department will take no action to cancel this permit until 120 Days, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on **JUN 08 2021**

  
Dwight French, Water Right Services Administrator  
for Tom Byler, Director

PLACED IN U.S. MAIL **JUN 08 2021**  
BY OREGON WATER RESOURCES DEPARTMENT

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 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.





## Udell Engineering & Land Surveying, LLC



63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

### Memorandum

RECEIVED

MAY 07 2021

OWRD

**To:** Tom Byler, Director of Oregon Water Rights Services  
**From:** Brian Vandetta PE, PLS  
**Date:** May 3, 2021  
**Re:** Request to Reconsider Permit No. R-14785

Mr. Byler,

I am sending this memo to you as a request for you to reconsider the cancelation of Permit No. R-14785 that was issued to my client, Alton E. Sullivan. Also enclosed is a check for processing this reconsideration in the amount of \$ 520.00 made payable to Oregon Water Resources Dept.

Mr. Sullivan has asked me to head up this project to see it through finalization. Upon receiving reinstatement of the permit from your office I plan to contract with an Oregon Water Rights Examiner. With the assistance of an Oregon Water Rights Examiner the completion of the appropriation of water and permit finalization would be pursued in a timely manner.

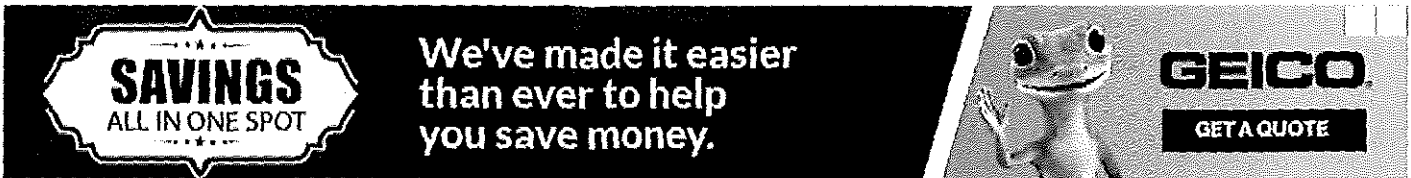
Thank you for your consideration in this matter.

Respectfully,

Brian Vandetta PE, PLS  
Udell Engineering and Land Surveying, LLC  
63 East Ash Street  
Lebanon, OR 97355  
Phone: 541-451-5125  
Fax: 541-451-1366

Cc: Alton and Dixie Sullivan

Reinstate USB 5-20-2021



Date Calc. Business Date to Date Date Calc. Business Date Weekday Week Number Travel Time Distance

Calculators / Days Calculator: Days Between Two Dates

## Days Calculator: Days Between Two Dates

How many days, months, and years are there between two dates?

### Count Days

Add Days

Workdays

Add Workdays

Weekday

Week No

### Start Date

Month: Day: Year: Date:  
4 / 22 / 2021 

Today

### End Date

Month: Day: Year: Date:  
5 / 7 / 2021 

Today

☐ Include end date in calculation (1 day is added)

Add time fields

Add time zone conversion

Count only workdays

Calculate Duration

From and including: **Thursday, April 22, 2021**

To, but **not** including **Friday, May 7, 2021**

**Result: 15 days**

It is **15** days from the start date to the end date, but not including the end date.

### **Alternative time units**

15 days can be converted to one of these units:

- 1,296,000 seconds
- 21,600 minutes
- 360 hours
- 15 days
- 2 weeks and 1 day
- 4.11% of 2021

Make adjustment and calculate again

[Start Again](#)

Advertising

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**Oregon**  
Kate Brown, Governor

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

**DATE MAILED: April 22, 2021**

**NOTICE**

Enclosed is an order that cancels a permit for failure to submit proof of the completion of appropriation as required by ORS 537.260.

The final order is an order in other than contested case. The 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 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.

If you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

If you agree with the order, no response to this notice is required.

If you have any questions, please contact Codi Holmes at [Codi.N.Holmes@oregon.gov](mailto:Codi.N.Holmes@oregon.gov) or by telephone at 503-986-0887. Due to Covid-19, email may be the best way to reach her.

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF     )  
CERTAIN PERMIT(S) TO APPROPRIATE WATER    )  
UNDER THE PROVISIONS OF ORS 537.260        )                      ORDER

**Findings of Fact**

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

**PERMIT(S) TO CONSTRUCT RESERVOIRS AND STORE WATER:**

| <u>Name</u>       | <u>Basin<br/>Number</u> | <u>Watermaster<br/>District</u> | <u>Application<br/>Number</u> | <u>Permit<br/>Number</u> |
|-------------------|-------------------------|---------------------------------|-------------------------------|--------------------------|
| ALTON E. SULLIVAN | 2                       | 16                              | R-87397                       | R-14785                  |

**Conclusions of Law**

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

**Order**

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on APR 22 2021



Dwight French, Water Right Services Administrator  
for Tom Byler, Director

PLACED IN U.S. MAIL APR 22 2021  
BY OREGON WATER RESOURCES DEPARTMENT

**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 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.

# Mailing List for Cancellation Order

Volume 120, Page 231

Application: R-87397

Permit: R-14785

|                      |         |
|----------------------|---------|
| <b>Copies Mailed</b> |         |
| by: <u>ga</u>        | (STAFF) |
| on: <u>4/22/21</u>   | (DATE)  |

**Permit Holder(s):**

ALTON E. 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 NO

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

1. Watermaster District #: 16
2. Water Availability
3. Vault
4. File

**Other persons to receive copies:**

- 1.



# COMPLETENESS PROJECT

Page 1

## 60 Day Letter

PERMIT STATUS REVIEW BY Codi Holmes DATE 9/14/2020 FILE # 287397

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

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

"C" DATE SIR BASIN NUMBER 2 WM # 2

CWRE or AGENT (Yes/No) JON ERWIN #163

3. AOI Yes \_\_\_\_\_ No X If Yes, name(s) of AOI \_\_\_\_\_

4. Current Landowner(s) and Mailing Address

New Owner(s) Yes \_\_\_\_\_ No X

County of Place of Use LINN Tax Lot(s) \_\_\_\_\_

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

# COMPLETENESS PROJECT

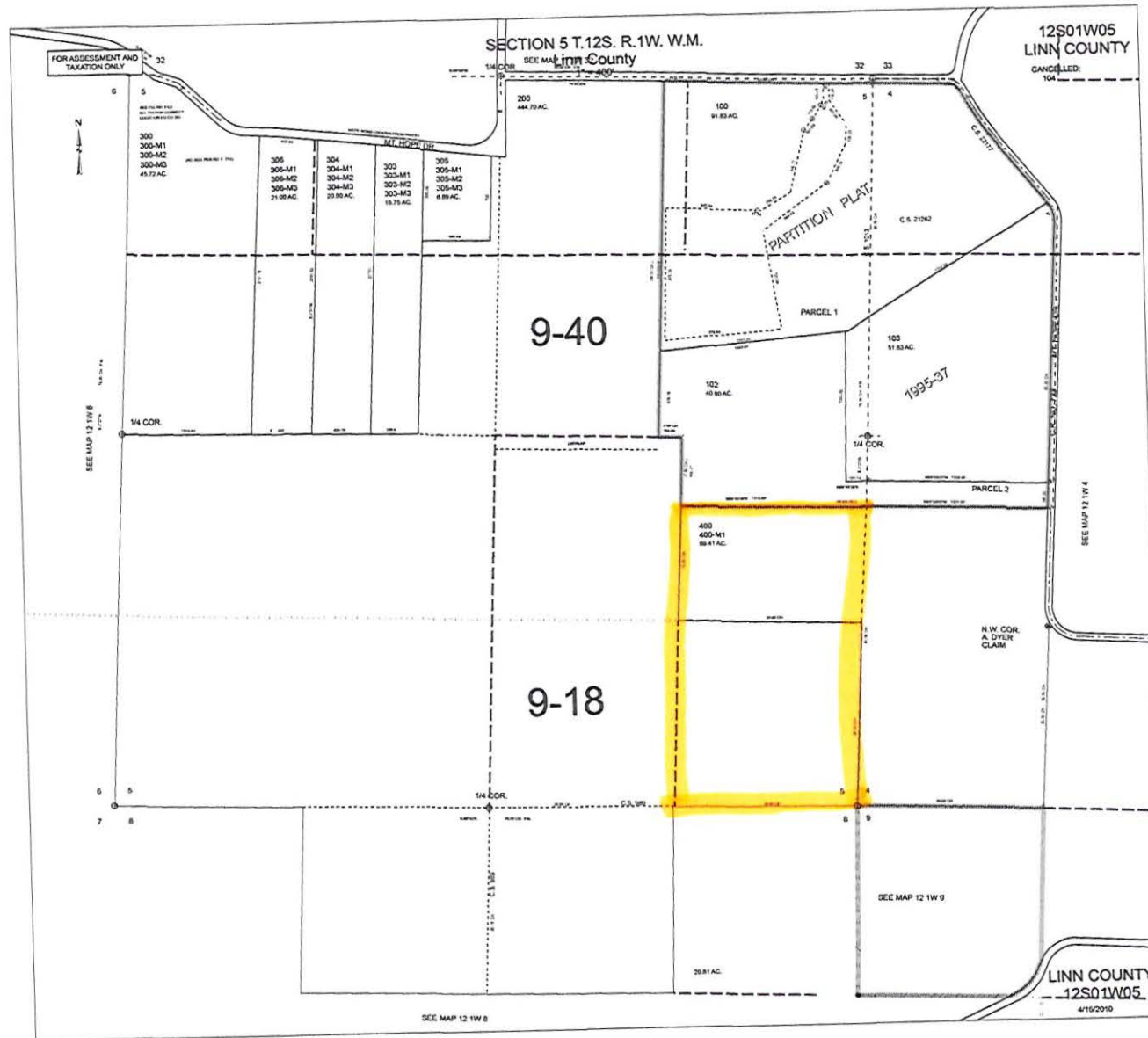
Page 2

## Final Cancellation Review

PERMIT STATUS REVIEW BY Holmes DATE 3-9-21

1. C Date 10 / 9 / 2014
  2. Certified Letter Date 10 / 13 / 2020
  3. Return Receipt Rcvd. 10 / 21 / 2020
  4. Return Receipt Signed By Dixie Sullivan
  5. Other Communication:       /      /
- 

Recommend Cancellation ☒ or  
Hold Action until       /      /



R 87397  
WM 16  
N/A



# LINN County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2019

September 9, 2020 12:08:41 pm

Account # [REDACTED]  
 Map # 12S01W0500 00400  
 Code - Tax # 00940-160081  
 Legal Descr See Record  
 Mailing Name A & D SULLIVAN ENTERPRISES INC

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Agent  
 In Care Of C/O ALTON E SULLIVAN & DIXIE G  
 Mailing Address PO BOX 2118  
 LEBANON, OR 97355

Deed Reference # 2007-29190 (SOURCE ID: DN2007\_29190)  
 Sales Date/Price 12-19-2007 / \$200,000.00  
 Appraiser UNKNOWN

Prop Class 541 MA SA NH Unit  
 RMV Class 401 03 00 001 15167-1

| Situs Address(s)          | Situs City |
|---------------------------|------------|
| ID# 1 39716 MOUNT HOPE DR | LEBANON    |

| Code Area       | RMV     | MAV    | Value Summary AV | RMV Exception | CPR % |
|-----------------|---------|--------|------------------|---------------|-------|
| 00940 Land      | 322,770 |        |                  | Land          | 0     |
| Impr.           | 0       |        |                  | Impr.         | 0     |
| Code Area Total | 322,770 | 17,090 | 53,103           |               | 0     |
| Grand Total     | 322,770 | 17,090 | 53,103           |               | 0     |

| Code Area   | ID# | RFPD                                | Ex | Plan Zone | Value Source        | TD% | LS | Size  | Land Class | Trended RMV |
|-------------|-----|-------------------------------------|----|-----------|---------------------|-----|----|-------|------------|-------------|
| 00940       | 1   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned    | 111 | A  | 29.23 | 3          | 95,380      |
| 00940       | 2   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned    | 111 | A  | 18.40 | 4          | 60,050      |
| 00940       | 3   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned    | 111 | A  | 34.08 | 5          | 111,210     |
| 00940       | 4   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned    | 111 | A  | 2.35  | 6          | 7,670       |
| 00940       | 5   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned    | 111 | A  | 4.35  | 7          | 14,200      |
| 00940       |     |                                     |    |           | LANDSCAPE - MINIMUM | 100 |    |       |            | 1,000       |
| 00940       |     |                                     |    |           | RURAL OSD - AVG     | 100 |    |       |            | 30,000      |
| 00940       | 6   | <input checked="" type="checkbox"/> |    |           | Rural Site          | 111 | A  | 1.00  |            | 3,260       |
| Grand Total |     |                                     |    |           |                     |     |    | 89.41 |            | 322,770     |

| Code Area   | ID# | Yr Built | Stat Class | Description | Improvement Breakdown | TD% | Total Sq. Ft. | Ex% MS Acct # | Trended RMV |
|-------------|-----|----------|------------|-------------|-----------------------|-----|---------------|---------------|-------------|
| Grand Total |     |          |            |             |                       |     |               | 0             | 0           |

| Code Area                              | Type   | Exemptions/Special Assessments/Potential Liability |
|----------------------------------------|--------|----------------------------------------------------|
| NOTATION(S):                           |        |                                                    |
| ■ POT'L ADD'L TAX LIABILITY ADDED 2009 | Amount | 0.00 Tax 0.00                                      |

Comments: \*\*\*\*\* CAP NOTE - Type F \*\*\*\*\*  
 11-91 Converting all land in farm unit into pasture. rtr

\*\*\*\*\* CAP NOTE - Type M \*\*\*\*\*  
 08/01/94 Mobile home has been moved from MARION  
 to 1201W05400 . \* UPDATE RP. JENNYM  
 ILLEGAL MOVE FROM CENTRAL HOMES LOT, WAS ON INV 93-94  
 \*\*\*\*\*NEEDS ACC# USING RP#\*\*\*\*\*  
 94MX: ABOVE MOBILE ON TAX LOT 12 1W 4 500;  
 ANOTHER MOBIL FOUND AT THIS SITE EST AT 10X52 (BLUE) AND NO VALUE. SQ8/94.  
 95MX: GATE LOCKED BUT AS FAR AS I COULD SEE, THIS PROPERTY HAS 1 MH.5/11/95JDR  
 04MX: MH 809141 ON THIS ACCT. SEE PHOTO. LOCKED GATE AT BOTTOM OF HILL.2/10/04J  
 08MX: OLD DECK VALUE REMOVED. 8/7/08 JLS.

# LINN County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2019

September 9, 2020 12:06:32 pm

Account # [REDACTED]  
 Map # 12S01W0500 00200  
 Code - Tax # 00918-159992  
 00940-925354

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name SULLIVAN ALTON E & DIXIE G

Deed Reference # 2010-8527

Agent

Sales Date/Price 05-24-2010 / \$0

In Care Of

Appraiser GERGER, SAM

Mailing Address PO BOX 2118  
 LEBANON, OR 97355

Prop Class 581 MA SA NH Unit  
 RMV Class 501 03 00 000 15158-1

| Situs Address(s)          | Situs City |
|---------------------------|------------|
| ID# 1 39190 MOUNT HOPE DR | LEBANON    |
| ID# 39320 MOUNT HOPE DR   | LEBANON    |

| Code Area       | RMV     | MAV     | Value Summary<br>AV | RMV Exception | CPR % |
|-----------------|---------|---------|---------------------|---------------|-------|
| 00918 Land      | 161,930 |         |                     | Land          | 0     |
| Impr.           | 0       |         |                     | Impr.         | 0     |
| Code Area Total | 161,930 | 0       | 75,745              |               | 0     |
| 00940 Land      | 477,820 |         |                     | Land          | 0     |
| Impr.           | 285,130 |         |                     | Impr.         | 0     |
| Code Area Total | 762,950 | 299,070 | 368,404             |               | 0     |
| Grand Total     | 924,880 | 299,070 | 444,149             |               | 0     |

| Code Area       | ID# | RFPD                                | Ex | Plan Zone | Value Source           | TD% | LS | Size   | Land Class | Trended RMV |
|-----------------|-----|-------------------------------------|----|-----------|------------------------|-----|----|--------|------------|-------------|
| 00918           | 5   | <input checked="" type="checkbox"/> |    |           | Designated Forest Land | 106 | A  | 68.97  | FC         | 51,280      |
| 00918           | 3   | <input checked="" type="checkbox"/> |    |           | Designated Forest Land | 106 | A  | 52.74  | FD         | 33,420      |
| 00918           | 4   | <input checked="" type="checkbox"/> |    |           | Designated Forest Land | 106 | A  | 31.94  | FE         | 13,420      |
| 00918           | 1   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned       | 106 | A  | 49.81  | 6          | 40,650      |
| 00918           | 11  | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned       | 106 | A  | 16.54  | 7          | 6,840       |
| 00918           | 2   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned       | 106 | A  | 20.00  | W          | 16,320      |
| Code Area Total |     |                                     |    |           |                        |     |    | 240.00 |            | 161,930.00  |
| 00940           | 5   | <input checked="" type="checkbox"/> |    |           | Designated Forest Land | 106 | A  | 6.41   | FC         | 4,770       |
| 00940           | 6   | <input checked="" type="checkbox"/> |    |           | Designated Forest Land | 106 | A  | 33.58  | FD         | 21,270      |
| 00940           | 7   | <input checked="" type="checkbox"/> |    |           | Designated Forest Land | 106 | A  | 33.58  | FE         | 14,110      |
| 00940           | 1   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned       | 106 | A  | 30.00  | 3          | 200,340     |
| 00940           | 2   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned       | 106 | A  | 20.50  | 4          | 109,520     |
| 00940           | 3   | <input checked="" type="checkbox"/> |    |           | Farm Use Unzoned       | 106 | A  | 58.53  | 6          | 47,770      |
| 00940           | 4   | <input checked="" type="checkbox"/> |    |           | Forest Site            | 106 | A  | 1.00   | FORST      | 10,600      |
| 00940           | 11  | <input checked="" type="checkbox"/> |    |           | Market                 | 106 | A  | 21.10  | 5          | 34,440      |
| 00940           |     |                                     |    |           | S.A. OSD               | 100 |    |        |            | 35,000      |
| Code Area Total |     |                                     |    |           |                        |     |    | 204.70 |            | 477,820.00  |
| Grand Total     |     |                                     |    |           |                        |     |    | 444.70 |            | 639,750     |

| Code Area   | ID# | Yr Built | Stat Class | Description                    | Improvement Breakdown | TD% | Total Sq. Ft. | Ex% MS Acct # | Trended RMV |
|-------------|-----|----------|------------|--------------------------------|-----------------------|-----|---------------|---------------|-------------|
| 00940       | 102 |          | 328        | MACHINE SHED                   |                       | 108 | 768           |               | 1,150       |
| 00940       | 104 |          | 110        | Residential Other Improvements |                       | 108 | 0             |               | 1,960       |
| 00940       | 101 |          | 110        | Residential Other Improvements |                       | 108 | 0             |               | 4,870       |
| 00940       | 103 | 2006     | 317        | GP BUILDING                    |                       | 108 | 2,160         |               | 39,960      |
| 00940       | 100 | 1989     | 131        | RES One story                  |                       | 108 | 1,657         |               | 180,900     |
| 00940       | 105 | 2014     | 352        | UTILITY BUILDING               |                       | 108 | 7,200         |               | 56,290      |
| Grand Total |     |          |            |                                |                       |     | 11,785        |               | 285,130     |



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

*NOTE: For water rights information and useful forms, please see our web site at*

[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

Certified mail number 7018 0360 0000 1345 3470

Return receipt requested

October 13, 2020

ALTON E. SULLIVAN  
PO BOX 2118  
LEBANON, OR 97355

Reference: Application R-87397, Permit R-14785

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 October 9, 2014.

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 October 9, 2014. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

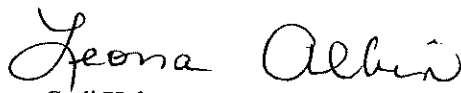
If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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 (December 22, 2020) 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 \$520.00 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 [Codi.N.Holmes@oregon.gov](mailto:Codi.N.Holmes@oregon.gov), the address above or by telephone at 503-986-0887. Due to Covid-19, email may be the best way to reach me.

Sincerely,

  
for Codi Holmes  
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 16





# Mailing List for 60-Day Letter

Application: R-87397

Permit: R-14785

Permit Holder(s):

ALTON E. SULLIVAN  
PO BOX 2118  
LEBANON OR 97355

|                      |         |
|----------------------|---------|
| <b>Copies Mailed</b> |         |
| by: <u>Ja</u>        | (STAFF) |
| on: <u>10-13-20</u>  | (DATE)  |

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES NO

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

1. Watermaster District #16
2. File

**Other persons to receive copies:**

- 1.

|                                                                                                  |                  |
|--------------------------------------------------------------------------------------------------|------------------|
| <b>U.S. Postal Service™</b>                                                                      |                  |
| <b>CERTIFIED MAIL® RECEIPT</b>                                                                   |                  |
| <i>Domestic Mail Only</i>                                                                        |                  |
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |                  |
| <b>OFFICIAL USE</b>                                                                              |                  |
| Certified Mail Fee<br>\$                                                                         | Postmark<br>Here |
| Extra Services & Fees (check box, add fee as appropriate)                                        |                  |
| <input type="checkbox"/> Return Receipt (hardcopy) \$                                            |                  |
| <input type="checkbox"/> Return Receipt (electronic) \$                                          |                  |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$                                   |                  |
| <input type="checkbox"/> Adult Signature Required \$                                             |                  |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$                                  |                  |
| Postage<br>\$                                                                                    |                  |
| Total Postage and Fees<br>\$                                                                     |                  |
| 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                       |                  |

7018 0360 0000 1345 3470

STATE OF OREGON

COUNTY OF LINN

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON, OR 97355

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 1, POND 2, AND POND 3

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

MAXIMUM VOLUME: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, AND 65.0 AF IN POND 3

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

DATE OF PRIORITY: FEBRUARY 20, 2009

THE AREA SUBMERGED BY POND 1, WHEN FULL, WILL BE 6.16 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 16.0 FEET.

THE AREA SUBMERGED BY POND 2, WHEN FULL, WILL BE 2.88 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 14.0 FEET.

THE AREA SUBMERGED BY POND 3, WHEN FULL, WILL BE 8.36 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 30.0 FEET.

DAM LOCATION:

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 NE CORNER, SECTION 5

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

| <u>POND 1</u>                         | <u>POND 2</u>          | <u>POND 3</u>          |
|---------------------------------------|------------------------|------------------------|
| SE ¼ SW ¼                             | SECTION 4              |                        |
|                                       | SECTION 5              | NE ¼ SE ¼<br>SE ¼ SE ¼ |
| NE ¼ NW ¼                             | NE ¼ NW ¼<br>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 the reservoir(s). 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 pass all live flow outside the storage season described above.

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



The Director may require the user to measure inflow and outflow, above and below each 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.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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 *OCTOBER 9 2009*



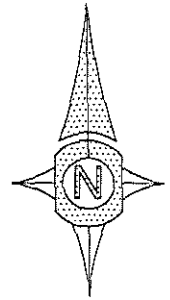
for Phillip C. Ward, Director  
Water Resources Department

APPLICATION NO. R-87397  
 PERMIT NO. R 14785

# 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

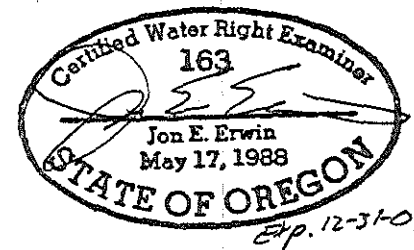
PROPERTY SUMMARY POND #1 & #2:  
 MAP 12S-1W-4  
 TAX LOT 500

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

RECEIVED  
 FEB 20 2009  
 WATER RESOURCES DEPT  
 SALEM, OREGON

## NOTE:

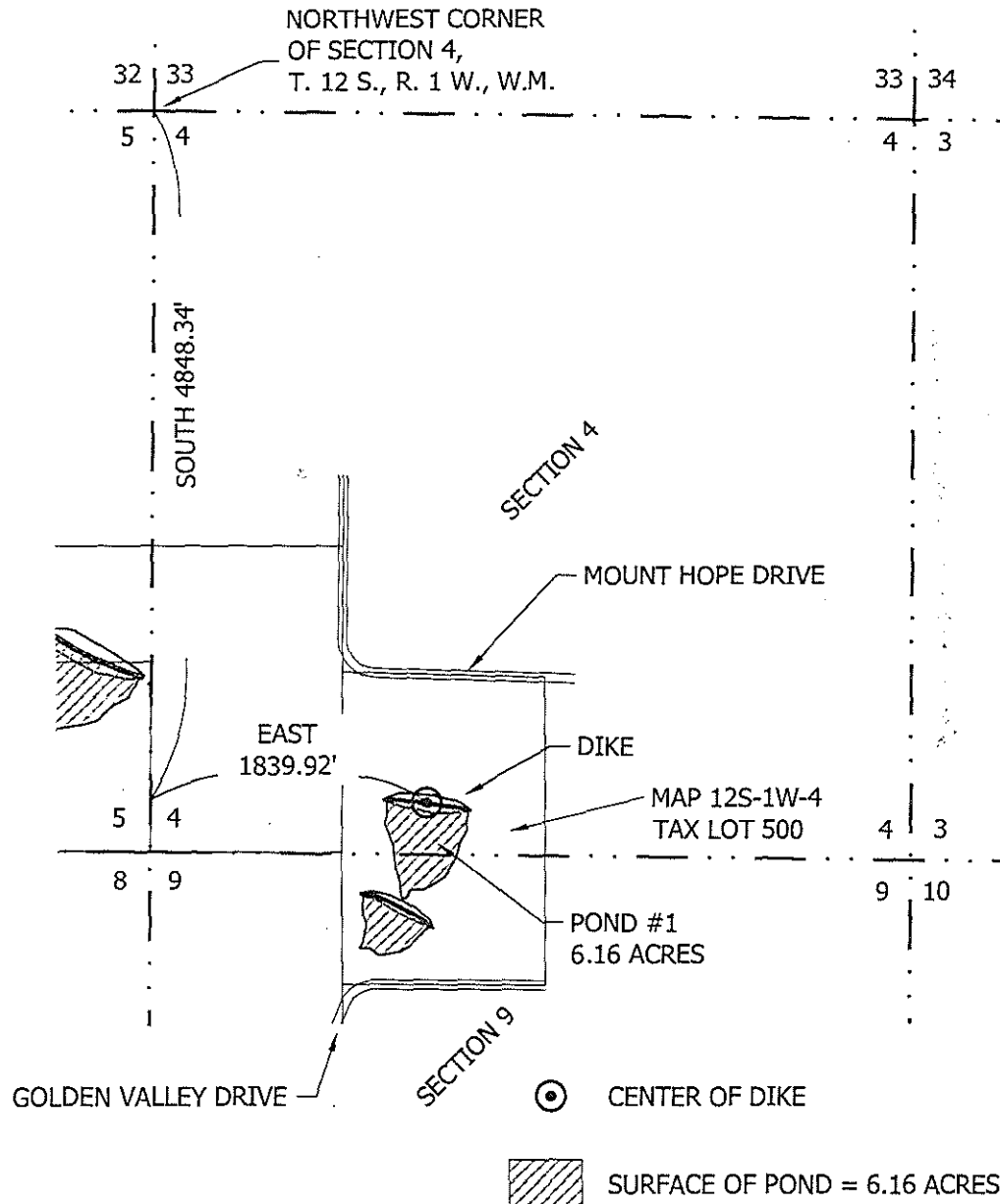
MAP IS FOR THE PURPOSE OF IDENTIFYING LOCATION  
 OF WATER RIGHT AND HAS NO INTENT TO DIMENSION  
 OR LOCATE PROPERTY OWNERSHIP LINES.



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

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

08-155 SULLIVAN RESERVOIR WTR RTS



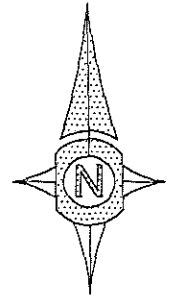


APPLICATION NO. R-87397  
 PERMIT NO. B18785

# APPLICATION MAP - POND #2

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

SCALE: 1" = 1320'



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FEB 20 2009

WATER RESOURCES DEPT  
 SALEM, OREGON

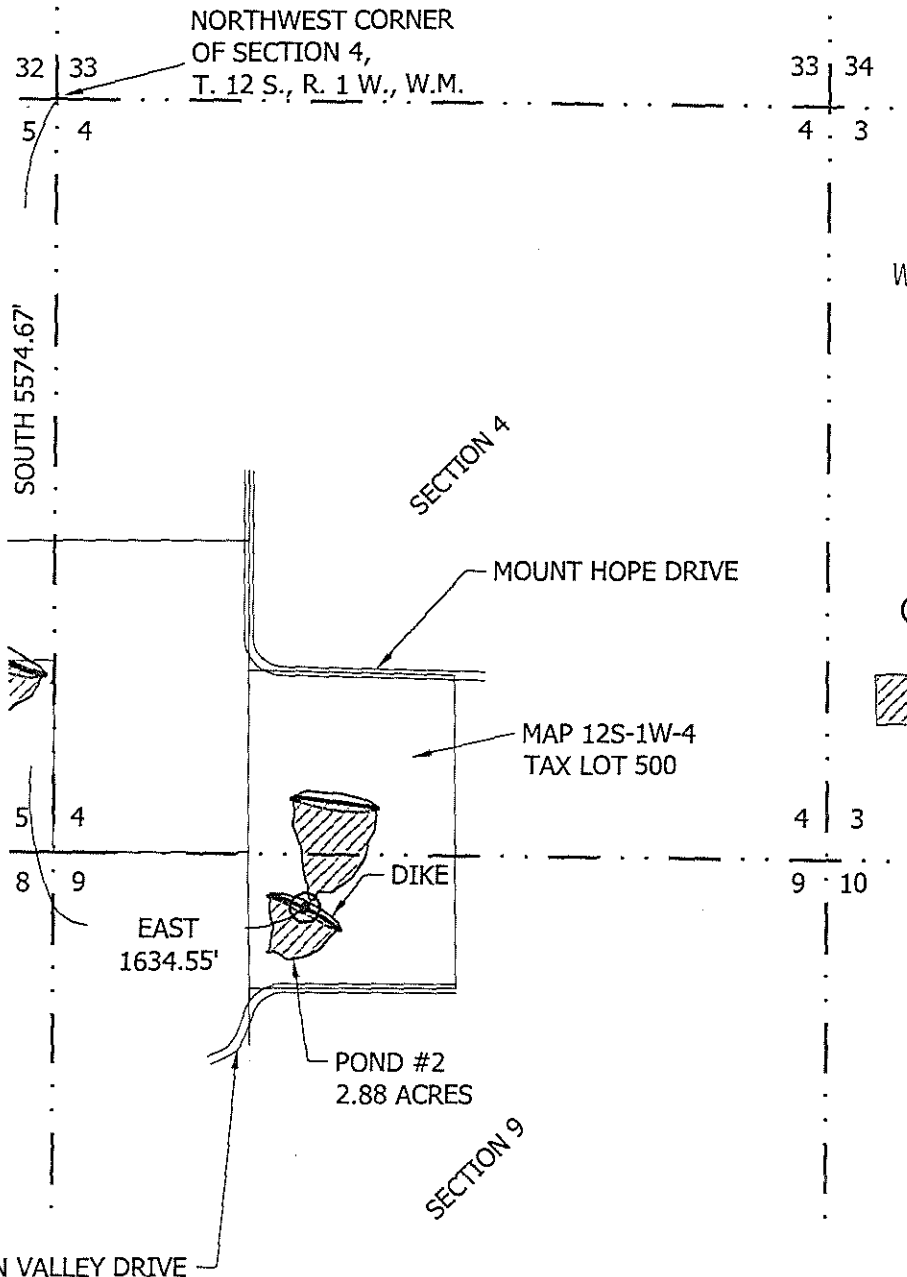
OWNER:  
 ALTON E. SULLIVAN  
 P.O. BOX 2118  
 LEBANON, OR. 97355

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

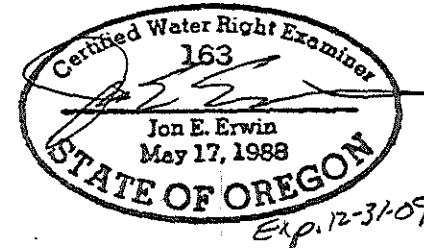


⊙ CENTER OF DIKE

▨ SURFACE OF POND = 2.88 ACRES

## NOTE:

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**Udell**  
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 LAND SURVEYING, LLC  
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 LEBANON, OREGON  
 97355

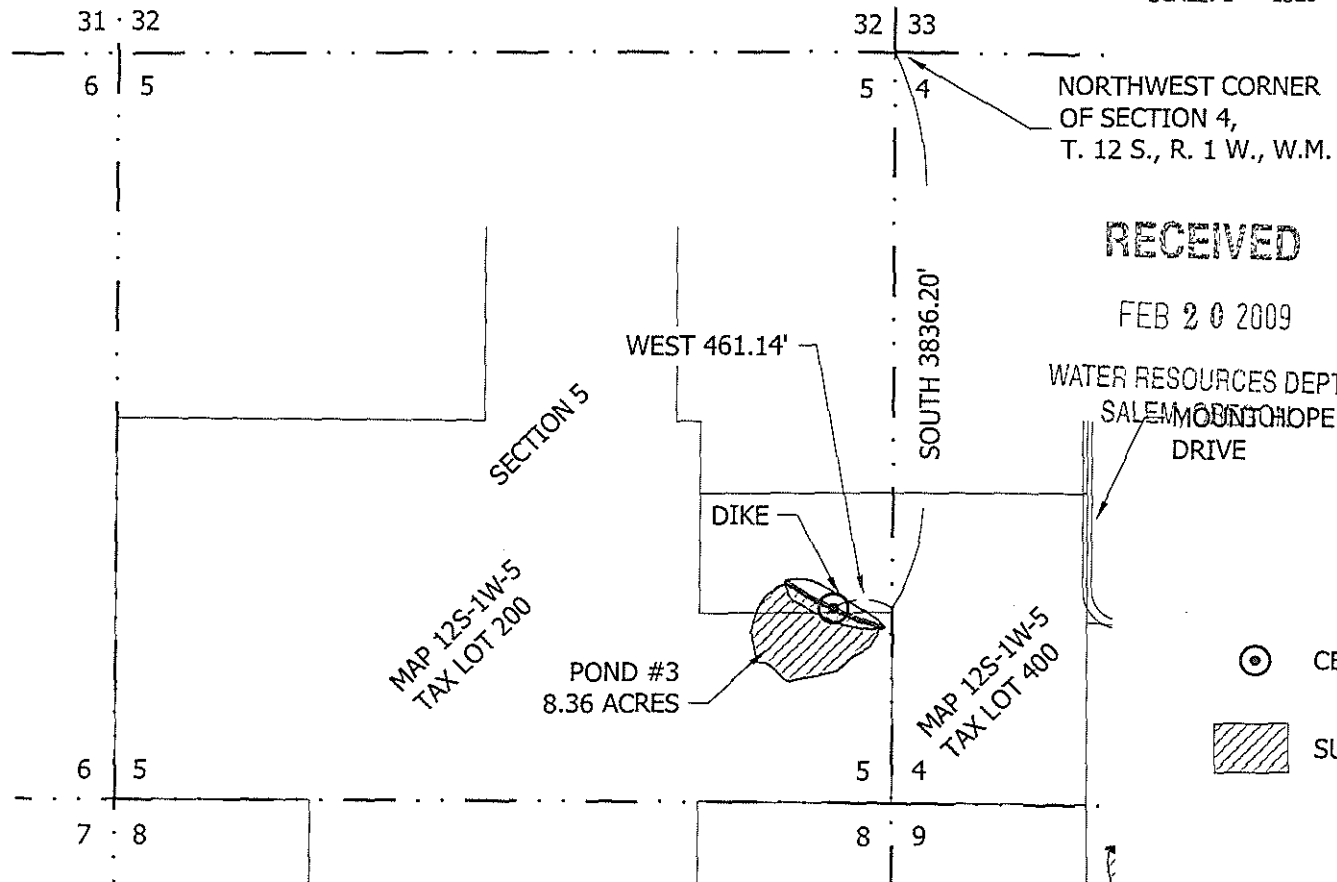
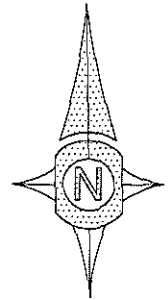
PH. (541) 451-5125  
 FAX (541) 451-1366

APPLICATION NO. R-87397  
 PERMIT NO. B14785

# APPLICATION MAP - POND #3

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

SCALE: 1" = 1320'



RECEIVED

FEB 20 2009

WATER RESOURCES DEPT  
 SALEM MOUNT HOPE  
 DRIVE

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

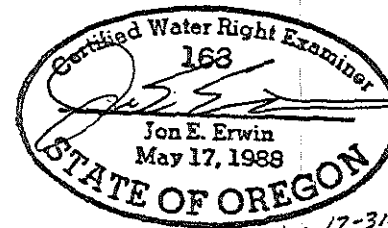
PROPERTY SUMMARY POND #3:  
 MAP 12S-1W-5  
 TAX LOT 200 AND 400

⊙ CENTER OF DIKE

▨ SURFACE OF POND = 8.36 ACRES

## NOTE:

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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

# Mailing List for FO Copies

Application #R-87397

---

**Original mailed to applicant with claim of beneficial use form:**

ALTON AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON OR 97355

**Copies sent to:**

1. WRD - File # R-87397
2. WRD - Ken Stahr
3. WRD - Dam Safety (for reservoir applications only)

|                      |
|----------------------|
| <b>Copies Mailed</b> |
| By: <u>JS</u>        |
| (SUPPORT STAFF)      |
| on: <u>10/9/05</u>   |
| (DATE)               |

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

4. WRD - Watermaster District #: 2
- 5.

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

6. CWRE #163 Jon Erwin Lebanon OR 97355

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

- 1.

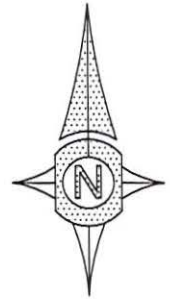
CASEWORKER : Joel Plahn

APPLICATION NO. R-87397  
 PERMIT NO. R 14785

# APPLICATION MAP - POND #1

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 LINN COUNTY, OREGON

SCALE: 1" = 1320'



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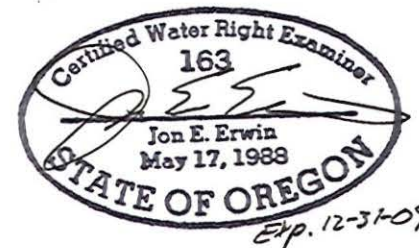
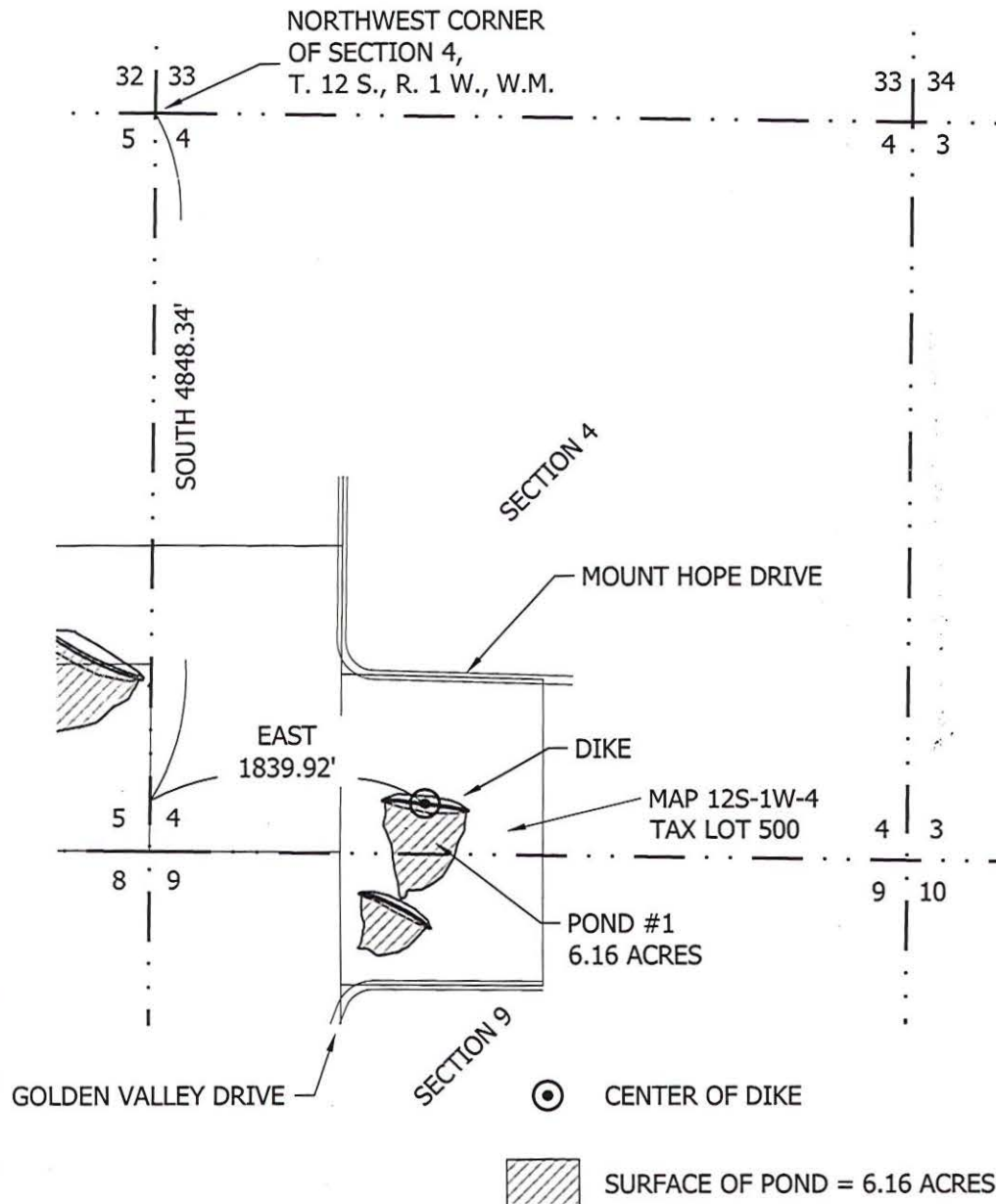
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 TAX LOT 500

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

RECEIVED  
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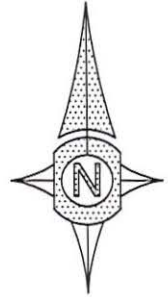


APPLICATION NO. R-87397PERMIT NO. B1A785

## APPLICATION MAP - POND #2

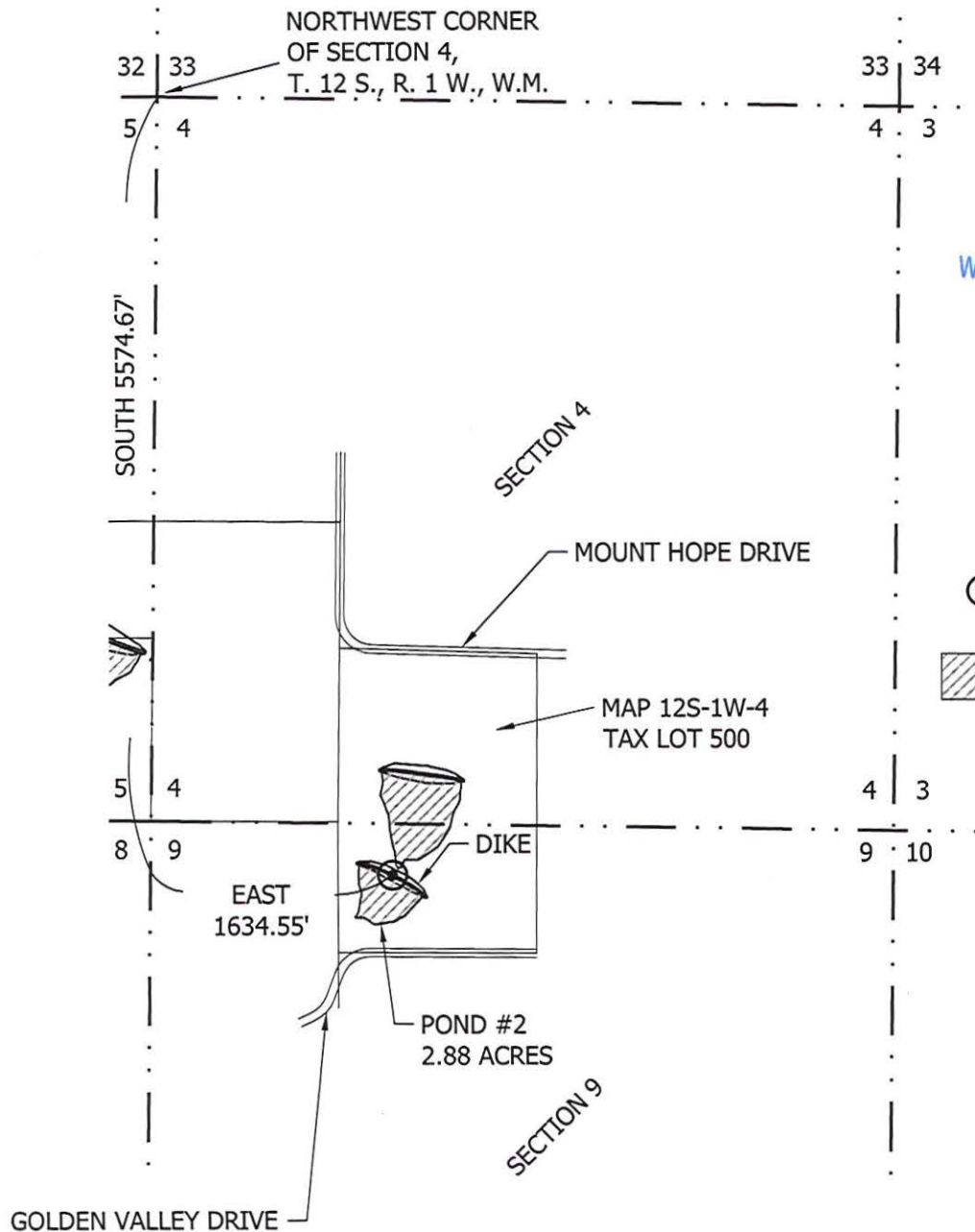
NW 1/4 SEC. 9 T. 12 S., R. 1 W., W.M.  
LINN COUNTY, OREGON

SCALE: 1" = 1320'

OWNER:ALTON E. SULLIVAN  
P.O. BOX 2118  
LEBANON, OR. 97355ENGINEER/SURVEYOR:BRIAN VANDETTA  
UDELL ENGINEERING & LAND SURVEYING, LLC  
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

RECEIVED

FEB 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

○ 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 WTR RTS

R-87397

SHEET 3 OF 3

APPLICATION NO. R-87397  
 PERMIT NO. B14785

# 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

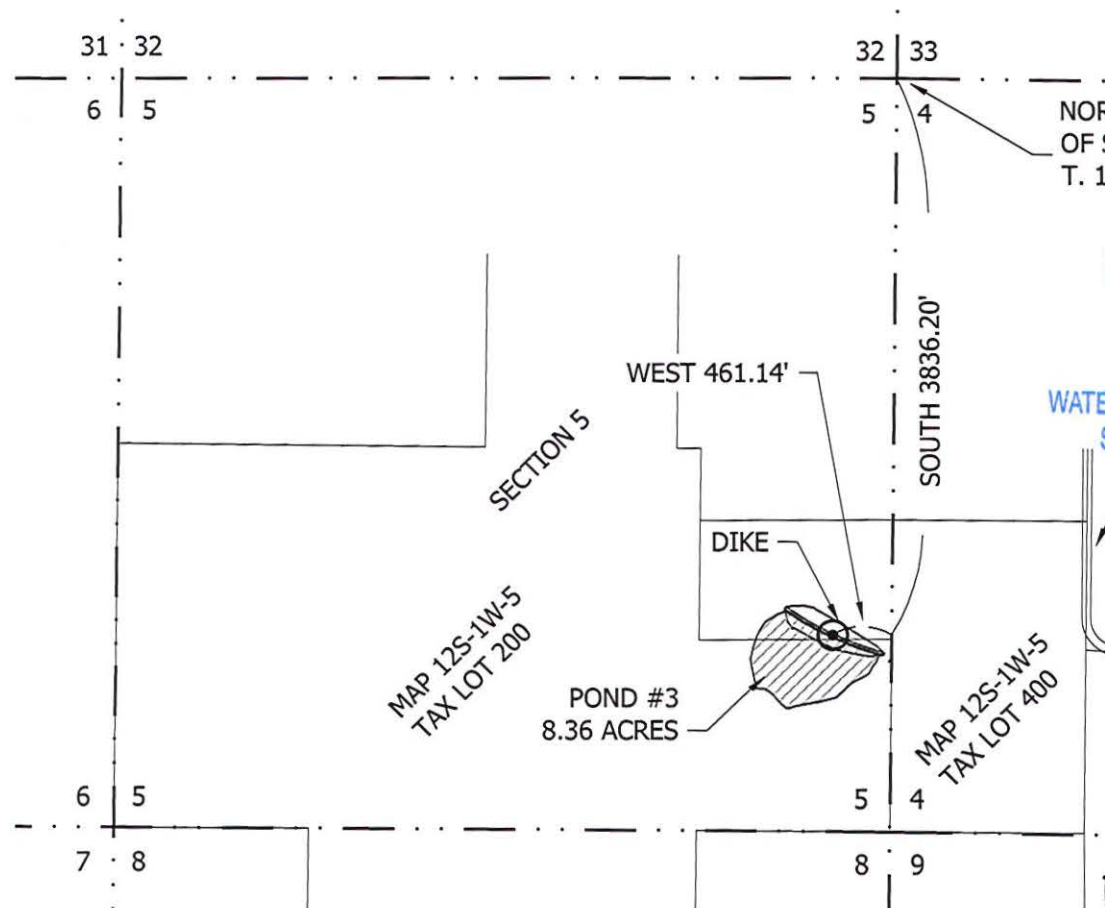
PROPERTY SUMMARY POND #1 & #2:  
 MAP 12S-1W-4  
 TAX LOT 500

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

RECEIVED

FEB 20 2009

WATER RESOURCES DEPT  
 SALEM, OREGON  
 MOUNT HOPE  
 DRIVE



⊙ 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.



**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



# 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

---

**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.

**Joel Plahn**

---

**From:** George Robison  
**Sent:** Friday, August 21, 2009 8:30 AM  
**To:** Joel Plahn  
**Subject:** App R-87397 Dam Safety Review  
**Attachments:** Sullivan Res conditions.pdf

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](mailto:george.robison@state.or.us)

9/23/2009



# FO Checklist

Application #: R-87397 Applicant: ALTON AND DIXIE SULLIVAN

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

If new: \_\_\_\_\_

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

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

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

☒ Include fish screen form if ODFW requested screening condition and rate  $\leq 0.5$  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  
\$700 / \$1000

20.20  
1<sup>st</sup> CFS/AF

400

82 Add'l @ \_\_\_\_\_

82

\_\_\_\_\_ Add'l @ \_\_\_\_\_

Add'l ☐ POD/POA ☐ use + \_\_\_\_\_

\_\_\_\_\_ +  
(base)

\_\_\_\_\_ =  
(Q)

\_\_\_\_\_ =  
(total exam fee)

|                   |              |                        |                              |
|-------------------|--------------|------------------------|------------------------------|
| EXAM FEE REQUIRED | <u>982</u>   | RECORDING FEE REQUIRED | \$250 / \$300 / <u>\$400</u> |
| EXAM FEE PAID     | <u>- 982</u> | RECORDING FEE PAID     | <u>- 0</u>                   |
| STILL OWED        | <u>0</u>     | STILL OWED             | <u>400</u>                   |

FO w/ draft permit; still needed:

☒ FO w/ permit # 14785

FO to deny  
refund \$ \_\_\_\_\_

☒ easement

☐ st water contract

☒ approved dam plans & specs

☐ land use approval

Name: Joel Plahn

Date: 7/31/2009

Peer Reviewer: KJK

## PFO Checklist

Application #: R-87397 Applicant: ALTON AND DIXIE SULLIVAN

☒ Shortcomings preventing PFO? Y / ☒ Should process continue? ☒ / N

☒ IR Date 3-20-09 Public Notice Date 3-24-09 Comments received? Y / N \_\_\_\_\_

☒ Was additional information requested in the IR? Y / ☒ If so, do we now have enough info to do the PFO? Y / N

☒ Was the application filed after 10/23/99? ☒ / N (If not, add A date requirement)

☒ B.O.R. or Doug Co. project Y / ☒ Contract in file? N contract # \_\_\_\_\_

☒ POD characteristics identifies as DEQ 303d? Y / ☒ NA Comments received? Y / N \_\_\_\_\_

☒ Is second gw review necessary? Y / N / ☒ Complete? Y / N

☒ Water Availability ☒ OK / REDONE / NA \_\_\_\_\_

☒ Have conflicts been addressed? Y / N / ☒ \_\_\_\_\_

☒ Changes from IR determinations DEQ - Limit Nov-May  
ODFW - Limit Nov 1-May 1

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

☒ Copy to Reg Manager Dan Safety WM Z CWRE Jon Agent \_\_\_\_\_

DEQ  
ODFW

NM-OK

| Fees            | Base Fee             | Water Amount (Q)                                                                |
|-----------------|----------------------|---------------------------------------------------------------------------------|
|                 | \$150 / \$250        | 1 <sup>st</sup> CFS/AF                                                          |
|                 | \$300 / <u>\$500</u> | <u>20</u> Add'l @ <u>20</u> <u>400</u>                                          |
|                 |                      | Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use + <u>82</u> |
| + _____ = _____ |                      |                                                                                 |
|                 | (base)               | (Q) (total exam fee)                                                            |

|                   |              |                        |                              |
|-------------------|--------------|------------------------|------------------------------|
| EXAM FEE REQUIRED | <u>982</u>   | RECORDING FEE REQUIRED | \$175 / \$250 / <u>\$300</u> |
| EXAM FEE PAID     | <u>- 982</u> | RECORDING FEE PAID     | <u>- 0</u>                   |
| STILL OWED        | <u>0</u>     | STILL OWED             | <u>300</u>                   |

Name: Joel Plahn

Date: 4/23/2009

Peer Reviewer: June 5/28/09

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.

# ODFW PUBLIC INTEREST REVIEW SHEET

Application #: R 87397 Applicant's Name: Alton and Dixie Sullivan

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

(Sign form and return)

☒ YES Species: Spring Chinook salmon, Winter steelhead, Pacific lamprey, cutthroat trout

Other: brook lamprey, red side shiner, 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: water allocation conditioned to November 1 to May 1; unless emergency, no water releases directly to One Horse Slough from season stream channel or spill way July 1 to October 1.

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: Releasing warm water directly in to stream channel could increase temperatures in One Horse Slough above suitable temperatures for salmon or trout. Impounding water in June, July, September, and October could reduce habitat for native fishes during low water period.

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: water allocation conditioned to November 1 to May 1; unless emergency, no water releases directly to stream channel July 1 to October 1.

6) Your recommendation: ☒ Approval with conditions  
☐ Approval without conditions  
☐ Denial

ODFW Representative signature: Karen M Hans Date: May 11, 2009

WRD Contact: Caseworker: Joel M. Plahn, Water Rights Division, 503-986-0900 / Fax 503-986-0901

**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 87397 Applicant's Name: Alton and Dixie 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)]

YES Species: Spring Chinook Salmon, Winter steelhead, Pacific lamprey, cutthroat trout 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: water allocation conditioned to November 1 to May 1; unless emergency, no water releases directly to One Horse Slough from season ditch or spillway stream channel July 1 to October 1.

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: Releasing warm water directly in to stream channel could increase temperatures in One Horse Slough above suitable temperatures for salmon or trout. Impounding water in June, July, September, and October could reduce habitat for native fishes during low water period.

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) water allocation conditioned to November 1 to May 1; unless emergency, no water releases directly to stream channel July 1 to October 1.

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

ODFW Representative signature: Karen M Hans Date: May 11, 2009

WRD Contact: Caseworker: Joel M. Plahn, Water Rights Division, 503-986-0900 / Fax 503-986-0901



# ODFW PUBLIC INTEREST REVIEW SHEET

Application #: R 87397 Applicant's Name: Alton and Dixie Sullivan

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

(Sign form and return)

☒ YES Species: Spring Chinook salmon, Winter steelhead, Pacific lamprey, cutthroat trout

Other: brook lamprey, red side shiner, 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: water allocation conditioned to November 1 to May 1; unless emergency, no water releases directly to One Horse Slough from season stream channel or spill way July 1 to October 1.

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: Releasing warm water directly in to stream channel could increase temperatures in One Horse Slough above suitable temperatures for salmon or trout. Impounding water in June, July, September, and October could reduce habitat for native fishes during low water period.

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: water allocation conditioned to November 1 to May 1; unless emergency, no water releases directly to stream channel July 1 to October 1.

6) Your recommendation: ☒ Approval with conditions  
☐ Approval without conditions  
☐ Denial

ODFW Representative signature: Karen M Hans Date: May 11, 2009

WRD Contact: Caseworker: Joel M. Plahn, 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 Chapter 635-415-030 adopted November 13, 1991, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishmay** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- 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 Chapter 635-415-030 adopted November 13, 1991, shall be followed.
- wq** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- fence** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

# 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-87397 Applicant's Name: Alton and Dixie Sullivan

---

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

☒ YES

☐ NO

2) Does the affected surface water source ever go dry in the area of the proposed diversion? ☐ YES ☒ NO  
According to the USGS map for the two Eastern Pond, the western pond is mapped on an intermittent stream.

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: \_\_\_\_\_

\_\_\_\_\_

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: N/A

\_\_\_\_\_

7) What conditions do you recommend? same as on the IR

\_\_\_\_\_

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

Watermaster Signature: Michael J. Mattick Date: 04/02/2009

WRD Contact: Caseworker: \_\_\_\_\_, Water Rights Division, 503-986-0900 / Fax 503-986-0901

cubic feet per second per 1000 head of livestock.

# DEQ DIVISION 33 APPLICATION REVIEW SHEET

RECEIVED

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

APR 15 2009

Application #: 2-87397

Applicant's Name: Sullivan

WATER RESOURCES DEPT  
SALEM, OREGON

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

Explain: S. Santiam and tributaries are listed / TMDLs established for temperature to protect rearing and spawning 9/15-6/30.

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

Explain: Release of impounded water June -> Sept has the potential to increase temperatures already above the standard.

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? Temperature may increase due to release of water during spawning for S. Santiam / One Horse Slough.

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

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

Limit storage Nov-May and surface water availability to Oct-May and to avoid downstream heating.

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)

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

☒ Approval with conditions  
☐ Approval without conditions  
☐ Denial

DEQ Representative signature:

May H. Smith

Date:

4/15/09

WRD Contact:

Caseworker:

Alann J.

Water Rights Division, 503-986-0900 / Fax 503-986-0901

\* Pond Construction may require DEQ ROR NPDES permit. Pond use not limited to agricultural. Recommend owner contact Krisly Sewell at DEQ / 503-986-7850.



RECEIVED

APR 15 2009

Joel Plahn

**From:** GRAMLICH Nancy [Gramlich.Nancy@deq.state.or.us]  
**Sent:** Wednesday, April 15, 2009 8:54 AM  
**To:** Joel Plahn  
**Subject:** FW: OWRD: Water Right Application R 87397 (Storage) has been submitted for your District or Region. [DEQ]

WATER RESOURCES DEPT  
SALEM, OREGON

**Attachments:** r-87397\_0001 ver 2.pdf



r-87397\_000  
r 2.pdf (279 k)

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

**From:** GRAMLICH Nancy  
**Sent:** Wednesday, April 15, 2009 8:33 AM  
**To:** 'Joel Plahn'  
**Subject:** RE: OWRD: Water Right Application R 87397 (Storage) has been submitted for your District or Region. [DEQ]

Is there a water right for using the water in the pond for fire protection/moistening soils, etc

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

**From:** Joel Plahn [mailto:plahnjm@wrdd.state.or.us]  
**Sent:** Wednesday, April 15, 2009 8:03 AM  
**To:** GRAMLICH Nancy  
**Cc:** Joel Plahn  
**Subject:** RE: OWRD: Water Right Application R 87397 (Storage) has been submitted for your District or Region. [DEQ]

Hello Nancy,

This is a standard reservoir application not an alternate reservoir application. I need a Division 33 Review, you sent an Alternate Reservoir Review. Please let me know if you have any questions.

Thanks,

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

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

**From:** GRAMLICH Nancy [mailto:Gramlich.Nancy@deq.state.or.us]  
**Sent:** Wednesday, April 15, 2009 7:39 AM  
**To:** Joel Plahn  
**Subject:** FW: OWRD: Water Right Application R 87397 (Storage) has been submitted for your District or Region. [DEQ]

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

**From:** automated\_email@wrdd.state.or.us  
[mailto:automated\_email@wrdd.state.or.us]  
**Sent:** Tuesday, April 14, 2009 10:40 PM  
**To:** nancy.h.gramlich@state.or.us  
**Cc:** barry.b.frost@wrdd.state.or.us; Kathy.J.BOLLES@wrdd.state.or.us;

timothy.wallin@wrđ.state.or.us; jonnine.l.skaug@wrđ.state.or.us;  
joel.m.plahn@wrđ.state.or.us  
Subject: OWRD: Water Right Application R 87397 (Storage) has been  
submitted for your District or Region. [DEQ]

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Oregon Water Resources Department - Automated e-mail notice  
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DEQ review request for proposed water right application R 87397

Application Stakeholder(s): SULLIVAN, ALTON E., SULLIVAN, DIXIE G.

Application Type: Storage  
Notice Number: 2

Diversion Location:  
County: Linn  
TRSQQ: 12S 1W 4 SESW  
Source: RUNOFF  
Tributary To: ONEHORSE SLOUGH

To view the OWRD Web page for R 87397 please click the link below.  
[http://apps2.wrđ.state.or.us/apps/wr/wrinfo/wr\\_query.aspx?SearchType=App  
&app\\_nbr\\_start=87397&app\\_char=R](http://apps2.wrđ.state.or.us/apps/wr/wrinfo/wr_query.aspx?SearchType=App&app_nbr_start=87397&app_char=R)

To view the pending reviews for your district or region, click the  
following link.  
[http://apps2.wrđ.state.or.us/apps/wr/external\\_review/deq\\_review.aspx?dir  
ectory\\_id=122849](http://apps2.wrđ.state.or.us/apps/wr/external_review/deq_review.aspx?directory_id=122849)

Caseworker: Joel M. Plahn; Oregon Water Resources Department at  
503-986-0815 or joel.m.plahn@wrđ.state.or.us

This message has been generated automatically by an unmonitored email  
account.  
Please do not "reply" to this message. Thank you.

# DEQ ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R-81397 Applicant's Name: Sullivan, Alton and Dixie

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

Explain: Surface water not available Aug. - Sept. which are  
the critical summer months; off-channel from surface  
water; storage limited to Nov. - June.

2) Did you meet with staff from another agency to discuss this application? ☒ NO / YES

Who: \_\_\_\_\_ Agency: \_\_\_\_\_ Date: \_\_\_\_\_  
Who: \_\_\_\_\_ Agency: \_\_\_\_\_ Date: \_\_\_\_\_

DEQ Representative Signature: Nancy Hamrick Date: 4/15/09

WRD Contact: Caseworker: Plahn, J. Water Rights Division, 503-986-0900 / Fax 503-986-0901

# IR CHECKLIST

Application #: R-87397 Applicant: ALTON SULLIVAN

Use(s): FIRE PROTECTION; FISH CULTURE; WILDLIFE Priority Date: February 20, 2009

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

☒ Is the application complete? ☐ No ☒ Yes

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

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

☐ classify as surface water well \_\_\_\_\_ has PSI with \_\_\_\_\_

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

GW conditions \_\_\_\_\_

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

☒ SW Availability ☐ NA ☐ 80% live ☒ 50% storage Not avail Aug-Sept WID: 2-30200601

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

☒ 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 w/ diff source ☒ NA ☐ Yes limits \_\_\_\_\_

☒ Use is ☐ allowed ☐ not allowed ☒ limited ☐ OAR ☐ Compact 690-502-0040(4)(a) Nov-June

☒ Requested Use/Rate/Season 23 AF  
14 AF 65 AF

Allowed Use/Rate/Season \_\_\_\_\_ Limit \_\_\_\_\_ Duty \_\_\_\_\_

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

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

☒ Authorized agent specified ☒ NA ☐ needed ☐ Yes \_\_\_\_\_

☒ Conditions: \_\_\_\_\_

☐ Small  $\leq 0.1$  CFS,  $\leq 9.2$  AF, ☒ Medium  $> 0.1$  and  $< 0.5$  CFS,  $> 9.2$  and  $< 100$  AF, ☐ Large  $\geq 0.5$  CFS,  $\geq 100$  AF

Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.

Use "Large" for temp control (including NU), HC exceptions, Tenmile Lake, or if applicant is a government entity

Use "Large-7g" or "Large-7i" if GW recommends 7g or 7i

Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

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

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



Application #: R-87397 Applicant: ALTON SULLIVAN

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

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

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

☒ Forms ☐ NA ☒ DIV 33 ☐ basin map ☐ HC except ☐ spring description other \_\_\_\_\_

☒ Copy to ☐ NWR ☒ WM # 2 ☒ ODFW ☐ CRIFC  
☐ NCR ☐ agent ☒ DEQ ☐ US Fish & Wildlife  
☐ ER ☒ CWRE ☒ DOA ☐ NW Planning Council  
☐ SWR ☐ State Parks ☐ CTUIR

☐ DOA Food Safety Division  
(bottled water)

☐ city \_\_\_\_\_  
(w/in 5-mile muni wells)

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

☒ App and map meet min. requirements ☒ Yes ☐ No \_\_\_\_\_  
(If not, send IR certified)

☒ Scanned images exist for application form and map

☒ Fees \_\_\_\_\_ CFS Base 500  
\_\_\_\_\_ AF Up to 1 CFS \_\_\_\_\_  
\_\_\_\_\_ Add'l CFS @ \_\_\_\_\_  
Up to 20 AF 400  
82 Add'l AF @ 1 82  
Add'l ☐ POD/POA ☐ use + \_\_\_\_\_  
Exam Fee Required = 982  
Exam Fee Paid 982  
Still Owed 0

Name: Joel Plahn Date: 3/9/2009 Peer Reviewer: \_\_\_\_\_

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.

# Point of Diversion Characteristics

|        |                |
|--------|----------------|
| Right: | App:R 87397 *  |
| 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 Availability Analysis

S SANTIAM R > SANTIAM R - AT MOUTH  
WILLAMETTE BASIN

Water Availability as of 3/9/2009

Watershed ID #: 30200601

Date: 3/9/2009

Exceedance Level: 50%

Time: 9:44 AM

## Water Availability

Select any Watershed for Details

| Nesting Order | Watershed ID # | Stream Name                                           | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Sto |
|---------------|----------------|-------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1             | 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 | No  | Yes | Yes | Yes | Yes | Yes | Yes |
| 5             | 168            | SANTIAM R> WILLAMETTE R- AB MORGAN CR                 | Yes | Yes | Yes | Yes | Yes | Yes | No  | No  | Yes | Yes | Yes | Yes | Yes |
| 6             | 30200601       | S SANTIAM R> SANTIAM R- AT MOUTH                      | Yes | Yes | Yes | Yes | Yes | Yes | No  | No  | Yes | 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 3/9/2009

Watershed ID #: 181

Date: 3/9/2009

Exceedance Level: 50%

Time: 9:44 AM

## 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    | 992.00     | 1,340.00  | 94.30      | 9.17       | 23.80    | 54.30        | 24.60 | 2,550.00 |
| AUG   | 2.03     | 779.00     | 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        | CERTIFICATE | 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 3/9/2009

Watershed ID #: 182

Date: 3/9/2009

Exceedance Level: 50%

Time: 9:44 AM



## 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   | 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   | 403.00     | 1,040.00  | 84.80      | 8.12       | 18.00    | 63.50        | 9.51  | 2,050.00 |
| JUL   | 3.91     | 675.00     | 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     | 18.90      | 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        | CERTIFICATE | 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 &gt; COLUMBIA R - AB MILL CR AT GAGE 14191000

WILLAMETTE BASIN

Water Availability as of 3/9/2009

Watershed ID #: 183

Date: 3/9/2009

Exceedance Level: 90%

Time: 9:44 AM

## 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     | 369.00     | 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        | CERTIFICATE | 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 3/9/2009

Watershed ID #: 167

Date: 3/9/2009

Exceedance Level: 50%

Time: 9:44 AM

## 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        | CERTIFICATE | 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 3/9/2009

Watershed ID #: 168

Exceedance Level: 50%

Date: 3/9/2009

Time: 9:44 AM

## 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        | CERTIFICATE | 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 3/9/2009

Watershed ID #: 30200601

Date: 3/9/2009

Exceedance Level: 50%

Time: 9:44 AM

## 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.**

690-502-0040

**General Provisions**

(1) Water availability: The classifications in OAR 690-502-0050 through 690-502-0150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-0050 through 690-502-0150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-0050 through 690-502-0150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

(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.

**690-502-0040****General Provisions**

(1) Water availability: The classifications in OAR 690-502-0050 through 690-502-0150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-0050 through 690-502-0150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-0050 through 690-502-0150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

**(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.



690-502-0110

**Santiam River -- Calapooia River Subbasin**

The Santiam -- Calapooia Subbasin includes the drainage basins of the Santiam and Calapooia Rivers upstream from the confluence with the Willamette River:

(1) Surface water classification:

(a) The Little North Santiam River from the confluence of Battle Ax Creek and Opal Creek downstream to the Willamette National Forest boundary near Elkhorn at river mile 17 is a designated state scenic waterway. The Little North Santiam River and tributaries above the Willamette National Forest boundary are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as specified in paragraph (b)(A) and (B) of this section, the Santiam River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31:

(A) The South Santiam River and tributaries below Trout Creek, and the Middle Santiam River and tributaries below Green Peter Dam, are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through September 30;

(B) The following streams and their tributaries are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses:

- (i) South Santiam River above Trout Creek tributary to Santiam River;
- (ii) Middle Santiam River above Green Peter Dam;
- (iii) Quartzville Creek tributary to the Middle Santiam River;
- (iv) Wiley Creek tributary to South Santiam River;
- (v) Thomas Creek tributary to South Santiam River;
- (vi) North Santiam River above USGS Gage 14181500 at Niagara tributary to Santiam River;
- (vii) Mad Creek tributary to North Santiam River;
- (viii) Rock Creek tributary to North Santiam River;
- (ix) Stout Creek tributary to North Santiam River;
- (x) McDowell Creek tributary to South Santiam River.

(c) The Calapooia River and tributaries below Boston Mill at approximately river mile 22 are classified for

domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through July 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from August 1 through September 30;

(d) The Calapooia River and tributaries above Boston Mill at approximately river mile 22 are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 to June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

(e) The waters of natural lakes with surface elevations above 3,000 feet mean sea level are classified only for domestic, excluding irrigation of lawn and commercial garden, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses. No storage shall be allowed in these lakes.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in **Table 1**:

(a) The Middle Santiam River or its tributaries above USGS Gage 14186500 (NE 1/4 SE 1/4 Section 24, Township 13 South, Range 1 East) near Foster, Oregon, for natural flows of the Middle Fork Santiam River or its tributaries below 110 cubic feet per second plus waters released from storage of up to 260 cubic feet per second measured at the aforementioned gage;

(b) The South Santiam River or its tributaries above USGS -- Corps of Engineers -- State Engineer Gage 14187500 (SW 1/4 NW 1/4 Section 28, Township 12 South, Range 1 West) at Waterloo, Oregon, for natural flows of the South Santiam River below 170 cubic feet per second plus waters released from storage of up to 930 cubic feet per second measured at the aforementioned gage;

(c) The North Santiam River or its tributaries above USGS Gage 14181500 (NE 1/4 NE 1/4 Section 34, Township 9 South, Range 4 East) at Niagara, Oregon, for natural flows of the North Santiam River below 500 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(d) The North Santiam River or its tributaries above USGS Gage 14183000 (NW 1/4 Section 18, Township 9 South, Range 2 East) at Mehama, Oregon, for natural flows of the North Santiam River below 580 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(e) The North Santiam River or its tributaries above USGS Gage 14184100 (Section 7, Township 10 South, Range 2 West) near Jefferson, Oregon, for natural flows of the North Santiam River below 430 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(f) The Santiam River or its tributaries above USGS Gage 14189000 (SE 1/4 Section 11, Township 10 South, Range 3 West) at Jefferson, Oregon, for natural flows of the Santiam River below 330 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at the aforementioned gage;

(g) The Santiam River or its tributaries above the Santiam River -- Willamette River confluence for natural flows of the Santiam River below 320 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at a point between the said confluence and 1.0 miles above said confluence;

(h) The Calapooia River or its tributaries above USGS Gage 14172000 (SE 1/4 Section 15, Township 14 South, Range 1 West) at Holley, Oregon, for natural flows of the Calapooia River below 30 cubic feet per second plus waters released from storage or up to 340 cubic feet per second measured at the aforementioned gage;

(i) The Calapooia River or its tributaries above USGS Gage 14173500 (NW 1/4 Section 13, Township 11 South, Range 4 West) at Albany, Oregon, for natural flows of the Calapooia River below 20 cubic feet per second plus waters released from storage of up to 340 cubic feet per second measured at the aforementioned gage.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the agency.]

Stat. Auth.: ORS 536.220, ORS 536.300, ORS 536.310, ORS 536.340, ORS 536.410, ORS 537.170, ORS 537.356 & ORS 537.358

Stats. Implemented:

Hist.: Upper Willamette River Basin Program: WRB 8, f. 4-21-59?; WRB 19, f. 6-5-62; WRB 27, f. 5-11-64; WRB 30, f. 7-3-64; WRD 9-1980, f. & cert. ef. 11-26-80; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Middle Willamette River Basin Program: WRB 29, f. 7-1-64; WRB 32, f. 7-27-65; WRB 11-1985, f. & cert. ef. 9-5-85; Lower Willamette River Basin Program: WRB 35, f. 6-10-66; WRB 40, f. 9-6-68; WRB 42, f. 5-1-70; WRB 47, f. 4-30-71; WRB 63, f. 6-5-75; WRD 2, f. 11-5-76; WRD 7-1980, f. & cert. ef. 8-12-20; WRD 1-1980, f. & cert. ef. 12-19-80; WRD 11-1985, f. & cert. ef. 9-5-85, WRD 3-1986(Temp), f. & cert. ef. 3-11-86) WRD 4-1992, f. & cert. ef. 3-13-92, Renumbered from 690-080-0021 - 0023; WRD 12-1992, f. & cert. ef. 9-9-92

# Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App:R 87397 \*



# Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

3 SMALL RES(S)

ONE  
STANDARD  
RES  
APPLIC

Application R 87397 Township 12 S

Priority Date 2-20-2009 Range 1 W

Use(s) STORAGE Section 4 & 5

Rate 17.40 AF POD Loc 3 RES(S) SEE MAP(S)

County LINN POU Loc N/A

W.M. DIST # 2 Caseworker JOEL P

☒ 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 filled 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) PER WITHDRAWN MAP withdrawn from further appropriation, or Division 538. If it is, return application and fees.

☒ Property ownership indicated. STATE YES!

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

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

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

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

☐ Enclosed Supplemental Form for each proposed use.

N/R ☐ 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))

3 RES(S) AF  
① 6.16 ② 2.88 ③ 8.36

☒ 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 reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.

If the above is statement is checked, the map must be prepared by a CWRE.

All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink. Signature must be an original "wet" signature.

You must include a Legal description of the property involved that includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. Date of signature must be within the past 12 months. Signature must be an original "wet" signature.

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

North Directional Symbol

Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture

Other

Reference corner on map

Each point of diversion coordinate

Fees: Amount of water requested

102.00 AF

Base Fee \$

1st CFS/AF

Additional Use @

Total Exam Fees \$

Total Paid \$

Amount Due \$

Addn'l CFS/AF @

Addn' POD @

Reviewed by:

Date:



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **97910**

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  
BY: LLC.

|             |         |
|-------------|---------|
| APPLICATION | R-87397 |
| PERMIT      |         |
| TRANSFER    |         |

CASH: ☐ CHECK: # 2011 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 400.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

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

| EXAM FEE | RECORD FEE       |
|----------|------------------|
| 0202 \$  | \$ <u>400.00</u> |
| 0204 \$  | \$               |
| EXAM 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: **97910**

DATED: 9-22-01 BY: QR

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

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-87397

**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 February 20, 2009, Alton and Dixie Sullivan submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 16, 2009. The protest period closed July 31, 2009, and no protest was filed.

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

**Order**

Application R-87397 is therefore approved as proposed by the Proposed Final Order. Upon resolution of the outstanding issues described below, a permit shall be issued authorizing the proposed water use. Prior to issuance of a permit, outstanding fees in the amount of \$400.00 must be paid, and dam plans and specifications for each pond must be submitted and approved.

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 August 18, 2009

*E. Timothy Ward*

for Phillip C. Ward, Director  
Water Resources Department

*This document was prepared by Joel Plahn. 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 503-986-0815.*

*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 AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON, OR 97355

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 1, POND 2, AND POND 3

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

MAXIMUM VOLUME: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, AND 65.0 AF IN POND 3

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

DATE OF PRIORITY: FEBRUARY 20, 2009

THE AREA SUBMERGED BY POND 1, WHEN FULL, WILL BE 6.16 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 16.0 FEET.

THE AREA SUBMERGED BY POND 2, WHEN FULL, WILL BE 2.88 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 14.0 FEET.

THE AREA SUBMERGED BY POND 3, WHEN FULL, WILL BE 8.36 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 30.0 FEET.

DAM LOCATION:

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 NE CORNER, SECTION 5

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

| <u>POND 1</u>                         | <u>POND 2</u>                                  | <u>POND 3</u>                                                          |
|---------------------------------------|------------------------------------------------|------------------------------------------------------------------------|
| SE $\frac{1}{4}$ SW $\frac{1}{4}$     | SECTION 4                                      |                                                                        |
|                                       | SECTION 5                                      | NE $\frac{1}{4}$ SE $\frac{1}{4}$<br>SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$     | NE $\frac{1}{4}$ NW $\frac{1}{4}$<br>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 the reservoir(s). 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 pass all live flow outside the storage season described above.

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

The Director may require the user to measure inflow and outflow, above and below each 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**

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

#### **STANDARD CONDITIONS**

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

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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-87397

---

## Original mailed to applicant with claim of beneficial use form:

ALTON AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON OR 97355

- Copies sent to:** 1. WRD - File # R-87397  
2. WRD - Ken Stahr  
3. WRD - Dam Safety (for reservoir applications only)

|                      |                               |
|----------------------|-------------------------------|
| <b>Copies Mailed</b> |                               |
| By:                  | <u>QNS</u><br>(SUPPORT STAFF) |
| on:                  | <u>8/18/05</u><br>(DATE)      |

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

4. WRD - Watermaster District #: 2  
5.

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

6. CWRE #163 Jon Erwin Lebanon OR 97355

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

- 1.

CASEWORKER : Joel Plahn

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-87397

Prior to the issuance of a permit and construction of the project, the Department must receive the following:

1. Permit recording fees in the amount of \$300.00.
2. Final dam designs and specifications must be submitted to the Department and approved by the Department's dam-safety engineer.

Please include your application number on any documents submitted, including 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 February 20, 2009, Alton and Dixie Sullivan submitted an application to the Department for the following water use permit:

- Amount of Water: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, 65.0 AF IN POND 3
- Use of Water: FIRE PROTECTION; FISH CULTURE; 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 March 20, 2009, the Department mailed the applicant notice of its Initial Review, determining that "The storage of 102.0 AF, being 23.0 AF in Pond 1, 14.0 AF in Pond 2, and 65.0 AF in Pond 3 from runoff, tributary to Onehorse Slough for fire protection, fish culture and wildlife is allowable, November 1 through June 30." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On March 24, 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 storage of water for fire protection, fish culture and wildlife from November 1 through June 30.

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) October 1 through July 31.

The Department finds that the amount of water requested, 102.0 AF, being 23.0 AF in Pond 1, 14.0 AF in Pond 2 and 65.0 AF in Pond 3, 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:

DEQ may require a permit before construction; the applicant is encouraged to contact Kristy Sewell at DEQ 541-686-7858.

The storage season should be limited to November 1 through May 1.



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

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

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 June 16, 2009

*E. Timothy Wall*

for Phillip C. Ward, Director  
Water Resources Department

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

#### Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **July 31, 2009**. Protests must be in writing, and must include the following:

- A. Your name, address, and telephone number;
- B. 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;
- C. A detailed description of how the action proposed in this Proposed Final Order would impair or be detrimental to your interest;
- D. A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;

- E. Any citation of legal authority to support your protest, if known; and
- F. If you are not the applicant, the protest fee of \$350 required by ORS 536.050 and proof of service of the protest upon the applicant.
- G. 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.
- H. *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

#### Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than **July 31, 2009**. Requests for standing must be in writing, and must include the following:

- I. The requester's name, mailing address and telephone number;
- J. If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- K. A statement that the requester supports the Proposed Final Order as issued;
- L. A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- M. A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

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

- N. upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- O. 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 Joel Plahn. 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 503-986-0815.*

*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 AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON, OR 97355

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 1, POND 2 AND POND 3

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

MAXIMUM VOLUME: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, AND 65.0 AF IN POND 3

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

DATE OF PRIORITY: FEBRUARY 20, 2009

THE AREA SUBMERGED BY THE POND 1, WHEN FULL, WILL BE 6.16 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 16.0 FEET.

THE AREA SUBMERGED BY THE POND 2, WHEN FULL, WILL BE 2.88 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 14.0 FEET.

THE AREA SUBMERGED BY THE POND 3, WHEN FULL, WILL BE 8.36 ACRES. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 30.0 FEET.

DAM LOCATION:

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 NE CORNER, SECTION 5

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

| <u>POND 1</u>                         | <u>POND 2</u>                     | <u>POND 3</u>                     |
|---------------------------------------|-----------------------------------|-----------------------------------|
| SE $\frac{1}{4}$ SW $\frac{1}{4}$     | SECTION 4                         |                                   |
|                                       |                                   | NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
|                                       | SECTION 5                         | SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$     | NE $\frac{1}{4}$ NW $\frac{1}{4}$ |                                   |
|                                       | 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 the reservoir(s). 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 storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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

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

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**

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

#### **STANDARD CONDITIONS**

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

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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 PFO Copies

Application #R-87397

PFO Date: June 16, 2009

## Original mailed to applicant:

ALTON AND DIXIE SULLIVAN, PO BOX 2118, LEBANON, OR 97355

## Copies sent to:

1. WRD - File # R-87397
2. Water Availability: Ken Stahr
3. WRD - DAM SAFETY

Copies Mailed

By: TCB  
(SUPPORT STAFF)

on: 6/15/09  
(DATE)

## PFO and Map Copies sent to:

3. WRD - Watermaster # 2

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

CWRE #163 Jon Erwin Lebanon OR 97355

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

CASEWORKER : Plahnjm



# 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

ALTON AND DIXIE SULLIVAN  
PO BOX 2118  
LEBANON, OR 97355

March 20, 2009

Reference: File R-87397

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 requested the storage of 102.0 acre feet (AF), being 23.0 AF in Pond 1, 14.0 AF in Pond 2, and 65.0 AF in Pond 3, from runoff, tributary to Onehorse Slough, for fire protection, fish culture and wildlife. The dam height for Pond 1 is 16.0 feet and the area submerged is 6.16 acres. The dam height for Pond 2 is 14.0 feet and the area submerged is 2.88 acres. The dam height for Pond 3 is 30.0 feet and the area submerged is 8.36 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from runoff, tributary to Onehorse Slough for fire protection, fish culture and wildlife is allowable under the Willamette Basin Program.
4. Surface water is not available during the period August 1 through September 30.
5. Under OAR 690-502-0040(4)(a), the storage season in the Willamette Basin is limited to November 1 through June 30.
6. Prior to issuance of a permit and construction of the project, final dam designs and specifications must be submitted to the Department and approved by the Department's dam-safety engineer.

#### Summary of Initial Determinations

**The storage of 102.0 AF, being 23.0 AF in Pond 1, 14.0 AF in Pond 2, and 65.0 AF in Pond 3 from runoff, tributary to Onehorse Slough for fire protection, fish culture and wildlife is allowable, November 1 through June 30.**

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 #5 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 \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, April 3, 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. The permittee shall maintain such devices in good working order. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
  - B. The permittee shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
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. Conditions may be added upon approval of dam designs and specifications.

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

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at [http://www.oregon.gov/ODA/NRD/water\\_agplans.shtml](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 503-986-0815 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: Joel Plahn, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Joel Plahn  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-87397  
WAB 2-30200601  
POU 2-30200601  
GW

# APPLICATION FACT SHEET

Application File Number: R-87397

Applicant: ALTON AND DIXIE SULLIVAN

County: LINN

Watermaster: 2

Priority Date: FEBRUARY 20, 2009

Source: RUNOFF, TRIBUTARY TO ONEHORSE SLOUGH

Use: FIRE PROTECTION, FISH CULTURE AND WILDLIFE

Quantity: 102.0 ACRE FEET (AF), BEING 23.0 AF IN POND 1, 14.0 AF IN POND 2, AND 65.0 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.; 4848.34 FEET SOUTH AND 1839.92 FEET EAST FROM NW CORNER, SECTION 4

POND 2 - NENW, SECTION 9, T12S, R1W, W.M.; 5574.67 FEET SOUTH AND 1634.55 FEET EAST FROM NW CORNER, SECTION 4

POND 3 - NESE, SECTION 5, T12S, R1W, W.M.; 3836.2 FEET SOUTH AND 461.14 FEET WEST FROM NE CORNER, SECTION 5

Place of Use:

| <u>POND 1</u>                         | <u>POND 2</u>                     | <u>POND 3</u>                     |
|---------------------------------------|-----------------------------------|-----------------------------------|
| SE $\frac{1}{4}$ SW $\frac{1}{4}$     | SECTION 4                         |                                   |
|                                       |                                   | NE $\frac{1}{4}$ SE $\frac{1}{4}$ |
|                                       | SECTION 5                         | SE $\frac{1}{4}$ SE $\frac{1}{4}$ |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$     | NE $\frac{1}{4}$ NW $\frac{1}{4}$ |                                   |
|                                       | SECTION 9                         |                                   |
| TOWNSHIP 12 SOUTH, RANGE 1 WEST, W.M. |                                   |                                   |

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 3, 2009**

**PUBLIC NOTICE DATE: Tuesday, March 24, 2009**

**30 DAY COMMENT DEADLINE DATE: Thursday, April 23, 2009**



# Mailing List for IR Copies

Application #R-87397

IR Date : March 20, 2009

Original mailed to applicant:

~~ALTON AND DIXIE SULLIVAN , PO BOX 2118, LEBANON, OR 97355~~

Copies sent to:

- ~~1. WRD - File # R-87397~~
- ~~2. WRD - Water Availability: Ken Stahr~~

Copies Mailed

By: 7CB  
(SUPPORT STAFF)

on: 3/19/09  
(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~~

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

~~CWRE #163 Jon Erwin Lebanon OR 97355~~

COPYSHT.IR

Caseworker: Joel Plahn

## Joel Plahn

---

**From:** George Robison  
**Sent:** Monday, March 30, 2009 2:11 PM  
**To:** Joel Plahn  
**Subject:** RE: New Application R-87397

Joel

Just to let you know I have not had any contact with anyone about this from the owner or consultant for 3 dams. I did have a consultant a while back from Lebanon talking about one dam but not three.

George Robison

E. George Robison, PhD  
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](mailto:george.robison@state.or.us)

---

**From:** Joel Plahn  
**Sent:** Wednesday, March 11, 2009 1:18 PM  
**To:** George Robison  
**Cc:** Joel Plahn  
**Subject:** New Application R-87397

Link to scanned documents

[http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr\\_folder\\_image.aspx?snp\\_id=164855](http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_folder_image.aspx?snp_id=164855)

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

4/27/2009



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

# Application for a Permit to Store Water in a Reservoir (Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir  
storing more than 9.2 acre-feet and with a dam more than 10 feet high.

## Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://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 OR 97355  
City State Zip

Phone: 541-259-5515 541-979-6456 (WK and CELL)  
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: POND #1 and #2: SEASONAL DITCH  
POND #3: 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.

### For Department Use

App. No. R-87397 Permit No. \_\_\_\_\_ Date \_\_\_\_\_

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FEB 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

## 3. DAM HEIGHT AND COMPOSITION

#1 = 16'

#2 = 14'

#3 = 30'

The maximum height of the structure will be 30' feet above streambed or ground surface at the centerline of the crest of the dam.

*Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.*

The dam will be (check one): ☒ Earthfill ☐ Concrete ☐ Flash board ☐ Other

If "other" give description:

## 4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

THE OUTLET CONDUIT WILL BE LOCATED AT THE BASE OF THE EARTH FILLED DAM IN ALIGNMENT WITH THE SEASONAL DITCH. THE DIAMETER 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 DIMENSION WILL BE BASED ON 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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FEB 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON



7. THE AMOUNT OF WATER to be stored is:

#1 = 23 ± } AC/FT.  
 #2 = 14 ± }  
 #3 = 65 ± } acre-feet.

The area submerged by the reservoir, when filled, will be

#1 = 6.16 AC }  
 #2 = 2.88 AC } ACRES  
 #3 = 8.36 AC }

8. PROJECT SCHEDULE (List Month and Year)

Proposed date construction will begin: JULY 2009

Proposed date construction will be completed: SEPTEMBER 2009

Proposed date beneficial water use will begin: NOVEMBER 2009

## 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.

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FEB 20 2009



**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 to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and ...

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.)

Date

*Dupe G. Sullivan*

*1/29/09*  
*2/19/09*

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](http://www.wrd.state.or.us) or call (503) 986-0900.

**RECEIVED**

FEB 20 2009

Storage Water/4

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: 541-259-5511

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

### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

| Township | Range | Section | ¼ ¼ | Tax Lot # | Plan Designation (e.g. Rural Residential/RR-5) | Water to be:                      |                                   |                                          | Proposed Land Use: |
|----------|-------|---------|-----|-----------|------------------------------------------------|-----------------------------------|-----------------------------------|------------------------------------------|--------------------|
| 12S      | 01W   | 05      |     | 200       | F/F                                            | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | RESERVOIR          |
| 12S      | 01W   | 05      |     | 400       | F/F                                            | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | RESERVOIR          |
| 12S      | 01W   | 04      |     | 500       | F/F                                            | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | RESERVOIR          |
|          |       |         |     |           |                                                | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |                    |

List all counties and cities where water is proposed to be diverted, conveyed, or used. 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: 102 ☐ 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**

FEB 20 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): LCC 928.610 (b).

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<br>(e.g. plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land-Use Approval:                |                                        |                                 |                                            |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------|----------------------------------------|---------------------------------|--------------------------------------------|
|                                                                                                       | <u>OK</u>                                                                         | <input type="checkbox"/> Obtained | <input type="checkbox"/> Being pursued | <input type="checkbox"/> Denied | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained | <input type="checkbox"/> Being pursued | <input type="checkbox"/> Denied | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained | <input type="checkbox"/> Being pursued | <input type="checkbox"/> Denied | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained | <input type="checkbox"/> Being pursued | <input type="checkbox"/> Denied | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained | <input type="checkbox"/> Being pursued | <input type="checkbox"/> Denied | <input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                   | <input type="checkbox"/> Obtained | <input type="checkbox"/> Being pursued | <input type="checkbox"/> Denied | <input type="checkbox"/> Not being pursued |

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

The purpose of the water impoundment is for uses allowed  
outright in Linn County Code.

Name: ROBERT WHEELDON Title: DIRECTOR  
Signature: Robert Wheeldon Phone: 967-3816 Date: 2/12/09  
Government Entity: Linn County Planning & Building

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

### Receipt for Request for Land Use Information

## RECEIVED

Applicant name: \_\_\_\_\_ FEB 20 2009

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

WATER RESOURCES DEPT  
SALEM, OREGON



✓ 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

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



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

RECEIVED

FEB 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

First American Title 1146314

12-1W-05/200



APH:

Statutory Warranty Deed  
- continuedFile No.: 7091-1146314 (9CC)  
Date: 12/17/2007

**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° 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° 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° 51' West of the true point of beginning; thence North 0° 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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FEB 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON



APW:

Statutory Warranty Deed  
- continuedFile No.: 7091-1146314 (SCC)  
Date: 12/17/2007

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. MAGRUDER  
ASST. TRUST OFFICER

STATE OF Oregon COLOMADO )  
County of Linn ARLHAB ) ss.

This instrument was acknowledged before me on this 17<sup>th</sup> day of December, 2007  
by C. Magruder as Asst Trust of Trust Company of Oregon FBO Edward  
L. Daniels, on behalf of the . Officer



Cheryl L. Rolise  
Notary Public for Oregon COLOMADO  
My commission expires:

My Commission Expires 07/18/2009

Page 3 of 3

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FEB 20 2009

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 Bertha 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

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FEB 20 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

Ord=1 Stmt=7 M. FISHER

12/19/2007 11:52:38 AM

\$15.00 \$20.00 \$11.00 \$10.00

\$56.00



00009496200700291800030039

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:

Page 1 of 3

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FEB 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

First American Title 1146339 12-1W-05/400; 12-1W-04/500

Done 2  
12-1W-05/400

APN: R0160081

Statutory Warranty Deed  
- continuedFile No.: 7091-1146339 (SCC)  
Date: 12/17/2007

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)

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FEB 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON



APN: RD160081

Statutory Warranty Deed  
- continuedFile No.: 7091-1146339 (SCC)  
Date: 12/17/2007

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 19<sup>th</sup> day of December, 2007.

Edward Daniels

STATE OF Oregon )

) ss.

County of Linn )

This Instrument was acknowledged before me on this 19<sup>th</sup> day of DEC, 2007  
by Edward Daniels.



Notary Public for Oregon  
My commission expires: 6-21-08

RECEIVED  
FEB 20 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

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

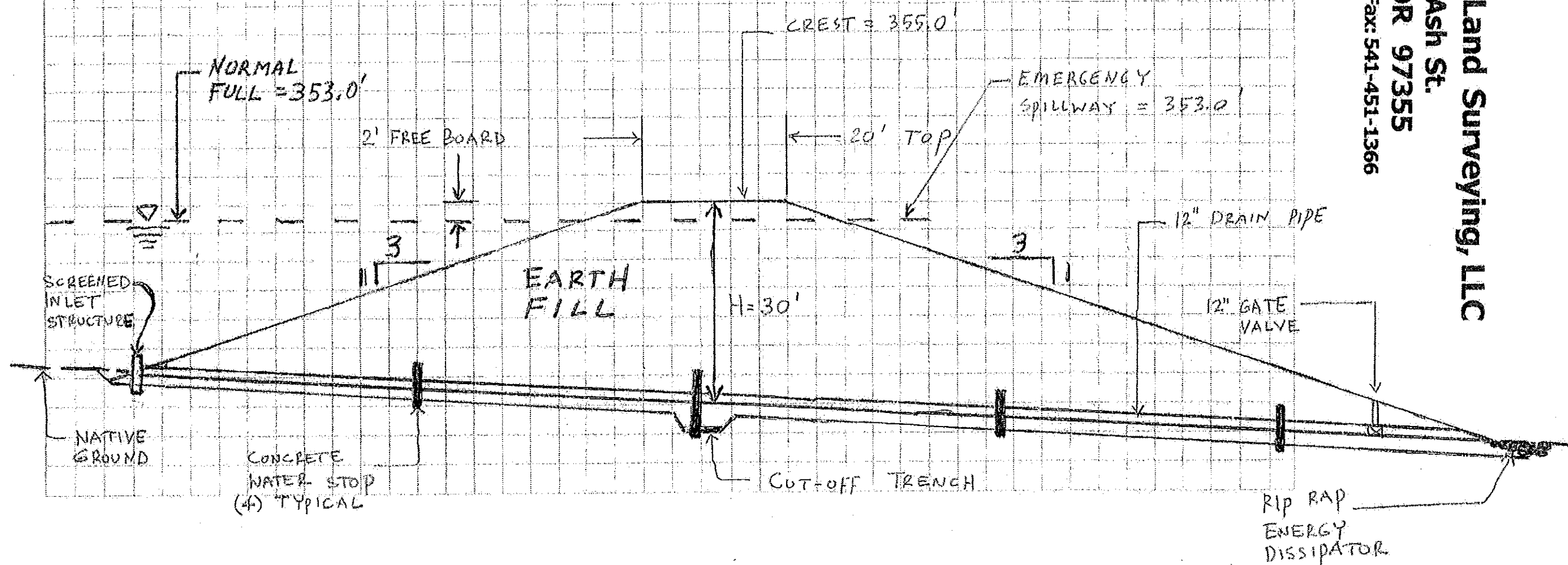
SULLIVAN RESERVOIR

POND # 3

PRELIMINARY DESIGN

2-26-09

\* 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.



**J**dell Engineering & Land Surveying, LLC  
 63 East Ash St.  
 Lebanon, OR 97355  
 Ph: 541-451-5125 Fax: 541-451-1366

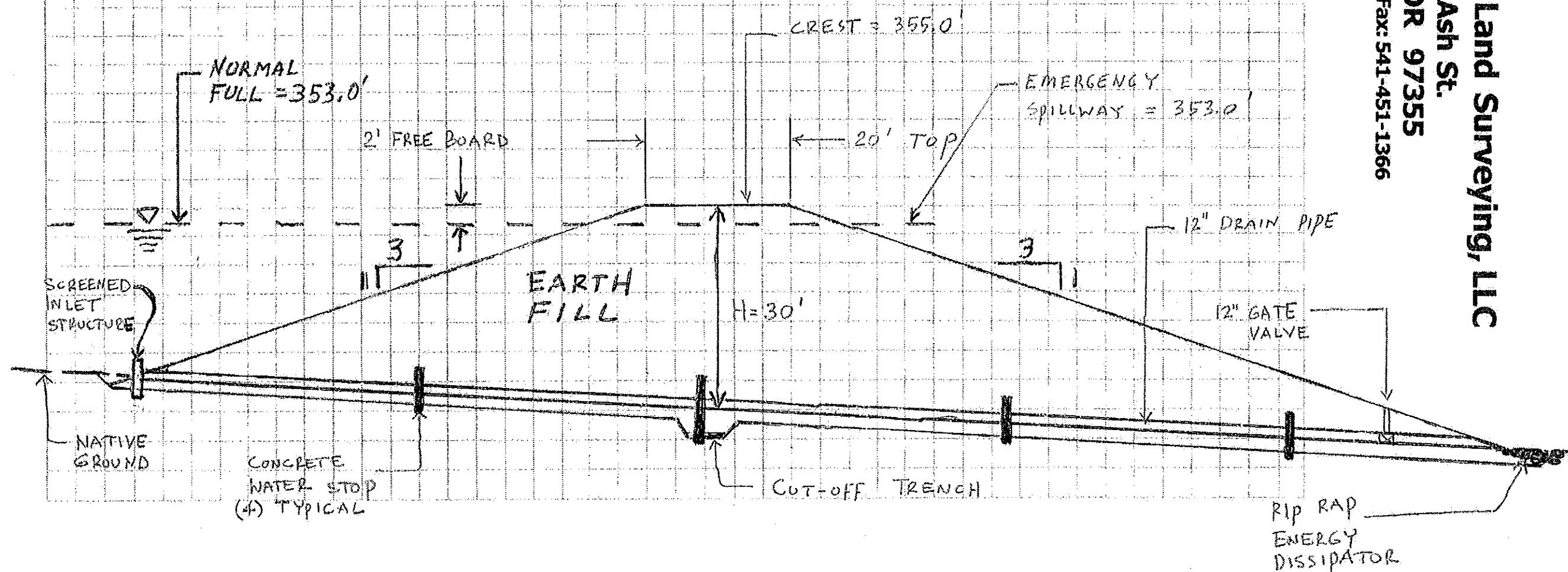
SULLIVAN RESERVOIR

POND # 3

PRELIMINARY DESIGN

2-26-09

\* 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.



**Udell Engineering & Land Surveying, LLC**  
 63 East Ash St.  
 Lebanon, OR 97355  
 Ph: 541-451-5125 Fax: 541-451-1366



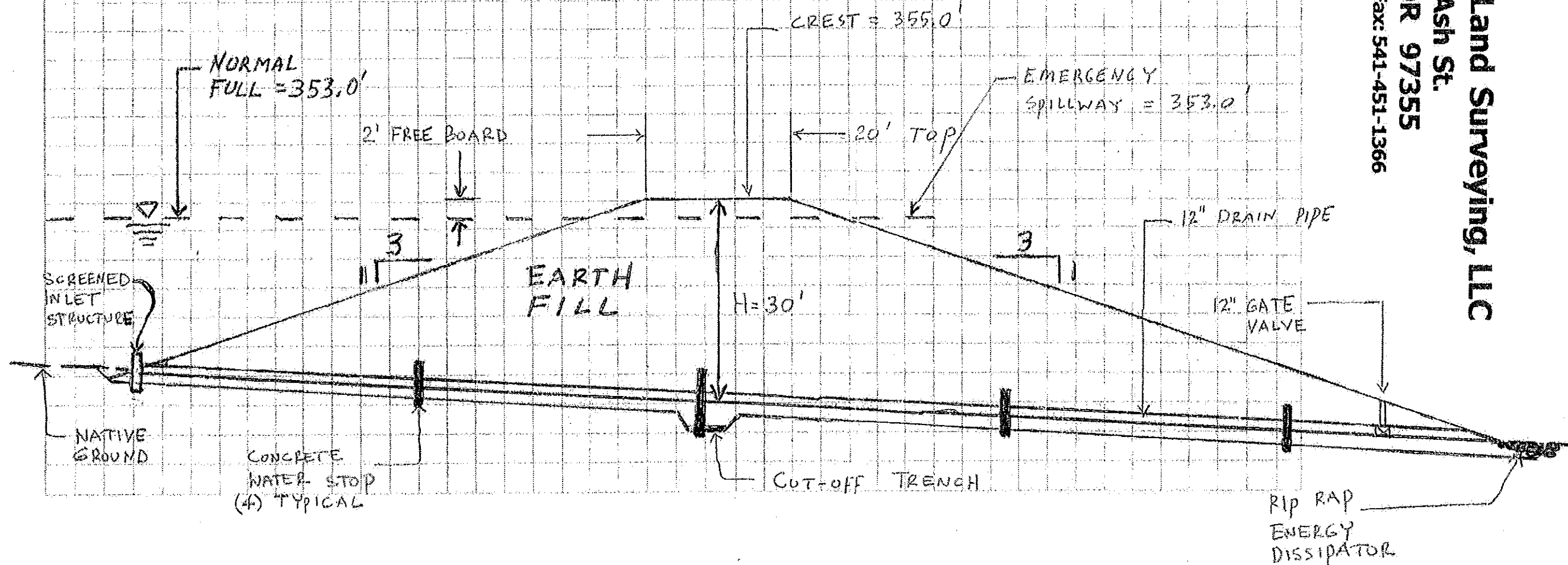
SULLIVAN RESERVOIR

POND #3

PRELIMINARY DESIGN

2-26-99

\* 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.



**Udell Engineering & Land Surveying, LLC**  
 63 East Ash St.  
 Lebanon, OR 97355  
 Ph: 541-451-5125 Fax: 541-451-1366