

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **147125**

INVOICE # _____

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

RECEIVED FROM: <u>Water Watch of Oregon, Inc</u>	APPLICATION <u>5-89848</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: CHECK:# 16301 OTHER: (IDENTIFY) TOTAL REC'D \$ 1,425.00

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 <u>47235</u>	\$		
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	\$
<u>0223</u> OTHER (IDENTIFY) <u>Protest</u>			\$ <u>1,425.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **147125** DATED: 4-10-2026 BY: m-mills

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

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

WaterWatch has expended significant time and resources participating in many water permitting processes specifically on the affected reach of Grave Creek pertaining to development of the mining site associated with Application S-89848 and the underlying extensions of time for R-15319 and R-15320. This work includes, but is not limited to, commenting on and filing a petition for reconsideration regarding R-15319 and R-15320; commenting, protesting, and litigating T-12837; and commenting on numerous other related water right applications such as

R-87929, R-87930, R-87931, G-17580, S-88508, LL-1914, LL-1434, LL-1162, LL-1504, and LL-1879.

For all of these reasons, WaterWatch and its members and the public interest will be adversely and practically affected if the water right is issued by the Oregon Water Resources Department (OWRD) as described in the Proposed Final Order (PFO).

III. The PFO Would Impair and Be Detrimental to Protestant's Interests

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

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

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

IV. How the PFO is in Error and Deficient

The PFO is in error and deficient for reasons including, but not limited to, the following:

- 1. It is unlawful to grant a secondary water right to use stored water when the extension applications for the permits to store such water have not been finalized and there is no approved source of water for S-89848.**

The source of water for this proposed secondary water right is two reservoirs (under permits R-15320 and R-15319). These reservoir permits were not developed within their C-dates (nor was construction complete) and the validity of these water rights is in question and is the subject of ongoing legal challenges. The Applicant filed extension of time (EOT) applications for these permits and WaterWatch protested OWRD's PFOs to issue those extensions subject to certain conditions (*see* WaterWatch's Protests to EOT PFOs R-15319 and R-15320 (3/8/2024 & 4/25/2024) (incorporated by reference)). Those protests are still pending and OWRD has made no apparent effort to resolve them, instead moving ahead with proposing to issue a secondary water right for water stored in those legally precarious reservoir permits. Therefore, the PFO's findings that the "proposed water is from legally stored water" (16(d), p. 5) is in error.

The Checklist for this application states (at page 1):

If for stored water, is the source authorized under a permit, certificate, or decree?

...

NOTE: An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.

This item is incorrectly checked off on the form. At the time the Application was filed on October 10, 2024, *no storage was authorized* in the reservoirs. This is because Applicant had failed to comply with the critically important "liner conditions" imposed on the reservoir permits to protect water resources (*see* WaterWatch Comment Letter RE: Application S-89848 (11/14/2024) at pp. 1-2 (incorporated by reference)). Thus, OWRD had a duty to return the Application for failure to meet this this foundational requirement and erred in instead issuing the water right.

Further, even if the source had been authorized under permits R-15319 and R-15320 when the Application was filed (which it was not), it not now authorized because the Applicant

failed to comply with the development deadlines set forth in those permits and must secure extensions, which it has not done.

Due to these factors, OWRD should not have accepted, let alone processed, this expedited secondary use application. As such, it is unlawful to grant a secondary water right to use stored water when the permits have lapsed and have no final orders extending the Applicant's right to develop the permits; under these conditions, the source of the stored water for S-89848 is not authorized.

In sum, without approved extension orders for R-15320 and R-15319, there is no approved source of water for this secondary water right for storage. As such, OWRD erred in finding that the proposed use is an authorized use under the water right permit, certificate or decree that allows the storage of water. *See* PFO, Finding #7. Thus, the PFO is deficient and in error.

- 2. OWRD should not put itself, the taxpayer, the Applicant, WaterWatch, and others in a precarious situation by issuing a water right that is reliant on extension orders that are subject to ongoing legal challenges because the court could later order the water right revoked.**

OWRD's proposed issuance of a permit for App. S-89848 is reliant on permits R-15319 and R-15320, which will be unable to be certificated and are subject to cancellation if extensions cannot be secured. OWRD's extension PFOs for these reservoirs are currently subject to legal challenge. In a case involving the legality of a OWRD order regarding an extension of time for a City of Cottage Grove water right, the court ordered OWRD to revoke a certificate it had issued where the court found the extension, which was a predicate to issuance of the certificate, to be unlawful. *WaterWatch of Oregon, Inc., v Water Resources Department*, 259 Or App 717, 316 P 3d 330 (2013), *rev dismissed by order*, Feb 5, 2015. This principle applies here too, making any

permit issued for App. S-89848 subject to revocation by the court. OWRD errs in creating this untenable situation and instead should issue a final order denying Application S-89848.

3. The PFO was unlawfully issued because OWRD failed to prepare, issue and take public comments on an Initial Review as required by ORS 537.150(4)-(7).¹

If, as here, OWRD determines that public interest issues have been identified, “the department shall treat the application under this section as an application under ORS 537.150 and perform the public interest review required by ORS 537.153(2).” ORS 537.147(3). OWRD failed to prepare, issue and take public comments on an Initial Review as required by ORS 537.150(4)-(7) and should therefore withdraw the PFO.

The PFO’s Finding of Fact #4 (p. 2) states that “Pursuant to ORS 537.147(3), the application will be as an application under ORS 537.150, and a proposed order under OAR 690-310-0150 will be issued.” But ORS 537.147(3) requires more than just issuance of a PFO; it requires that OWRD follow the required process for issuing a permit, which OWRD did not do. ORS 537.147(3) states that “If the department determines that public interest issues have been identified, then the department shall treat the application under this section as an application under ORS 537.150 (Filing of application) and perform the public interest review required by ORS 537.153 (Review of application).” Nothing in the statute supports OWRD skipping the required process and going straight to PFO issuance.

ORS 537.150, which OWRD was required to follow for this application, provides detailed process and timelines for preparing and circulating an Initial Review. No Initial Review exists for this application, no public notice was provided for one, and OWRD confirmed in

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¹ ORS 537.150 was amended in 2025, but those changes do not apply to this application because it was filed before April 1, 2026.

response to a public records request by WaterWatch that no Initial Review was prepared. This violates at least ORS 537.147(3) and ORS 537.150.

Failure to prepare an Initial Review and provide the public the opportunity to comments is not a harmless error. Issuance of an Initial Review provides important information to the public about the agency's determinations on topics including whether the proposed use is restricted or limited by statute or rule, water availability, and any other issues OWRD has identified – and the opportunity to engage on the agency's determinations via public comments. *See* ORS 537.150(4)(a)-(c). It also informs the public that the application will be circulated to DEQ and ODFW for review, thus providing an important opportunity for the public to share information with the reviewing agencies. There is a reason the statute provides for an Initial Review and OWRD lacks the authority to circumvent this import process. OWRD should therefore withdraw the PFO.

4. The PFO was unlawfully issued because the full public interest review required by ORS 537.147 did not occur.

If, as here, OWRD determines that public interest issues have been identified, “the department shall treat the application under this section as an application under ORS 537.150 and *perform the public interest review required by ORS 537.153 (2).*” ORS 537.147(3). OWRD failed to do this and should therefore withdraw the PFO.

The public interest review required by ORS 537.153(2) includes reviews under Division 33, titled “Additional Public Interest Standards for New Appropriations.” The proposed use occurs in an area that may affect the habitat of sensitive, threatened or endangered fish species. (S-89848 PFO at p. 3), OAR 690-033-0310(2). The PFO states that “the interagency review team was convened to review the application and recommend conditions as necessary to achieve the standards listed in OAR 690-033-0330(2)(a) and (b).” However, there is no record of such

review from either DEQ or ODFW. Instead, there is only an email from DEQ stating “DEQ has considered application S-89848 and does not have comments for OWRD,” (Attachment 1) and another from ODFW stating, “ODFW does not have further comments at this time.” (Attachment 2). Neither agency filled out their respective Division 33 review forms.

Further, these perfunctory emails (which OWRD has misbranded as Division 33 reviews in records provided to WaterWatch), resulted from emails OWRD sent to the agencies providing only two weeks to respond. This rushed and unrealistic timeline does not follow OWRD’s own practice regarding Division 33 reviews. The PFO should be withdrawn.

5. OWRD lacks evidence that the reservoirs can store 49 acre-feet of water.

The reservoirs were excavated and then filled back in to ground level to apparently comply with the liner conditions. This substantially reduced the storage volume of the reservoirs, relying on berms to store water above ground. The PFO lacks any support for its implicit determination that the new storage volume of the reservoirs total at least 49 acre-feet.

6. S-89848 would allow the use of water diverted when water is not available.

The permits for the proposed reservoirs (R-15319 and R-15320) that serve as the source for S-89848 were issued based on incorrect water availability tables that completely omitted the instream water right, resulting in significant public interest issues with this application (S-89848). At the time permits R-15319 and R-15320 were issued, OWRD’s Surface Water Availability Reporting System (SWARS) contained a major error for the Water Availability Basin (WAB) that contains the point of diversions for the reservoirs. SWARS completely omitted the senior instream water right (Certificate 72697) that is located on Grave Creek in this WAB, which resulted in an incorrect determination that water was available for the months of January, February, and March (*see* WaterWatch’s comments on the EOT applications and protests to the

EOT PFOs for R-15319 and R-15320, incorporated as if fully set forth here). After SWARS was corrected to include the instream water right, water was/is only available in February. However, the storage season for the reservoirs has not been corrected to only include the time period when water was available at time of permit issuance.

As a result, reservoir permits R-15319 and R-15320 and the subsequent proposed 2023 extensions of time for those permits (which have been protested), err in allowing SVSG to divert water during the months of January and March when water was not available at time of permit issuance and is not available today.

After becoming aware that the water availability model was incorrect and refusing to fix the problem at the extension stage, which it had full authority to do, OWRD signed off on a streamflow monitoring plan where *the Applicant* gets to determine what the streamflows are and whether/when the user can divert water from Grave Creek into the reservoirs. In addition to conducting unauthorized mining, mining ventures associated with this Applicant have history of illegally using water on this site for mining (*see Attachments 3 through 7 documenting unauthorized mining activity and illegal water use*). The notion that OWRD is turning over to the Applicant the responsibility of determining streamflows in months when water is not available—and therefore it was unlawful for OWRD to issue the reservoir permits—violates the public interest. The PFO for S-89848 violates the public interests and shirks OWRD's duties by relying on a dubious applicant self-monitoring arrangement to allow water use for mining. The application should be denied.

- 7. OWRD's approval for App. S-89848 to use water for mining that was diverted when water was/is not available would be detrimental to the public interest.**

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The senior instream water right on Grave Creek at the point of diversion for the proposed source reservoirs, Certificate 72697, was issued to protect instream flows for fish, with following purpose:

Purpose of the instream water right: Providing required stream flows for coho and fall Chinook salmon, cutthroat trout, and winter and summer steelhead for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

Grave Creek is an important stream supporting runs of Rogue River Basin salmon and steelhead.

According to ODFW,

Grave Creek provides spawning, rearing, and migration habitat for Federally threatened coho salmon, and State sensitive summer steelhead and Pacific lamprey. Additionally, fall [C]hinook salmon, coastal cutthroat trout and winter steelhead utilize Grave Creek.

(Division 33 Review, Application R-87930 (permit R-15320)). Impacts to the fish from diverting water into the reservoirs, including when the instream water right is not even met, constitute significant public interest issues.

The fact that Application S-89848 seeks to use water diverted into reservoirs when water was/is not available implicates at least the following public interest factors:

- A. ORS 537.170(8)(a) - Conserving the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.

Allowing the use of water diverted when water was/is not available and likely when the instream water right is not met will not conserve the highest use of the water for game fishing, wildlife, public recreation, and the beneficial use of maintaining a healthy stream for native fish which is highly valued by the public. There is no system in place to ensure that the instream water right will be met before diversion into the source reservoirs occurs. Notably the months of

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January, February, and March (the months when the reservoirs could be filled under the permits) are important months for returning adult Rogue Basin salmon and steelhead.^{2 3}

Moreover, the proposed Sunny Valley Sand and Gravel, Inc. (SVSG) mine where this water would be used would be located in the middle of an area that is otherwise largely rural residential. As OWRD is well aware from the many other water right applications, limited licenses, and transfer, etc. filed by Applicant, this area has many domestic wells in close proximity to the proposed mining site that people rely upon for drinking water and other household uses.

It is well-documented in OWRD's own analysis that groundwater and surface water are highly connected in this area. (*see* OWRD Groundwater Review (10/16/2012) and Initial Review (11/9/2012) for G-17580). Thus, contamination from the proposed use is likely to impact domestic wells, which OWRD has ignored yet again as it makes water right decisions. (*see* Attachment 8; *see also* Attachment 9).

The PFO's finding #16(a) – that simply because the underlying storage rights (that have not been extended and thus are not valid) are for “multipurpose storage” means that ORS 537.170(8)(a) been met – is an exercise in semantics and ignores the fact that SVSG's entire project is a mining project. They are not storing water to meet instream, domestic or other public uses of water, as is evidenced by their secondary right application.

B. ORS 537.170(8)(b) - The maximum economic development of the waters involved.

The maximum economic development of the waters involved would plainly not entail damaging Grave Creek, the prized fish runs of Grave Creek and the Rogue River, and the

² <https://myodfw.com/fishingho/species/steelhead#:~:text=Habitat,thereafter>

³ https://www.dfw.state.or.us/fish/local_fisheries/rogue_river/updates/2017/03/index.asp

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extensive recreation economy associated with boating on the Wild and Scenic Rogue River reach, which begins where Grave Creek flows into it not far from this proposed mining water use. Numerous economic studies have documented the enormous economic benefits of the Rogue River fishery. As an example, a 2009 ECONorthwest Study found estimated annual value of the Rogue River sportfishing to be \$16 million, commercial fishing \$1.4 million and \$1.5 billion with non-use values (see The Economic Value of Rogue River Salmon, ECONorthwest, 2009). A healthy Rogue River is an enormous economic engine for this region. A gravel mine that puts this at risk is not “maximum economic development.” Protecting these fish and rivers are unquestionably more important economically than providing water for a gravel mine.

C. ORS 537.170(8)(c) - The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.

OWRD failed to do this by issuing the source reservoir permits for times when water was not available, by ignoring the instream water right, and then failing to remedy the problem in the 2023 extension PFOs. As a result, this application which seeks to use that water which would be diverted into storage in contravention of the water code would also fail to meet this factor.

D. ORS 537.170(8)(d) - The amount of waters available for appropriation for beneficial use.

See above. There is no water available to divert into storage during January and March and it wasn't available when the source reservoir permits were issued. Moreover, an extension of time to develop their expired reservoir permits have not been granted, meaning there is no underlying source of water available to serve a secondary water right. Thus, there is therefore also not water available for the use of Application S-89848.

E. ORS 537.170(8)(e) - The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved

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It is wasteful, uneconomic and unreasonable use of the waters involved to allow mining use of the critically important Grave Creek waters. It is patently obvious that use of the water for aggregate mining does not outweigh the extremely high value of this system and the fish, wildlife and domestic wells its supports. Just stating that the permit will be conditioned to prevent wasteful use does not satisfy the requirement for a finding.

F. ORS 537.170(8)(f) - All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.

The application proposes to use water that would likely be diverted when the instream water right is not met. The instream water right was not protected by the water availability determination for the source reservoirs, placing it at high risk during January and February. No “means necessary to protect” that right have been put in place and there is no assurance that any effective means will be put in place.

8. The impacts of the proposed *mining use* will impair water quality and is detrimental to the public interest.

In the PFO, OWRD failed to adequately evaluate water quality impacts as required by OAR 690-310-0120(3)(b)(C) and OAR 690-310-0150(2)(j). The PFO states:

The applicant proposed measures to prevent waste, measure the amount of water diverted, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream and to prevent damage to public uses of any affected surface waters. These measures are included in Sections 6 and 7 of the application. OAR 690-310-0150(2)(j).

As is apparent in this statement, the PFO has no actual assessment of whether the measures stated in the Application are sufficient to protect water quality. The PFO instead merely states that the Applicant proposed certain measures.

Importantly, and contrary to what is stated in the PFO, the Application does not actually propose any measures to protect water quality. When indicated to explain the practices the

Applicant plans to undertake to protect water resources, the Application merely states that “the reservoirs are located off-channel.” (see Application S-89848 at p.5). This is not a protective measure; it’s a preexisting condition. Contaminated, turbid, and/or heated water is still at risk of discharging, leaking, or seeping into nearby Grave Creek or Shanks Creek.

Applicant proposes to use this water for an extensive proposed mining project that would include multiple 80-foot-deep open pits within 50 feet of Grave Creek, and its tributary, Shanks Creek (see Attachment 10). The main proposed use of the water will be for washing rock that has been excavated from large open pits (see EOT Application R-87930 (4/5/2023) (incorporated by reference)).

The water quality impacts of water use under S-89848, including from contaminants such as manganese and other metals as well as from elevated sediment and water temperature, including on domestic wells and water quality in Grave Creek, and downstream in the Rogue River, critical to supporting fish runs, should have been carefully analyzed and not ignored and bypassed with issuance of an expedited permit. The use of water under S-89848 will have water quality impacts that are separate and different from the impacts of diverting water into the reservoirs because the specific *use for mining* will contaminate, muddy, heat, and otherwise severely adversely impact other uses. There are exactly **zero** findings or determinations related to this critical issue in the PFO.

The potential impacts from use of the water for mining implicate at least the public interest factors:

A. ORS 537.170(8)(a)

Conserving the highest use especially for fish, wildlife, domestic use, and recreation requires denying the permit.

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Impacting water ways and domestic wells through water quality diminishment – including but not limited to contamination with manganese, aluminum, other metals and minerals and sediment, and increasing water temperatures does not conserve these uses.

B. ORS 537.170(8)(b)

Maximizing economic use requires not allowing the water to be used for a purpose that risks ruining the highly valued waters of the Grave Creek system and the fish, wildlife, tourism, recreation and domestic use it supports. As stated above, there are far, far more important economic uses of these waters than running a gravel mine in Sunny Valley – these same waters support prized fish runs and an amazing Wild and Scenic Rogue River, which in turn provide hugely important economic benefits to this region. The economics of SVSG’s mine simply pale in comparison and are certainly do not justify spoiling the water’s ongoing economic value.

C. ORS 537.170(8)(e)

Preventing wasteful, uneconomic and unreasonable use of the waters requires denial of the permit.

D. ORS 537.170(8)(f)

Protecting vested rights, including the many domestic wells in the area and the senior instream water right (Certificate 72697) requires denial of the permit. This requires protection of not just the amount of water needed to satisfy these rights, but the protection of the specified use. *Water Right Application R-87871 v. Or. Water Res. Comm'n.*, 374 Ore. 148, 174-175 (2025). Here, S-89848 would be used to wash sediments and clay out of rocks with no plan for how to safely handle the massive amount of material that will be generated in close proximity to Grave Creek, its tributary Shanks Creek and nearby domestic wells. OWRD has not protected the uses of vested rights in the area from contamination by the use of S-89848, nor from elevated water

temperatures that will harm the uses protected by the instream water rights by the use of S-89848.

9. The proposed use will negatively impact water quality and violate the Rogue Basin Program Rules

OWRD's Middle Rogue Basin Rules state:

Water Quality: Rights to use of water for industrial, power development, or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life or other beneficial uses of water.

OAR 690-515-0040(4). Any permit issued for application S-89848 must comply with this basin rule. This means that OWRD cannot issue the permit unless it meets these criteria. It does *not* mean that OWRD can simply condition the permit to address water quality impacts after-the-fact.

The Applicant proposes to divert water from the two reservoirs to wash aggregate and return the wastewater to the reservoirs for reuse (*see* EOT Application R-87930 4/5/2023 at p.16). In response to Applicant's mining operating application, DOGAMI identified a major issue with this proposed water use stating:

The clarification that the two reservoirs on site will also be used as process/settlement ponds is appreciated, but it creates additional logistical issues not addressed in this application. Washing of sand and aggregate on site will create significant volumes of silt and clay that are generally non-saleable. The dimension of the current reservoirs on site are unlikely to contain the fines generated over the site's lifetime. Additionally, the accumulation of sediment in these ponds will gradually diminish the ability of the permittee to store water.

(*see* Attachment 11 at p.3).

In addition to serious feasibility issues, DOGAMI explained that the reservoirs – the source of water for S-89848 – are unable to contain the “significant volumes” of silt and clay produced by the washing of sand and aggregate. This contaminated wastewater, therefore, has a high likelihood of being inadvertently (or purposefully) discharged into nearby Grave Creek or

Shanks Creek. This would cause substantial water quality issues that have not been addressed by the reviewing agencies.

No water quality conditioning has occurred with regard to the proposed water use or with regard to the mining project. DEQ has only approved dry mining at this site (*see* DOGAMI #17-0145 Stormwater Pollution Control Plan (5/16/2023) at p. 7 (“SVSG is currently working towards a mining operation that will include the use of water, however at this time, a “dry mining” operation is proposed until OWRD grants final approvals for the use of industrial water.”; and p. 8 “Eventually, when surface water use is approved by OWRD, up to four reservoirs will be used to store processing water. Once approved, this SWPCP will be updated to provide details on how the water system will work and address runoff.”). No water quality evaluation or conditioning has occurred with respect to any mining at the site that would utilize water, such as is proposed in S-89848.

Further, Applicant has filed mining plans with DOGAMI that confirm it cannot comply with the water quality condition on the Draft Permit. The use cannot be made in compliance with the condition. The PFO and Draft Permit cannot comply with the Middle Rogue Basin Rules simply by adding a condition where there is an impossibility of compliance.

Failure to comply with the Middle Rogue Basin Rules with regards to protection of water quality would also create a major public interest issue. Further, this basin program rule strongly weighs in favor of OWRD declining to approve this application as an expedited secondary permit and instead processing it through the regular permitting process because there is no record on which OWRD could find that the permit complied with the Middle Rogue Basin Rules. It is therefore unlawful for OWRD to issue an expedited permit for this mining use.

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10. OWRD failed to address public comments.

The PFO does not adequately address the issues raised in public comments. The response to comments raises two main concerns. First, it appears that OWRD relies solely on comments to make the public interest determination under ORS 537.170(7), rather than using them as one criterion that the OWRD considers under public interest review required under OAR 690-310-0120(3)(a). OAR 690-310-0120(3)(a) requires that if the Department determines that the presumption is established or that the proposed use can be modified or conditioned to meet the presumption criteria, it shall further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies and any other available information to determine whether the presumption is overcome. The rote statement in PFO Finding #17 does not satisfy this requirement that all information be considered together.

Second, the PFO dismisses comments out of hand without addressing the core concerns raised. WRD's approach to comments in Findings #14 and #15 provides a salient example. In these findings, the PFO dismisses comments made regarding the permits authorizing storage by stating that facts pertaining to those are outside the scope of the review for this application (*see* PFO at p.15). The PFO erred in making this finding. OWRD is ignoring the fact that there is no final order authorizing the extension of the underlying reservoir permits, which means that there is no underlying source available for the requested secondary water right. As such, the WRD and the PFO should address these comments; it does not.

11. The PFO errs in finding that the public interest presumption was met.

As noted in the PFO, the OWRD shall presume that the proposed use will not impair or be detrimental to the public interest in (a) the proposed use is allowed in the applicable basin program, (b) water is available, (c) the proposed use will not injure other water rights, and (d) the

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Salem, OR

proposed use complies with the rules of the Commission. ORS 537.153(2), OAR 690-310-0110(1). The PFO is in error for finding that these criteria were met. As outlined in this protest, all four presumption criteria have failed to be met:

A. The proposed use does not meet the conditions of the Rogue River Basin Plan.

As noted in Protest Argument IV.9, the applicant does not meet the requirements of the Rogue Basin Plan. The Rogue Basin Plan requires a finding that water quality conditions required by the Rogue Basin Plan have been met. The OWRD cannot overcome these failures by simply conditioning the permit as proposed.

B. There is no water available for use.

As raised in Protest Argument IV.1, there is not currently an authorized storage project. The Applicant failed to develop their existing storage rights within the time required in its original permits. While the Applicant has filed for extensions of time to develop these permits, the PFOs have been challenged and no final orders have been issued. Therefore, without a final order granting an extension of time to develop the reservoirs, there are no valid storage permits and thus there is no valid source of water to serve a secondary water right for storage. Absent an existing valid source of water for a secondary water right, OWRD cannot find that water is available. Thus, OWRD erred in its finding that water was available.

C. The proposed use will injure other water rights.

As raised in Protest Argument IV.7, OWRD's water availability analysis for this project failed to include the instream water right. Absent a new water availability analysis for this project as a whole, including the requested extensions on the storage projects, the diversion of water will injure the Grave Creek instream water rights. This is not allowed by law.

D. The proposed use does not comply with the rules of the Commission:

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As raised in Protest Argument IV.7, there was no formal Division 33 review of this application. Nor, as raised in Protest Argument IV.9, does the proposed use comply with the Rogue Basin Plan. As both of these are rules of the Commission, OWRD erred in finding that the proposed use complies with the rules of the Commission.

In addition to erring in finding that the presumption was met, the WRD also erred in failing to do the full public interest review as required in OAR 690-310-0120(3)(a), which requires analysis not only of the public interest factors in ORS 537.170(7), but also the factors in OAR 690-310-0120(3)(b), which include an analysis of the potential effects of the use on threatened, endangered or sensitive species, water quality, fish or wildlife, and recreation.

V. How to Correct the Errors and Deficiencies.

The errors and deficiencies should be corrected by denying the application and/or returning the application to the Applicant and only accepting any new application *if* the Applicant is authorized to store water under permits R-15319 and R-15320 and has secured extensions of time for those permits that are no longer subject to legal challenge.

VI. Citation of Legal Authority

Applicable legal authorities, where known, are cited above.

VII. Protest Fee

The required fee of \$1425.00 is included with this protest.

VIII. Request for Hearing

Protestant requests a hearing.

Dated: April 10, 2026

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APR 10 2026
Salem, OR

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

Attachments (11):

- Attachment 1** - Email from DEQ personnel to OWRD personnel RE: Application S-89848 dated 1/28/2026
- Attachment 2** - Email from ODFW personnel to OWRD personnel RE: S-89848 Request for Division 33 Reviews dated 1/28/2026
- Attachment 3** - Josephine County letter regarding continuing violations dated 4/29/2011
- Attachment 4** - DOGAMI Suspension Notice dated 11/9/2012
- Attachment 5** - Public Comment on G-17580 documenting excavator in Grave Creek dated 12/6/2012 (blank pages removed)
- Attachment 6** - Photo taken in 2010 on SVSG property of a large pump in a body of water with hose attachment
- Attachment 7** - Photo taken in March 2011 on SVSG property of a large pump in a body of water with mining trommel and hose attachment
- Attachment 8** - OWRD map showing wells near the SVSG proposed mine dated 12/21/2022
- Attachment 9** - Graphic map showing residences in the vicinity of the SVSG proposed mine
- Attachment 10** - SVSG Site Plan Map received 11/20/2024
- Attachment 11** - DOGAMI Letter RE: DOGAMI 17-0145: Operating Permit and Amendment Application Requests dated 3/17/2026

VRANIZAN Lucinda R * WRD

From: PARRETT Steve * DEQ
Sent: Wednesday, January 28, 2026 4:19 PM
To: VRANIZAN Lucinda R * WRD
Cc: BRANDT Jason R * ODFW; HENDRICKSON Cole * DEQ; COSSEL Shane * DEQ; BEARDEN Matthew * DEQ
Subject: Application S-89848

Hello Lucinda,

DEQ has considered application S-89848 and does not have comments for WRD. Thank you.

Warm Regards,

Steven Parrett
Western Oregon Specialist
Water Integration Team
Oregon Department of Environmental Quality

503-805-0234
Steve.parrett@deq.oregon.gov

Received by OWRD
APR 10 2026
Salem, OR

VRANIZAN Lucinda R * WRD

From: BRANDT Jason R * ODFW
Sent: Wednesday, January 28, 2026 4:40 PM
To: VRANIZAN Lucinda R * WRD
Cc: PARRETT Steve * DEQ
Subject: RE: S-89848 Request for Division 33 Reviews

Hello Lucinda-

Application S-89848 (Sunny Valley Sand and Gravel Inc) is for the proposed secondary use of permitted stored water. The applicant has an ODFW approved fish screen at the point of diversion used to fill the reservoirs and is coordinating with DEQ on potential water quality issues tied to the proposed secondary use. ODFW does not have further comments at this time.

Thank you-

jason

Jason Brandt
ODFW
SW Hydro Coordinator
4192 North Umpqua Highway
Roseburg, OR 97470
O: 541-464-2182
C: 541-315-6222

From: VRANIZAN Lucinda R * WRD <Lucinda.R.VRANIZAN@water.oregon.gov>
Sent: Tuesday, January 13, 2026 5:16 PM
To: WRD_DL_watermaster_district_14 <WRD_DL_watermaster_district_14@water.oregon.gov>; DEQ Rogue Basin <RogueBasin@deq.oregon.gov>; ODFW_WRD.UpperRogue <WRD.UpperRogue@odfw.oregon.gov>
Subject: S-89848 Request for Division 33 Reviews

Good evening,

This email is to notify you that Division 33 reviews have been requested for Application S-89848 with a set deadline of January 28, 2026.

Please let me know if you have any questions.

Kind regards,

Lucinda

[Lucinda Vranizan](#) (she/her)
Water Right Caseworker
Oregon Water Resources Department
[725 Summer St NE Suite A | Salem OR 97301](#) | Phone: 971-375-2256

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Salem, OR



Josephine County, Oregon

Board of Commissioners: Sandi Cassanelli, Simon G Hare & Dwight F. Ellis

PLANNING DEPARTMENT

700 NW Dimmick Street, Suite C, Grants Pass, OR 97526

(541) 474-5421 / FAX (541) 474-5422

Email: planning@co.josephine.or.us

April 29, 2011

FINAL CERTIFIED NOTICE

Andreas and Carole Blech
1867 Williams Hwy #270
Grants Pass, OR 97527

Dear Mr. and Mrs. Blech:

Re: 153 Daisy Mine Rd / 34-05-08 Tax Lot 400
Case number: 2011-008

RECEIVED

JAN 09 2014

OWRD

There continues to be violations on the property listed above. The violations consist of an exploration and/or mining operation without the required permits from the Josephine County Planning Office, Department of Geology and Mineral Industry, Department of State Lands, and the Josephine County Water Master. There is also damage to the riparian areas due to moving heavy equipment across the banks of Grave Creek.

On February 23, 2011, this office mailed a notification letter to you about the alleged zoning violations. A second letter was mailed on March 29, 2011. Your letter to me dated March 24, 2011, stated you would submit an application by mid-April. As of this date you have still not submitted the pre-application that is required in order to begin resolving the violations. I received phone messages from both you and Mr. Brennan yesterday asking to discuss, once again, why a pre-application has to be submitted to the Planning Office for the exploration and mining operation. I believe Roger and I have already covered that question in meetings and in phone conversations with you and your partners. The answer remains the same; as per Article 42.030.A.4 of the Rural Land Development Code a pre-application is required for the exploration process and section 65.030 (U) requires a site plan review for the mining operation in order to obtain a development permit from the Planning Office for conditional use.

Section 15.239 of the Zoning Enforcement Ordinance states that, "failure to abate the violation will require this office to proceed with formal legal actions without further notice." In addition, Section 15.237 of the ordinance provides that "Any person violating any of the provisions of this regulation shall

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be punishable upon conviction by a fine of not more than \$500 for a non-continuing offense and a fine of not more than \$1000 for a continuing offense."

You are hereby officially notified that unless a pre-application is submitted to the Planning Office within 15 days from the date of this letter, your file will be turned over for legal action without further notice.

Sincerely,

Nannette Chase

Nannette Chase
Ordinance Administrator
541-474-5425

c: Building Safety
Kathy Smith, OWRD
Bob Lobdell, DSL
Ben Mundie, DOGAMI
David Haight, ODFW

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Salem, OR

RECEIVED

JAN 09 2014

OWRD

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2

000238 000238



Oregon

John A. Kitzhaber, MD, Governor

Department of Geology and Mineral Industries
Mineral Land Regulation and Reclamation
229 Broadalbin Street SW
Albany, OR 97321-2246
(541) 967-2039
Fax: (541) 967-2075
www.oregongeology.org

TO: Havilah Resources LLC
1867 Williams Hwy Space 208
Grants Pass OR 97527

) **SUSPENSION ORDER**
)
) MLRR ID No. 17-0145
) Section 7 8, Township 34S, Range 5W
) Site Name: Havilah Resources SV-1

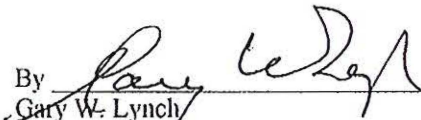
On November 9, 2012, a Notice of Violation was issued to you. It outlined violations of your reclamation plan, Operating Permit and/or applicable Oregon statutes or department rules and established a schedule for the violations to be corrected. According to the department's records the following violations were not corrected as required by the Notice of Violation:

Mining without a valid DOGAMI Operating Permit

By the authority of ORS 517.880, the Oregon Department of Geology and Mineral Industries hereby orders you to suspend all surface mining operations at the mine site referenced above. You are required to stop all surface mining activities including extraction, processing, and the removal of stockpiled materials.

This Suspension Order remains in effect until withdrawn by the written order of the department. If you fail to comply with the Suspension Order, the department intends to take further enforcement action against you. This may include, but is not limited to, assessing civil penalties under ORS 517.992 or referring this matter to the Attorney General to initiate judicial proceedings as provided in ORS 517.880(3).

Issued 11-9, 2012

By 
Gary W. Lynch
Assistant Director

If you have questions regarding this order, contact Isaac Sanders at (541) 967-2081 or at isaac.sanders@mlrr.oregongeology.com.

Opportunity for a Contested Case Hearing

You have the right to a hearing to contest this Order. The hearing, if requested, will be conducted according the Administrative Procedures Act, ORS chapter 183. To have a hearing, you must file a written Request for Review with the State Geologist within twenty (20) days from the date this Order was served on you or mailed to you. The State Geologist will have the opportunity to review and resolve the situation informally pursuant to OAR 632-030-0056. If the State Geologist declines review, fails to provide you with a written decision within 20 days, or if the proposed informal resolution is not acceptable to you, the matter will be referred to a hearing officer and a contested case hearing will be scheduled. Your request for review must include a written "Answer" to the allegations contained in the Order. In the Answer, you must admit or deny each allegation of fact contained in the Order and set out any and all affirmative defenses to the violations alleged in the Order. Except for good cause shown, matters not denied in the Answer will be presumed admitted and the failure to raise a claim or defense will be presumed to be a waiver of such claim or defense. The Request for a Hearing and the Answer must be delivered to: 229 Broadalbin Street SW Albany OR 97321. If the matter is not resolved informally by the State Geologist as described above, you will be notified of the date, time and place of the hearing. You will also be given information on the procedures, rights of representation and other rights of parties relating to the conduct of the contested case hearing. The Department has designated its files on this matter as the record in this case for the purpose of proving a prima facie case upon default. If you do not file a timely Request for Hearing and Answer, the Order will become final 22 days after the date it was personally served on you or mailed to you. If the Order becomes final in this manner, you will have the right to appeal the order to the Oregon Court of Appeals under ORS 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 82 days of the date this Order was served on you or mailed to you. If you do not file a petition for review within this time, you will lose your right to appeal.

- c: Josephine County Planning Dept.
Andy Ullrich, DEQ Medford
Bob Lobdell, DSL
Kathy Smith, WRD
David Haight, ODFW

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Salem, OR

CERTIFIED MAIL

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DEC 06 2012

SALEM, OR

Oregon Water Resources Department
725 Summer Street NE Ste A
Salem OR 97301

To Whom It May Concern

I am opposed to the Havilah Resources LLC Permanent Application number G-17580. My comments were previously submitted online but please take a look at the enclosed photos.

The over head photo shows 33 plus acres that were worked without permit. When notified of a pending November 28, 2012 site visit by a number of agencies, heavy equipment ran most daylight hours including weekends and Thanksgiving day to make their activities appear to be simple logging and planting.

The other eight photos show some of the Havilah activities and resulting destruction done to the bank of Grave Creek that won Havilah their February 8, 2012 Riparian Violation.

Leslie Smith



Leslie Smith
193 Golden Creek Court
Wolf Creek, OR 97497
(541) 471-2244

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Salem, OR



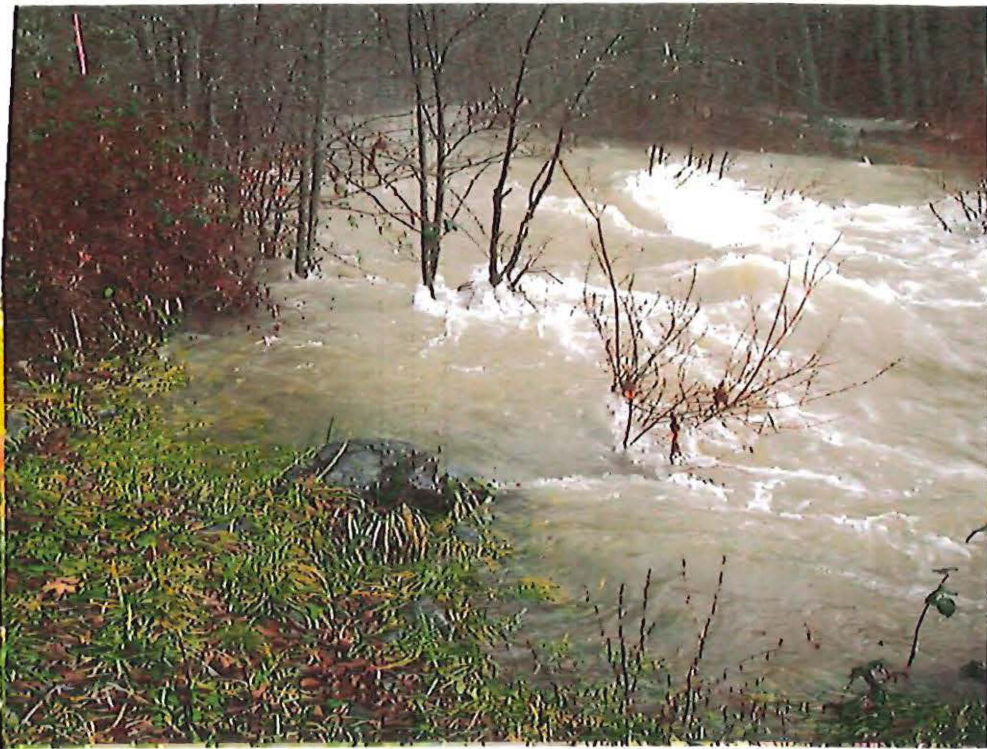
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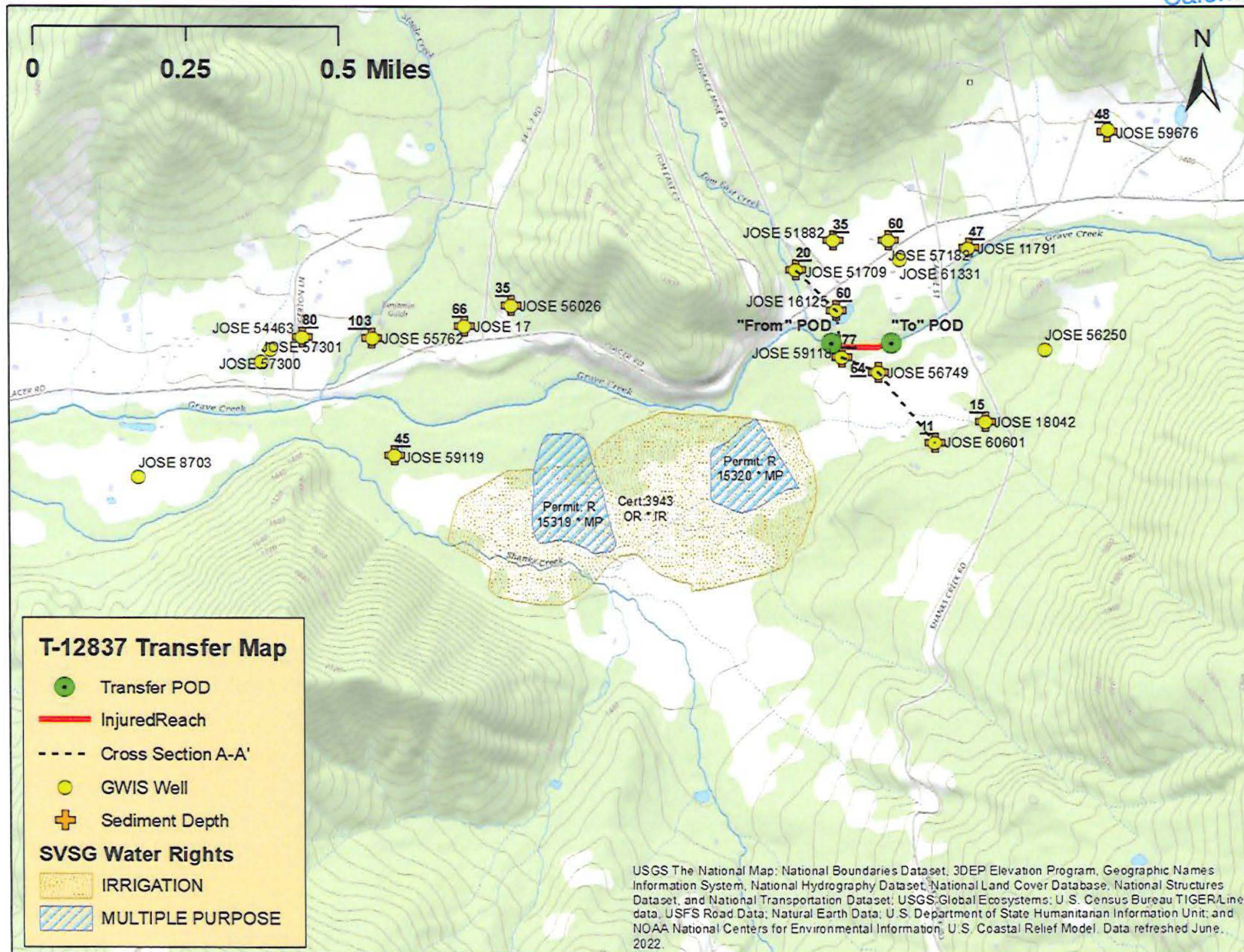
APR 10 2026

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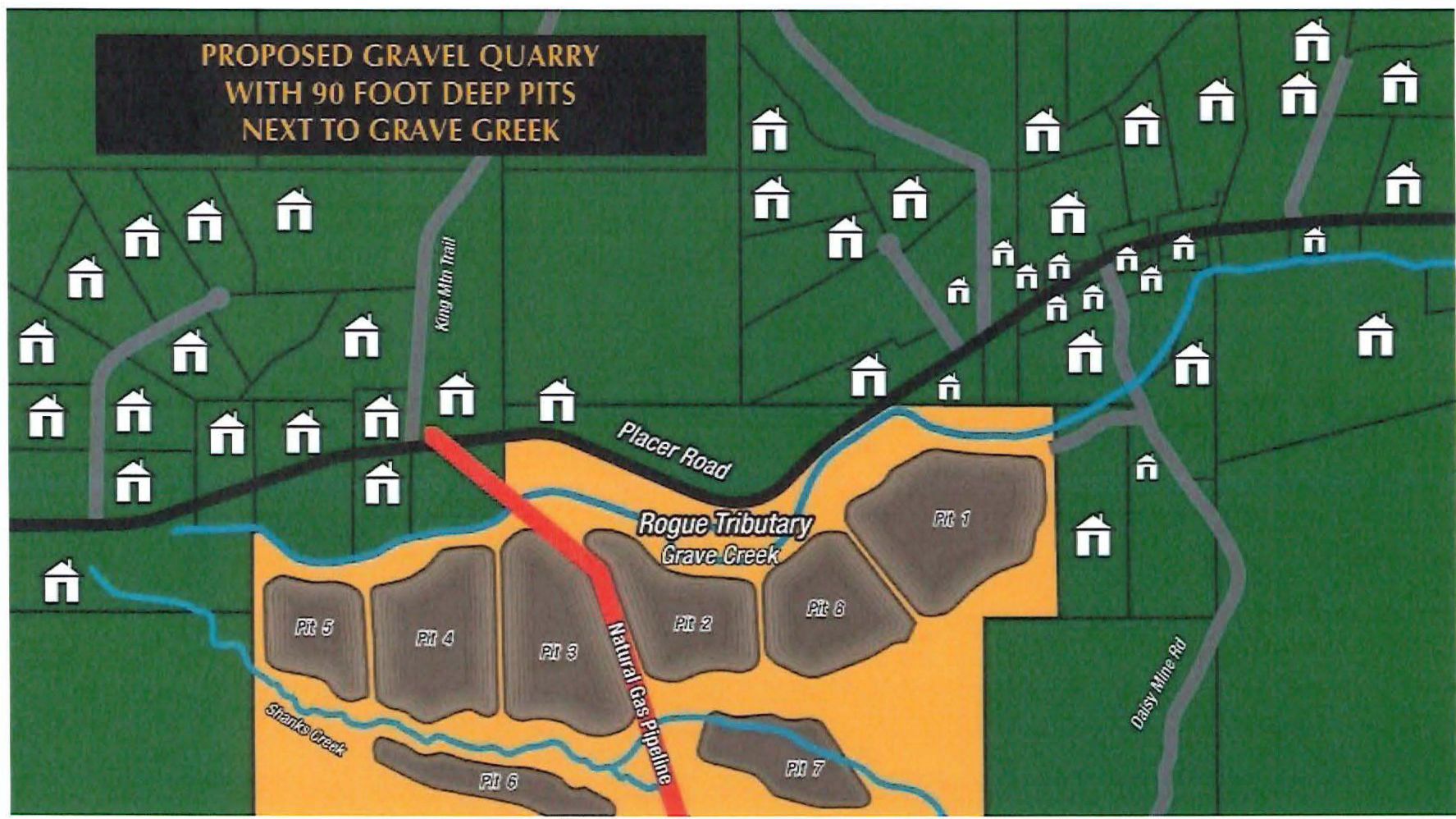


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Figure 1. Site Map. Underlined text indicates estimated depth of sediment as per the associated well log.



Source: Oregon Water Resources Department, Groundwater Injury Evaluation for Transfer T-12837, Joe Kemper, RG, 12/21/2022.



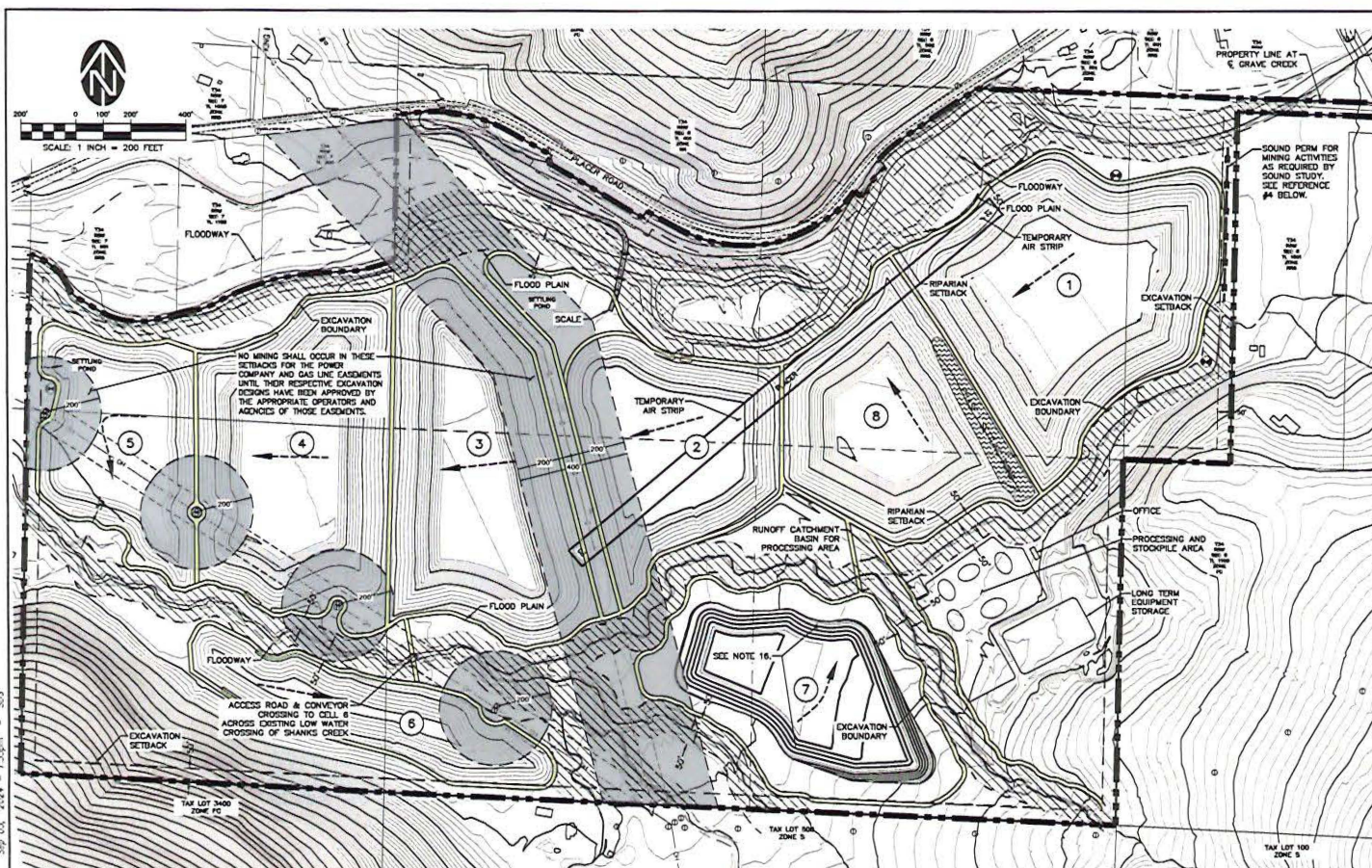
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- NOTES:**
1. THE OPERATIONAL LIFE OF THE MINE IS APPROXIMATELY 20-40 YEARS.
 2. PLAN SHOWS CONFIGURATION OF CELL PONDS. THESE FEATURES TO BE CONSTRUCTED IN PHASES AS PIT EXCAVATION PROGRESSES.
 3. SEQUENCE OF MINING SHALL GENERALLY MOVE FROM THE EAST TO WEST OF THE SITE, THEN SOUTH AND BACK TO EAST, AS NOTED BY THE NUMBERED MINE CELLS, AND THE "PROGRESSION OF MINING" ARROWS. SEE LEGEND BELOW. SEQUENCE TO BE AS PERMITTED BY JOSEPHINE COUNTY FINDINGS OF FACT DATED 10/08/2014.
 4. AIRSTRIP TO BE SHORTENED AS NEEDED DUE TO THE PROGRESSION OF SEQUENCED MINING ACTIVITY.
 5. EXCAVATION SETBACK DISTANCES:
 - 5.1. 50.0' FROM ANY PROPERTY LINE
 - 5.2. 50.0' FROM CREEK BANK (OHW)
 - 5.3. OUTSIDE OF FLOODWAY AND FLOODPLAIN BOUNDARY
 6. THE ANTICIPATED CELL FLOOR ELEVATION IS 40'-80' BELOW SURFACE GRADE. MAXIMUM CELL FLOOR ELEVATION IS 100' BELOW SURFACE GRADE OR BEDROCK, WHICHEVER IS DEEPER.
 7. FUGITIVE DUST WILL BE CONTROLLED BY A WATER TRUCK, AS NEEDED ON THE SITE ROADS AND WATER SPRAY BARRS ON THE PROCESSING EQUIPMENT.
 8. PRIMARY SOURCE OF WATER, 5,000 GPD, PER INDUSTRIAL/GROUNDWATER EXEMPTION, ORS 537.545(1)(f), IS THE 2 WELLS ON-SITE. SECONDARY SOURCE, SECONDARY SOURCE, ONCE APPROVED BY OWRD, WILL BE THE 2 RESERVOIRS ON-SITE.
 9. SCALES WILL BE USED DURING DURATION OF OPERATIONS AND WILL BE REMOVED AT END OF PROJECT.
 10. NO MINING AREAS DEPICTED AROUND ELECTRICAL TRANSMISSION TOWER BASES AND GAS PIPING ARE AS PER DOGAMI PERMIT CONDITION #8 AND ARE PROVISIONAL AND WILL BE LIFTED ONCE TERMS OF CONDITION ARE MET.
 11. TURBID WATER WILL BE INTERCEPTED IN THE DITCHES AND PUMPED PRIOR TO IT BECOMING TURBID. THE USE OF RIG-IN-FILTRATION DITCHES TO PREVENT TURBID WATER FROM ENTERING GRAVE CREEK OR EXTERNAL WATER SUPPLY WELLS.
 12. APPROPRIATE DEQ PERMITS WILL BE ACQUIRED FOR CRUSHING AND PROCESSING PRIOR TO THE COMMENCEMENT OF THOSE ACTIVITIES.
 13. SITE HAS NO OVERBURDEN THUS NONE WILL BE STORED ON THE BANKS OF THE CELLS NOR IN THE SETBACKS. ALL EXCAVATED MATERIAL WILL BE PROCESSED.
 14. THERE IS NO REQUIRED MINIMUM UNDISTURBED PROPERTY LINE SETBACK FOR MARZ (MINERAL AGGREGATE RESOURCE ZONE) ZONING.
 15. SOUND BERM ON EAST SIDE OF SITE TO BE REMOVED AND PROCESSED AT THE END OF THE PROJECT AS PART OF THE FINAL RECLAMATION AFTER MINING ACTIVITIES HAVE ENDED.
 16. THERE IS NO COMMERCIAL HARVEST WORTHY TIMBER WITHIN MINE BOUNDARY. LARGE ORGANIC MATERIAL AND VEGETATION WILL BE USE AS FIREWOOD FOR ON-SITE STRUCTURES. UNSALEABLE ORGANICS MAY BE USED FOR RECLAMATION AS WOODY DEBRIS OR SIMILAR.
 17. ACTUAL GRADING FOR CELL 7 MAY EXTEND TO PERIMETER ACCESS ROAD.

E-Received 11/20/2024

WESTLAKE CONSULTANTS
 ENGINEERS • SURVEYORS • PLANNERS
 1000 NE 10TH AVENUE, SUITE 100
 SALEM, OREGON 97331
 TEL: 503.325.1111 FAX: 503.325.1112

SUNNY VALLEY SAND AND GRAVEL
 DOGAMI ID#17-0145
 JOSEPHINE COUNTY, OREGON
 SITE PLAN

LEGEND

	DOGAMI PERMIT # 17-0145 BOUNDARY		15' WIDE ROAD
	DOGAMI EXCAVATION BOUNDARY		100 YR BASE FLOOD BOUNDARY*
	50' EXCAVATION SETBACK		FLOODWAY BOUNDARY*
	EXISTING 5' MINOR CONTOUR		JOSEPHINE COUNTY SHAPE FILE TAX LOT LINES FOR ILLUSTRATIVE PURPOSES ONLY
	EXISTING 25' MAJOR CONTOUR		EXISTING STRUCTURE
	APPROX. LOCATION OF WILLIAMS-NW PIPELINE (60' WIDE EASEMENT)		EXISTING GRAVEL ROAD
	PP&L POWER POLE AND EASEMENT		EXISTING PAVED ROAD
	RIPARIAN SETBACK, PORTION OF SITE BETWEEN 50' OFFSET LINES FROM OHW BASED ON TSI REPORT		EXISTING MONITORING WELL
			DRAINAGE CREEKS & DITCHES
			PROGRESSION OF MINING
			SOUND BERM

AREA TABLE:
 DOGAMI PERMIT BOUNDARY AREA = 211.9 ACRES

CELL #	APPROX. AREA
1	19.7
2	13.8
3	16.4
4	15.9
5	8.7
6	8.8
7	13.6
8	13.4
CREEKS, SETBACKS, AND ROADS	104.0

PROPOSED TOTAL APPROXIMATE EXCAVATION AREA (107.9 ACRES) IS DEFINED BY THE OUTSIDE EDGE OF THE PERIMETER ACCESS ROADS OUTSIDE THE RIPARIAN AREAS AND 100 YEAR FLOODPLAIN BOUNDARY.

DATUMS AND DATA SOURCES:

DATUM:
 HORIZONTAL DATUM: NAD 83(91)
 VERTICAL DATUM: NAVD 88
 PROJECTION: LAURENT CONFORMAL CONIC
 COORDINATE SYSTEM: STATE PLANE OREGON SOUTH

MAPPING:
 JDI (GeoTerra Mapping Group)
 CONTACT: BRUCE BERGMAN
 541-343-8977

AERIAL PHOTO:
 BERGMAN PHOTOGRAPHIC SERVICES
 CONTACT: BRUCE BERGMAN
 503-239-6010

GROUND SURVEY (SEPTEMBER 16, 2013):
 VOORHEIS LAND SURVEYING
 CONTACT: JOHN VOORHEIS
 541-478-0601

TAX LOT MAPPING:
 JOSEPHINE COUNTY GIS ONLINE MAPPING SHAPE FILES
<http://idb.185.1.111/shapemaps/arcgis/default>

- REFERENCES:**
1. 1990-4 MPOER PERMIT RENEWAL DEQ #22874 8/18/23. 1.1. THIS SWAMP / DEQ PERMIT WILL BE REVISED AND UPDATED AS THE MINING PROGRESSES ACROSS THE SITE.
 2. FLOOD STUDY: THORNTON ENGINEERING, INC. "FLOOD STUDY - GRAVE CREEK & SHAWMS CREEK, SUNNY VALLEY SAND & GRAVEL," AUG. 2013.
 3. GROUNDWATER: SHANNON AND WILSON, INC. "SUNNY VALLEY HYDROGEOLOGY PAPER REPORT, SUNNY VALLEY SAND & GRAVEL," AUG. 2013.
 4. ROSE, DALY-STANLEY & ASSOCIATES, INC. "SUNNY VALLEY MINE NOISE STUDY," AUG. 2013.
 5. WCLAND DELINEATION, DEPARTMENT OF STATE LANDS. "WCLAND REPORT FORM SUNNY VALLEY SAND & GRAVEL MAY 3, 2013"

HOURS OF OPERATION:
 MINING AND PROCESSING, MON-FRI 7:00AM TO 5:00PM.
 EQUIPMENT MAINTENANCE AND REPAIR, MON-SAT 7:00AM TO 9:00PM.
 DAYS OF OPERATION SHALL BE MONDAY THROUGH SATURDAY EXCLUDING THE FOLLOWING LEGAL HOLIDAYS:
 NEW YEAR'S DAY, MEMORIAL DAY, JULY 4TH, LABOR DAY, THANKSGIVING DAY, AND CHRISTMAS DAY. MAINTENANCE OF EQUIPMENT MAY TAKE PLACE AT ANY TIME.

PERMITEE/OPERATOR:
SUNNY VALLEY SAND AND GRAVEL INC.
 1867 WILLIAMS HIGHWAY #260
 GRANTS PASS, OR 97522
 CONTACT: MR. ANDREAS BLECH
 (541) 224-2644

THIS PLAN IS THE PROPERTY OF WESTLAKE CONSULTANTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WESTLAKE CONSULTANTS.

REV	DATE	DESCRIPTION	BY	CHK
1	8/23/24	PERMIT RESUBMIT TO DOGAMI		

PLATE **3**

JOB NO. 2371-001



Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin Street SW
Albany, OR 97321
(541) 967-2083
Fax: (541) 267-2075
www.oregon.gov/dogami

To: Sunny Valley Sand & Gravel Inc.
1867 Williams Hwy #260
Grants Pass, OR, 97527

From: John Hook, R.G., C.E.G.

Date: 03/17/2026

Subject: **DOGAMI 17-0145: Operating Permit and Amendment Application Requests**

To Andreas Blech -

Thank you for submitting your application for an Operating Permit Amendment for the Sunny Valley Sand and Gravel site in Josephine County, assigned ID 17-0145. This memorandum is to track documents received and request application revisions since the submittal of documents on November 20, 2024.

- Operating Permit Application (Received 12/22/25)
- Application Narrative (Received 12/22/25)
- Josephine County Findings of Fact – Goal Five Determination (received 11/20/24)
 - o Post-Acknowledgment Plan Amendment Application (PAPA – dated 01/21/14)
- Groundwater Supplemental Form (Received 11/20/24)
- Flood Study: Graves and Shanks Creek – Thorton Engineering Inc. (received 11/20/24)
- Groundwater Elevation Data for Monitoring Wells SVB-1, SVB-2 and SVB-3 – Alpine Environmental Consultants LLC (received 11/20/24)
- Hydrogeologic Evaluation – Shannon & Wilson Inc. (received 11/20/24)
- Water Right Summary – Schwabe Water Law Attorneys (received 11/20/24)
- Permit Boundary Survey Map (PBSM) (received 11/20/24)
- Application for a Permit to Use Surface Water (received 11/20/24)
- Stormwater Pollution Control Plan (received 12/22/25)
- Stormwater Pollution Control Plan Map (received 12/22/25)
- TRIO Listing Packets – Tax Lots 400, 102, 1200, 1300 (received 11/20/24)
- Certificate of Water Right (received 11/20/24)
- Water Storage Permit R-15319 and R-15320 (received 11/20/24)
- Noxious Weed Monitoring and Control Plan (received 11/20/24)
- Site Plan Set – 8 plates. Supersedes all previously received/required mapping elements, with the exception of the PBSM listed above (received 12/22/25)

A summary of formal communication with the applicant is provided below:

- Letter to Andreas Blech stating the mine plan does not correspond with approvals obtained to fulfil conditions of the original permit (Dated 04/22/2024)
- Pre-application Meeting (06/20/2024)

Attachment 11 - WaterWatch Protest S-89848

Page 1 of 3

Received by OWRD

APR 10 2026

Salem, OR

- Pre-application Meeting notes and summary, including annotated maps and additional correspondence (07/18/24)
- Email to Andreas Blech, summarizing the current application, its anticipated deficiencies (07/29/2025)
- Operating Permit and Amendment Application Requests Letter (8/13/25)
- Meeting with representatives from Westlake Consultants, Schwabe (attorneys for applicant) and Andreas Blech (December 11, 2025)

We acknowledge and appreciate the significant revisions made to the application after our last Application Request Letter on August 13, 2025. The currently submitted mine plan remains generally deficient for the reasons outlined below:

Dewatering and Infiltration Trench Location

This plan does not meet the land use Conditions of Approval for local land use, specifically Condition 23 of the Findings of Fact and Conclusion of Law and Decision of Remand, Issued by Josephine County on December 7, 2016:

Infiltration trenches shall be constructed around each mine cell. The water applied to the infiltration trench shall provide a positive hydrostatic head in the sand and gravel that reduces groundwater declines adjacent to the mine cells. Monitoring as well as observed seepage into the active site shall be utilized for development of final design and evaluation of mitigation measures as necessary. Should proactive infiltration fail or be deemed inappropriate, well improvements such as resetting pumps at deeper depths, well deepening, or changes in the mining operation shall be considered as alternative mitigation options to alleviate water quality or quantity impacts.

The current application and supporting maps show a series of infiltration trenches running along the north boundary of proposed mining cells adjacent to Graves Creek. DOGAMI recognizes that infiltration trenching encompassing each cell is partially redundant, as some cells may immediately border a reclaimed cell/pond. However, this does not remove the requirement that all other cells have a perimeter infiltration system. Further, cells 5 and 6 will require their own perimeter infiltration swales, which are not shown on current plans.

Infiltration Trench Construction and Placement

Infiltration trenches must be designed and constructed in a manner that will preserve their functionality as the cell is mined. Infiltration trenches too close or within the slope of the proposed cell are extremely likely to fail due to piping and/or slope failure. DOGAMI recommends that perimeter infiltration trenching to be moved outside of the proposed perimeter roads as shown in the idealized section of the Shannon and Wilson Hydrogeologic Evaluation (Figure 10 – Infiltration Swale Concept).

While not required, it is highly recommended that infiltration trench design be informed by onsite infiltration testing and estimated de-watering rates, especially as continued sedimentation decreases trench infiltration effectiveness over time. It is extremely unlikely that the minimum bioswale dimensions shown in the submitted plans will be adequate to conduct effective infiltration for long-term dewatering of proposed cells. A lack of consistent infiltration trench design could result in the uncontrolled release of water to Graves Creek, or the lack of ability to effectively de-water the proposed cells.

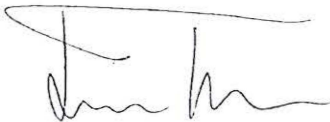
Process Water Infrastructure and Fines

The clarification that the two reservoirs on site will also be used as process/settlement ponds is appreciated, but it creates additional logistical issues not addressed in this application. Washing of sand and aggregate on site will create significant volumes of silt and clay that are generally non-saleable. The dimension of the current reservoirs on site are unlikely to contain the fines generated over the site's lifetime. Additionally, the accumulation of sediment in these ponds will gradually diminish the ability of the permittee to store water. More details need to be provided to the agency about where and how non-saleable material will be stored and/or permanently placed on site as part of reclamation efforts. If both pond areas are to be mined through in the final two phases, plans should detail where sediment from deconstructing both ponds will be placed, and in what manner final phase mining will be accomplished in Cell 8.

'Dry' Mining

The permittee is welcome to process aggregate using dry methods. This does not negate the need to effectively manage dewatering operations and mitigate impacts to the subsurface aquifer, which the currently submitted plan fails to do. The agency also notes that control of fugitive dust is a requirement for any permitted mine site.

The currently submitted plans are not practically workable, do not effectively address mitigation of impacts to the surface aquifer, and do not address long-term mine planning to ensure reclamation goals can be met as planned. The agency has been consistent in communicating these deficiencies to the applicant since the most recent round of review starting in July of 2025. DOGAMI is confident that a workable mine plan, suitable for circulation to our sister agencies, and generally compliant with current laws and rules, can be realized for this site. I am happy to schedule additional meetings to outline remaining deficiencies.



John Hook, R.G., C.E.G. | Mining Geologist
Direct: (541) 731-0297
john.hook@dogami.oregon.gov

Received by OWRD
APR 10 2026
Salem, OR

Certificate of Service

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

Sunny Valley Sand and Gravel, Inc.
Andreas Blech
1867 Williams Hwy Suite 260
Grants Pass, OR 97527

By placing in the US Postal Mail, first class postage prepaid

Schwabe Williamson and Wyatt
Shonee Langford
530 Center St NE Suite 730
Salem, OR 97301

By placing in the US Postal Mail, first class postage prepaid

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

By hand delivery

Received by OWRD
APR 10 2026
Salem, OR

Dated: April 10, 2026

/s/ Victoria White
Victoria White
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039
tory@waterwatch.org

9589 0710 5270 2376 3993 03

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Extra Services & Fees *(check box, add fee as appropriate)*

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- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postage

\$ _____

Total Postage and Fees

\$ _____

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4⁵

S-89848
 Sunny Valley Sand and Gravel inc.
 Attn: Andreas Blech
 1867 Williams Hwy., Ste. 260
 Grants Pass, OR 97527

Mailing List for PFO/Draft Permit Copies

Application: S-89848

PFO Date: February 24, 2026

Copies Mailed
By: <u>TM</u> (SUPPORT STAFF)
On: <u>2.24.2026</u> (DATE)

Original mailed via CERTIFIED MAIL to applicant:

SUNNY VALLEY SAND AND GRAVEL INC.
ATTN: ANDREAS BLECH
1867 WILLIAMS HIGHWAY, SUITE 260
GRANTS PASS OR 97527

Sent via auto email:

1. Applicant – andreas@blech.us
2. Agent – slangford@schwabe.com
3. WRD – Watermaster District #14, Scott C. Ceciliani
4. WRD – Justin Dillon, SWR
5. WRD – SW Section

Copies sent to:

1. WRD – File # S-89848
2. Commenter – George Baxter - gandpb2004@yahoo.com
3. Commenter – Raymond Baxter - purplewilys@msn.com
4. Commenter – William Corcoran - wmcocoran@hotmail.com
5. Commenter – Elizabeth Corcoran - wmcocoran@hotmail.com
6. Commenter – Thomas Delk - tomdek50@gmail.com
7. Commenter – Friends of Country Living - friendsofcountryliving@gmail.com
8. Commenter – Diane Getchell - daniegirl@centurylink.net
9. Commenter – Gregg Getchell - gregg.getchell@centurylink.net
10. Commenter – Susan Hembree - susan.hembree@gmail.com
11. Commenter – Jill Henry - harmony_jill@hotmail.com
12. Commenter – Jody Perry - Litenupjody@aol.com
13. Commenter – Debra Lawwill - coveyppoint2011@gmail.com
14. Commenter – Steven Lawwill - triplepeakacres@gmail.com
15. Commenter – William Lorch - bplorch@aol.com

same email

16. Commenter – Andrew Martin - martandr@live.com
 17. Commenter – Steve McNamara - csnamara97@aol.com
 18. Commenter – Carolyn McNamara - csnamara97@aol.com
 19. Commenter – Frances Oyung - frances@rogueriverkeeper.org
 20. Commenter – Georgina Roberts - robertsgeorgina@yahoo.com
 21. Commenter – WaterWatch - lisa@waterwatch.org
- > same email*

Application Specialist: Lucinda Vranizan

Public Notice Date: February 24, 2026

Protest Deadline: April 10, 2026

Party Standing Deadline: May 11, 2026

PFO automatically becomes FO: May 13, 2026

FINDINGS OF FACT

Application History

1. On October 10, 2024, Sunny Valley Sand and Gravel Inc. filed a complete application for a water use permit pursuant to ORS 537.147 for the following water use:

Source: RESERVOIR 2, CONSTRUCTED UNDER PERMIT R-15320, TRIBUTARY TO GRAVE CREEK, AND RESERVOIR 4, CONSTRUCTED UNDER PERMIT R-15319, TRIBUTARY TO GRAVE CREEK

Use: MINING

Rate/Volume: 49.0 ACRE-FEET (AF); BEING 13.0 AF FROM RESERVOIR 2 AND 36.0 AF FROM RESERVOIR 4

Period of Use: JANUARY 1 THROUGH DECEMBER 31

County: JOSEPHINE COUNTY

Place of Use: SECTIONS 7 AND 8, TOWNSHIP 34 SOUTH, RANGE 5 WEST, W.M.

2. The required examination fees were paid, and the minimum application requirements were met.
3. On October 15, 2024, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed, during which the Department received public comments related to the possible issuance of the attached draft permit.
4. The Department reviewed comments to determine if they identified (a) a specific public interest under ORS 537.170(7) that would be affected by the proposed use and (b) specifically how the identified public interest would be affected and determined that public interest issues have been identified. Pursuant to ORS 537.147(3), the application will be processed as an application under ORS 537.150, and a proposed final order under OAR 690-310-0150 will be issued. ORS 537.147(3); OAR 690-340-0060(9).
5. On December 24, 2024, the Department received a letter from the applicant in response to the public comments received.
6. On February 11, 2026, the Department received an amended application map describing the measured locations of the points of diversion.

Presumption Criterion (a) Consistency with Basin Program

7. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water. ORS 537.153(3)(b); OAR 690-310-0110(1)(a).
8. Pursuant to OAR 690-515-0040(4), any permit that may be issued for this application will be conditioned to require that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life or other beneficial uses of water.

Presumption Criterion (b) Water Availability

9. Water is determined to be available for further appropriation from water legally stored under Permit R-15319 and Permit R-15320. ORS 537.153(3)(c); OAR 690-310-0150(2)(c).

Presumption Criterion (c) Injury Determination

10. The proposed use, if authorized, will not injure other water rights. ORS 537.153(3)(d); OAR 690-310-0150(2)(e).

Presumption Criterion (d) Whether the Use Complies with Rules of the Commission

11. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded. ORS 537.153(3)(b); OAR 690-310-0150(2)(b).
12. The proposed use is in an area of the state in which OAR 690-033-0310 through -0340 applies. These rules establish definitions, additional procedures, and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species.

OAR 690-033-0310 Statewide Rules

- A. The proposed use occurs in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0310(2).
- B. The applicant has been notified that based on a preliminary determination, the proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied. OAR 690-033-0330(1)(a).
- C. The interagency review team has been notified that an application has been received in an area that may affect the habitat of sensitive, threatened or endangered fish species. OAR 690-033-0330(1)(b).
- D. The interagency review team was convened to review the application and recommend conditions as necessary to achieve the standards listed in OAR 690-033-0330(2)(a) and (b). No conditions or limitations have been added to the draft permit as a result of this review.
13. The proposed use is located above the Rogue State Scenic Waterway, as designated under ORS 390.826. The proposed source is stored water authorized under Permit R-15319 and Permit R-15320 and consistency with OAR 690-310-0260 was evaluated under those rights.

Determination of Presumption that a Proposed Surface Water Use will not Impair or be Detrimental to the Public Interest

Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.153(2); OAR 690-310-0110(1)(a)-(d).

Further Evaluation of the Proposed Use

14. The Department received 20 public comments by the close of the comment period. As noted in Finding of Fact #4, comments were reviewed to determine if they identified (a) a specific public

interest under ORS 537.170(7) that would be affected by the proposed use and (b) specifically how the identified public interest would be affected. Having determined that the comments raised public interest issues, the Department evaluated comments to determine if they demonstrated a preponderance of evidence that the proposed use would impair or be determinantal to the public interest. Comments were reviewed to determine if they demonstrated (a) a specific public interest under ORS 537.170(7) that would be impaired or detrimentally affected and (b) specifically how the identified public interest would be impaired or detrimentally affected. Public comments received for this application are included in the application file. ORS 537.147; ORS 537.153; OAR 690-340-0060(9); OAR 690-310-0110(2).

15. The public comments received generally raised concerns about (1) impacts to fish, wildlife, recreation, residents' health, property values, water quality, and the Rogue Scenic Waterway, (2) outcomes of pending permits from other agencies, and (3) the accuracy of the information provided in the application and the applicability of review under ORS 537.147. Several comments pertained to the permits authorizing the storage of water that are the water source for this application; as these are existing permits, the facts specific to those authorizations are outside the scope of review for this application.
16. The Department evaluated whether the proposed use would impair or be detrimental to the ORS 537.170(7) public interest factors. Each public interest factor is evaluated individually and as raised in comments:

(a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.

Comments raised related to factor (a) contend that the proposed use does not specifically conserve use for fish, wildlife, recreation, public instream, and domestic uses. The water proposed for use is stored water that has been stored for multiple purpose use. Evidence has not been provided that, if properly conditioned, the proposed use cannot co-exist with other identified uses or will not conserve the highest use of the water for all purposes.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (a).

(b) The maximum economic development of the waters involved.

The application proposes to use water that would be stored under two existing permits, Permit R-15319 and Permit R-15320, which authorize the storage of water for multiple purpose use. Comments did not present evidence for an alternative use for the stored water that would provide for greater economic development of the waters involved.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (b).

- (c) *The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.*

Comments referenced concerns related to the source of water but failed to raise specific concerns for how the proposed use would impair or detrimentally affect this factor. If a permit is issued, it will be, as conditioned, for the beneficial use of water without waste.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (c).

- (d) *The amount of waters available for appropriation for beneficial use.*

The proposed water source is from legally stored water appropriated under Permit R-15319 and Permit R-15320 for multiple purpose use. If a permit is issued, only water stored pursuant to Permit R-15319 and Permit R-15320 would be appropriated. Based on rights at the time of the application, the quantity of water requested from each reservoir is available to be appropriated for secondary use.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (d).

- (e) *The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.*

Comments raised issues related to water in general in the area surrounding the proposed place of use but did not specifically raise issues related to this proposed use. Further, the draft permit is conditioned such that wasteful, uneconomic, impracticable or unreasonable use of the waters involved is prevented. The proposed use, as conditioned in the attached draft permit, will require conservation measures and reasonable use of the water. In addition, the attached draft permit requires the applicant to measure and report the volume of water stored and used.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (e).

- (f) *All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.*

Comments focused on whether vested and inchoate rights would be protected during the storage of water pursuant to Permit R-15319 and Permit R-15320 rather than under this proposed use. The proposed use would appropriate stored water and does not include any new diversions of water. Further, all vested water rights are protected by their respective priority dates, the prior appropriation system, and the Department's regulatory procedures.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (f).

(g) *The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.534.*

The proposed use is consistent with state water resources policy formulated under ORS 536.295 to 536.350, which governs classification of the waters in the state's basins. ORS 537.505 to 537.534 govern the appropriation of groundwater and are not applicable to this application.

The Department has determined that the proposed use will not impair or be detrimental to public interest based on the consideration of factor (g).

17. The Department therefore, based on an evaluation of comments as they relate to the public interest factors under ORS 537.170(7), concludes that the proposed use will not impair or be detrimental to the public interest, and the presumption is not overcome. ORS 537.153(2); OAR 690-310-0120(3)(a).
18. Information available in Department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the presumption is overcome. ORS 537.153(2); OAR 690-310-0120(3)(a); OAR 690-310-0150(2)(i).

Other Criteria and Requirements

19. The amount of water requested, 49.0 AF, is necessary for the proposed use. ORS 537.153(3)(c); OAR 690-310-0150(2)(d).
20. The applicant proposed measures to prevent waste, measure the amount of water diverted, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream and to prevent damage to public uses of any affected surface waters. These measures are included in Sections 6 and 7 of the application. OAR 690-310-0150(2)(j).
21. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

CONCLUSIONS OF LAW

1. The proposed use would not impair or be detrimental to the public interest as described in ORS 537.153(2).

NOTE: When issuing permits, ORS 537.170(3) authorizes the Department to include provisions or restrictions concerning the use, control and management of water to be appropriated for the project.

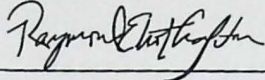
PROPOSED ORDER

The Department recommends approval of Application S-89848 and issuance of a permit consistent with the attached draft permit.

Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by the Department on or before April 10, 2026, and the Department does not withdraw this Proposed Final

Order on or before May 13, 2026, this Proposed Final Order is a final order without any further action by the Department on May 13, 2026.

DATED February 24, 2026



Raymond Eliot Crafton
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

If no protest of this Proposed Final Order is received by April 10, 2026, this Proposed Final Order will become a final order on May 13, 2026, without any further action by the Department. ORS 536.077(4). However, no later than May 13, 2026, the Department may withdraw this Proposed Final Order for reconsideration and issuance of a superseding proposed final order. ORS 536.077(5).

Protests and Requests for Party Status

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

Protests: Under the provisions of ORS 537.153(6) and ORS 536.077(1) (for surface water) or ORS 537.621(6) and ORS 536.077(1) (for groundwater), any person may protest this Proposed Final Order. Protests must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline specified. Protests must be received by the Water Resources Department no later than **April 10, 2026**.

Protests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, and telephone number;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonable available arguments that support the protestant's position, which may include arguments related to the public interest presumption factors under ORS 537.153(2) and the public interest factors under ORS 537.170(7);
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

If a timely protest is filed, after the protest period has ended, the Director will: (1) issue a final order if the applicant has not filed a protest and the Director finds that there are no significant issues related to the proposed use of water; (2) schedule a contested case hearing if a protest has been submitted; or (3) provide any person who timely submitted a protest or request for party status with an estimate of the timing of referring the case to the Office of Administrative Hearings for a contested case hearing.

Requests for Party Status: Under the provisions of ORS 537.153(6) and ORS 536.077(2) (for surface water) or ORS 537.621(6) and ORS 536.077(2) (for groundwater), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at the following address: 725 Summer Street NE, Suite A, Salem, OR 97301. If you wish to submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline specified. Requests for party status must be received by the Water Resources Department no later than **May 11, 2026**.

Requests for party status must be in writing and include the following:

- Names and addresses of the requester and any organization the requester represents;
- Name and address of the requester's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requester seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requester's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requester seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requester's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requester seeks to represent; and
- The request for party status fee of \$1,425 required by ORS 536.077(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 137-003-0535.

Additional Notices

Notice of the circumstances under which this Proposed Final Order will become a final order: If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

Notice of right to be represented by an attorney: You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice to active duty servicemembers: Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-453-1175, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

-
- If you have any questions about statements contained in this document, please contact Lucinda Vranizan at Lucinda.R.Vranizan@water.oregon.gov or 971-375-2256.
 - If you have questions about how to file a protest or a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at Will.D.Davidson@water.oregon.gov or 503-507-2749.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to: Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
-

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF JOSEPHINE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

SUNNY VALLEY SAND AND GRAVEL INC.
1867 WILLIAMS HWY, SUITE 260
GRANTS PASS OR 97527

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

APPLICATION FILE NUMBER: S-89848

SOURCE OF WATER: RESERVOIR 2, CONSTRUCTED UNDER PERMIT R-15320, TRIBUTARY TO GRAVE CREEK, AND RESERVOIR 4, CONSTRUCTED UNDER PERMIT R-15319, TRIBUTARY TO GRAVE CREEK

PURPOSE OR USE: MINING

MAXIMUM VOLUME: 49.0 ACRE-FEET (AF); BEING 13.0 AF FROM RESERVOIR 2 AND 36.0 AF FROM RESERVOIR 4

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: OCTOBER 10, 2024

AUTHORIZED POINTS OF DIVERSION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
RESERVOIR 2	34 S	5 W	WM	8	SE SW	1235 FEET NORTH AND 1525 FEET EAST FROM SW CORNER, SECTION 8
RESERVOIR 4	34 S	5 W	WM	8	SW SW	775 FEET NORTH AND 125 FEET EAST FROM SW CORNER, SECTION 8

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q
34 S	5 W	WM	7	NE SE
34 S	5 W	WM	7	SE SE
34 S	5 W	WM	8	NE SW
34 S	5 W	WM	8	NW SW
34 S	5 W	WM	8	SW SW
34 S	5 W	WM	8	SE SW
34 S	5 W	WM	8	NW SE

PERMIT SPECIFIC CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. **Water Use Measurement, Recording, and Reporting:**
 - 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 shall be installed in Reservoir 2 and Reservoir 4. If no dead-pool, the gage must measure the full depth of the reservoir. The watermaster may determine an alternate measuring device is suitable. The permittee shall maintain the device in good working order.
 - B. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of diversion. The permittee shall maintain the device 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 reservoir level measurements, as recorded on the first day of each month, and shall submit a report which includes the recorded monthly reservoir level measurements to the Department annually, or more frequently as may be required by the Director.
 - E. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director.
 - F. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval. 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.

3. Fish Screen/Passage:

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

4. Water Quality:

- A. Any effluents or return flows from the use authorized under this right shall not significantly interfere with recreational, fish life or other beneficial uses of water.
- B. All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards. Permittee is responsible for obtaining any necessary state and federal permits.

STANDARD CONDITIONS

1. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

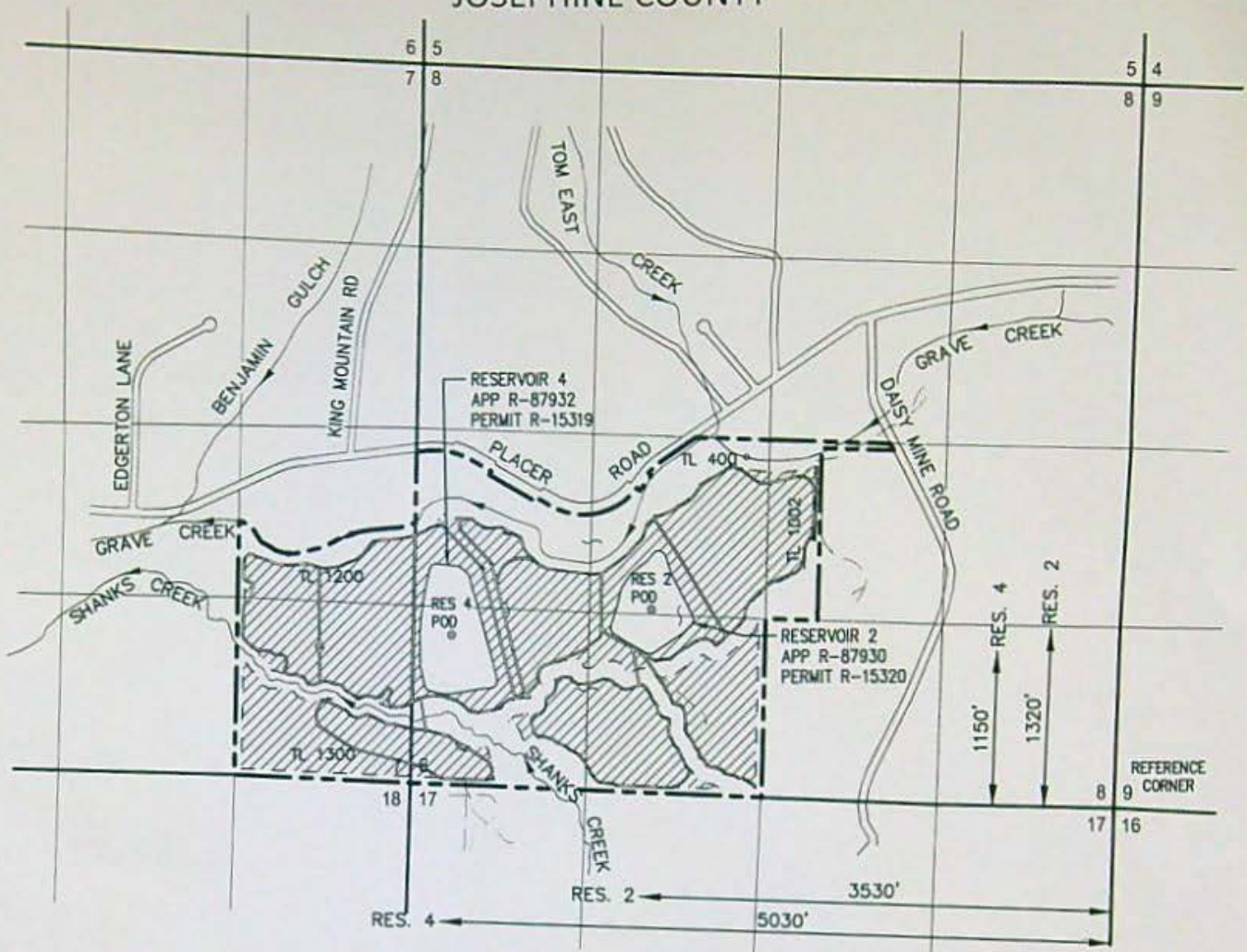
3. Within one year after making complete application of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

ISSUED _____

DRAFT – NOT A PERMIT

Raymond Eliot Crafton
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

SECTIONS 7 & 8, T34S, R5W, W.M.
JOSEPHINE COUNTY



EXPLANATION

- POINT OF DIVERSION (POD)
- SECTION LINE
- - - PROPERTY LINE
- CREEK OR INTERMITTENT STREAM
- == PAVED ROAD
- GRAVEL ROAD
- UNPAVED ROAD
- ▨ PROPOSED MINING PLACE OF USE

NOTE:

THE LOCATION OF THE POINT OF DIVERSION (POD) IN EACH RESERVOIR IS EXPECTED TO CHANGE AS MINING OCCURS, THEREFORE, WE ARE REQUESTING THE POD LOCATION FOR EACH RESERVOIR BE DESCRIBED AS BEING WITHIN THE RESERVOIR. THE SPECIFIC POD IS AN EXAMPLE OF A TYPICAL POD FOR PUMPING WATER FROM ANYWHERE WITHIN THE RESERVOIRS.

Received by OWRD

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Salem, OR

SEPTEMBER 27, 2024

THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES



SCALE: 1 INCH = 1320 FEET

SKOOKUM
WATER ASSOCIATES INC

1626 VICTORIAN WAY
EUGENE, OR 97401
(503) 319-8926

Sunny Valley Sand and Gravel Inc.
Application for a Secondary Use Permit
Westlake Consultants, Inc.

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME SUNNY VALLEY SAND AND GRAVEL INC. ATTN: ANDREAS BLECH			PHONE (HM)
PHONE (WK) (541) 244-2644 541-226-8784	CELL	FAX	
MAILING ADDRESS 1867 WILLIAMS HIGHWAY, SUITE 260			
CITY GRANTS PASS	STATE OR	ZIP 97527	E-MAIL * ANDREAS@BLECH.US

Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME SHONEE LANGFORD SCHWABE, WILLIAMSON & WYATT		PHONE (503) 540-4261	FAX
MAILING ADDRESS 530 CENTER STREET NE, SUITE 730			CELL
CITY SALEM	STATE OR	ZIP 97301	E-MAIL * SLANGFORD@SCHWABE.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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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.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive 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 cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate

	Andreas Blech, President	9-30-24
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
 YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
 NO, I have a recorded easement or written authorization permitting access.
 NO, I do not currently have written authorization or easement permitting access.
 NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
 NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

NA

Legal Description: 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.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Reservoir 2	Tributary to: Grave Creek
TRSQQ of POD: T34S, R5W, Section 8, SE SW	
Source 2: Reservoir 4	Tributary to: Grave Creek
TRSQQ of POD: T34S, R5W, Section 7, SE SE	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Reservoir 2: Application R-87930, Permit R-15320

Reservoir 4: Application R-87932, Permit R-15319

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B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

- Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

- Yes No

If **yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Reservoir 2	Mining	Year-Round	13 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Reservoir 4	Mining	Year-Round	36 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: NA Acres Supplemental: NA Acres Nursery Use: NA Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: NA

- If the use is **municipal or quasi-municipal**, attach Form M
- If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction: **Aggregate** (primarily sand and gravel) will be mined from open excavations under an Oregon Department of Geology and Mineral Industries (DOGAMI) Permit

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): Centrifugal pumps ranging from 10 to 100 hp.
 Other means (describe):

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Reservoirs 2 and 4 have been constructed in general accordance with Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932). In addition, the District 14 Watermaster, Scott Ceciliani, inspected the completed reservoirs before the impoundments were filled with water.

Water will be diverted from the reservoirs using portable centrifugal pumps placed on floats and/or on the reservoir embankments. The PODs for the pumps in the reservoirs will change as mining occur; this a common practice at aggregate mines because the mining areas and processing equipment locations change as excavation occurs. The pump locations in and at the reservoirs will be apparent to Department staff during any inspections because the reservoirs are limited in area.

Water will be conveyed using above-ground pipelines and water trucks.

B. Application Method

For Department Use: App. Number: _____

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Spray bars will be used for processing the aggregate at the wash plant. Water trucks will be used for dust control on roadways. Handlines and nozzles connected to the conveyance system piping also will be used for dust control and general site cleanup.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested under this application was authorized for storage under Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932). Meters to measure water use will be installed at the diversion pumps located at each reservoir. The site operations, including protections for surface water, are regulated under a DOGAMI Permit.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: The reservoirs are located off-channel. There is a fish screen at the Grave Creek POD used to fill both reservoirs. As a result, no fish screen is needed to divert water from the reservoirs.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: The reservoirs are located off-channel and have been constructed in general accordance with Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932).
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation: The reservoirs are located off-channel.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: The reservoirs are located off-channel.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
The District 14 Watermaster, Scott Ceciliani, has inspected the reservoirs, which have been constructed in general accordance with Permit R-15319 (Application R-879320) and Permit R-15320 (Application R-87932). Mining activities at the site are being conducted under a DOGAMI.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: As soon as a permit is issued.
- b) Date construction will be completed: within 1-5 years of permit issuance
- c) Date beneficial water use will begin: within 1-5 years from permit issuance

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Salem, OR

Surface Water — Page 6

Rev. 07/21

SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name NA	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. *(Attach additional sheets if necessary).*

We have coordinated the development of the mine with the District 14 Watermaster, Scott Ceciliani, as well as with DOGAMI, the Oregon Department of Environmental Quality (DEQ) and Josephine County officials.

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Salem, OR

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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.
- Fees - Amount enclosed: \$2,080.60
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - NA Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - NA Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Salem, OR

For Department Use: App. Number: _____

Surface Water — Page 8

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Land Use Information Form



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

NAME Sunny Valley Sand and Gravel Inc. Attn: Andreas Blech			PHONE (541) 244-2644 226-8784
MAILING ADDRESS 1867 Williams Highway, Suite 260			
CITY Grants Pass	STATE OR	ZIP 97527	EMAIL andreas@blech.us

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
See						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
Attached						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
List						<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, and/or used or developed:

Josephine County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water:
 Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: Res. 2 = 13 AF; Res. 4 = 36 AF
 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 Mining

Briefly describe:

We are requesting Oregon Water Resources Department approval to use water from two permitted reservoirs for mining activities at the site.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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 OCT 10 2021
 Last Revised: 10/2023
 Salem, OR

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OCT 01 2024

PLANNING

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
See findings dated 12-7-16	Section 19.100A.030.B	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
See findings dated 10-14-21	Section 19.72.040.B	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Development Permit	Section 19.72.040.B	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Josephine County Planning
700 NW Dimmick Street
Suite C
Grants Pass, OR 97526

Name: Tami Smith Title: Associate Planner
Signature: Tami Smith Date: 10-3-24
Governmental Entity: Josephine County Phone: 541-474-5424

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____
Staff Name: _____ Title: _____
Staff Signature: _____ Date: OCT 10 2024
Governmental Entity: _____ Phone: Salem, OR

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OCT 10 2024
Salem, OR

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OCT 01 2024

JO-GO-PLANNING

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Sunny Valley Sand and Gravel Inc.

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan designation	Water to be:	Proposed Land Use:
34 S	5 W	7	NE SE	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	7	SE SE	1300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	NE SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	NW SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	SW SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	SE SW	400		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining
34 S	5 W	8	NW SE	1002		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Aggregate Mining

Received by OWRD

OCT 10 2024

Salem, OR



Community Development - Planning Division
 700 NW Dimmick, Suite C
 Grants Pass, OR 97526

Receipt Number: PL24-01013

(541) 474-5421
 planning@josephinecounty.gov

Payer/Payee: BLECH, ANDREAS & BLECH, CAROLE
 1867 WILLIAMS HWY STE 270
 GRANTS PASS OR 97527

Cashier: Tami Smith

Date: 10/01/2024

Primary Parcel: 34050700001200 **Project Description:** Water Resource

PL-2024-01207 LAND USE INFORMATION RESPONSE 274 DAISY MINE RD

Fee Description	Fee Amount	Amount Paid	Fee Balance
Land Use Information Response	\$125.00	\$125.00	\$0.00
	\$125.00	\$125.00	\$0.00

Payment Method	Reference Number	Payment Amount
CHECK	10305	\$125.00
Total Paid:		\$125.00

Received by OWRD
 OCT 10 2024
 Salem, OR

3

1

JOSEPHINE COUNTY OFFICIAL RECORDS
ART HARVEY, COUNTY CLERK 2010-013083
DED-WRD
Cnt=1 Pgs=3 Stn=3 TMORRIS 10/12/2010 10:31 AM
\$15.00 \$11.00 \$15.00 \$8.00 \$5.00 Total:\$54.00



I, Art Harvey, County Clerk, certify that the within document was received and duly recorded in the official records of Josephine County.

Ca 1632465 (84)

After Recording Return to:
Andreas Blech and Carole Blech
1867 Williams Hwy., #270
Grants Pass, OR 97527

Until a change is requested,
all tax statements shall be
sent to the following address:
Andreas Blech and Carole Blech
1867 Williams Hwy., #270
Grants Pass, OR 97527

5A.

WARRANTY DEED

DOUG AND JACK'S MINE, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to ANDREAS BLECH and CAROLE BLECH, husband and wife as tenants by the entirety, Grantees, all of it's right, title and interest in and to the following described real property located at 153 Daisy Mine Road, Wolf Creek, Oregon 97497, more particularly described as follows:

The Southeast Quarter of the Southeast Quarter of Section 7, and the Southwest Quarter of Section 8, all in Township 34, Range 5 West of the Willamette Meridian, Josephine County, Oregon, EXCEPTING THEREFROM and portion lying Northerly of the Southerly right-of-way line of Placer Road. TOGETHER WITH: An Easement appurtenant to the herein described property for ingress and egress including the terms and provisions thereof, as set forth in instrument recorded in Document No. Volume 324, Page 572, Josephine County Deed Records of Josephine County, Oregon

Tax Parcel Number R300831 and R300826

The true and actual consideration for this transfer is the sum of Six hundred thousand Dollars (\$600,000.00)

Subject to:

- 1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

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OCT 10 2024
Salem, OR

- 2. Easement for electric transmission and distribution lines of one or more wires, and all necessary or desirable appurtenances, including telephone and telegraph wires, towers poles, props, guys, and other supports; and related matters.

Recording information: Volume 153, Page 466, and Volume 165, Page 569, Josephine County Deed Records.

Grantee: California Oregon Power Company
Affects: Not Specific

- 3. Easement for electric transmission and distribution of one or more wires and all necessary or desirable appurtenances, including telephone and telegraph wires towers, poles, props, guys and other supports; and related matters.

Recording Information: Volume 214, Page 467, Josephine County Deed Records

Grantee: California Oregon Power Company
Affects: Not Specific

- 4. Easement, including the terms and provisions contained therein:

Recording Information: Volume 229, Page 399, Josephine County Deed Records

For: Gas Pipeline

- 5. Easement, including terms and provisions contained therein:

Recording Information: Volume 324, Page 1721, Josephine County Deed Records

For: Permanent easement for roadway purposes (Affects TL 400)

- 6. Easement, including terms and provisions contained therein:

Recording Information: Volume 326, Page 1318, Josephine County Deed Records

For: Well and Pipeline (Affects TL400)

- 7. Easement, including terms and provisions contained therein:

Recording Information: 2002-007430 and re-recorded as 2002-008736 Official Records of Josephine County, Oregon.

For: A permanent easement for roadway purposes

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OCT 10 2024

Salem, OR

(3)

The total amount of this instrument for the transfer is the sum of Six hundred thousand

~~Dollars (\$600,000.00).~~

Dated this 6th day of October, 2010.

NOTE: THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS WHICH IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

DOUG AND JACK'S MINE, LLC, an Oregon limited liability company

By: [Signature]

Jack H. Smith, ~~Managing Member~~, Trustee of the Smith Family Trust dated July 28, 2008 as Managing Member

STATE OF OREGON)
) ss.
COUNTY OF JACKSON)

This instrument was acknowledged before me on October 6, 2010 by Jack H. Smith as **
~~Managing Member of Doug and Jack's Mine, LLC.~~

Barbara J. Feinstein
Notary Public for Oregon

** Trustee of the Smith Family Trust dated July 28, 2008 as Managing Member of Doug and Jack's Mine, LLC.

3 - Warranty Deed

Received by OWRD

OCT 10 2010

OCT 10 2024

Salem, OR

Salem, OR





October 9, 2024
Project No. 10058.004

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

Via UPS Ground

**Application for a Permit to Use Surface Water (Stored Water)
Sunny Valley Sand and Gravel Inc.
Josephine County, Oregon**

To Whom It May Concern,

Skookum Water Associates Inc. is filing this Application for a Permit to Use Surface Water on behalf of Sunny Valley Sand and Gravel Inc. The source will be water stored in Reservoirs 2 and 4 constructed under Permit R-15320 (Application R-87930) and Permit R-15319 (Application R-87932), respectively. As indicated in the application form, Shonee Langford of Schwabe, Williamson & Wyatt is Sunny Valley Sand and Gravel Inc.'s designated agent.

The enclosed application package consists of the following documents:

- An Application for a Permit to Use Surface Water signed on September 30, 2024 by Andreas Blech, President of Sunny Valley Sand and Gravel Inc.;
- A September 27, 2024 Application for a Secondary Use Permit Application Map prepared by Skookum Water Associates Inc.;
- Check Number 10308 issued on October 3, 2024 by Sunny Valley Sand and Gravel Inc. for \$2080.60 to pay the application fee;
- A Land Use Information form signed on October 3, 2024 by Tami Smith, Josephine County Associate Planner; and
- A Warranty Deed for Andreas Blech and Carole Blech Filed in Josephine County on October 12, 2010.

Thank you for your assistance.

Sincerely,

SKOOKUM WATER ASSOCIATES INC.

Steven R. Bruce, RG, CWRE
Principal Hydrogeologist

enclosures

cc. Andreas Blech; Sunny Valley Sand and Gravel Inc.
Shonee Langford; Schwabe Williamson & Wyatt (via email)

Received by OWRD
OCT 10 2024
Salem, OR



Received by OWRD
OCT 10 2024
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Sunny Valley Sand & Gravel Inc.
1867 Williams Hwy #260, Grants Pass OR 97527

Transaction Type: Surface Water

Fees Received: \$ 2,080.60

Cash

Check:

Check No. 10308

Name(s) on Check: same as applicant

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

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

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

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

Sincerely,
OWRD Customer Service Staff

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

Instructions for OWRD staff:

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



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 11, 2024

Sunny Valley Sand and Gravel Inc.
Attn: Adreas Blech
1867 Williams Highway, Suite 260
Grants Pass, OR 97527

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-89848**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Lucinda Vranizan, Water Rights Specialist	Phone: 971-375-2256
	Email: lucinda.r.vranizan@water.oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Nick Reece
Customer Service Representative
Oregon Water Resources Department

cc: File S-89848

E-2 App

- Yes
 No

Standard Application Completeness Checklist





Groundwater and Surface Water Applications Only
 Minimum Application Requirements (OAR 690-310-0040 &-0050)

For use by WRD staff only

Application #:	S-89848	Receipt #:	143981
Applicant Name:	Sunny Valley Sand and Gravel; Adreas Blech	Amount Requested:	49 AF
Priority Date:	10/10/2024	Proposed Use:	Mining
County:	Josephine	POD's TRS &TL:	34S 5W 7,8
WM #:	14	Caseworker:	Lucinda
Reviewed by:	Nick	Reviewed Date:	10/11/2024

- Applicant/Organization Name and Mailing Address
- Signature of **all** applicants (include title or authority of representative if applicant is an organization or corporation). Note: Applicant's agent may NOT sign the application on behalf of the applicant.
- Property Ownership: Does the applicant own all the land for the proposed project? Yes No
- If No:
- The affected landowner's name(s) and mailing address(s) must be listed.
 - A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.
- For a SW Application:** Source of water must be indicated.
- If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)
 - If for stored water, is the source authorized under a permit, certificate, or decree?
 Permit or Certificate issued: Y N Permit or Certificate #: R-15320,R-1531
- NOTE:** An expedited secondary (E2) application and a reservoir application cannot be filed at the same time. The reservoir must be legally authorized first, under an existing water right, in order to accept and process an E2 application.
- For a GW Application:** Well development table completed and a well log report included (if existing)
- Division 33 (Sensitive, Threatened, Endangered, Fish Species)
- Proposed Water Use:
- Amount of water from *each* source in GPM, CFS, or AF
 - Period of use indicated
 - If for supplemental irrigation, primary acreage or underlying permit or certificate number listed.
 (Note: Primary and Supplemental Irrigation counts as 2 uses)
- Water Management Section
- Resource Protection Section

Oregon Water Resources Department
 Stored Water Only Applications - Expedited Secondary

-  [Main](#)
-  [Help](#)
-  [Return](#)
-  [Contact Us](#)

Today's Date: Friday, October 11, 2024

Base Application Fee.		\$610.00
Acre feet of Stored Water to be diverted.	49	\$860.60
Subtotal:		\$1,470.60
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.		<input type="button" value="Recalculate"/>
Estimated cost of Permit Application		\$2,080.60

OREGON



Received by OWRD

APR 10 2026

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Water Watch of Oregon
213 SW Ash St. Suite 208 Portland, OR 97210

Transaction Type: Protest

Fees Received: \$ 1425.00

Cash Check: Check No. 116301

Name(s) on Check: Water Watch of Oregon Inc.

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Sarah Benham
(Name of OWRD staff)

Instructions for OWRD staff:

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **143981**

INVOICE # _____

RECEIVED FROM: Sunny Valley Sand + Gravel Inc.
BY: _____

APPLICATION	S-89848
PERMIT	
TRANSFER	

CASH: CHECK: # 10308 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 2,090.60

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 VS Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ <u>1420.60</u>	0204	\$ <u>610.00</u>
0205 TRANSFER	\$ _____		\$ _____

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

**RECEIVED
OVER THE COUNTER**

RECEIPT: **143981**

DATED: 10-10-24 BY: m.m.i.e.

SUNNY VALLEY SAND & GRAVEL INC.

10308

Oregon Water Resources Dept.
10/02/24

Bill #

10/03/2024

2,080.60

Received
OCT 10 2024
OWRD

Evergreen Bank

2,080.60