

R-5

"West"

Name R-86935  
 By GARY YOUNG  
BLUE MOUNTAIN RANCH  
 Address 14005 SE PAULINA VALLEY RD  
PAULINA OR 97751  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Priority \_\_\_\_\_  
 County \_\_\_\_\_ WM# \_\_\_\_\_

Application No. R- 86935  
 Permit No. R-15250  
 Certificate No. \_\_\_\_\_

Date	Amount	Receipt No.
6/29/07	540.00	88471
9-4-07	<del>\$12.00</del>	89492
6-30-10	400.00	100431
2-11-26	1,170.00	146851
5-15-26	726.00 Cert. Fee	147347

Date \_\_\_\_\_  
 DENIED \_\_\_\_\_  
 MISFILED \_\_\_\_\_ Volume Page  
 WITHDRAWN \_\_\_\_\_  
 CANCELLED \_\_\_\_\_

Date	Amount	Receipt No.
_____	_____	_____
_____	_____	_____
_____	_____	_____

RELATED FILES  
R-86934  
S-86936  
 \_\_\_\_\_  
 \_\_\_\_\_

ASSIGNMENTS

DEVELOPMENT \_\_\_\_\_ Date \_\_\_\_\_  
 Completion September 19, 2022  
 Extended to \_\_\_\_\_  
 \_\_\_\_\_  
 Final Proof received \_\_\_\_\_  
 Proposed Cert. Mailed \_\_\_\_\_

Date	To Whom	Address

REMARKS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MAP LOCATION \_\_\_\_\_

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **147347**

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

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

RECEIVED FROM: <u>Blue Mountain Ranch LLC</u>	APPLICATION <u>R-86935</u>
BY: _____	PERMIT _____
CASH: <input type="checkbox"/>	TRANSFER _____
CHECK:# <input checked="" type="checkbox"/> <u>8506</u>	TOTAL REC'D <u>\$ 720.00</u>
OTHER: (IDENTIFY) _____	

<b>1083 TREASURY 4170 WRD MISC CASH ACCT</b>
0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS	
0407 COPY & TAPE FEES <u>47235</u>	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY) _____	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$ _____
0240 EXTENSION OF TIME	\$ _____
<b>WATER RIGHTS:</b>	
0201 SURFACE WATER	EXAM FEE \$ _____ 0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____ 0204 \$ _____
0205 TRANSFER	\$ _____
<b>WELL CONSTRUCTION</b>	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT	\$ _____ 0220 \$ _____
<u>0223</u> OTHER (IDENTIFY) <u>Protest</u>	\$ <u>720.00</u>

<b>0536 TREASURY 0437 WELL CONST. START FEE</b>	
0211 WELL CONST START FEE	\$ _____ CARD# _____
0210 MONITORING WELLS	\$ _____ CARD# _____
OTHER (IDENTIFY) _____	

<b>0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER</b>	
0233 POWER LICENSE FEE (FW/WRD)	\$ _____
0231 HYDRO LICENSE FEE (FW/WRD)	\$ _____
HYDRO APPLICATION	\$ _____

<b>TREASURY OTHER / RDX</b>	<b>RECEIVED OVER THE COUNTER</b>
FUND _____ TITLE _____	
OBJ. CODE _____ VENDOR # _____	
DESCRIPTION _____	\$ _____

RECEIPT: **147347** DATED: 5-15-26 BY: Lisa D Min

Received by OWRD

MAY 15 2026

Salem, OR



**CASCADE**  
GEOENGINEERING

21145 Scottsdale DR, Bend, Oregon 97701  
360-907-4162 newtonjim@hotmail.com

May 12, 2026

**TO:**

Will Davidson, Protest Coordinator  
Oregon Water Resources Department  
725 Summer ST NE, Suite A  
Salem, Oregon 97301

**FROM:**

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

**ON BEHALF OF R-15250 PERMIT HOLDER:**

Sarah Teskey, Owner & Gary Young, owner emeritus  
Blue Mountain Ranch  
P.O. Box 14  
Paulina, Oregon 97751  
541-477-3848

**RE: WRITTEN PROTEST PETITION BY THE PERMIT HOLDER OF RECORD; APPLICATION  
FOR EXTENSION OF TIME REQUEST, PROPOSED FINAL ORDER TO DENY, PERMIT R-  
15250; BLUE MOUNTAIN RANCH; PAULINA, OREGON**

MAY 15 2026

Salem, OR

Dear Mr. Davidson:

This protest petition letter has been prepared by Cascade Geoengineering, LLC (CGE) on behalf of the permit holder of record, Blue Mountain Ranch (BMR), to protest the Proposed Final Order (PFO) recommending denial of the extension of time request for Oregon Water Resources Department (OWRD) water right permit R-15250. The PFO was signed and dated March 31, 2026 by Katherine Ratcliffe of the OWRD.

The required date for submittal of a protest of the PFO is noted in the PFO as May 15, 2026. This letter is respectfully submitted to protest the PFO recommending denial of the extension for OWRD water right permit R-15250.

Based on the enclosed information, siting errors and deficiencies in the PFO that need correcting, the PFO should be re-issued recommending approval of the extension.

#### **FINDINGS OF FACT**

Included in the Findings of Fact under item 5 and 6, errors by OWRD review note under the header:

#### **"Start of Construction [oar 690-315-0040(11)(b) and 690-315-0040(5)]"**

This header states OAR 690-315-0040(5) that the burden is not satisfied and quotes OAR by definition of 690-315-0020(3)(d)(A) and fails to quote nor follow the criteria of this OAR, which is:

*"(d) Evidence of the actions taken to begin actual construction within the time period in the permit or previous extension:*

*(A) "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence;*

*(B) "Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying."*

The response in the OWRD simply states under item 6 that, *"The Application does not identify any work or construction towards development of Beaver Creek West Reservoir, as authorized by Permit R-15250."*, however, details in the extension clearly state and monetize efforts in Chart B on page 6 of 12 in the extension application which clearly states annual cleaning of the irrigation delivery system to be used by stored water from

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the West Reservoir authorized by R-15250, in addition to several rows of data clearly stating the efforts to construct the reservoir. This mischaracterization by OWRD that no effort has occurred disregarded installation of the POD with pumps, power, pipelines and initial sections of the diversion and delivery to the piping system that would both delivery water for the pump to storage reservoirs (the reservoirs, both East and West Reservoirs, are to be serviced by pressurized pump station(s) at the Creek for pump to storage of off-channel elevated reservoirs. Since the reservoir is not proposed as in-channel reservoir any and all efforts conducted for the POD, and portions of the existing and in-process delivery pipelines are wholly applicable to efforts related to development and *Actual Construction* of the water diversion and delivery system.

Based on these OWRD errors in conclusion, this Finding of Fact should be modified to 'Meets the Criteria for Actual Construction' and recommend approval of the extension.

Further, Finding of Fact 5 was explained by the Applicant that based on a legal decision in December of 2023 that now requires the OWRD to accept and process changes to reservoir water right permits (via the permit amendment process) and to for changes through a transfer of a storage reservoir water right permit, this again, wholly supports the Applicant's statement that focus was placed to direct and develop more fully the POD and delivery system under permit R15322 for the East Reservoir, which has shared components with the development of the West Reservoir of R-15250. In this case, the OWRD has changed their position of applicants to modify a reservoir storage water right (either permit or certificate) as a matter of a change in interpretation around 2019, and it was only when a water right holder went through the lengthy contested case judicial process that a legal decision was released that supported the original OARs that allowed for changes or modification of water storage/reservoir water rights. Now in this PFO for R-15250 the OWRD is again asserting with prejudice the effort to develop only portions or permit R-15250 that are shared with R-15322 (which includes portions that will be amended now that the December 2023 legal decision requires the OWRD to allow modifications to the storage permit R-15250). The OWRD at will changes interpretations of policy to suit their prejudices at the time, and the December 2023 legal decision notes that the OARs as written allow for modifications of a reservoir water right.

Based on these OWRD errors in conclusion of this Finding of Fact 5 should be modified to 'Meets the Criteria for Actual Construction' and recommend approval of the extension.

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Under Finding of Fact 7, again the OWRD notes OAR 690-315-0040(3)(a) and concludes that Actual Construction is not met, as the Applicant stated within the extension application to the contrary with stated demonstrations of physical on-the-ground effort and work put forth to develop permit R-15250, as stated in the above references for Finding of Fact 5 and 6.

Based on these OWRD errors in conclusion of this Finding of Fact 7, and supported by details described above also for Finding of Fact 5 and 6, the OWRD conclusions should be modified to 'Meets the Criteria for Actual Construction' and recommend approval of the extension.

**Compliance with Condition [OAR 690-315-0040(3)©]**

The OWRD further concludes in Finding of Fact 8 that, "*The record does not show compliance with all permit conditions has been demonstrated*" is both a conclusion in error and so narrowly focused that the only way the Applicant could receive the extension is if the permit was fully developed, water was stored and put to use, all within the original permit 'C' date, which negates the entire reason for extension application to request additional time to fully develop the permit.

As a function of a reservoir storage permit, the reservoir can not be authorized to store water by OWRD Dam Safety until the dam is fully constructed as designed, a completion report submitted to OWRD Dam Safety and OWRD Dam Safety will only then review the completion submittal and authorize storage of water with in the reservoir...by the Finding of Fact in the PFO noting that "*The record does not show compliance with all permit conditions has been demonstrated*" is completely absurd and without merit.

Based on these OWRD errors and lapse in judgement and interpretation in conclusion of this Finding of Fact 8 should be modified to 'The record does show the compliance with applicable permit conditions at the time of submittal of the extension application and demonstrated sufficient effort to comply with all permit conditions in the future'. Considering these errors by OWRD, it is recommended for approval of the extension.

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

The OWRD states that "*No Water has been stored under permit R-15250*" and uses this as a basis for denial, however, again, the OWRD is interpreting the need for an extension, since it was previously stated above, the only way the Applicant has the

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ability to store water is to construct the reservoir, POD and delivery system, while receiving approval from OWRD Dam Safety the reservoir as construction is completed meets OWRD Dam Safety criteria for safe operation of the dam and is then, and only then, approved for storage of water. If the Applicant had the ability to complete the reservoir to allow for storage of water under permit R-15250, then a permit extension would not be required-again, the OWRD is so narrowly focused on this condition as not to consider the very restrictive nature of OWRD Dam Safety to implement and enforce storage allowance only when a reservoir is fully constructed and approved by OWRD Dam Safety.

Based on these OWRD errors and lapse in judgement and interpretation in conclusion of this Finding of Fact 9 should be modified to 'The record does show the compliance with applicable permit conditions at the time of submittal of the extension application and demonstrated sufficient effort to comply with all permit conditions in the future'. Considering these errors by OWRD, it is recommending approval of the extension.

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

In Finding of Fact 10 the OWRD notes that only money and efforts noted in the extension application were for efforts prior to issuance of the permit, however, the OWRD is again ignoring stated efforts and costs associated with these efforts towards development of the permit. Although it is true that efforts prior to issuance of the permit are not applicable to demonstrate effort toward development of the permit during the development period after permit issuance-again, the OWRD simply ignores stated work and costs associated with implementation of the POD and irrigation delivery system that are shared in use by both the East and West Reservoirs, permits R-15322 and R-15250 respectively. Further, shared maintenance and development of the irrigation system is applicable and stated completed annually during the permit development period, demonstrating effort to develop the permit.

Based on these OWRD errors in conclusion of this Finding of Fact 10, and supported by details described above also for Finding of Fact 5, 6 and 7, the OWRD conclusions should be modified to 'Meets the Criteria for Actual Construction' and recommend approval of the extension.

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

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The OWRD states that "The *Application does not provide evidence of work accomplished towards the development of Beaver Creek West Reservoir, as authorized by Permit R-15250.*" The OWRD further mentions that the legal decision in December 2023, (OWRD vs. Bridge Creek Ranch; a Pape Machinery/Family reservoir) provides the possibility to transfer storage. Although the OWRD is not considering the findings and legal decision to be applicable in this permit R-15250, the Applicant has demonstrated diligence to develop the permit, and with the legal decision in December 2023 this legal decision provides the basis for the Applicant to overwhelmingly have the ability to fully develop permit R-15250, and the best avenue to do so is to amend permit R-15250 as noted during the extension period to 2030.

Based on the OWRD not having a legal decision to support an internal reinterpretation of reservoir modifications, and with the diligence to develop portions of the permit R-15250, the PFO should be modified to approve based on diligence and future planned diligence to expeditiously fully develop permit R-15250.

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

The OWRD summarizes in Finding of Fact 21 the lengthy time needed to shepherd the permit application to a permit as being solely the burden of the Applicant, since the Applicant requested administrative holds to complete dam design, and further reach a settlement with the OWRD and ODFW for monitoring and regulating operations of the dam/reservoir proposed in permit R-15250. The OWRD states timeframes of 2007 through 2013 and that delays were extensive during this period by the Applicant's control and requests for additional time...the OWRD is not taking into consideration the period referred to as the Great Recession, which began in December 2007 and persisted through 2009 (as per [www.federalreservehistory.org](http://www.federalreservehistory.org) under the title, 'The Great Recession and It's Aftermath'. The OWRD apparently considers the greatest broad reaching economic hardship period of the last 70+ years as simply not being a factor in the Applicant's ability to spend money they don't have during a time period when the entire United States and largely the global economy, were experiencing exception financial hardship. With the recession considered by economic indicators to have been complete after 2009, the reality of the Applicant was not as short lived and overlapped with additional personal family hardships conspired to set an exceptional time. Once the Applicant was in a position to pay for final permit fees, fees were paid and the permit R-15250 was issued.

Based on the OWRD demonstrating neglect for the global economic hardship of the Great Recession and delays associated with the financial hardships of the time, it is prudent the OWRD consider colossal economic factors out of control of the Applicant that required governmental oversight and investment to correct the national economy, the OWRD should modify the conclusion that governmental delays were a part of the permit application and permit issuance process. With that, the OWRD should restate the finding that governmental delays did exacerbate issuance of the permit R-15250 and modify the decision of the PFO to Approve accordingly.

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

Under Finding of Fact 24 the OWRD states, "The *Application does not provide evidence of good faith of the appropriator.*" This statement simply is not true, nor does the OWRD provide a reasonable basis of good faith, as the Applicant clearly stated throughout the extension application the hardship, efforts, costs and hurdles that had to be overcome during the permit development period, and as such, these delays and a confirmed legal interpretation of reservoir storage water rights wholly support 'Good Faith of the Appropriator', it is only unfortunate that the permit was not able to be fully developed during the original schedule of permit R-15250.

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

In Finding of Fact 25 the OWRD notes that, "*The Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction within the time allowed in the permit (5 years). Construction of Beaver Creek East Reservoir does not qualify as construction of the authorized storage Permit R-15250.*" This statement is misleading, as both the efforts of the Applicant, as stated in the extension application, has put forth effort to develop the permit by installation of portions of the irrigation delivery system and the, to-be-amended POD to a shared POD is a full basis that the Applicant has both made progress/development of the permit in the original 5 years, but also has a detailed plan to complete the remaining portion required under permit R-15250 to full development within the timeframe of this extension request.

Further, the OWRD approved the permit S-55207 in March 2026, which includes the out-of-reservoir use of stored water from R-15250. With approval of the out-of-reservoir use from R-15250, yet not allowing additional time to construct the West Reservoir under permit R-15250 the OWRD appears to be intentionally setting up the

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Applicant to underperform under permit S-55207 as a result of not approving an extension for permit R-15250, which is approximately ½ of the stored water to be available to fully develop permit S-55207.

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

The OWRD simply states under this summary header that based on their findings included in the PFO the Applicant has not established grounds to support good cause to support a determination of an extension of time. Based on the information presented herein, it appears to be clear the Applicant has put forth worthy and documented effort to develop permit R-15250, and as such, readily meets the threshold for Good Cause to issue the requested extension of time.

**APPLICANT PROTEST FEE**

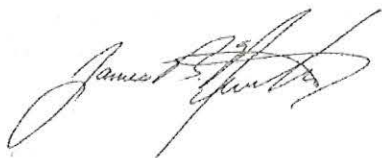
Consistent with Oregon Revised Statute (ORS) 536.050, the protest fee, if the protest is by the applicant, is included with this protest letter in the amount of \$720.

**CLOSURE**

Based on the information contained herein, including identification of errors and deficiencies contained within the PFO that need correcting and proper consideration, in addition to a stated plan to achieve full development of permit R-15250, the PFO should be re-issued recommending approval of the Extension of Time Application.

If you have questions regarding this protest of the PFO for the Application for the Extension of Time recommending denial for permit R-15250, please feel free to contact me at your convenience.

Sincerely,



Jim Newton, PE, RG, CWRE  
Principal – Engineer-Geologist  
Cascade Geoengineering, LLC



Sarah Teskey, owner  
Blue Mountain Ranch

Received by OWRD

MAY 15 2026

Salem, OR

Attachments (2): Protest Fee

Mailing List for Extension PFO Copies

PFO Date: March 31, 2026

Copies Mailed

Application: R-86935

Permit: R-15250

By: TM

On: 3.31.26

Original mailed to Applicant:

Gary Young, Blue Mountain Ranch  
P.O. Box 14  
Paulina, OR 97751

Copies sent to:

1. WRD - App. File R-86935/ Permit R-15250
2. Agents or CWRE's representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 24, Bill Nashem

CASEWORKER: JDP

9589 0710 5270 2376 3992 59

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OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

R-86935 Permit R-15250  
Blue Mountain Ranch  
Gary Young  
PO Box 14  
Paulina, OR 97751

**Oregon Water Resources Department**  
**Water Right Services Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time	) PROPOSED
for Permit R-15250, Water Right Application R-86935	) FINAL
in the name of Gary Young, Blue Mountain Ranch	) ORDER DENIAL

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**Permit Information**

Application:	R-86935
Permit:	R-15250
Basin:	Deschutes / Watermaster District 24
Date of Priority:	June 29, 2007
Source of Water:	Beaver Creek, a tributary of Crooked River
Storage Facility:	Beaver Creek West Reservoir
Purpose of Use:	irrigation, livestock, and wildlife
Maximum Volume:	61.25 acre-feet (AF)

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***Please read this Proposed Final Order in its entirety.***

*In summary, the Department proposes to:*

- Deny an extension of time to apply water to full beneficial use from September 19, 2022, to October 1, 2030.

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

### **ACRONYM QUICK REFERENCE**

Department – Oregon Water Resources Department

PFO – Proposed Final Order

AF - acre-feet

### **AUTHORITY**

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

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

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

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

### **FINDINGS OF FACT**

1. On September 19, 2017, Permit R-15250 was issued by the Department. The permit authorizes the storage of up to 61.25 AF of water for irrigation, livestock, and wildlife in Beaver Creek West Reservoir from Beaver Creek, a tributary of Crooked River. The permit specified construction was to begin and the permitted volume of water was to be stored within five years from the date of permit issuance, being September 19, 2022.
2. On February 11, 2026, Susan Teskey, member of Blue Mountain Ranch, submitted an “Application for Extension of Time” to the Department requesting the time to store the permitted volume of water be extended from September 19, 2022, to October 1, 2030. This is the first permit extension requested for Permit R-15250.
3. Notification of the Application for Extension of Time for Permit R-15250 was published in the Department’s Public Notice dated February 17, 2026. No public comments were received regarding the extension application.

### **Review Criteria [OAR 690-315-0040]**

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

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

4. On February 11, 2026, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

*ORS 537.230 (1) states in part that “Except for a holder of a permit for municipal use, the holder of a water right permit shall prosecute the construction of any proposed irrigation or other work with reasonable diligence and complete the construction within a reasonable time, as fixed in the permit by the Water Resources Department, not to exceed five years from the date of approval” [emphasis added]. R-15250 was issued pursuant to ORS 537.625. The application states that construction of the well has not yet begun. An extension cannot be approved to begin construction.*

*OAR 690-315-0040(5) states “if the extension is requested pursuant to ORS 537.230, the applicant must have begun actual construction work, as Defined in OAR 690-315-0020(3)(d)(A) and (B), during the period required by statute. If the Department finds the applicant did not begin construction by that date, the permit cannot be extended and the Department may begin cancellation proceeding pursuant to ORS 537.260.*

5. According to the Application:

“The Ranch holds several certificates for irrigation from Beaver Creek; the POD is in the SW1/4 of the SW1/4 of Section 24, T16S, R23E; irrigation water from the POD flows down the West Side Ditch and the East Side Ditch to irrigate many acres in several sections in the vicinity of proposed West Reservoir and proposed East Reservoir (see attached application map for Permit R15250). As originally planned, once West Reservoir was built, piping would be installed to connect West Reservoir to these ditches to allow for supplemental irrigation on these lands. Every spring, the Ranch uses their backhoes, loaders, and similar equipment to clean and repair the irrigation ditches. Because the ditches were planned to be used as part of the West Reservoir distribution system, ditch maintenance and repair is considered construction of the water system Note that development of West Reservoir and East Reservoir are related, as explained in following sections of this Extension Application. As of October 2021, the pump station has been installed for the East Reservoir, including the tank vault, electrical panel, and pump, and, with the issuance of this requested extension the West Reservoir permit will be amended to change the POD and POU to match the East Reservoir (permit R-15322) as OWRD Dam Safety permitted the size of the East Reservoir to hold the full volume of permit R-15250 and the East Reservoir permit R-15322. Since the legal decision was

confirmed in December 2023 in a legal conclusion that a change or transfer of reservoir storage rights are possible under the existing rules, the Ranch is seeking to do this-change the POD and POU of the reservoir.”

6. The Application does not identify any work or construction towards the development of Beaver Creek West Reservoir, as authorized by Permit R-15250.

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

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

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

*In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable diligence”, the Department shall consider, but is not limited to, the following factors:*

- a) The amount of construction completed within the time allowed in the permit or previous extension;*
- b) The amount of beneficial use made of the water during the permit or previous extension time limits;*
- c) Water right holder conformance with the permit or previous extension conditions;*
- and d) Financial investments made toward developing the beneficial use of water.*

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

*The amount of construction completed within the time allowed in the permit.<sup>1</sup>*

7. The Application does not identify any work or construction towards the development of Beaver Creek West Reservoir, as authorized by Permit R-15250.

The Department has considered the work asserted in the Application as work to begin construction under Permit R-15250, and has determined that maintenance of irrigation ditches, utilized under other water rights, and construction of the point of diversion authorized under Permit R-15322, do not qualify as construction under Permit R-15250. The Department has determined that construction has not begun under Permit R-15250.

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

*The water right permit holder’s conformance with the permit conditions.*

8. The record does not show compliance with all permit conditions has been demonstrated.

The Department has determined that the permit holder has not demonstrated compliance with all permit conditions as required by Permit R-15250. The Department recognizes that it is the intent of the permit holder to comply with permit conditions at the time they become applicable,

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<sup>1</sup> “Actual Construction” is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

including the requirement to install fish screen and by-pass devices prior to the storage of water, or to obtain documentation that the fish screens and by-pass devices are not required.

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

*The amount of beneficial use made of the water during the permit time period.*

9. No water has been stored under Permit R-15250.

The Department has determined that beneficial use of water has not yet been demonstrated under this permit because no water has been stored, and not all permit conditions were satisfied by September 19, 2022.

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

10. According to the Application, an investment of approximately \$157,000 has been made. The costs included the original permit application fees, protests and legal fees, costs associated with issuance of the Final Order and Permit, historic costs of on-ranch activities, and costs associated with the construction of Beaver Creek East Reservoir, authorized under Permit R-15322. These items are not considered costs associated with construction under this permit and therefore are not counted towards development.

The Department finds that there has been no investment towards the development of Permit R-15250

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

The Application does not provide evidence of work accomplished towards the development of Beaver Creek West Reservoir, as authorized by Permit R-15250. The permit holder assertions that a legal decision in December 2023, (OWRD vs. Bridge Creek Ranch; a Pape Machinery/Family reservoir) provides the possibility to transfer storage right. The Department does not interpret the decision in the aforementioned case to be relevant to this permit because the case was specific to transfer of certificated water rights for storage. The aforementioned case does not provide for an extension of time for a permit when construction, as authorized by the permit, did not begin within five years from the date the permit was issued. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit R-15250.

**The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]**

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

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not*

*limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*

- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

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

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

11. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-15250; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.
12. Current Water Availability Analysis for the Beaver Creek, tributary of Crooked River at the mouth (watershed ID 70605) show that water is only available during the months of March and April at the 50% exceedance level.

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

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

13. The point of diversion is located on Beaver Creek, a tributary of Crooked River, and is not located within a Withdrawn Area.
14. Beaver Creek, a tributary of Crooked River is located above the Deschutes Scenic Waterway.
15. The point of diversion is in a location listed by the Department of Environmental Quality as a water quality limited stream.
  - a. Beaver Creek, River Mile 0 to 20 listed under Water Quality Limited for dissolved oxygen.

**OAR 690-315-0040(4)(c)**

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

16. Beaver Creek, a tributary of Crooked River is located within an area ranked “high” for stream flow restoration needs as determined by the Department in consultation with the

Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

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

Economic interests dependent on completion of the project.

17. Other economic interests dependent on the completion of the project have not been identified.

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

Other economic interests dependent on completion of the project.

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

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

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

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

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

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

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

21. The Application asserts:

The Ranch owners initially submitted the Permit application to OWRD on June 29, 2007. OWRD issued the PFO to deny the Permit application on June 9, 2009, a governmental delay of 2 years. The Ranch owners timely protested the denial, and addressed the issue for the denial by adding additional usage types. OWRD issued the Final Order incorporating the Settlement Agreement on April 14, 2011, and issued Permit R-15322 on April 11, 2018, a further governmental delay of 9 years. Additional work with Dam safety to rereview the dam design based on changes to OAR 690-020 adopted in 2020 requires a 5-year rereview of the dam design. Discussions and preliminary review of the dam design was conducted with OWRD Dam Safety in April 2024, Dam Safety did not see any concern with the older than 2020 design and recommended to request design re-review in the year anticipated construction on the dam would reconvene.

A review of the record indicates that a Final Order incorporating a settlement agreement was issued April 14, 2011, which required approval of dam plans and specification for Application

R-86934, and submittal of the permit recording fees. The permit holder was granted a series of Administrative Holds to provide time for engineering and plans to be developed and submitted. In 2013, the Department approved plans and specifications. On August 23, 2017, the Department sent a reminder to the permit holder that the outstanding recording fees were still needed to issue a permit.

The Department has determined, based on a review of the record, that the time elapsed between when the permit applications were submitted, to when the permits were issued, does not qualify as an additional governmental requirement as the delay was directly caused by the applicant's numerous requests for administrative holds to provide time to develop and submit plans for Application R-86934.

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

22. The Application states:

In the Winter of 2015, the owners' paternal grandfather became ill; he passed away in August of 2015. As the patriarch of their family, it was a difficult loss and a stressful time for the family and for the Ranch's business. Following his death, the Ranch owners' energy was focused on burying their grandfather, moving their grandmother to Arizona, handling the ensuing estate issues, and managing the change in family & Ranch operations dynamics. The time and finances that had been planned to be allocated towards on structing East Reservoir, developing other Ranch water rights Permits, and executing other Ranch projects, was redirected in the summer, fall, and winter of 2015 while the Ranch owners managed the circumstances and fallout after the death of their grandfather.

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

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

of 2023. However, insufficient time and financing were available to complete construction of East Reservoir and the related irrigation system.

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

23. The Application indicates that a denial would result in an undue hardship, and there are no other reasonable alternatives to meet the need.

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

24. The Application does not provide evidence of good faith of the appropriator.

The Department finds that the Applicant has not demonstrated good faith. The Application does not identify any work towards the development of Beaver Creek West Reservoir, as authorized by Permit R-15250.

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

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

25. As of February 11, 2026, the permit holder states the remaining work to be completed consists of submitting a permit amendment to change the point of diversion and place of user of Beaver Creek West Reservoir, to the locations of the point of diversion and place of use for Beaver Creek East Reservoir, authorized under Permit R-15322., completing construction of Beaver Creek East Reservoir, and storing the permitted volume of water.

The Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction within the time allowed in the permit (5 years). Construction to develop Beaver Creek East Reservoir does not qualify as construction of the authorized storage under Permit R-15250.

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

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

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, and any other factors relevant to a determination of good cause, and has determined that the applicant has not shown that good cause exists for an extension of time to store the authorized volume of water use pursuant to OAR 690-315-0040(1)(d).

## CONCLUSIONS OF LAW

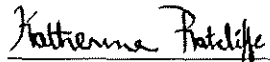
1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant did not begin construction as required pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The application established that there has been no construction, no financial investment, or reasonable diligence towards development. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

## PROPOSED ORDER

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

Deny the time to apply water to beneficial use under Permit R-15250 from September 19, 2022, to October 1, 2030.

DATED: March 31, 2026

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

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

### Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **May 15, 2026**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

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

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented

- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$720 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$1,425 required by ORS 536.050.

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

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

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.



Application: R-86935 Permit: R-15250  
Public Notice Route Slip ... New Application Extension of Time  
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit Holder(s) Blue Mountain Ranch  
PO Box 14  
Paulina, OR 97751

Proposed Completion Date: 10-1-2030

WRIG...Money Received on: 2-11-26

Extension Specialist ...

Added to tracking spreadsheet

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

Kyler or Tonya..

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 2.17.2026

Update WRIS Database

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

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

Yes or  No: Return file to Extension Specialist after PN returned 2.17.2026

NOTES:

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **146851**

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

RECEIVED FROM: Cascade Geoenvironmental LLC  
BY: \_\_\_\_\_

APPLICATION	<u>R-8693</u>
PERMIT	
TRANSFER	

CASH:  CHECK:# 1534 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,170.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 46111

0407 COPY & TAPE FEES	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY)	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY)	\$ _____
0240 EXTENSION OF TIME	\$ <u>1,170.00</u>

<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) \_\_\_\_\_

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

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

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **146851** DATED: 2-11-2021 BY: m m m

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

R-15250

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



**Criteria for a Permit Extension of Time**

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

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

**1) Construction has begun:**

**A. For Groundwater Permits**

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

**B. For Surface Water or Reservoir Permits**

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

The Department will also confirm that:

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

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

Received  
FEB 11 2026  
OWRD

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

I, Blue Mountain Ranch/Sarah Teskey

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

PO Box 14  
ADDRESS

Paulina  
CITY

OR  
STATE

97751  
ZIP

541 477-3848  
PHONE

steskey@bluemtnranch.com  
E-MAIL ADDRESS

the permit holder of: Application Number R-86935

Permit Number R-15250  
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 9 Day: 19 Year: 2022, be extended to October 1, 2030, [OAR 690-315-0020(3)(i)]

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

<u>Sarah Teskey</u> Signature	<u>2-9-20</u> Date
<u>Sarah Teskey</u> Printed Name	<u>member LLC</u> Title
The agent below is authorized to represent the applicant in all matters relating to THIS application.	<u>ST</u> Permit Holder Initials
<u>Cascade GeoEngineering, LLC/Jim Newton</u> Authorized Agent (Print Agent Name)	<u>360 907-4162</u> Agent contact

Received  
FEB 11 2026  
OWRD

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

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

**MAIL COMPLETED APPLICATION**

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

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

**GENERAL TIPS:**

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

**Received**

**FEB 11 2026**

**OWRD**

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

**Reference Materials Needed to Complete this Application:**

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

**Questions to complete this application for an Extension of Time**

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

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

**For Groundwater Permits**

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

Yes  No

Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

Details of construction and attach documentation: \_\_\_\_\_

**For Surface/Reservoir Permit**

Has construction of the water system begun?  Yes  No

Date construction began Month: 10 Day: \_\_\_\_\_ Year: \_\_\_\_\_ **Prior to Permit Issuance**

**Details of construction and attach documentation:** The Ranch holds several certificates for irrigation from Beaver Creek; the POD is in the SW1/4 of the SW1/4 of Section 24, T16S, R23E; irrigation water from the POD flows down the West Side Ditch and the East Side Ditch to irrigate many acres in several sections in the vicinity of proposed West Reservoir and proposed East Reservoir (see attached application map for Permit R15250). As originally planned, once West Reservoir was built, piping would be installed to connect West Reservoir to these ditches to allow for supplemental irrigation on these lands. Every spring, the Ranch uses their backhoes, loaders, and similar equipment to clean and repair the irrigation ditches. Because the ditches were planned to be used as part of the West Reservoir distribution system, ditch maintenance and repair is considered construction of the water system.

Note that development of West Reservoir and East Reservoir are related, as explained in following sections of this Extension Application. As of October 2021, the pump station has

Received

FEB 11 2026

OWRD

been installed for the East Reservoir, including the tank vault, electrical panel, and pump, and with the issuance of this requested extension the West Reservoir permit will be amended to change the POD and POU to match the East Reservoir (permit R-15322) as OWRD Dam Safety permitted the size of the East Reservoir to hold the full volume of permit R-15250 and the East Reservoir permit R-15322. Since the legal decision was confirmed in December 2023 in a legal conclusion that a change or transfer of reservoir storage rights are possible under the existing rules, the Ranch is seeking to do this-change the POD and POU of the reservoir

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir</b>			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of annual water use report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	12/31/2018
<input checked="" type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A gravel packed perforated pipe is laid adjacent to the creek to allow water to enter the pump vault. ODFW will review as further progress is made and prior to diversion of water.
<input checked="" type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2021/2021
<input checked="" type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): staff gage must be installed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): monitor USGS gage 14103000 for minimum flows	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Dam Conditions - "Prior to commencing construction activity, all design reports, drawings of the dam and critical appurtenant structures, specifications, and plans for construction administration must be approved by the State Engineer as indicated by the State Engineer's stamp and a written letter of approval from the State Engineer."	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	12/31/2018
<input checked="" type="checkbox"/>	Other (Specify): If the riparian area is disturbed while developing POD, permittee shall restore/enhance riparian area per ODFW	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

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

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

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

**CHART-B**

<b>DATE</b>	<b>WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED</b> <i>List any work done before the permit was issued – eg. well drilled.</i>	<b>COST*</b>
6/29/2007	Applied for reservoir permit. Work included pre-application site work, engineering, and client/engineer interaction during the application process*	\$40,000.00
6/9/2009	OWRD issued Proposed Final Order Recommending the Application be denied due to proposed type of use*	\$2,000.00
7/27/2009	Applicant filed Timely protest, clarifying the proposed type of uses*	\$3,000.00
3/18/2010	OWRD issued Final Order Incorporating the Settlement Agreement and approving Application R-86935*	\$18,000.00
4/14/2011	OWRD issued Superseding Final Order Adding Several Previously Omitted Required Permit Conditions and approving Application R-86935*	\$69,000.00
	Dam Plans and Specifications & Dam Safety Review and Approval*	
<b>DATE</b>	<b>WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED</b> <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	<b>COST*</b>
9/19/2017	Date the permit was signed - find date above signature on last page of permit.	
2017 - 2025	West Side Ditch and East Side Ditch: yearly cleaning and repair of ditches. *Estimated annual on-farm effort/cost, assuming costs of \$5,000/ year, from 2018 through 2023 total of \$25,000.	\$25,000.00
	Note that development of West Reservoir and East Reservoir are related, as explained in following sections of this Extension Application.	

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Fall '21	East Reservoir Pump Station #1 was constructed, including providing electricity to the vault, electrical panel installation, installation of a subgrade drain for the vault, and installation of the pump in the vault. (Excavator invoice attached - 11/9/2021 - Bob Baker Rentals)	
Summer '22	Piping was installed from the vault at Pump Station #1 to the East Reservoir. (Piping receipt attached - 9/19/2022 - Western Poly Pipe)	
Summer '22	Keyway trench excavation was worked on	
Summer '23	Keyway trench excavation was worked on	
9/19/2022	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
<b>DATE</b>	<b>WORK ACCOMPLISHED AFTER</b> the date the permit specified complete application of water and prior to any previous extension order <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	<b>COST*</b>
<b>Total Cost for Chart-B</b>		

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

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

**CHART-C**

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

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Total Cost of Chart-C		

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

5. Cost of project to date: \_\_\_\_\_

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

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

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

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

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

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

Maximum volume stored annually to date = 0 AF

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

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

### CHART-D

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

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

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

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

9. For Irrigation and Nursery Use Permits Extensions  
 Provide the total number of acres irrigated to date under this permit.

- a) Total acres irrigated to date: \_\_\_\_\_
- b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

- c) Provide a copy of the application map identifying the acres irrigated.
- d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# \_\_\_\_\_ Acres \_\_\_\_\_      (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_  
 (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_      (POD/POA) # \_\_\_\_\_ Acres \_\_\_\_\_

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
10/1/2026	After WRD has approved this extension application, the Ranch Owners intend to amend Permit R-15250 to move the POD & POU to the East Reservoir, which will allow additional storage in East Reservoir; construction of West Reservoir will, therefore, not be necessary.	\$10,000.00
5/1/2028	Construction of East Reservoir, including installing Outlet Pipe, fish screening, and fish by-pass device	\$250,000.00
9/1/2025	Purchase & install totalizing flow meter or suitable measuring device at Pump Station #1	\$t.00
1/1/2028	Purchase & install staff gauge in East Reservoir	\$3,000.00
3/1/2028	Allow East Reservoir to Fill - between March 1 and April 14 (power cost pump to fill)	\$4,000.00

10/1/2029	Construction of Remainder of Irrigation System	\$10,000.00
10/1/2030	Application of Water to Full Beneficial Use (poer cost, pump to POU)	\$4,000.00
Year: 2030	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	<b>Total Cost</b>	<b>\$281,000.00</b>

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

**11. Estimated remaining cost to complete the project: \$281,000.00**

*(The total cost from CHART-E)*

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

**12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use:** *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* After WRD has approved this extension application, the Ranch owners intend to amend Permit R-15250 to move the POD & POU to the East Reservoir, which will allow additional storage in East Reservoir; construction of West Reservoir will, therefore, not be necessary. Construction of East Reservoir, including installation of the outlet pipe, fish screening, and fish by-pass device, is planned to occur between xx and xx. ODFW will be consulted prior to construction of the fish screening and fish by-pass device, and will be requested to provide written approval of these devices. The totalizing flow meter (or other suitable device) is planned to be installed at Pump Station #1 by 2027. The staff gauge is planned to be installed in East Reservoir by 2028. East Reservoir is planned to fill for the first time between March 1 and April 14, 2028/2029. The remainder of the irrigation system is planned to be constructed by 2028/2029. Application of water to full beneficial use is planned to occur no later than the 2030 irrigation season.

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

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

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

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

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

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

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

**15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)** Note that the Ranch owners initially submitted the Permit application to OWRD on June 29, 2007. OWRD issued the PFO to deny the Permit application on June 9, 2009, a governmental delay of 2 years. The Ranch owners timely protested the denial, and addressed the issue for the denial by adding additional useage types. OWRD issued the Final Order incorporating the Settlement Agreement and approving the Application on March 18, 2010; issued a Superseding Final Order incorporating previously omitted required permit conditions and approving the Application on March 14, 2011; and issued Permit R-15250 on September 19, 2017, a further governmental delay of 8 years. Add any dam safety delays that may have delayed approval of the plans and specifications prior to permit issuance or review as part of the settlement agreement.

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

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

In January of 2016, the two primary owners of the Ranch (brother and sister Aaron Young and Sarah Teskey) reached the difficult and sensitive decision to enact a buyout agreeemnt wherein

Sarah would purchase Aaron's individual interest. This process consumed all the emotional, financial, and administrative energy of those involved in the Ranch business for the entire 2016 year. The Ranch maintained basic operations during this transition but there was little time, attention, or manpower remaining for completion of water right-related improvements, or for seeking new financing, and scant finances were available for investing in water rights-related projects, including construction of East Reservoir.

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

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

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

The dam was not constructed and the reservoir could not be filled as a result

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

**18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.** The 2024 summer fire season was significantly impactful to the Ranch, as the Crazy Creek, Durgan and Rail Ridge fires burned portions of the Ranch, along with BLM and other adjacent lands causing a significant diversion of resources away from Ranch operations and directed them to firefighting, clean-up and neighbor support for more than 2 months of the summer season. Additionally, with fear of impacts to 'junior' storage water right holders above Prineville Reservoir caused by OWRD issuance of permit S-55394, which has had significant protest since issuance of the FO dated 9/15/2023, the owners had serious reservations about investing more time and capital into these improvements until a resolution was reached.

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

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

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

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

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

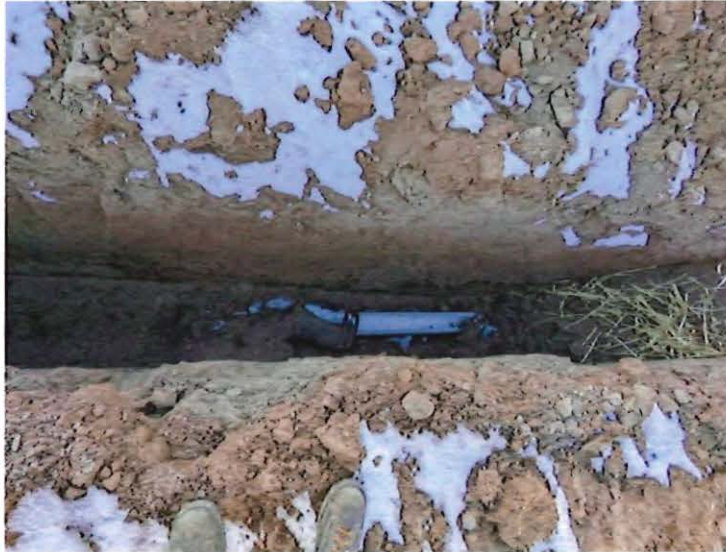


Below photo of installed pump vault/tank with pipeline connection to reservoir, top of tank and lid observed, photo from November 21, 2022 taken by Jim Newton, CWRE, of Cascade Geoengineering, LLC.



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



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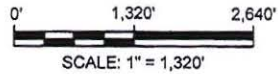
Below photos of initial keyway trench installation for the dam foundation. During initial excavations this trench was saturated, requiring work stoppage until the trench dried out. At this point, the trench has been delayed, photos from November 21, 2022 taken by Jim Newton, CWRE, of Cascade Geoengineering,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



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**NOTES**

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.

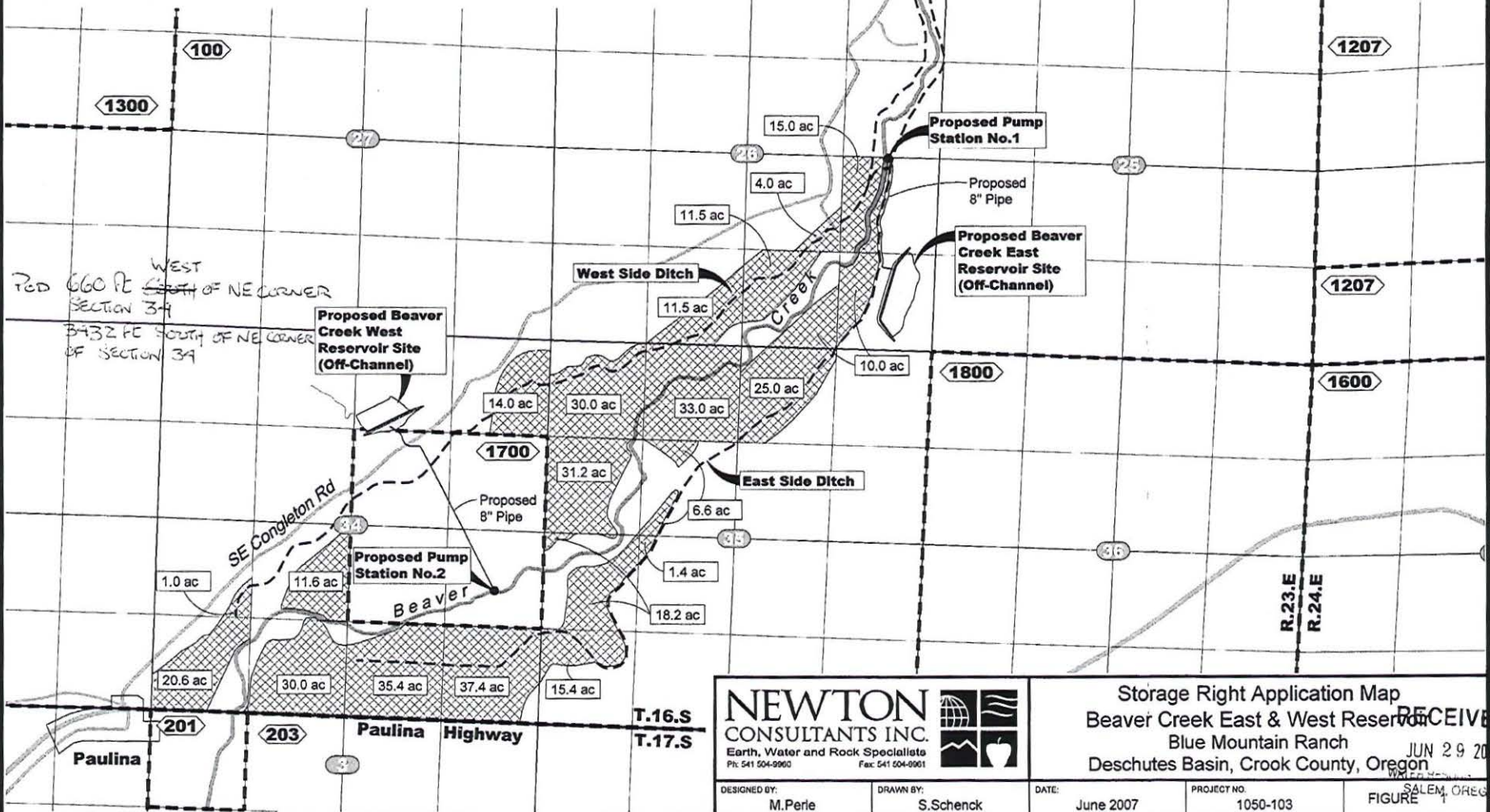


**SURFACE WATER  
APPLICATION MAP  
TAX LOT 100 & 1700**  
Located in Section 26, 34, 35, & 36  
T.16.S, R.23.E W.M.  
Deschutes Basin, Crook County, Oregon



**EXPLANATION**

- Proposed Place of Use  
Total = 372.8 Ac
- Tax Lot ID Number
- Tax Lot Boundary



**NEWTON CONSULTANTS INC.**  
Earth, Water and Rock Specialists  
Ph: 541 504-9960 Fax: 541 504-9961

DESIGNED BY: M. Perle	DRAWN BY: S. Schenck	DATE: June 2007	PROJECT NO: 1050-103
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Storage Right Application Map  
Beaver Creek East & West Reservoir  
Blue Mountain Ranch  
Deschutes Basin, Crook County, Oregon

RECEIVED JUN 29 2007 SALEM, OREGON

FIGURE 1

ADD NO R 86935

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C:\Users\jg0201\Documents\Projects\Water\1050-103\Fl\_Map.dwg: 10:02 06/29/2007 55

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

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

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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

MAXIMUM VOLUME: 61.25 ACRE FEET

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

DATE OF PRIORITY: JUNE 29, 2007

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 34, T16S, R23E, W.M.; 3432 FEET  
SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

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

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 34

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

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Measurement, recording and reporting conditions:

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

Application R-86935

Water Resources Department

PERMIT R-15250

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

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

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

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

**DAM CONDITIONS**

Prior to commencing construction activity, all design reports, drawings of the dam and critical appurtenant structures, specifications, and plans for construction administration must be approved by the State Engineer as indicated by the State Engineer's stamp and a written letter of approval from the State Engineer.

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**STANDARD CONDITIONS**

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

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

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

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

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

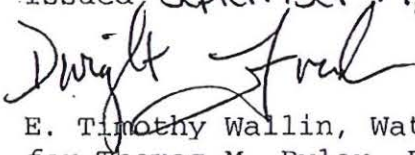
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Construction 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.

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

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

Issued September 19, 2017



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

Application R-86935

Water Resources Department

Received

FEB 11 2026

OWRD

PERMIT R-15250

Bob Baker Rentals  
 18828 CHOCTAW RD.  
 BEND, OR 97702

# Invoice

Date	Invoice #
11/9/2021	723

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

P.O. No.	Terms	Project

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

Received  
 FEB 11 2026  
 OWRD

**Western Poly Pipe, LLC**

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



**WESTERN  
POLY PIPE**

**INVOICE**

**BILL TO**  
Allen Teskey  
Blue Mountain Ranch  
Paulina, OR

**SHIP TO**  
Allen Teskey  
Blue Mountain Ranch  
Paulina, OR

**INVOICE** 1531  
**DATE** 09/19/2022  
**TERMS** Due on receipt  
**DUE DATE** 09/19/2022

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

**Received**  
**FEB 11 2026**  
**OWRD**

*Red # 7555*



Cascade Geoengineering, LLC  
 21145 Scottsdale DR  
 Bend, OR 97701

# Invoice

Date	Invoice #
6/25/2025	335

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

Description	Amount
Seametrics Meters (2) iMag4700	3,400.00
<p>Received            FEB 11 2026            OWRD</p>	

			<b>Total</b>	\$3,400.00
Phone #	E-mail	Web Site		
360-907-4162	newtonjim@hotmail.com	www.cascadegeoengineering.com		



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

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

February 17, 2026

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-86935 (Permit R-15250)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

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

Application #R-86935

**Original mailed to applicant:**

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

Copies sent to:

1. WRD - File # R-86935
2. WRD - Hydrographics
3. WRD - Dam Safety

Copies Mailed
By: <u>SP</u> (SUPPORT STAFF)
on: <u>9-19-17</u> (DATE)

FO and Map Copies sent to:

4. WRD - Watermaster # 11

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

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

CASEWORKER: Scott Grew

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

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

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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

MAXIMUM VOLUME: 61.25 ACRE FEET

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

DATE OF PRIORITY: JUNE 29, 2007

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 34, T16S, R23E, W.M.; 3432 FEET  
SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

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

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$

SECTION 34

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

Measurement, recording and reporting conditions:

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

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

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

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

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

#### DAM CONDITIONS

Prior to commencing construction activity, all design reports, drawings of the dam and critical appurtenant structures, specifications, and plans for construction administration must be approved by the State Engineer as indicated by the State Engineer's stamp and a written letter of approval from the State Engineer.

**STANDARD CONDITIONS**

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

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

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

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

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

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

Construction 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.

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

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

Issued September 19, 2017



E. Timothy Wallin, Water Rights Program Manager  
for Thomas M. Byler, Director

## **GREW Scott A \* WRD**

---

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

Scott,

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

Keith

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

---

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

Keith and Tony,

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

Thank you,

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

## Kerry Kavanagh

---

**From:** David Newton <dnewton@newtonconsultants.com>  
**Sent:** Tuesday, May 14, 2013 4:02 PM  
**To:** keith.a.mills@state.or.us  
**Cc:** kerry.l.kavanagh@state.or.us  
**Subject:** R-86935; Proposed West Reservoir Plans & Specifications

Keith:

We are mailing you the plans and specifications for R-86935 tomorrow. I am late relative to the May 2 date when I had planned on getting them to you. They must be submitted by June 21, 2013 so we are still early in that regard.

I will follow up with a call to you so we can discuss this application in conjunction with R-86934 Proposed East Reservoir plans and specifications we mailed to you earlier.

Hope you are well.

Thank you for your help with these.

David

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

***Principal – CEO***



P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

541 325-3905 *cell*

541 504-9960 x211 *office*

541 504-9961 *fax*

## Kerry Kavanagh

---

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

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

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

Hope you are well and enjoying spring weather.

Thank you for your assistance with these Applications.

David

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

*Principal – CEO*

**NEWTON**   
CONSULTANTS INC.

P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

541 325-3905 *cell*

541 504-9960 x211 *office*

541 504-9961 *fax*

## Kerry Kavanagh

---

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

Kerry:

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

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

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

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

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

Sincerely,

David

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

***Principal – CEO***

**NEWTON**   
CONSULTANTS INC.

P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

541 325-3905 *cell*

541 504-9960 x211 *office*

541 504-9961 *fax*

## Kerry Kavanagh

---

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

Kerry:

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

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

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

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

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

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

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

Thank you Kerry, for all your help.

Sincerely,

David

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

**Principal – CEO**



P.O. Box 1728

1937 N Business 97

Redmond, Oregon 97756

541 325-3905 *cell*

541 504-9960 x211 *office*

541 504-9961 *fax*



# Oregon

John A. Kitzhaber, MD, Governor

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

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

June 19, 2012

Reference: Files R-86934 and R-86935

Dear Mr. Young:

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

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

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

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

Sincerely,

Dwight W. French  
Water Right Services Administrator

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



June 10, 2012

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

RECEIVED

JUN 14 2012

WATER RESOURCES DEPT  
SALEM, OREGON

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

Dear Ms. Kavanagh:

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

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

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

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

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

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

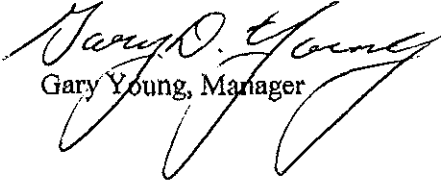
**PO Box 14 Paulina, OR 97751 ~ Ph/Fx (541) 477-3848  
www.bluemtnranch.com**

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

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

Sincerely

BLUE MOUNTAIN RANCH



Gary Young, Manager

**RECEIVED**

JUN 14 2012

WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

John A. Kitzhaber, MD, Governor

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

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

September 9, 2011

Reference: Files R-86934 and R-86935

Dear Mr. Young:

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

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

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

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

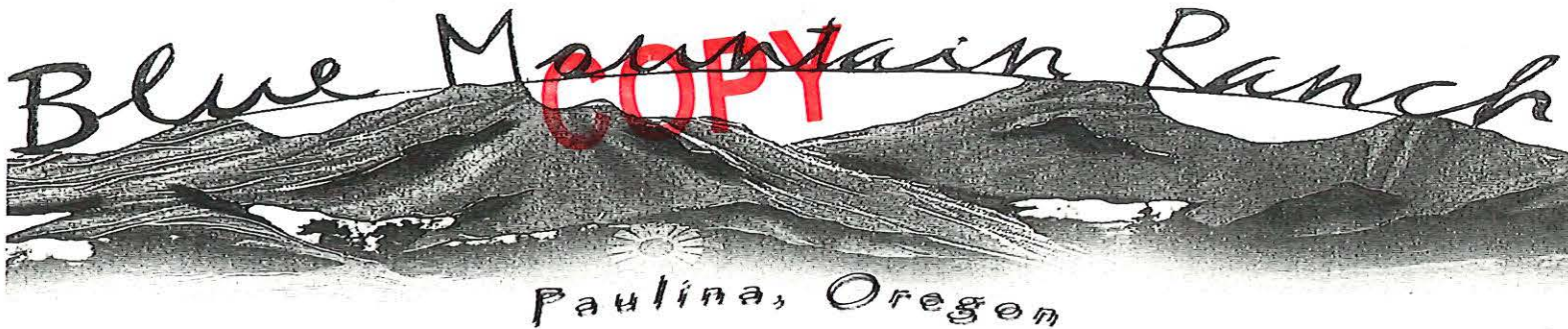
Sincerely,

E. Timothy Wallin  
Water Rights Program Manager

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

# Blue Mountain Ranch

COPY



Paulina, Oregon

August 24, 2011

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

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT  
SALEM, OREGON

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

Dear Ms. Kavanagh:

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

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

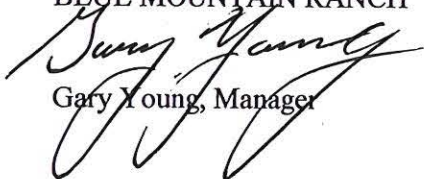
The economy and related financial considerations at the present time require the Ranch to post-phone investments in engineering costs in connection with the two Final Orders. The proposed reservoirs for which the Final Orders apply are very important water supply components of the Ranch. As such, the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

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

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

Sincerely

BLUE MOUNTAIN RANCH



Gary Young, Manager

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

## Kerry Kavanagh

---

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

Kerry:

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

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

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

Sincerely,

David

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

***Principal – CEO***



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

## Kerry Kavanagh

---

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

Kerry:

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

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

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

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

David

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

***Principal – CEO***



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Redmond, Oregon 97756  
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**Oregon Water Resources Department  
Water Rights Division**

Water Rights Application  
Number R-86935

*Hearing and Appeal Rights*

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

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

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

**Superseding Final Order Incorporating Settlement Agreement**

*Application History*

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

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

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

A settlement agreement was signed by all parties as of January 12, 2010.

The Department issued a Final Order Incorporating Settlement Agreement on March 18, 2010. However, based on further review, the Department has determined that the March 18, 2010 Final Order Incorporating Settlement Agreement omitted several required permit conditions. Therefore, this Superseding Order shall address all pertinent permit conditions.

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

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Final Order Incorporating Settlement Agreement issued March 18, 2010 requires modification to include the following conditions:

Upon submittal and approval of dam plans and specifications, dam conditions shall be added to the attached draft permit.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

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

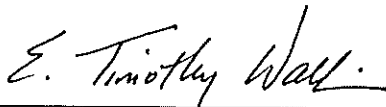
## Order

Application R-86935 is therefore approved with modifications to the Final Order issued March 18, 2010, further modified by the Superseding Settlement Agreement signed by all parties on March 14, 2011. Upon approval of dam plans and specifications by Department Dam Safety staff, a permit consistent with the attached draft permit shall be issued.

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

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

DATED April 14, 2011



for Phillip C. Ward, Director  
Water Resources Department

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

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

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

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

DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG  
PO BOX 14  
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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

MAXIMUM VOLUME: 61.25 ACRE FEET

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

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 3.75 ACRES AND  
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NE ¼ SE ¼, SECTION 34, T16S, R23E, W.M.; 3432 FEET  
SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

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

NW ¼ NE ¼  
SW ¼ NE ¼  
SECTION 34

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

Measurement, recording and reporting conditions:

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

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been

granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

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

#### **STANDARD CONDITIONS**

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

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

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

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

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

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

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

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

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

Issued

DRAFT - THIS IS **NOT** A PERMIT

---

for Phillip C. Ward, Director  
Water Resources Department

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON**

In the Matter of Water Right Application	)	
R-86935 in the name of Gary Young	)	SUPERSEDING
	)	SETTLEMENT
<i>Applicant/</i>	)	AGREEMENT
<i>Protestant</i>	)	

The Oregon Water Resources Department (OWRD) and Gary Young (collectively "the parties") do hereby stipulate and agree in this "Settlement Agreement" (Agreement) as follows:

**A. Background**

1. On June 29, 2007, the Oregon Water Resources Department received Application R-86935 for storage of 61.25 acre feet in Crook County.
2. On June 9, 2009, OWRD issued a Proposed Final Order (PFO) recommending that the application be denied because the stated proposed use was inconsistent with the Deschutes Basin Program.
3. On July 27, 2009, Gary Young filed a timely protest.
4. A settlement agreement was signed by all parties as of January 12, 2010.
5. On March 18, 2010, the Department issued a Final Order Incorporating Settlement Agreement and draft permit pending submittal of permit recording fees in the amount of \$400.
6. Based on further review, the Department determined that the March 18, 2010 Final Order Incorporating Settlement Agreement omitted several permit conditions. Thus, the Final Order Incorporating Settlement Agreement requires modification to include the following conditions:

Upon submittal and approval of dam plans and specifications, dam conditions shall be added to the attached draft permit.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

**RECEIVED**

MAR 15 2011

Page 1 of 3

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

7. OWRD and Gary Young agree that all issues related to Application R-86935 are resolved solely on the following terms.

**B. Consent**

1. Gary Young hereby acknowledges that he has read and understands the terms of this Agreement, and the terms of the draft Superseding Final Order Incorporating Settlement Agreement and draft permit for Application R-86935 which are hereby incorporated by reference.
2. Gary Young understands and agrees that this Agreement and all documents incorporated by reference set forth the entire Agreement of the parties.
3. Gary Young understands and agrees that this Agreement and the Superseding Final Order Incorporating Settlement Agreement and draft permit issued pursuant to this Agreement constitute the complete and final resolution of the protest.
4. Gary Young waives any and all rights to petition for judicial review of this Agreement, waives any and all rights to request reconsideration, petition for judicial review or appeal the Superseding Final Order Incorporating Settlement Agreement for Application R-86935 issued by OWRD.


**C. Terms of the Agreement**

1. OWRD shall issue a Superseding Final Order Incorporating Settlement Agreement consistent with this Agreement and draft permit. Upon submittal and approval of dam plans and specifications, the Department will issue a Permit consistent with the attached draft Permit.
2. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
3. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord.

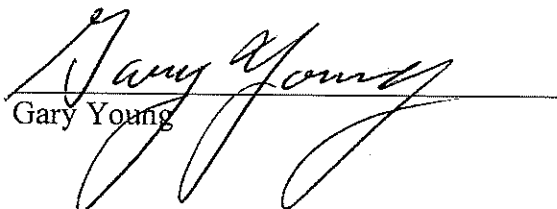
**RECEIVED**

MAR 15 2011

4. Each Party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, including the draft Superseding Final Order Incorporating Settlement Agreement and draft permit, and understands and agrees with the contents thereof.
5. The Parties agree that nothing in this Settlement Agreement establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.

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

2-28-11  
Date

  
Gary Young

3/14/11  
Date

**RECEIVED**

MAR 15 2011

WATER RESOURCES DEPT  
SALEM, OREGON  
Page 3 of 3

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON**

In the Matter of Water Right Application    )  
R-86935 in the name of Gary Young        )  
  )  
                  *Applicant/*                                )  
                  *Protestant*                             )  
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2. On June 9, 2009, OWRD issued a Proposed Final Order (PFO) recommending that the application be denied because the stated proposed use was inconsistent with the Deschutes Basin Program.
3. On July 27, 2009 Gary Young filed a timely protest.
4. OWRD and Gary Young agree that all issues related to Application R-86935 are resolved solely on the following terms.

**B. Consent**

1. Gary Young hereby acknowledges that he has read and understands the terms of this Agreement, and the terms of the draft Final Order Incorporating Settlement Agreement and draft Permit for Application R-86935 which are hereby incorporated by reference.
2. Gary Young understands and agrees that this Agreement and all documents incorporated by reference set forth the entire Agreement of the parties.
3. Gary Young understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement and Permit issued pursuant to this Agreement constitute the complete and final resolution of the protest.
4. Gary Young waives any and all rights to petition for judicial review of this Agreement, waives any and all rights to request reconsideration, petition for judicial review or appeal the Final Order Incorporating Settlement Agreement for Application R-86935 issued by OWRD.

**C. Terms of the Agreement**

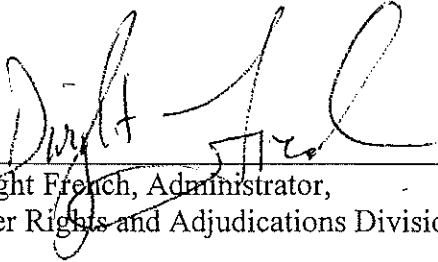
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**JAN 14 2010**

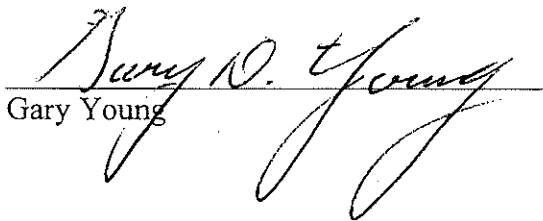
~~**JAN 4 2010**~~

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



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

12/24/09  
Date



Gary Young

1/12/10  
Date

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

Application #R-86935

## Original mailed to applicant:

GARY YOUNG  
PO BOX 14  
PAULINA, OR 97751

## Copies sent to:

1. WRD - File # R-86935
2. WRD - Water Availability: Ken Stahr
3. WRD - Dam Safety

Copies Mailed
By: <u>CMS</u>
(SUPPORT STAFF)
on: <u>4/5/11</u>
(DATE)

## FO and Map Copies sent to:

4. WRD - Watermaster # 11

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

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

CASEWORKER: Kerry Kavanagh



Deschutes River Scenic Waterway	
<i>Month</i>	<i>Minimum Flow (cfs)</i>
March 1-15	4500
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7. OWRD and Gary Young agree that all issues related to Application R-86935 are resolved solely on the following terms.

**B. Consent**

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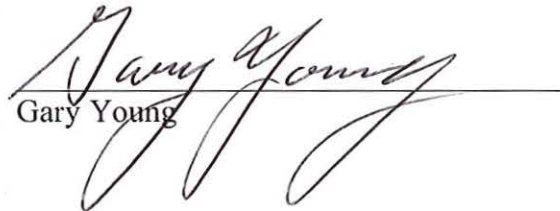
MAR 15 2011

Page 2 of 3  
**WATER RESOURCES DEPT  
 SALEM, OREGON**

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

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Date

  
Gary Young

3/14/11  
Date

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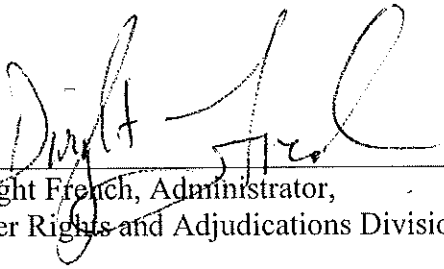
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WATER RESOURCES DEPT  
SALEM, OREGON

Page 3 of 3

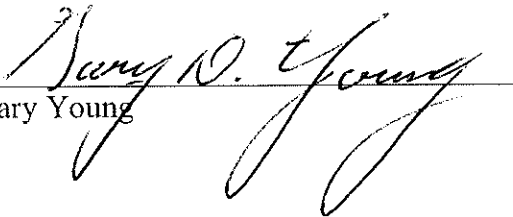


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Dwight French, Administrator,  
Water Rights and Adjudications Division  
for  
Phillip C. Ward, Director  
Oregon Water Resources Department

12/24/09  
Date



Gary Young

1/12/10  
Date

"WEST" RESERVOIR

**FO Checklist**

Application #: R-86935 Applicant: GARY YOUNG

Name and/or address has **changed or been assigned**  Yes  No  
 If new: \_\_\_\_\_

- Respond to **significant comments, issues, or disputes** related to the proposed use of water.  N/A
- Affected landowner(s)** have been notified  N/A  Yes  No, send a letter to landowners before FO issuance.
- Verify names/addresses** of affected landowners, and those who commented and/or paid \$10 fee.  N/A
- Include fish screen form if ODFW requested **screening condition and rate  $\leq 0.5$  CFS**  N/A  Yes  No

PFO conclusions **require modification** due to typos, errors or omission of conditions  Yes  No  
 If so: Superseding FO Inc. S.a. → FO Inc. 9.a. issued 3-18-10  
did not include dam conditions, SWW condition

- Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated**  N/A  Yes
- SWW** If GW and interference, copy form for Stahr.  N/A

*6-29-07 PD \$540  
 9-4-07 PD \$12  
 6/1.25 AF  
 6-30-10 PD \$400 recording*

Fees	Base Fee	Water Amount (Q)
	\$300 / \$500	1 <sup>st</sup> CFS/AF @ \$20
	\$700 / \$1000	200
		52 Addl @ \$1
		52
		Addl @ _____
		Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use + _____
	<u>300</u>	<u>252</u>
	(base)	(Q)
	+	=
		<u>552</u>
		(total exam fee)

EXAM FEE REQUIRED	<u>552</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>552</u>	RECORDING FEE PAID	<u>400</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

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

Name: Kerry Kavanagh Date: 9/28/2010 Peer Reviewer: Jeana Eastman *JKR 10/1/10*

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

# FO Checklist

Application #: R-86935 Applicant: GARY YOUNG BLUE MOUNTAIN RANCH

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

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

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

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

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

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

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

If so: \_\_\_\_\_

*change v&f for irr to irr, livestock, + wildlife*

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

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

<u>Fees</u>	<u>Base Fee</u>	<u>Water Amount (Q)</u>										
	\$300 / \$500	1 <sup>st</sup> CFS/AF <u>200</u>										
	\$700 / \$1000	Addl @ <u>52</u>										
		Addl @ _____										
		Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use + _____										
<table border="0" style="margin: auto;"> <tr> <td style="text-align: center;"><u>300</u></td> <td style="text-align: center;">+</td> <td style="text-align: center;"><u>252</u></td> <td style="text-align: center;">=</td> <td style="text-align: center;"><u>552</u></td> </tr> <tr> <td style="text-align: center;">(base)</td> <td></td> <td style="text-align: center;">(Q)</td> <td></td> <td style="text-align: center;">(total exam fee)</td> </tr> </table>			<u>300</u>	+	<u>252</u>	=	<u>552</u>	(base)		(Q)		(total exam fee)
<u>300</u>	+	<u>252</u>	=	<u>552</u>								
(base)		(Q)		(total exam fee)								

EXAM FEE REQUIRED <u>552</u>	RECORDING FEE REQUIRED \$250 / \$300 / <u>\$400</u>
EXAM FEE PAID <u>- 552</u>	RECORDING FEE PAID <u>- 400</u>
STILL OWED <u>—</u>	STILL OWED <u>400</u>

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

FO w/ permit # \_\_\_\_\_

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

*\*7/19 - pmt R-14867 issued - m...*

Name: Brook Geffen

Date: 9/11/2009

Peer Reviewer: \_\_\_\_\_

**PFO Checklist**

Application #: R-86935 Applicant: GARY YOUNG

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

IR Date Aug 24, 07 Public Notice Date Aug 28, 07 Comments received?  Y / N WU

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

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

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

IR identifies as DEQ 303d? Y /  N / NA Comments received? Y / N \_\_\_\_\_

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

Water Availability  REDONE / NA When WA was "redone" water is not available

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

Changes from IR determinations Adding "above SWW" - add language + make finding of omission

exam of wa is wrong in IR ① based on SWW criteria - water is not available

② use of stored water for irrigation use alone is not classified - 690.505-

Copy to Matthews Perle, Hewton, + Kimberly Priestly, Waterworks 0300-(1)(c)

Med staff bc. WM + 61.25AF - large bc optw requested water report

Fees	Base Fee	Water Amount (Q)
	\$150 / \$250	1 <sup>st</sup> CFS/AF <u>10</u> <u>200</u>
	<input checked="" type="checkbox"/> \$300 / \$500	<u>52</u> Addl @ <u>1</u> + <u>52</u>
	<u>300</u> (base) +	<u>252</u> (Q) = <u>552</u> (total exam fee)

EXAM FEE REQUIRED	<u>552</u>	RECORDING FEE REQUIRED	<del>\$175 / \$250 / \$300</del>
EXAM FEE PAID	<u>552</u>	RECORDING FEE PAID	<del>_____</del>
STILL OWED	<u>—</u>	STILL OWED	<del>300</del>

propose to deny - no recording fee needed

Name: bradshaw Date: 11/7/2007 Peer Reviewer: jmc

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# IR CHECKLIST

Application #: R-86935 Applicant: GARY YOUNG

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

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

Is the application complete? Y / N

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

GW Review  surface classification triggered  PSI with stream: \_\_\_\_\_

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

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

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

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

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

Is there a conflict? Y / N / NA \_\_\_\_\_

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

Allowed under Basin Program Y / N Limitations? Y / N 690-505-0030 (1)(a)

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

Rate \_\_\_\_\_ Rate Max \_\_\_\_\_ Req 61.25 AF  
Duty \_\_\_\_\_ Season Allowed Mar 1 - April 30 Req \_\_\_\_\_

Land use: OK needs approval county notified NA

Storage Contracts:  USBOR  Army Corps of Engineers  Douglas County  NA

contract #: \_\_\_\_\_

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

Conditions: Medium 61.25 AF

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

Application #: R-86935 Applicant: GARY YOUNG

Is the stream withdrawn? Y / N / NA season allowed \_\_\_\_\_

Basin Maps have been checked Y / N River Mile \_\_\_\_\_

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

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

Letter format Good Limited Bad Bad w/ HC Opportunity

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

CWRE, representative, etc. to notify? Y / N Matthews Perle - C/O Dave Newton

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

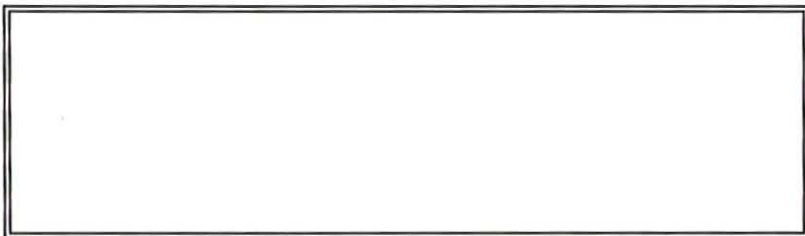
Attachments included? Y / N / NA Div 33

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

Fees

*Paid \$540 on 6-29-07*

<u>Base Fee</u>	<u>Water Amount (Q)</u>	
\$150 / \$250	1 <sup>st</sup> CFS/AF <u>10 @ 20 =</u>	<u>200</u>
<u>\$300 / \$500</u>	<u>52</u> Addl CFS/AF @ <u>1</u>	<u>52</u>
<u>300</u>	+	<u>252</u>
(base)		= <u>552</u>
	(Q)	(total exam fee)



EXAM FEE REQUIRED	<u>552</u>
EXAM FEE PAID	<u>540</u>
STILL OWED	<u>12</u>

Name: Brook Geffen Date: 8/9/2007

Peer Reviewer: Kerry

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*Entered*

Terry Schrader  
Form 1 - Upper Columbia

# ODFW DIVISION 33 APPLICATION REVIEW SHEET

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

Date: 8/17/07 Please return to WRD before 9/10/07 September 10, 2007. Application #: R-86935  
Applicant's Name: GARY YOUNG BLUE MOUNTAIN RANCH  
Source: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

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

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

## SECTION I:

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

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

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

Which conditions are recommended? \_\_\_\_\_  
(Please select conditions from the Menu of Conditions)

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

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

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

Install, maintain, & operate fish screen consistent w/ current ODFW standards. No water withdrawal after April 15. Require WRD conducting rec. flow water & record of volume of water used.

## SECTION II:

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

**NO** / YES [690-33-120(1)] If NO, please explain: 4. States surface water is available after April 15.

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

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

## RECOMMENDATION:

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

*see attached email for clarification*

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

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

## Brook Geffen

---

**From:** Terry Shrader [Terry.M.Shrader@state.or.us]  
**Sent:** Tuesday, December 11, 2007 4:15 PM  
**To:** Brook Geffen  
**Subject:** RE: Div 33 Review App: R-86935

Brook,

Re. Div 33 application R-86935, I recommend that the application be approved with the conditions I listed on the review form. As long as minimum instream flows identified in ODFW's water right are met, there should be no impact to essential habitat for redband trout. My understanding of the standard condition for reservoir permits is that unless prior rights, including instream flows, are met, no water can be withdrawn to fill these reservoirs. If this is the case, then ODFW's concern regarding injury would be moot and I recommend you approve the application.

Terry Shrader

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

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**From:** Brook Geffen [mailto:geffenba@wrdd.state.or.us]  
**Sent:** Tuesday, December 11, 2007 3:24 PM  
**To:** Terry Shrader  
**Subject:** FW: Div 33 Review App: R-86934

Terry:  
Unfortunately I failed to request clarification for the App: R-86935. This one came in at the same time the other App: R-86934, came in.

Regarding App: R-86935, at your earliest convenience, can you clarify whether or not you meant to recommend to approve with conditions or approve without conditions?

For question #3 you state: conditions **cannot** be applied to mitigate the impact to the essential habitat of a sensitive species. But then you recommend to: Approve with conditions.

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

Thanks!

Brook A. Geffen  
Oregon Water Resources Department  
725 Summer St. NE Suite A  
Salem, Oregon 97301

12/11/2007

(503)986-0808

---

**From:** Terry Shrader [mailto:Terry.M.Shrader@state.or.us]  
**Sent:** Wednesday, December 05, 2007 3:23 PM  
**To:** Brook Geffen  
**Subject:** RE: Div 33 Review App: R-86934

Brook,

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

Terry

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

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**From:** Brook Geffen [mailto:geffenba@wrdd.state.or.us]  
**Sent:** Wednesday, December 05, 2007 3:13 PM  
**To:** Terry Shrader  
**Subject:** RE: Div 33 Review App: R-86934

Terry, for the file, can you also state how you intended for the Div33 Review to be interpreted?

\*\*Issue addressed further in first email at bottom of the page.

Thanks,  
Brook

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

---

**From:** Terry Shrader [mailto:Terry.M.Shrader@state.or.us]  
**Sent:** Wednesday, December 05, 2007 3:10 PM  
**To:** Brook Geffen  
**Subject:** RE: Div 33 Review App: R-86934

Brook,  
The standard condition listed below for reservoir permits with reference to adequate water being available to satisfy all prior water rights addresses ODFW's concern regarding injury.  
Terry

12/11/2007

# WATERMASTER DIVISION 33 APPLICATION WORK SHEET

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

Date: 8/17/07 8/9/2007 Please return to WRAD before 9/20/07 September 12, 2007. Application #: R-86935

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

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

YES       NO       SOMETIMES

If sometimes, describe the time period, Between: \_\_\_\_\_ and \_\_\_\_\_.

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

YES       NO

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

YES       NO

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

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

YES       NO       I DON'T KNOW

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

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

YES       NO

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

6) Is mitigation an option?

YES       NO

If YES, please explain: if determined to be necessary.

7) What conditions do you recommend? meas. Device and something to measure the reservoir

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

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

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

**RECEIVED**  
AUG 30 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

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

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

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

690-505-0030

## Upper Crooked River Basin

### (1) Classifications:

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

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

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

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

Stat. Auth.: ORS 536 & ORS 537

### Stats. Implemented:

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

## Analysis for Application: R86935

### Location: 16S-23E-34-NWNE

Uses: ST P

#### Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

#### WaterMaster Districts

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

Records Found: 1

#### WAB

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

Records Found: 1

#### County

COUNTY	FIPS
Crook	41013

Records Found: 1

Groundwater Restricted Records Found: 0

#### Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

303D Streams Records Found: 0

303D Lakes Records Found: 0

### Location: 16S-23E-34-SWNE

Uses: ST P

#### Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

#### WaterMaster Districts

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

Records Found: 1

#### WAB

GAGE	BASIN	LINK1	LINK2

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

**Records Found: 1**

**County**

COUNTY	FIPS
Crook	41013

**Records Found: 1**

**Groundwater Restricted Records Found: 0**

**Divison 33 Area**

DIV33
In a Div33 area

**Records Found: 1**

**Rule 4D Records Found: 0**

**303D Streams Records Found: 0**

**303D Lakes Records Found: 0**

Water Availability

WATER AVAILABILITY TABLE  
 Water Availability as of 8/ 9/2007 for  
 BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50  
 Time: 11:43 Date: 08/09/2007

Select an Item Number for More Details

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

STREAM NAMES

Water Availability as of 8/ 9/2007 for  
 BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50  
 Time: 11:43 Date: 08/09/2007

Item Watershed ID Stream Name

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

LIMITING WATERSHEDS

Water Availability as of 8/ 9/2007 for  
 BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50  
 Time: 11:43 Date: 08/09/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB MOUTH AT GAGE 14103000

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 9/2007 for

DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 9/2007 for  
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508  
Time: 11:43

Basin: DESCHUTES

Exceedance Level: 50  
Date: 08/09/2007

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 9/2007 for  
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508  
Time: 11:43

Basin: DESCHUTES

Exceedance Level: 50  
Date: 08/09/2007

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

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 9/2007 for  
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508  
Time: 11:43

Basin: DESCHUTES

Exceedance Level: 50  
Date: 08/09/2007

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

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 9/2007 for  
CROOKED R > DESCHUTES R - AB OSBORNE CAN

Watershed ID #: 30530508  
Time: 11:43

Basin: DESCHUTES

Exceedance Level: 50  
Date: 08/09/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 9/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 9/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 9/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 9/2007 for

CROOKED R > DESCHUTES R - AB DRY R

Watershed ID #: 30530507

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 9/2007 for  
CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353 Basin: DESCHUTES Exceedance Level: 50  
Time: 11:43 Date: 08/09/2007

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 9/2007 for  
CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353 Basin: DESCHUTES Exceedance Level: 50  
Time: 11:43 Date: 08/09/2007

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

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 9/2007 for

CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353 Basin: DESCHUTES Exceedance Level: 50  
 Time: 11:43 Date: 08/09/2007

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

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 9/2007 for

CROOKED R > DESCHUTES R - AB SAND CR

Watershed ID #: 70353 Basin: DESCHUTES Exceedance Level: 50  
 Time: 11:43 Date: 08/09/2007

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 8/ 9/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 8/ 9/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:43

Date: 08/09/2007

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

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/ 9/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50  
 Time: 11:43 Date: 08/09/2007

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

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 8/ 9/2007 for

BEAVER CR > CROOKED R - AT MOUTH

Watershed ID #: 70605 Basin: DESCHUTES Exceedance Level: 50  
 Time: 11:43 Date: 08/09/2007

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

# Water Rights Platcard Report

Meridian: WILLAMETTE Township: 16 South Range: 23 East Section: 34 Records per Page: 300 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	QQ	
Select <b>Cert:20627 OR *</b>		11/28/1932	IRRIGATION								10									11.4	13.6			
Additional Info: DORA GLEE CONGLETON App: S14814 Permit: S10848 Cert: 20627																								
Select <b>Cert:28652 OR *</b>		11/10/1947	IRRIGATION												0.1		0.1	30				35.4	37.4	
Additional Info: C.S. CONGLETON App: S22898 Permit: S18059 Cert: 28652																								
Select <b>Cert:557 OR CN</b>		12/31/1891	IRRIGATION, LIVESTOCK AND DOMESTIC	<b>CN</b>				14		12	29				11.5	±	20.5		6	20				
Additional Info: HENRY J FAULKNER Decree: CROOKED RIVER Cert: 557																								
Select <b>Cert:558 OR CN</b>		12/31/1909	IRRIGATION, LIVESTOCK AND DOMESTIC	<b>CN</b>																		30	40	
Additional Info: JOHN T FAULKNER Decree: CROOKED RIVER Cert: 558																								
Select <b>Cert:50892 RR *</b>		12/31/1909	IRRIGATION, LIVESTOCK AND DOMESTIC																			30	40	
Additional Info: JOHN T FAULKNER Decree: CROOKED RIVER Cert: 50892																								
Select <b>Cert:50893 CF *</b>		12/31/1891	IRRIGATION, LIVESTOCK AND DOMESTIC					14							11.5	1	20.5							
Additional Info: HENRY J FAULKNER Decree: CROOKED RIVER Cert: 50893																								
Select <b>Cert:20627 OR *</b>		11/28/1932	LIVESTOCK								*								*	*				
Additional Info: DORA GLEE CONGLETON App: S14814 Permit: S10848 Cert: 20627																								
Select <b>Cert:82049 OR *</b>		9/5/1980	LIVESTOCK						*															
Additional Info:																								

FAYNE RITCH  
 App: R60584  
 Permit: R8510  
 Cert: 82049

Select **App:R 86935 \***

6/29/2007 STORAGE

Additional Info:  
 GARY YOUNG  
 App: R86935

*no conflicts*

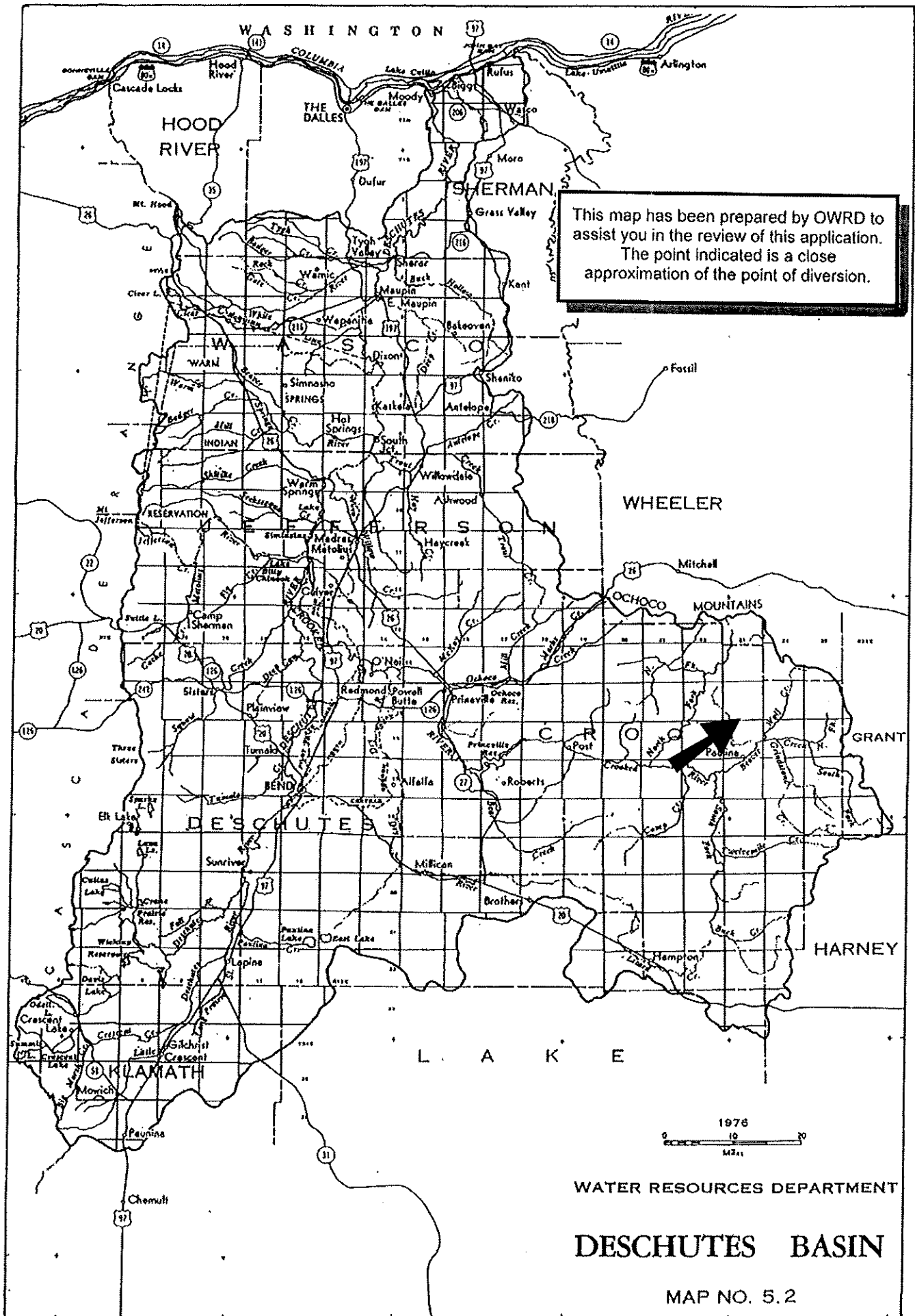
Select **App:S 86936 \***

6/29/2007 SUPPLEMENTAL  
 IRRIGATION  
 (Suppl'mtl)

Additional Info:  
 GARY YOUNG  
 App: S86936

			*	*															
14										11.6	1	20.6	30				35.4	37.4	

Acreage Legend: 12.25 Regular acreage    ~~12.25~~ Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



**Brook Geffen**

---

**From:** Mathias Perle [mperle@newtonconsultants.com]  
**Sent:** Thursday, December 20, 2007 4:18 PM  
**To:** Brook Geffen  
**Cc:** gyoung@youngsfarminc.com; ayoung@bluemtnranch.com; steskey@bluemtnranch.com  
**Subject:** R-86934 and R-86935 Clarification

Dear Brook,

This email is intended to help clarify the map that was submitted with R-86934 and R-86935. The acreage callout for SW SE and SE SE quarter quarters of section 26 is confusing. There should be a distinct callout of 10 acres in the SW SE quarter quarter of section 26 and a distinct callout of 10 acres in the SE SE quarter quarter of section 26. The total proposed irrigated acreage in the two quarter quarters should add up to 20 acres.

Please do not hesitate to contact me if you have any further questions,

Sincerely,

Mathias Perle

\*\*\*\*\*

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





October 30, 2007

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

RECEIVED

OCT 31 2007

WATER RESOURCES DEPT  
SALEM, OREGON

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

Dear Water Rights Section,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 3. The proposed use will harm state sensitive species

WATER RESOURCES DEPT  
SALEM, OREGON

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

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

## Water Rights Section – Application Comment Evaluation Form

Application Number: R-86935

Date: October 30, 2007

Caseworker: Brook Geffen

Name of Commenter: Kimberly Priestly, Waterwatch

### Description:

#### 1. The Scenic Waterway Analysis:

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

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

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

#### 3. The proposed use will harm state sensitive species:

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

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

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

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

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

Evaluation of Comment:

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

Finding for PFO:



# Oregon

John A. Kitzhaber, MD, Governor

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

February 28, 2011

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

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

**RECEIVED**

**MAR 15 2011**

**WATER RESOURCES DEPT  
SALEM, OREGON**

Re: Application R-86934 and R-86935

Dear Mr. Newton and Mr. Young,

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

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

Sincerely,

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

*C. Newton Consultants*

**Oregon Water Resources Department  
Water Rights Division**

Water Rights Application  
Number R-86935

*Hearing and Appeal Rights*

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

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

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

**DRAFT Superseding Final Order Incorporating Settlement Agreement**

*Application History*

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

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

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

A settlement agreement was signed by all parties as of January 12, 2010.

The Department issued a Final Order Incorporating Settlement Agreement on March 18, 2010. However, based on further review, the Department has determined that the March 18, 2010 Final Order Incorporating Settlement Agreement omitted several required permit conditions. Therefore, this Superseding Order shall address all pertinent permit conditions.

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

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Final Order Incorporating Settlement Agreement issued March 18, 2010 requires modification to correctly include the following conditions:

Upon submittal and approval of dam plans and specifications, dam conditions shall be added to the attached draft permit.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

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

## Order

Application R-86935 is therefore approved with modifications to the Final Order Incorporating Settlement Agreement issued March 18, 2010. Upon meeting the "Terms of Agreement" as described in the attached Superseding Settlement Agreement and submittal and approval of dam plans and specifications, a permit consistent with the attached draft permit shall be issued.

**DATED**

**DRAFT - THIS IS NOT A PERMIT**

---

for Phillip C. Ward, Director  
Water Resources Department

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

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

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

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

DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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

MAXIMUM VOLUME: 61.25 ACRE FEET

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

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 3.75 ACRES AND  
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 34, T16S, R23E, W.M.; 3432 FEET  
SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

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

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 34  
TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been

granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

#### **DAM CONDITIONS**

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

#### **STANDARD CONDITIONS**

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

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

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

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

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

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

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

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

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

Issued

DRAFT - THIS IS **NOT** A PERMIT

---

for Phillip C. Ward, Director  
Water Resources Department

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

Application #R-86935

## Original mailed to applicant:

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

## Copies sent to:

1. WRD - File # R-86935
2. WRD - Water Availability: Ken Stahr
3. WRD - Dam Safety

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

## FO and Map Copies sent to:

4. WRD - Watermaster # 11

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

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

P.O. BOX 728

CASEWORKER: Kerry Kavanagh





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

7. OWRD and Gary Young agree that all issues related to Application R-86935 are resolved solely on the following terms.

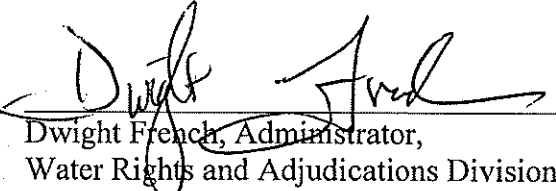
**B. Consent**

1. Gary Young hereby acknowledges that he has read and understands the terms of this Agreement, and the terms of the draft Superseding Final Order Incorporating Settlement Agreement and draft permit for Application R-86935 which are hereby incorporated by reference.
2. Gary Young understands and agrees that this Agreement and all documents incorporated by reference set forth the entire Agreement of the parties.
3. Gary Young understands and agrees that this Agreement and the Superseding Final Order Incorporating Settlement Agreement and draft permit issued pursuant to this Agreement constitute the complete and final resolution of the protest.
4. Gary Young waives any and all rights to petition for judicial review of this Agreement, waives any and all rights to request reconsideration, petition for judicial review or appeal the Superseding Final Order Incorporating Settlement Agreement for Application R-86935 issued by OWRD.

**C. Terms of the Agreement**

1. OWRD shall issue a Superseding Final Order Incorporating Settlement Agreement consistent with this Agreement and draft permit. Upon submittal and approval of dam plans and specifications, the Department will issue a Permit consistent with the attached draft Permit.
2. Each Party to this Settlement Agreement represents, warrants, and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Settlement Agreement.
3. Each Party to this Settlement Agreement certifies that it has had a reasonable opportunity to review and request changes to the Settlement Agreement, and that it has signed this Settlement Agreement of its own free will and accord.

4. Each Party to this Settlement Agreement certifies that it has read the entire Settlement Agreement, including the draft Superseding Final Order Incorporating Settlement Agreement and draft permit, and understands and agrees with the contents thereof.
5. The Parties agree that nothing in this Settlement Agreement establishes factual, legal, or policy precedent.
6. This Settlement Agreement may be signed in counterparts.

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

2-28-11  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Gary Young

\_\_\_\_\_  
Date



# Oregon

John A. Kitzhaber, MD, Governor

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

February 28, 2011

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

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

Re: Application R-86934 and R-86935

Dear Mr. Newton and Mr. Young,

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

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

Sincerely,

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

**COPY**

*mailed 3-1-11*

DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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

MAXIMUM VOLUME: 61.25 ACRE FEET

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

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 3.75 ACRES AND THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 34, T16S, R23E, W.M.; 3432 FEET SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

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

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 34

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

Measurement, recording and reporting conditions:

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

## Order

Application R-86935 is therefore approved with modifications to the Final Order Incorporating Settlement Agreement issued March 18, 2010. Upon meeting the "Terms of Agreement" as described in the attached Superseding Settlement Agreement and submittal and approval of dam plans and specifications, a permit consistent with the attached draft permit shall be issued.

### DATED

DRAFT - THIS IS NOT A PERMIT

\_\_\_\_\_  
for Phillip C. Ward, Director  
Water Resources Department

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

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

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

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

granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

#### **DAM CONDITIONS**

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

#### **STANDARD CONDITIONS**

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

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

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

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

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

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been

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

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

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

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

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

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

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

Issued

DRAFT - THIS IS **NOT** A PERMIT

---

for Phillip C. Ward, Director  
Water Resources Department

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

Application #R-86935

## Original mailed to applicant:

GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

## Copies sent to:

1. WRD - File # R-86935
2. WRD - Water Availability: Ken Stahr
3. WRD - Dam Safety

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

## FO and Map Copies sent to:

4. WRD - Watermaster # 11

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

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

P.O. BOX ~~1728~~  
1728

CASEWORKER: Kerry Kavanagh

**Oregon Water Resources Department  
Water Rights Division**

Water Rights Application  
Number R-86935

*Hearing and Appeal Rights*

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

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

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

**DRAFT Superseding Final Order Incorporating Settlement Agreement**

*Application History*

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

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

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

A settlement agreement was signed by all parties as of January 12, 2010.

The Department issued a Final Order Incorporating Settlement Agreement on March 18, 2010. However, based on further review, the Department has determined that the March 18, 2010 Final Order Incorporating Settlement Agreement omitted several required permit conditions. Therefore, this Superseding Order shall address all pertinent permit conditions.

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

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Final Order Incorporating Settlement Agreement issued March 18, 2010 requires modification to correctly include the following conditions:

Upon submittal and approval of dam plans and specifications, dam conditions shall be added to the attached draft permit.

Diversion of water under this permit is contingent on designated scenic waterway flows being met downstream. The user is required to monitor streamflow at USGS gage 14103000, Deschutes River at Moody, near Biggs, OR, and discontinue diversion when the flows specified below are unmet at the gage. At the discretion of the Director, the location and nature of streamflow monitoring required to protect scenic waterway flows is subject to change. In addition, the watermaster may regulate diversion under this right if it is determined by the Department that the flows listed below are unmet at the gage.

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

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

# Blue Mountain Ranch

Paulina, Oregon

June 28, 2010

Kerry Kavanagh,

Here is the check of \$400.00 for R-80935.

We are currently working with Dave Newton of Newton Consulting regarding R-80934 and the design plans & specs for that dam. However, he has been ill so work is slower than expected. We are in no rush to receive these permits, with the tough economy & low cattle prices, we may not be able to begin construction as early as originally anticipated. However, we do not want to miss any deadlines.

Thank you for your help.

Sarah Lasker

RECEIVED

JUN 30 2010

WATER RESOURCES DEPT  
SALEM, OREGON



# Oregon

Theodore R. Kulongoski, Governor

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

May 25, 2010

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

Dear Mr. Young:

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

#### R-86934

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

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

#### R-86935

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

#### S-86936

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

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

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

Sincerely,

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

Brook Geffen  
Water Rights Caseworker

cc: WRD - Watermaster #11

File

Newton Consultants Inc, 521 SW 6<sup>th</sup> St, Suite 100, Redmond, OR 97756

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

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

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

2. Article Number

(Transfer from service label)

7006 2150 0000 4121 2906 WR

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Elmer E. Young

Agent

Addressee

B. Received by (Printed Name)

Elmer E. Young

C. Date of Delivery

5/27/10

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

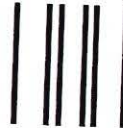
Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



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

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

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

RECEIVED  
 MAY 28 2010  
 WATER RESOURCES DEPT  
 SALEM, OREGON



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-86935

**Final Order Incorporating Settlement Agreement**

*Hearing and Appeal Rights*

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

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

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

*Application History*

On June 29, 2007, Gary Young submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 9, 2009, recommending the application be denied because the use of water is not consistent with the Deschutes Basin Program, OAR 690-505-0030(1)(c).

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

A settlement agreement was signed by all parties as of January 12, 2010. The terms of the Settlement Agreement have been incorporated into this Final Order and a copy of the Settlement Agreement is included below.


The Protestant and the Department have agreed to permit conditions set forth in the draft permit.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to include a condition to require fish screening and by-pass devices, which was recommended by Oregon Department of Fish and Wildlife. The attached draft permit includes the recommended condition.

#### Order

Application R-86935 is therefore approved with modifications to the Proposed Final Order. Upon meeting the "Terms of Agreement" as described in the attached Settlement Agreement and payment of outstanding recording fees in the amount of \$400, a permit consistent with the attached draft permit shall be issued.

DATED March 18, 2010



for Phillip C. Ward, Director  
Water Resources Department

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

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

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

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

DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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

MAXIMUM VOLUME: 61.25 ACRE FEET

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

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 3.75 ACRES AND  
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 34, T16S, R23E, W.M.; 3432 FEET  
SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

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

Place of Use:

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 34  
TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

Measurement, recording and reporting conditions:

1. A. Before water may be diverted for storage under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.
- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which

includes the recorded measurements to the Department annually or more frequently as may be required by the Director.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

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Issued

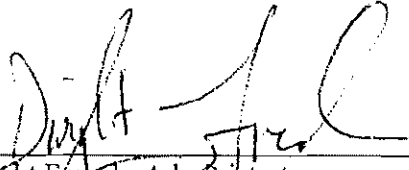
DRAFT - THIS IS **NOT** A PERMIT

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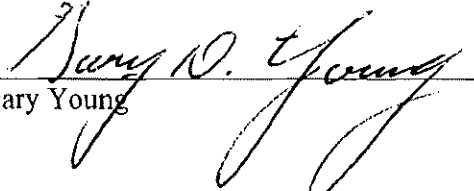
for Phillip C. Ward, Director  
Water Resources Department



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6. This Settlement Agreement may be signed in counterparts.

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

12/24/09  
Date

  
\_\_\_\_\_  
Gary Young

1/12/10  
Date

# Mailing List for FO Copies

---

Application #R-86935

**Original mailed to applicant:**

GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

Copies sent to:

1. WRD - File # R-86935
2. Water Availability: Ken Stahr

Copies Mailed
By: <u>SDS</u>
(SUPPORT STAFF)
on: <u>3/18/10</u>
(DATE)

FO and Map Copies sent to:

3. WRD - Watermaster # 11

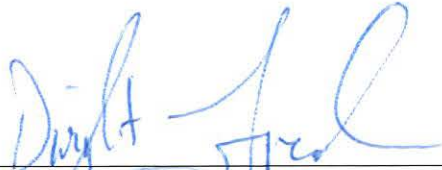
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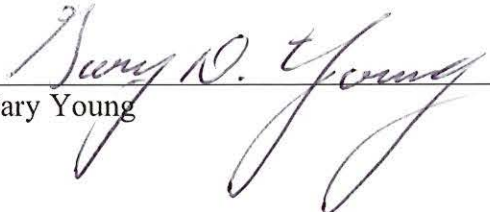
CASEWORKER : Geffenba



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

12/24/09  
Date

  
\_\_\_\_\_  
Gary Young

1/12/10  
Date

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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

MAXIMUM VOLUME: 61.25 ACRE FEET

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

DATE OF PRIORITY: JUNE 29, 2007

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 3.75 ACRES AND  
THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 34, T16S, R23E, W.M.; 3432 FEET  
SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

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

Place of Use:

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$

SW  $\frac{1}{4}$  NE  $\frac{1}{4}$

SECTION 34

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

Measurement, recording and reporting conditions:

1. A. Before water may be diverted for storage under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.
- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit a report which

includes the recorded measurements to the Department annually or more frequently as may be required by the Director.

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

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right, or as those quantities may be reduced subsequently. However, the use of ground water allowed under the terms of this permit will not be subject to regulation for Scenic Waterway flows, provided the required mitigation is maintained.

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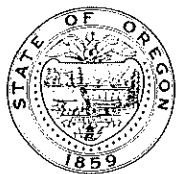
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Issued

DRAFT - THIS IS **NOT** A PERMIT

---

for Phillip C. Ward, Director  
Water Resources Department



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

December 23, 2009

*file copy  
mailed 12-24-09*

David Newton  
521 SW 6<sup>th</sup> Street, Suite 100  
Redmond, OR 97756

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

Re: Application R-86935

Dear Mr. Newton and Mr. Young,

Enclosed is a settlement agreement, draft final order and draft permit. Please review them and if they are satisfactory, sign the settlement agreement and mail it back to me. After the agreement is received, Brook Geffen will process the permit.

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

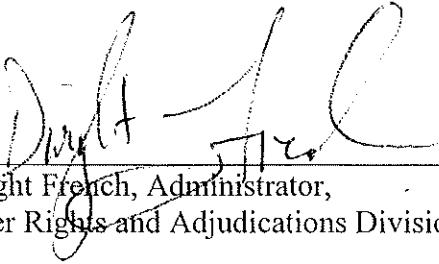
Sincerely,

*Patricia McCarty*

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



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

12/24/09  
Date

\_\_\_\_\_  
Gary Young

\_\_\_\_\_  
Date

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-86935

**Draft Final Order Incorporating Settlement Agreement**

*Hearing and Appeal Rights*

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

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

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

*Application History*

On June 29, 2007, Gary Young submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 9, 2009, recommending the application be denied because the use of water is not consistent with the Deschutes Basin Program, OAR 690-505-0030(1)(c).

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

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

The Protestant and the Department have agreed to permit conditions set forth in the draft permit.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to include a condition to require fish screening and by-pass devices, which was recommended by Oregon Department of Fish and Wildlife. The attached draft permit includes the recommended condition.

### **Order**

Application R-86935 is therefore approved with modifications to the Proposed Final Order. Upon meeting the "Terms of Agreement" as described in the attached Settlement Agreement and payment of outstanding fees in the amount of \$400, a permit consistent with the attached draft permit shall be issued.

**DATED January , 2010**

\_\_\_\_\_  
for Phillip C. Ward, Director  
Water Resources Department

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

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

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

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

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF CROOK

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

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

APPLICATION FILE NUMBER: R-86935

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

STORAGE FACILITY: BEAVER CREEK WEST RESERVOIR

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APRIL 14

DATE OF PRIORITY: JUNE 29, 2007

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THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 40.0 FEET.

POINT OF DIVERSION: NESE SECTION 34, T16S, R23E, W.M.; 3432 FEET SOUTH  
AND 660 FEET WEST FROM NE CORNER, SECTION 34

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SECTION 34

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Issued

DRAFT - THIS IS **NOT** A PERMIT

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for Phillip C. Ward, Director  
Water Resources Department

# Mailing List for FO Copies

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Application #R-86935

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GARY YOUNG  
14005 SE PAULINA VALLEY RD  
PAULINA, OR 97751

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2. Water Availability: Ken Stahr

FO and Map Copies sent to:

3. WRD - Watermaster # 11

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

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

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
---

CASEWORKER : Geffenba

## INTEROFFICE MEMORANDUM

Water Rights Section

TO: George Robison

November 2, 2009

FROM: Brook Geffen, 6-0808

RE: Preliminary Dam Design and Specifications, Application R-86935; Gary Young - Blue Mountain Ranch

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Attached are the preliminary designs and specifications for Application R-86935.

Please provide your written review and route to me when finished.

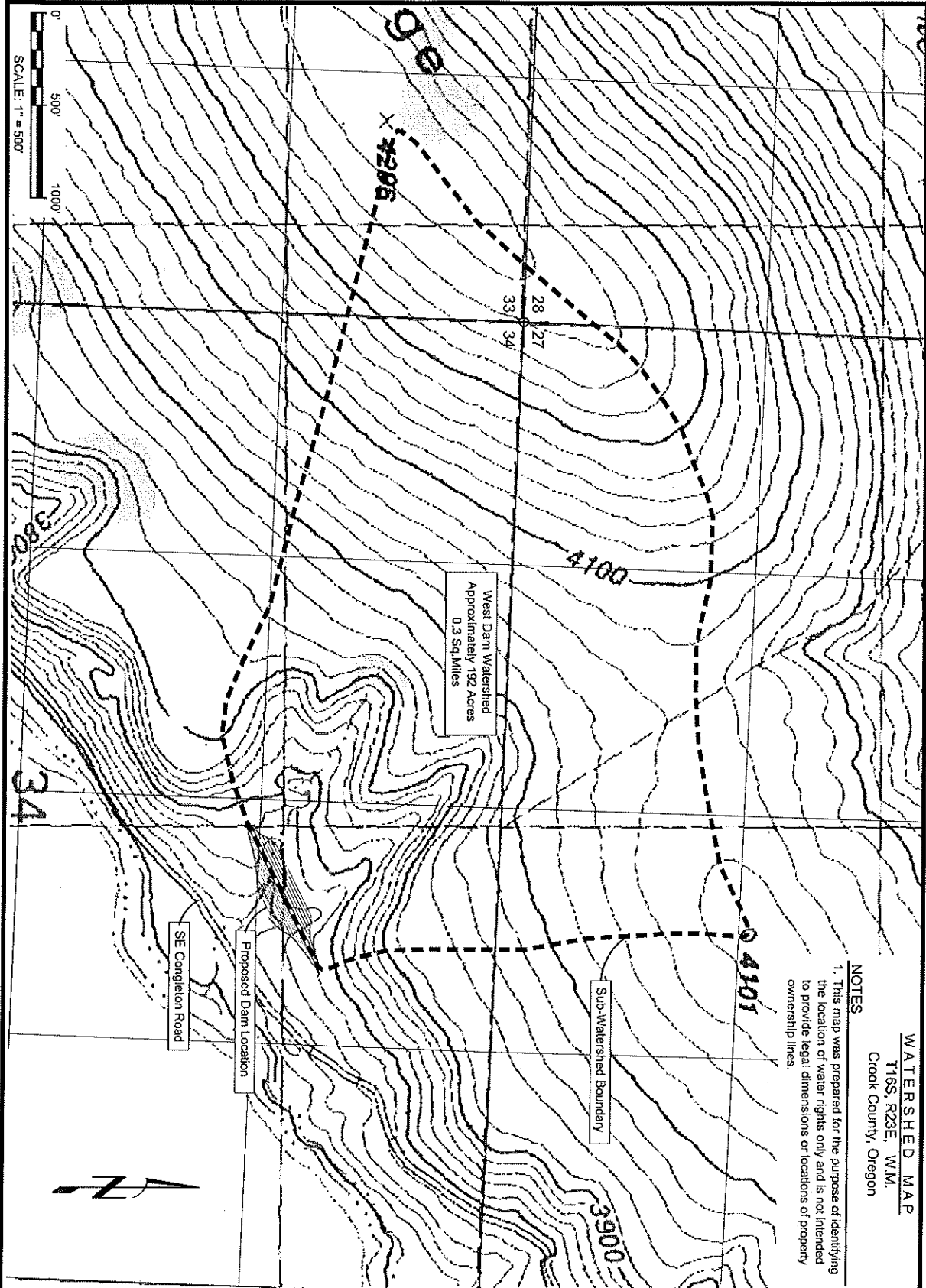
Thanks, George.  
Brook

*These exceed needed information  
for preliminary drawings and  
appears to be a feasible  
project.*

*S. [Signature]  
11/17/09*

*Dredging Plans 8/5/05*





**WATERSHED MAP**  
 T16S, R23E, W1M.  
 Crook County, Oregon

**NOTES**  
 1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.

**NEWTON CONSULTANTS INC.**  
 Earth, Water and Rock Specialists  
 Ph: 541-604-6062 Fax: 541-604-9261

Proposed West Reservoir, Storage Application R86935 - Watershed Boundary  
 Blue Mountain Ranch  
 Crooked River Basin, Crook County, Oregon

DESIGNED BY: K. Turner	DRAWN BY: S. Schenck	DATE: Oct 2009	PROJECT NO. 1050-103	FIGURE 2
---------------------------	-------------------------	-------------------	-------------------------	-------------



**RECEIVED**

NOV 02 2009

WATER RESOURCES DEPT  
SALEM, OREGON

*Transmittal*

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

**Date:** October 30, 2009

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

**Project Name:** Blue Mountain Ranch

**Subject:** Preliminary Dam Designs for  
Application R-86935

**Project No.:** 1050.103

We are sending you via Mail the following items:

Copies	Date	Description
1	10/30/09	Figure 2: Proposed West Reservoir, Storage Application R-86935 – Watershed Boundary
1	10/30/09	Figure 3: Proposed West Reservoir, Storage Application R-86935

**These are transmitted:**

For Approval

For Your Use, As Discussed

As Requested

For Review and Comment

**Remarks:**

Here are the hard copies of the maps that I emailed earlier today. These maps indicate the sub-watershed boundary and provide preliminary details for the proposed dam design for the West Reservoir.

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

*Katie*

Copy To: \_\_\_\_\_

Signed: *Katie Turner*

## Brook Geffen

---

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

The latter.

Thanks,  
Patricia

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

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

Patricia:

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

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

Thanks,

Brook

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



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

August 11, 2009

*file copy  
mailed 8-11-09*

David Newton  
521 SW 6<sup>th</sup> Street, Suite 100  
Redmond, OR 97756

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

Re: Applications R-86934 & R-86935

Dear Mr. Newton and Mr. Young,

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

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

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

Sincerely,

*Patricia McCarty*

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





July 22, 2009  
Project No. 1050-103

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JUL 27 2009

WATER RESOURCES DEPT  
SALEM, OREGON

Ms. Brook Geffen  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

**APPLICATIONS R-86934 & R-86935; BEAVER CREEK; CROOK COUNTY  
STATEMENT OF MULTIPURPOSE WATER USE**

Dear Ms. Geffen:

This letter describes the intent of the Applicant, Mr. Gary Young, to use water planned for storage in two proposed off-channel reservoirs for *multiple-purpose use*. These intended uses are consistent with water management considerations of the Blue Mountain Ranch (the Ranch), as represented by Mr. Young. The water use listed in applications R-86934 and R-86935 described only the primary water use without expressly describing other fully-intended and practicably inherent uses of stored water for livestock and wildlife.

The purpose of this letter is to provide a rational and defensible basis for the Oregon Water Resources Department (OWRD) to issue a Final Order approving both applications. The basis for such approval is the real and actual range of intended uses of water by the Ranch for multiple-purposes, which were not clearly described in the applications.

**BACKGROUND**

Applications R-86934 and R-86935 were submitted to the OWRD on June 29, 2007. The anticipated storage permits are intended to store water from Beaver Creek during the allowable storage period from March 1 through April 14. The water is to be stored in two "upland" off-channel reservoirs outside of the valley floor. The reservoir sites are located on elevated, upland terrain adjacent to the flanks of the Beaver Creek valley floor. Water is planned for delivery from the reservoirs to irrigated areas on the valley floor by pipeline, under gravity pressure, to improve irrigation efficiency and productivity of lands now flood irrigated.

Proposed Final Orders (PFO's) were issued by the OWRD on June 9, 2009. Recommendations by the OWRD in each PFO are to deny the applications. The basis for

denial is that the applications to store water for irrigation use does not give proper cognizance to the use of stored water for irrigation use alone, as single-purpose water uses are not allowable under the Deschutes Basin Program.

Again, communication with the OWRD to remedy this "oversight" is the purpose of this letter. Use of water under the storage permit applications will unquestionably be for multiple purposes, consistent with cropland, range, livestock and wildlife asset values of Blue Mountain Ranch. In addition, this letter expands and clarifies the "oversight" in the applications as discussed with Ms. Patricia McCarty of the OWRD.

### **WATER USE CLASSIFICATIONS – DESCHUTES BASIN PROGRAM**

Based on OAR 690-505-0030, the highest and best use of waters of the Deschutes – Upper Crooked River Basin include: domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life. Waters of the Deschutes – Upper Crooked River Basin are therefore classified as such.

### **PLANNED WATER USE**

#### **Irrigation**

Both applications R-86934 and R-86935 were filed with irrigation as the primary water use, consistent with needs of the Ranch, to produce feed for its livestock assets. This use is consistent with the Deschutes Basin Program.

Recognizing the need to give proper cognizance to multiple-purpose water use at the Ranch, the other allowable water uses consistent with both the Deschutes Basin Program and the needs of the Ranch include domestic, livestock, recreation, wildlife and fish life. From an actual and practical standpoint relative to cognizance, the water goals of the Ranch are precisely the same as most of those within the Deschutes Basin Program and irrigation is simply one of those allowed uses.

#### **Livestock**

Cattle are the principal business asset of the Ranch. Water sources for livestock presently include Paulina and Beaver Creeks. Upland water sources in dryland locations outside the valley floor are important for livestock during the dry summer and fall months. Water supply in the proposed upland reservoirs provides opportunities for effective and responsible grazing practices -- an effective "tool" in range management to contain and control livestock movements between range areas and water sources. The reservoirs provide water sources for cattle outside the valley floor, thereby reducing stress and impact on the creeks and their riparian corridors. The use of water for both irrigation and livestock purposes is explicitly consistent with standard ranch-management

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**JUL 27 2009**

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SALEM, OREGON**

practices in the region and on the Ranch, and are explicitly consistent with the Deschutes Basin Program.

### **Wildlife**

Wildlife is a very important asset to the Ranch. The reservoirs are also important for wildlife in that they provide water supply and edge habitat in upland locations that are more remote from intensive human and equipment activities focused primarily on the valley floor. These benefits apply to antelope, mule deer, elk, small mammals, and a variety of resident and migratory birdlife. During summer and fall, the vast majority of the Ranch area is dry and water sources become critical to wildlife. The value of the reservoirs relative to wildlife assets is reflected in the following comments by the BLM Rangeland Manager for the general Ranch area: 1) while they [the reservoirs] may have a primary benefit for irrigation, they are critical water sources for wildlife...so critical that there are active federal programs to install and create wildlife water sources on the landscape (spring boxes, push-ups, guzzlers, etc.); 2) such ponds are even effective for wildlife if the range conditions surrounding them are managed such that livestock grazing is not overly intense so that vegetative cover has seasonal opportunities to recover and provide adjacent forage opportunities for wildlife; 3) the location of the reservoirs outside of the valley bottom is ideal for wildlife purposes. Wildlife water use at and access to water in un-fenced reservoirs -- as proposed -- is inherent in this circumstance and such use is consistent with the Deschutes Basin Program.

### **CLOSURE**

We trust that the OWRD can find that the need for cognizance to the multiple-purpose water use concept stipulated in OAR 690-505-0030(1)(c) is satisfied through this clarification of both explicit and inherent water uses intended by the Blue Mountain Ranch. Consistent with the goals and intent of the Deschutes Basin Program, multiple-purpose water use at the proposed reservoirs at the Ranch are intended actual and practical outcomes of an investment made in acquiring permits for and constructing reservoirs that so directly support the various Ranch assets and the business focus of the Ranch on cattle production.

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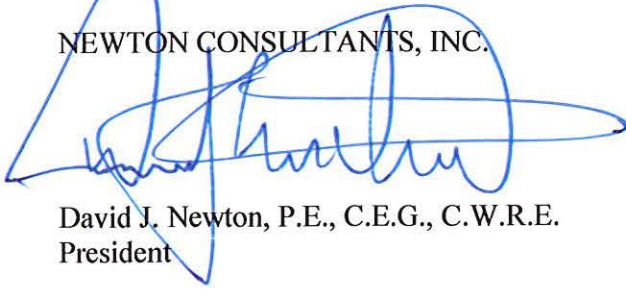
July 22, 2009  
Project No. 1050-103  
Applications R-86934 & R-86935; Intended Water Uses

Page 4

If you have additional questions regarding the information contained in this letter, please feel free to contact me at (541) 504-9960, ext. 211 or [dnewton@newtonconsultants.com](mailto:dnewton@newtonconsultants.com). You may also contact Katie Turner at (541) 504-9960, ext. 210 or [ktturner@newtonconsultants.com](mailto:ktturner@newtonconsultants.com).

Sincerely,

NEWTON CONSULTANTS, INC.



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

cc: Mr. Gary Young, Blue Mountain Ranch

G:\1000\1050\103\Correspondence\Submitted Protest Docs\Multipurpose Use Statement 07 24 09.doc

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WATER RESOURCES DEPT  
SALEM, OREGON



July 24, 2009  
Project No. 1050-103

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

COPY

**PROTEST**

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

Dear Ms. Geffen:

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

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

**NAME, ADDRESS AND TELEPHONE NUMBER OF PROTESTANT**

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

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WATER RESOURCES DEPT  
SALEM, OREGON

**DESCRIPTION OF PROTESTANT'S INTEREST IN PROPOSED FINAL ORDER**

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

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

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

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

**Irrigation**

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

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

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

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

**Livestock**

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

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SALEM, OREGON**

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

### **Wildlife**

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

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

### **Summary**

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

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

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

#### **Error/Deficiency**

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

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SALEM, OREGON**

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

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

#### **Correction**

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

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

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

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**JUL 27 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**

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

Page 5

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

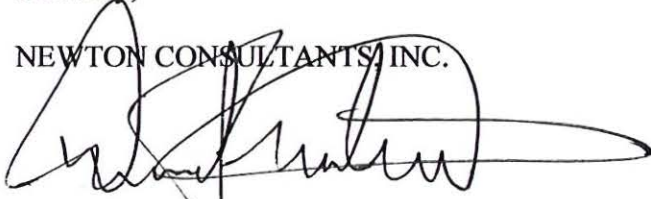
**CLOSURE**

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

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

Sincerely,

NEWTON CONSULTANTS, INC.



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

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

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

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

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**WATER RESOURCES DEPT  
SALEM, OREGON**



July 22, 2009  
Project No. 1050-103

Ms. Brook Geffen  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

**APPLICATIONS R-86934 & R-86935; BEAVER CREEK; CROOK COUNTY  
STATEMENT OF MULTIPURPOSE WATER USE**

Dear Ms. Geffen:

This letter describes the intent of the Applicant, Mr. Gary Young, to use water planned for storage in two proposed off-channel reservoirs for *multiple-purpose use*. These intended uses are consistent with water management considerations of the Blue Mountain Ranch (the Ranch), as represented by Mr. Young. The water use listed in applications R-86934 and R-86935 described only the primary water use without expressly describing other fully-intended and practicably inherent uses of stored water for livestock and wildlife.

The purpose of this letter is to provide a rational and defensible basis for the Oregon Water Resources Department (OWRD) to issue a Final Order approving both applications. The basis for such approval is the real and actual range of intended uses of water by the Ranch for multiple-purposes, which were not clearly described in the applications.

**BACKGROUND**

Applications R-86934 and R-86935 were submitted to the OWRD on June 29, 2007. The anticipated storage permits are intended to store water from Beaver Creek during the allowable storage period from March 1 through April 14. The water is to be stored in two "upland" off-channel reservoirs outside of the valley floor. The reservoir sites are located on elevated, upland terrain adjacent to the flanks of the Beaver Creek valley floor. Water is planned for delivery from the reservoirs to irrigated areas on the valley floor by pipeline, under gravity pressure, to improve irrigation efficiency and productivity of lands now flood irrigated.

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SALEM, OREGON

denial is that the applications to store water for irrigation use does not give proper cognizance to the use of stored water for irrigation use alone, as single-purpose water uses are not allowable under the Deschutes Basin Program.

Again, communication with the OWRD to remedy this "oversight" is the purpose of this letter. Use of water under the storage permit applications will unquestionably be for multiple purposes, consistent with cropland, range, livestock and wildlife asset values of Blue Mountain Ranch. In addition, this letter expands and clarifies the "oversight" in the applications as discussed with Ms. Patricia McCarty of the OWRD.

### **WATER USE CLASSIFICATIONS – DESCHUTES BASIN PROGRAM**

Based on OAR 690-505-0030, the highest and best use of waters of the Deschutes – Upper Crooked River Basin include: domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life. Waters of the Deschutes – Upper Crooked River Basin are therefore classified as such.

### **PLANNED WATER USE**

#### **Irrigation**

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Recognizing the need to give proper cognizance to multiple-purpose water use at the Ranch, the other allowable water uses consistent with both the Deschutes Basin Program and the needs of the Ranch include domestic, livestock, recreation, wildlife and fish life. From an actual and practical standpoint relative to cognizance, the water goals of the Ranch are precisely the same as most of those within the Deschutes Basin Program and irrigation is simply one of those allowed uses.

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practices in the region and on the Ranch, and are explicitly consistent with the Deschutes Basin Program.

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### **CLOSURE**

We trust that the OWRD can find that the need for cognizance to the multiple-purpose water use concept stipulated in OAR 690-505-0030(1)(c) is satisfied through this clarification of both explicit and inherent water uses intended by the Blue Mountain Ranch. Consistent with the goals and intent of the Deschutes Basin Program, multiple-purpose water use at the proposed reservoirs at the Ranch are intended actual and practical outcomes of an investment made in acquiring permits for and constructing reservoirs that so directly support the various Ranch assets and the business focus of the Ranch on cattle production.

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SALEM, OREGON**

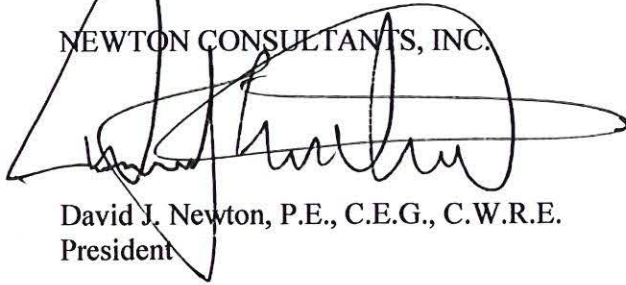
July 22, 2009  
Project No. 1050-103  
Applications R-86934 & R-86935; Intended Water Uses

Page 4

If you have additional questions regarding the information contained in this letter, please feel free to contact me at (541) 504-9960, ext. 211 or [dnewton@newtonconsultants.com](mailto:dnewton@newtonconsultants.com). You may also contact Katie Turner at (541) 504-9960, ext. 210 or [kturner@newtonconsultants.com](mailto:kturner@newtonconsultants.com).

Sincerely,

NEWTON CONSULTANTS, INC.

A large, stylized handwritten signature in black ink, appearing to read 'David J. Newton', is written over the printed name and title.

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

cc: Mr. Gary Young, Blue Mountain Ranch

G:\1000\1050\103\Correspondence\Submitted Protest Docs\Multipurpose Use Statement 07 24 09.doc

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JUL 27 2009  
WATER RESOURCES DEPT  
SALEM, OREGON

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-86935

**Proposed Final Order**

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

*Application History*

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

- Amount of Water: 61.25 ACRE FEET (AF)
- Use of Water: STORAGE FOR IRRIGATION USE
- Source of Water: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER
- Area of Proposed Use: Crook County within SECTION 34, TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

On August 24, 2007, the Department mailed the applicant notice of its Initial Review, determining that "*The storage of 61.25 AF from Beaver Creek, a tributary of Crooked River is allowable during March 1 through April 30.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

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

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

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

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

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

*Findings of Fact*

Upon further review, the Department finds that the Summary of Initial Determinations in the Initial Review erroneously stated the storage of water is allowable March 1 through April 30. The correct period of time when water may be diverted for storage is March 1 through April 14.

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

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

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

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

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

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

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality

(DEQ), Fish and Wildlife (ODFW), and Agriculture. WRD and ODFW representatives included both technical and field staff. The interagency team recommended that additional limitations or conditions of use be imposed on this application as follows:

Measurement, recording and reporting conditions:

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

*Conclusions of Law*

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

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

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

Water is available for the proposed use.

The proposed use would not injure other water rights.

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

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

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

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

#### Recommendation

The Department recommends that the application be denied.

DATED June 9, 2009

*E. Timothy Wall*

for Phillip C. Ward, Director  
Water Resources Department

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

#### Protests

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

- Your name, address, and telephone number;

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

#### Requests for Standing

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

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

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

- A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

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

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

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

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

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

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



# Oregon

Theodore R. Kulongoski, Governor

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

August 24, 2007

GARY YOUNG  
BLUE MOUNTAIN RANCH  
PAULINA, OR 97751

Reference: File R-86935

Dear Mr. Young:

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

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

Initial Review Determinations:

1. The application proposed the storage of 61.25 acre feet (AF) of water in Beaver Creek West Reservoir from Beaver Creek, a tributary of Crooked River for irrigation. The proposed dam height is 40 feet and the proposed area to be submerged by the reservoir is 3.75 acres.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The storage of water from Beaver Creek, a tributary of Crooked River, is allowable under the Deschutes Basin Program.
4. Surface water is available for storage March 1 through April 30.
5. OAR 690-033-0120(2) prohibits the use of water from April 15 through September 30 of each year.
6. Prior to beginning construction of the project or issuance of a permit, dam designs and specifications must be submitted to the Department, and the Department's dam safety section must approve the plans and specifications in writing.

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

### **Summary of Initial Determinations**

**The storage of 61.25 AF from Beaver Creek, a tributary of Crooked River is allowable during March 1 through April 30.**

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

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

#### **Additional Information Required:**

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

- Exam fee in the amount of \$12.00
- Recording fee in the amount of \$300.00

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

#### **To Proceed With Your Application:**

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

#### **Withdrawal Refunds:**

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, September 7, 2007**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

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

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

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at

[http://www.oregon.gov/ODA/NRD/water\\_agplans.shtml](http://www.oregon.gov/ODA/NRD/water_agplans.shtml) to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

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

Sincerely,



Brook Geffen  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

R-86935  
WAB 5-70605  
POU 5-70605  
GW

# APPLICATION FACT SHEET

Application File Number: R-86935

Applicant: GARY YOUNG

County: Crook

Watermaster: 11

Priority Date: June 29, 2007

Source: BEAVER CREEK, A TRIBUTARY OF CROOKED RIVER

Use: STORAGE IN BEAVER CREEK WEST RESERVOIR

Quantity: 61.25 ACRE FEET

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 2A BEAVER CR

Point of Diversion: NESE SECTION 34, T16.0S, R23.0E, W.M.; 3432 FEET SOUTH AND 660 FEET WEST FROM NE CORNER, SECTION 34

Place of Use:

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 34  
TOWNSHIP 16 SOUTH, RANGE 23 EAST, W.M.

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

**PUBLIC NOTICE DATE: Tuesday, August 28, 2007**

**30 DAY COMMENT DEADLINE DATE: Thursday, September 27, 2007**

**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 # **100431**

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

RECEIVED FROM: The Youngs Farm Blue Mountain Ranch, LLC  
BY: \_\_\_\_\_

APPLICATION	1286935
PERMIT	
TRANSFER	

CASH:  CHECK:# 2880 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**  
0407 COPY & TAPE FEES 46111 \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$ _____	0202	\$ <u>400.00</u>
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____
OTHER (IDENTIFY) _____			

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **100431**

DATED: 6-30-10 BY: LAG

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

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **88471**

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

RECEIVED FROM: Karen & David  
 BY: Newton

APPLICATION	R-86935
PERMIT	
TRANSFER	

CASH:  CHECK:#  1715 OTHER: (IDENTIFY)

TOTAL REC'D \$ 540.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
 OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

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

**RECEIVED  
 OVER THE COUNTER**

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ <u>540.00</u>	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) \_\_\_\_\_

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

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

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**\_\_\_\_\_ TREASURY OTHER / RDX**

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

RECEIPT: **88471**

DATED: 6/29/07 BY: L. Paulke

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



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for a Permit to Store Water in a Reservoir

## (Standard Review)

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

### Use a separate form for each reservoir

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

### 1. APPLICANT INFORMATION

Applicant: Gary Young

First Last

Mailing Address: Blue Mountain Ranch - 14005 SE Paulina Valley Road

Paulina OR 97751

City State Zip

Phone: 541-477-3705

Home Work Other

\*Fax: 541-477-3700 \*E-Mail Address: gyoung@youngsfarminc.com

#### \*Optional Information

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is Beaver Creek West Reservoir.

2. SOURCE OF WATER for the proposed use: Beaver Creek,

a tributary of Crooked River.

Is the proposed use an enlargement of an existing dam/reservoir?  YES  NO

If the reservoir is not in channel of a stream, state how it is to be filled: In stream pump with appropriate fish screens will pump into reservoir through an eight inch diameter pipe.

For Department Use		<b>RECEIVED</b> <b>JUN 29 2007</b> WATER RESOURCES SALEM, OREGON
App. No. <u>R 86935</u>	Permit No. _____	

**3. DAM HEIGHT AND COMPOSITION**

The maximum height of the structure will be 40 feet above streambed or ground surface at the centerline of the crest of the dam.

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

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

If "other" give description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. PRIMARY OUTLET WORKS**

Describe the location and the dimensions of the outlet conduit through the dam: The outlet conduit through the dam will be a 12 inch diameter pipe located at the center of the dam  
\_\_\_\_\_  
\_\_\_\_\_

*NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.*

**5. EMERGENCY SPILLWAY**

Describe the location and the dimensions of the spillway channel: The emergency spillway will be located on the south side of the earth fill dam and will consist of a twenty four inch diameter pipe.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. THE USE(s)** of the impounded water will be: Use of impounded water will be for irrigation in the Beaver Creek valley  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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SALEM, OREGON

R86935

7. **THE AMOUNT OF WATER** to be stored is: 61.25 (Including Evaporative Losses) acre-feet.

The area submerged by the reservoir, when filled, will be 3.75 acres.

**8. PROJECT SCHEDULE: (List Month and Year)**

Proposed date construction work will begin: October 2007

Proposed date construction work will be completed: March 2009

Proposed date water use will be completed: September 2010

**9. PROPERTY OWNERSHIP**

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 10)

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or an easement permitting access to lands not under my ownership.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners:

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\* Attach additional sheet(s) if necessary.

**10. MAP REQUIREMENTS**

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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SALEM, OREGON

R86935





June 29, 2007  
Project No. 1050-103

Water Rights Permit Section  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

**WATER RIGHT PERMIT APPLICATIONS**  
**A. TO STORE WATER IN TWO RESERVOIRS**  
**B. TO USED STORED WATER FOR IRRIGATION**

**GARY YOUNG; BLUE MOUNTAIN RANCH, PAULINA, OREGON**

To Whom It May Concern:

Enclosed are the following water right permit applications for processing by the Oregon Water Resources Department (OWRD):

1. Application to store water in proposed Beaver Creek East Reservoir;
2. Application to store water in proposed Beaver Creek West Reservoir; and
3. Application to use water stored in both reservoirs for irrigation.

Also enclosed are two checks each for \$540 and one check for \$340 to cover the application fees for the two storage applications and the application to use surface water respectively.

Water right certificates C-619, C-7063, C-7064, C-28652 and C-50893 authorize use of water from Beaver Creek for irrigation on a year-round basis. Irrigation is conducted by Mr. Young during spring and early summer under these water rights; however, Beaver Creek flows during middle to later summer are insufficient to fully meet irrigation needs within the water rights. Although water rights are in place for year-round irrigation, provisions are needed to provide the required water supply under the existing rights during middle to late summer.

The intent of the two requested storage permits is to store water from Beaver Creek during the March and April months in two off-channel reservoirs. The intent of the requested water right for irrigation is to obtain a supplemental water right under the existing certificated rights to make up for the deficiency in Beaver Creek flows that typically occur in mid to late summer. In this way, Mr. Young can supply the necessary irrigation water for his irrigation needs.

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JUN 29 2007

WATER RESOURCES  
SALMON, OREGON

June 29, 2007

Page 2

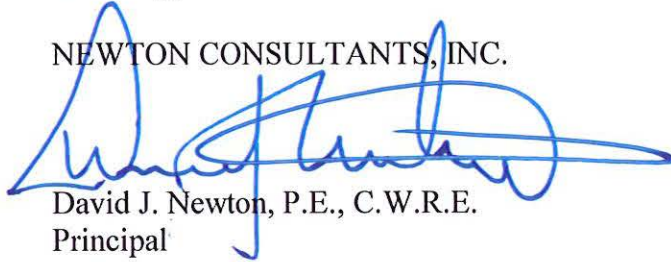
Project No. 1050-103

Permit Applications; Gary Young, Blue Mountain Ranch

Please contact Mathias Perle, Newton Consultants, Inc. at (541) 504-9960 extension 233, David Newton at extension 211, or Mr. Young at (541) 477-3705 if there are any questions regarding the applications.

Sincerely,

NEWTON CONSULTANTS, INC.



David J. Newton, P.E., C.W.R.E.  
Principal

Enclosures

RECEIVED  
JUN 29 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

R 86935

AFTER RECORDING RETURN TO:  
JEFFREY M. WILSON, OSB#84109  
MILLER NASHLLP  
446 NW THIRD STREET, STE. #230  
PRINEVILLE OR 97754  
TEL: 541-447-5777

Crook County Official Records 2007-218203  
DEED-D 01/22/07 12:28 PM  
C/M=1 Size=8 C/COUNTER  
\$25.00 \$11.00 \$5.00 \$10.00 \$51.00



01027100200702182030050059

I, Deanna Barman, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.

*Deanna Barman*



SEND TAX STATEMENTS TO;  
GARY D. YOUNG  
P.O. BOX 14  
PAULINA OR 97751

**BARGAIN AND SALE DEED**

YOUNG ACRES, INC., an Arizona Corporation as to an undivided 60.37% interest; JEANNINE A. YOUNG, a married woman dealing with her sole and separate property as to an undivided 10.91% interest; GARY D. YOUNG and JEANNINE A. YOUNG, as Co-Trustees of the Gary D. and Jeannine A. Young Living Trust Dated July 26, 2002 as to an undivided 8.18% interest; AARON D. YOUNG, a married man dealing with his sole and separate property as to an undivided 10.27% interest; and SARAH E. TESKEY (also known as Sarah E. Young), a married woman dealing with her sole and separate property as to an undivided 10.27% interest, herein collectively "Grantors", convey to Young's Farm Blue Mountain Holdings LLC that certain real property located in Crook County, Oregon, more fully described on Exhibit "A" attached hereto and by this reference incorporated herein, free of encumbrances except as specifically set forth herein.

TOGETHER WITH any and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including without limit, all water and water rights from any source, ditches and ditch rights, all timber and other surface rights, all minerals and other subsurface rights appurtenant thereto.

The true and actual consideration for this conveyance, is zero dollars (\$0) plus other good and valuable consideration, that is the whole consideration.

**ORS 93.040 Warning.** THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS OR LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

**Disclaimer:** BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.903 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED this 12 day of January, 2007

Young Acres, Inc.

By: *Gary D. Young*  
Gary D. Young, Director

*Jeannine A. Young*  
Jeannine A. Young

5pgs  
Page 1 of 3

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JUN 29 2007  
SALEM, OREGON

R86935

Gary D. and Jeannine A. Young Living Trust  
Dated July 26, 2002

By: [Signature]  
Gary D. Young, Trustee

By: [Signature]  
Jeannine A. Young, Trustee

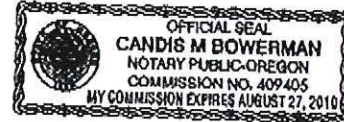
[Signature]  
Aaron D. Young

[Signature]  
Sarah E. Teskey

STATE OF OREGON        )  
                                  ) ss.  
COUNTY OF CROOK     )

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007, by Gary D. Young on behalf of Young Acres, Inc.

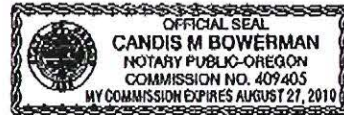
[Signature]  
Notary Public for Oregon



STATE OF OREGON        )  
                                  ) ss.  
COUNTY OF CROOK     )

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007, by Jeannine A. Young.

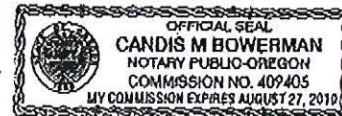
[Signature]  
Notary Public



STATE OF OREGON        )  
                                  ) ss.  
COUNTY OF CROOK     )

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007 by Gary D. Young, Trustee of the Gary D. Young and Jeannine A. Young Living Trust Dated July 26, 2002.

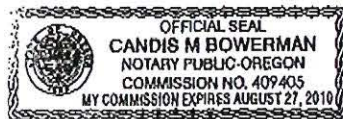
[Signature]  
Notary Public



STATE OF OREGON        )  
                                  ) ss.  
COUNTY OF CROOK     )

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007 by Jeannine A. Young, Trustee of the Gary D. Young and Jeannine A. Young Living Trust Dated July 26, 2002.

[Signature]  
Notary Public



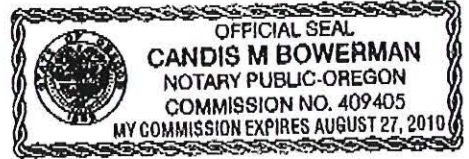
**RECEIVED**  
**JUN 29 2007**  
WATER RESOURCES  
SALEM, OREGON

R86935

STATE OF OREGON )  
 )ss.  
COUNTY OF Crook )

The foregoing Bargain and Sale Deed was acknowledged before me this 16<sup>th</sup> day of January, 2007, by Aaron D. Young.

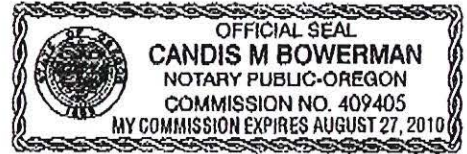
Candis M Bowerman  
Notary Public



STATE OF OREGON )  
 )ss.  
COUNTY OF Crook )

The foregoing Bargain and Sale Deed was acknowledged before me this 12 day of January, 2007, by Sarah Teskey.

Candis M Bowerman  
Notary Public



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JUN 29 2007  
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SALEM, OREGON

R 86535

EXHIBIT "A"

Located in CROOK COUNTY, OREGON:

TRACT I

In Township 15 South, Range 23 East of the Willamette Meridian:

- Section 23: W $\frac{1}{2}$ .
- Section 25: W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ .
- Section 26: W $\frac{1}{2}$ , and SE $\frac{1}{4}$ .
- Section 35: NW $\frac{1}{4}$ .
- Section 36: All.

In Township 15 South, Range 24 East of the Willamette Meridian:

- Section 31: All.

In Township 16 South, Range 23 East of the Willamette Meridian:

- Section 1: All.
- Section 2: S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPTING: Beginning at a point 277 feet North of the SW corner of Section 2, Township 16 South, Range 23 East of the Willamette Meridian, thence East 300 feet, thence North 300 feet, thence West 300 feet, thence South 300 feet to the point of beginning, TOGETHER WITH right of ingress and egress to County Road nearby.
- Section 3: All.
- Section 5: All.
- Section 7: All.
- Section 8: All.
- Section 9: All.
- Section 10: NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .
- Section 11: All.
- Section 13: All.
- Section 15: All.
- Section 16: All.
- Section 17: All.
- Section 18: Lots Three (3) and Four (4), NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ .
- Section 19: All.
- Section 20: All.
- Section 21: All.
- Section 22: W $\frac{1}{2}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ .
- Section 23: All.
- Section 25: All.
- Section 26: All.
- Section 27: All.
- Section 28: SE $\frac{1}{4}$ , SW $\frac{1}{4}$ .
- Section 29: All.
- Section 30: E $\frac{1}{2}$ .
- Section 31: All.

Legal Continued on next page

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SALEM, OREGON

R 86935

Section 33: All, EXCEPTING Lots Five (5), Six (6), Seven (7) and Eight (8) in Block One (1) of Charles Althul's 1<sup>st</sup> Addition to Paulina, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, and EXCEPTING those portions deeded to Telephone Utilities of Eastern Oregon, Inc., by Deeds recorded on Deeds Nos. 63469 and 71724, Records of Crook County, Oregon.

Section 34: All.

Section 35: All.

In Township 16 South, Range 24 East of the Willamette Meridian:

Section 29: All that portion lying South of a line drawn diagonally from the Northeast corner to the Southwest corner of said Section 29 and lying North of the county road known as Beaver Creek Road, as the same is now located and constructed.

Section 30: N $\frac{1}{4}$ , N $\frac{1}{4}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

In Township 16 South, Range 22 East of the Willamette Meridian:

Section 13: All.

Section 24: NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

Section 36: E $\frac{1}{2}$ .

In Township 17 South, Range 22 East of the Willamette Meridian:

Section 1: All.

TRACT II

Lots Four (4), Five (5) and Six (6) in Block Three (3) of PAULINA, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon.

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JUN 29 2007

WILLIAMETTE  
SALESMAN, OREGON

R86938



***Transmittal***

**To:** Oregon Water Resources Department  
**Date:** July 6, 2007  
**From:** Katie Turner  
**Project Name:** Blue Mountain Ranch  
**Subject:** Additional Information  
**Project No.:** 1050.103

We are sending you via Mail the following items:

Copies	Date	Description
1	07/02/07	Land Use Information Form, for Reference # 86934
1	07/02/07	Land Use Information Form, for Reference # 86935
1	07/02/07	Land Use Information Form, for Reference # 86936
1	06/28/07	Original Signature Page for Reference # 86934
1	06/28/07	Original Signature Page for Reference # 86935
1	06/28/07	Original Signature Page for Reference # 86936

**These are transmitted:**  
 For Approval  
 For Your Use, As Discussed  
 As Requested  
 For Review and Comment

**RECEIVED**  
 JUL 09 2007  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

**Remarks:**

Enclosed is the additional information requested for the permit applications submitted June 29, 2007. Questions regarding the application should be directed to Mathias Perle at 541-504-9960 ext. 233.

**Copy To:** \_\_\_\_\_

**Signed:** Katie



# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Gary Young, Blue Mountain Ranch  
Mailing Address: 14005 SE Paulina Valley Road  
City: Paulina State: OR Zip: 97751 Day Phone: 541-477-3706

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

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
16S	23E	34	NWNE	100	EFU1	Diverted ✓ Conveyed ✓ Used	Reservoir
16S	23E	34	SWNE	1700	EFU1	Diverted ✓ Conveyed ✓ Used	Reservoir
						Diverted Conveyed Used	
						Diverted Conveyed Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Crook

## B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water ✓ Surface Water (name) Beaver Creek

Estimated quantity of water needed: 61.25 cubic feet per second gallons per minute ✓ acre-feet

Intended use of water: ✓ Irrigation Commercial Industrial Domestic for \_\_\_\_\_ household(s)  
Municipal Quasi-municipal Instream Other \_\_\_\_\_

Briefly describe: Application is for a storage right to store water from Beaver Creek in proposed Beaver Creek West Reservoir  
(see attached map). An application for a supplemental permit to irrigate in Beaver Creek Valley on lands currently irrigated by Primary

Rights is being filed jointly

R 86935

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

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SALEM, OREGON

Crook County Planning Departmen  
 300 NE 3RD ST  
 Prineville, OR, 97754  
 541-416-3905

# RECEIPT

Date

Inv. num

First name

Last name

File no

Amount

Type of payment

Check\_Number

Received by

101-40-341-4185 Conditional Use	<input type="text" value="\$0.00"/>
101-40-341-4192 Land Partition	<input type="text" value="\$0.00"/>
101-40-341-4194 Subdivision	<input type="text" value="\$0.00"/>
101-40341-4188 Zoning	<input type="text" value="\$0.00"/>
101-40-341-4189 County Appeal	<input type="text" value="\$0.00"/>
101-40-341-4180 Variance	<input type="text" value="\$0.00"/>
101-40-341-4181 Temporary Use	<input type="text" value="\$0.00"/>
101-40-341-4195 Text Amendment	<input type="text" value="\$0.00"/>
101-40-341-4182 Comp Plan Amend	<input type="text" value="\$0.00"/>
101-40-341-4183 Site Plan Review	<input type="text" value="\$120.00"/>
101-40-341-4190 Road Approach	<input type="text" value="\$0.00"/>
101-40-341-4196 Road Vacation	<input type="text" value="\$0.00"/>
101-40-341-4191 Lot of Record	<input type="text" value="\$0.00"/>
101-40-341-2110 Program Supplies	<input type="text" value="\$0.00"/>
101-40-341-4186 Copies, Misc Revenue	<input type="text" value="\$0.00"/>
101-40-341-4197 Map Amendment	<input type="text" value="\$0.00"/>
350-00-334-3455 GIS State Grants	<input type="text" value="\$0.00"/>
350-003-41-4101 GIS application fees	<input type="text" value="\$0.00"/>
350-101-3-38-3850 Intergovernmental Fee	<input type="text" value="\$0.00"/>
350-101-347-4715 Other Community Re	<input type="text" value="\$0.00"/>
350-101-341-4101 GIS Data, Maps	<input type="text" value="\$0.00"/>
202-300-3-40-4011 Road Dept Appl. Fee	<input type="text" value="\$0.00"/>
202-300-3-69-6909 GIS pay to Road Dept	<input type="text" value="\$0.00"/>

Notes

Daily Report



Notice to all applicants

The Crook County Planning Department is required to review all applications for accuracy and to determine whether the staff and/or Planning Commission have the information needed to make a decision. County Ordinances allow the County 30 days to determine whether the application is complete. If the Planning Department determines that your application is incomplete, you will be requested in writing to provide the missing information and a decision on your application will be postponed until the information is received. State Law requires that all information to support an application be available for public inspection at our office 20 days before a public hearing. Any information submitted after this date may require postponement of a hearing date. Please make sure your application is complete. The burden on proof lies with the applicant.

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 SALEM, OREGON

R 86938



Oregon Water Resources Department
Land Use Information Form

Reference # 86935

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Gary Young, Blue Mountain Ranch
Mailing Address: 14005 SE Paulina Valley Road
City: Paulina State: OR Zip: 97751 Day Phone: 541-477-3706

This application is related to a Measure 37 claim. [ ] Yes [x] No

A. Land and Location

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

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Reservoir). Rows include 16S 23E 34 NWNE 100 EFU1 and 16S 23E 34 SWNE 1700 EFU1.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Crook

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B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond, Ground Water, Surface Water (name) Beaver Creek

Estimated quantity of water needed: 61.25 cubic feet per second, gallons per minute, acre-feet

Intended use of water: Irrigation, Commercial, Industrial, Domestic for household(s), Municipal, Quasi-municipal, Instream, Other

Briefly describe: Application is for a storage right to store water from Beaver Creek in proposed Beaver Creek West Reservoir (see attached map). An application for a supplemental permit to irrigate in Beaver Creek Valley on lands currently irrigated by Primary Rights is being filed jointly

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

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

## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): C.C.C. 18.16.010(1)

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

**If approvals have been obtained but all appeal periods have not ended, check "Being pursued".**

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

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

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WATER RESOURCES DEPT.  
SALEM, OREGON

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Name: Gordon Moore Title: Assistant Director  
 Signature: [Signature] Phone: (541) 447-8152 Date: 7/2/07  
 Government Entity: Crook County

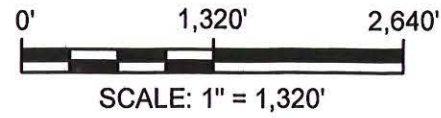
**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTES**

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.



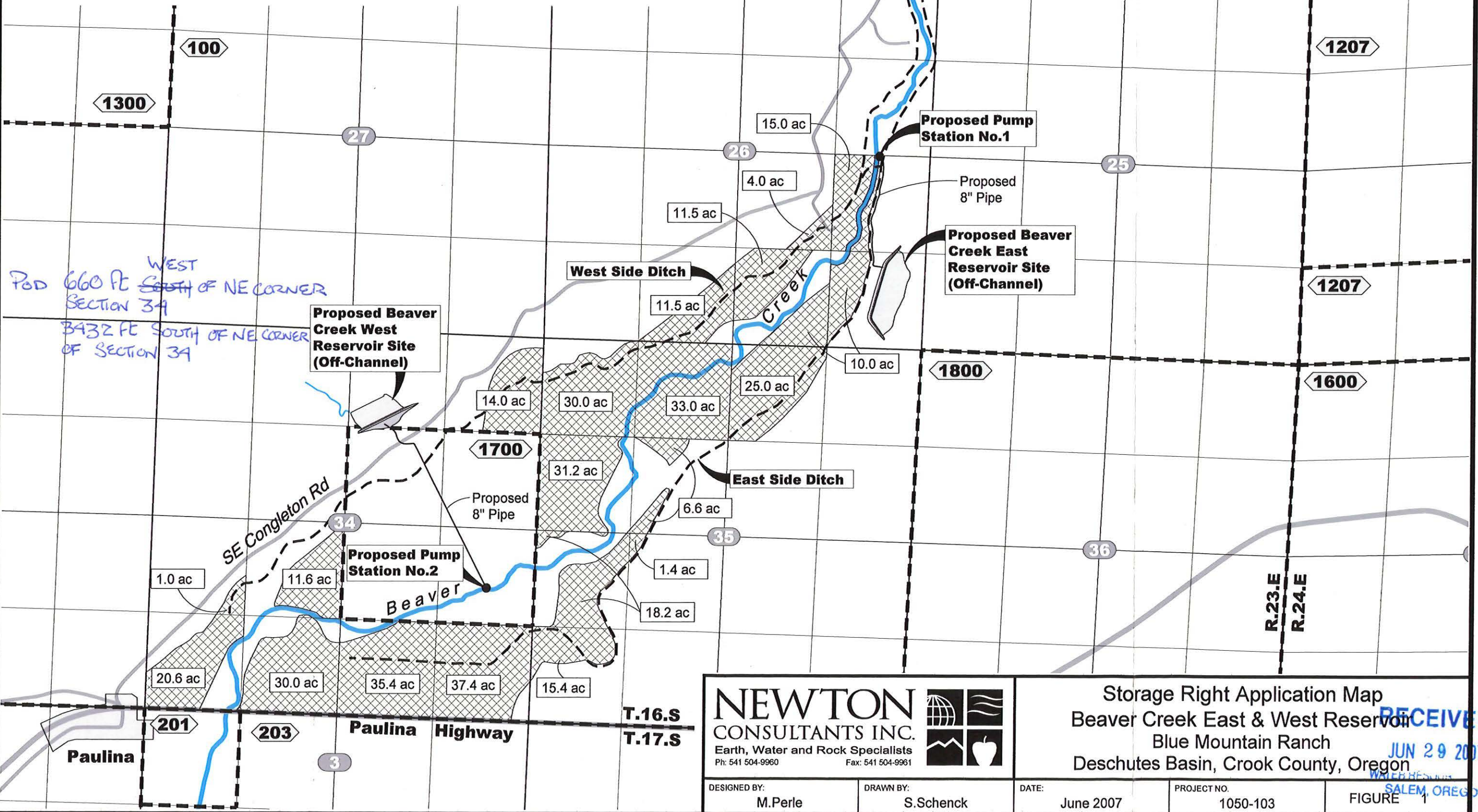
**SURFACE WATER APPLICATION MAP  
TAX LOT 100 & 1700**

Located in Section 26, 34, 35, & 36  
T.16.S, R.23.E W.M.  
Deschutes Basin, Crook County, Oregon



**EXPLANATION**

- Proposed Place of Use  
Total = 372.8 Ac
- 203 Tax Lot ID Number
- Tax Lot Boundary



**NEWTON CONSULTANTS INC.**  
Earth, Water and Rock Specialists  
Ph: 541 504-9960 Fax: 541 504-9961

Storage Right Application Map  
Beaver Creek East & West Reservoir  
Blue Mountain Ranch  
Deschutes Basin, Crook County, Oregon

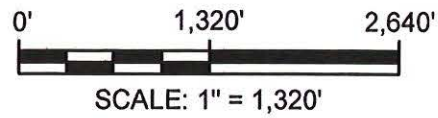
DESIGNED BY: M.Perle	DRAWN BY: S.Schenck	DATE: June 2007	PROJECT NO. 1050-103	FIGURE 1
-------------------------	------------------------	--------------------	-------------------------	-------------

G:\1000\1050\103\Cad\Water\W1050103\_F1\_WtrRight 10:00 06/29/2007 SS

appno R 86935

**NOTES**

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.



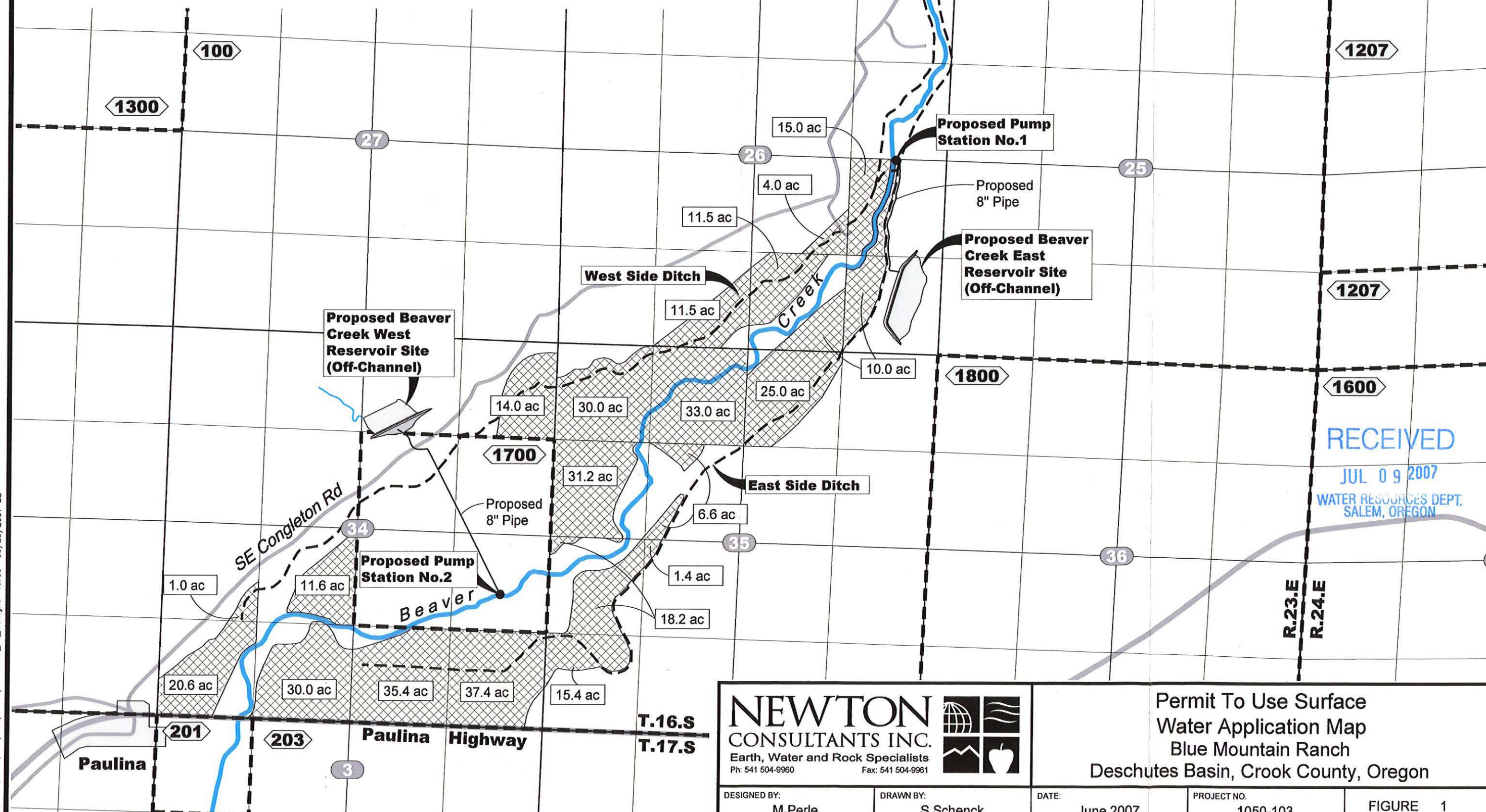
**SURFACE WATER APPLICATION MAP**  
**TAX LOT 100 & 1700**

Located in Section 26, 34, 35, & 36  
T.16.S, R.23.E W.M.  
Deschutes Basin, Crook County, Oregon



**EXPLANATION**

- Proposed Place of Use  
Total = 372.8 Ac
- 203 Tax Lot ID Number
- Tax Lot Boundary



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SALEM, OREGON

**NEWTON CONSULTANTS INC.**  
Earth, Water and Rock Specialists  
Ph: 541 504-9960 Fax: 541 504-9961

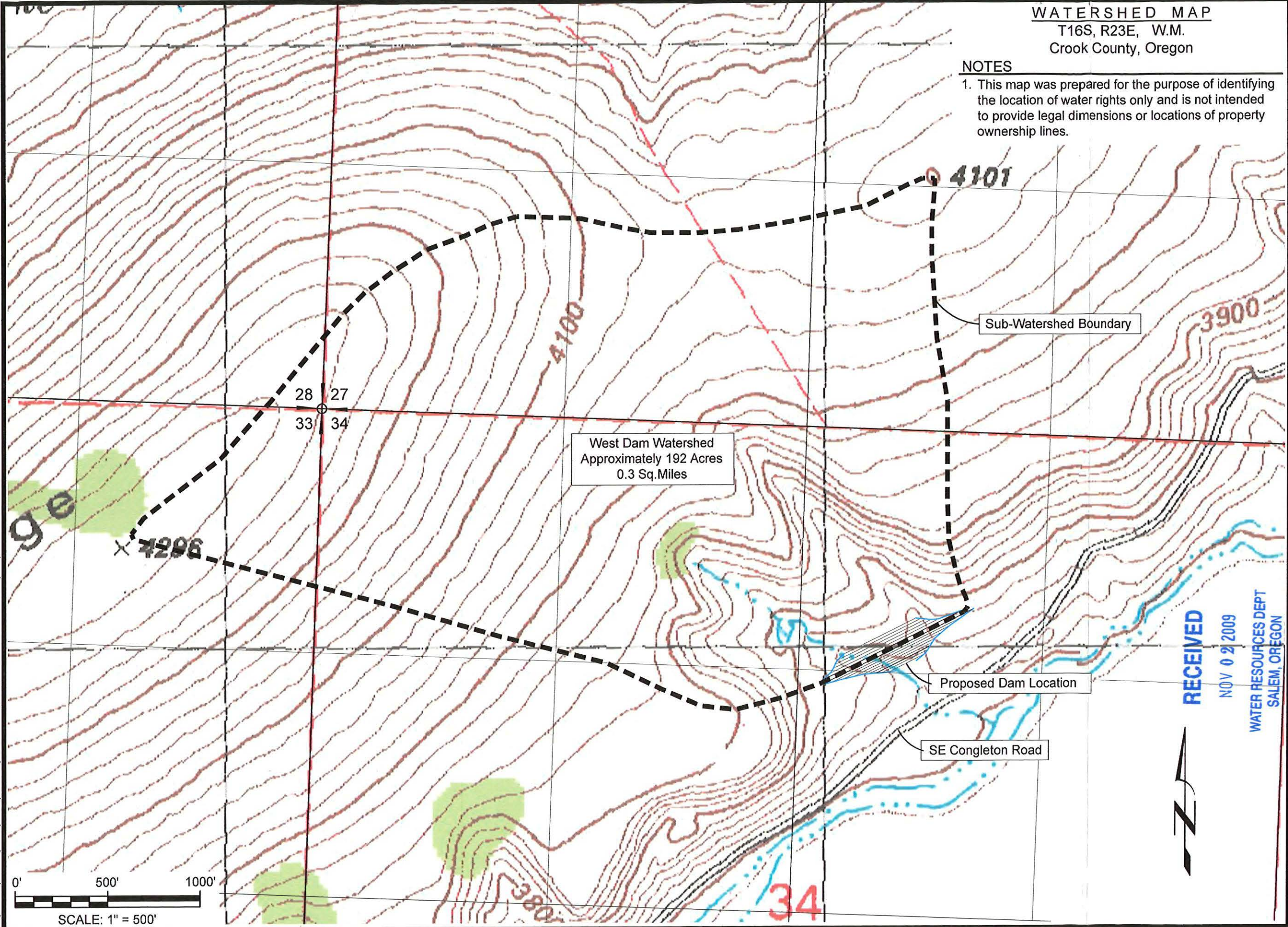
Permit To Use Surface Water Application Map  
Blue Mountain Ranch  
Deschutes Basin, Crook County, Oregon

DESIGNED BY: M.Perle	DRAWN BY: S.Schenck	DATE: June 2007	PROJECT NO. 1050-103	FIGURE 1
-------------------------	------------------------	--------------------	-------------------------	-------------

G:\1000\1050\103\Cad\Water\WT050103\_F1\_WtrRight 10:00 06/29/2007 SS

appno R 86935

G:\1050\106\Cad\Water\W1050106\_F2\_WtrShd 12:19 10/30/2009 SS



**WATERSHED MAP**  
T16S, R23E, W.M.  
Crook County, Oregon

**NOTES**

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.

Proposed West Reservoir, Storage Application R86935 - Watershed Boundary  
Blue Mountain Ranch  
Crooked River Basin, Crook County, Oregon

**NEWTON CONSULTANTS INC.**  
Earth, Water and Rock Specialists  
Ph: 541 504-9960 Fax: 541 504-9961

DESIGNED BY:	K. Turner
DRAWN BY:	S. Schenck
DATE:	Oct 2009
PROJECT NO.:	1050-103
FIGURE	2

**STORAGE APPLICATION MAP**

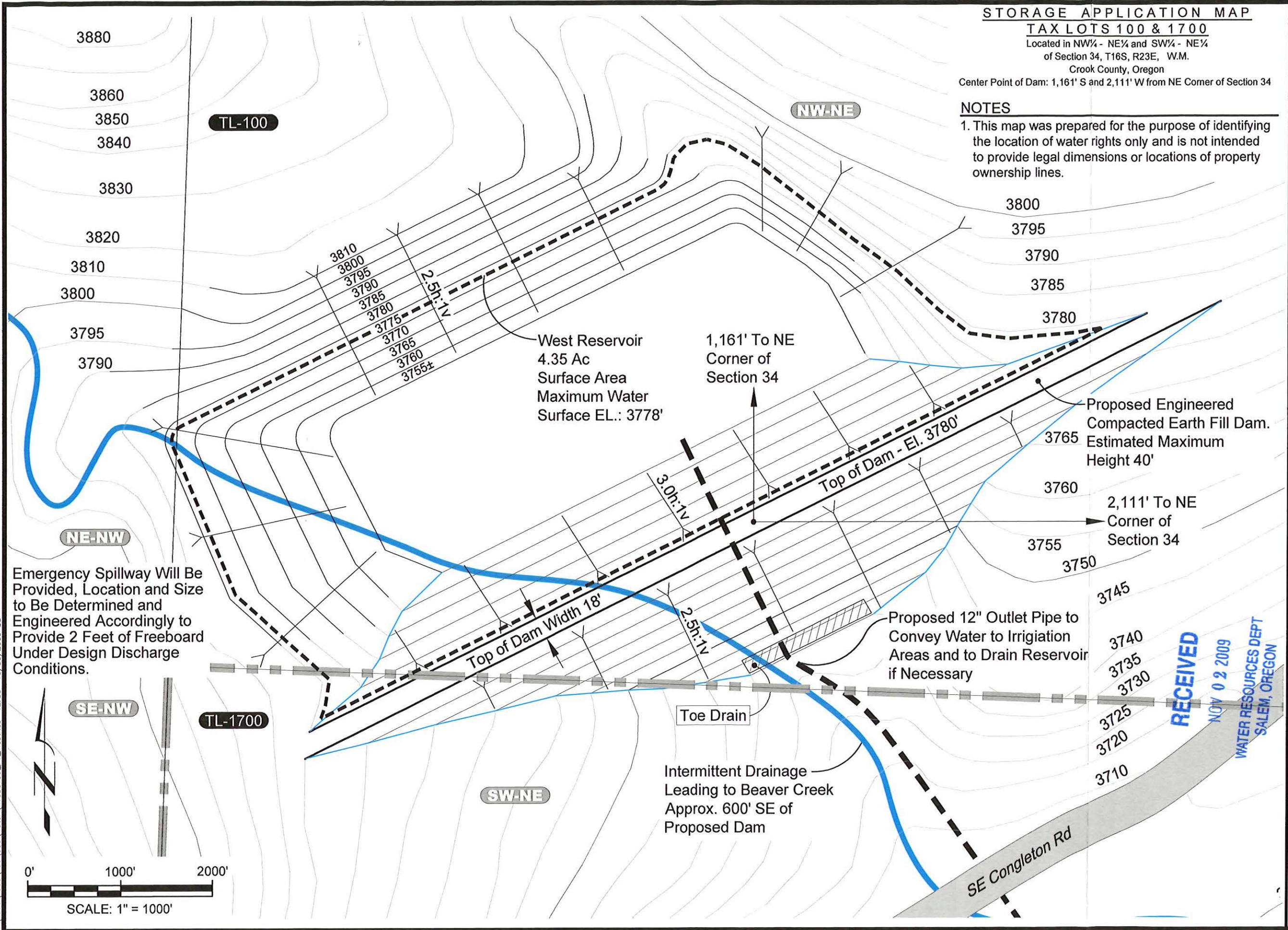
**TAX LOTS 100 & 1700**

Located in NW¼ - NE¼ and SW¼ - NE¼  
of Section 34, T16S, R23E, W.M.  
Crook County, Oregon

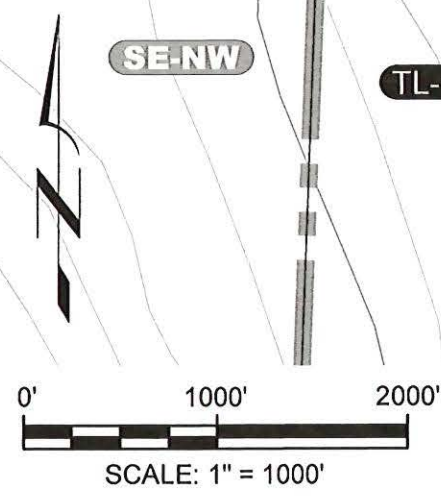
Center Point of Dam: 1,161' S and 2,111' W from NE Corner of Section 34

**NOTES**

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.



Emergency Spillway Will Be Provided, Location and Size to Be Determined and Engineered Accordingly to Provide 2 Feet of Freeboard Under Design Discharge Conditions.



**Proposed West Reservoir, Storage Application R-86935**  
Blue Mountain Ranch  
Crooked River Basin, Crook County, Oregon



**NEWTON CONSULTANTS INC.**  
Earth, Water and Rock Specialists  
Ph: 541 504-9860  
Fax: 541 504-9861

DESIGNED BY:	K. Turner
DRAWN BY:	S. Schenck
DATE:	Oct 2009
PROJECT NO.:	1050-103
FIGURE	3

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