FILE#: R 73778

U.S. BUREAU OF LAND MANAGEMENT; VALE I
100 OREGON ST
VALE, OR 97918

Application No. R-73778

Permit No. _____

Certificate No. 69037

Stream Index, Page No. 9

FEES PAID

Date	Amount	Receipt No.
1/10/94	50.00	108671 EXAM FEE
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until _____

Return to applicant _____

Date of approval _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water _____

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

REMARKS

Application No. 73778

Permit No. .....

Name U.S. BUREAU OF LAND MANAGEMENT; VALE I

Address 100 OREGON ST .....

VALE, OR 97918 .....

Assigned .....

Address .....

Beginning construction .....

Completion of construction .....

Extended to .....

Complete application of water .....

Extended to .....

Form 111

STATE OF OREGON
COUNTY OF Baker

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF LAND MANAGEMENT; VALE DISTRICT
100 OREGON ST
VALE, OR 97918

confirms the right to store the waters of
WEST ROHNER (58-4506) RESERVOIR AND STORE WATERS OF AN UNNAMED INTERMITTENT STREAM, A TRIBUTARY OF DRY CREEK
for WILDLIFE AND LIVESTOCK.

The right to store and use these waters was perfected under Reservoir Application R-73778. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 0.11 ACRE-FOOT

Located as follows:
SW 1/4 NE 1/4 SECTION 28, TOWNSHIP 9 SOUTH, RANGE 42 EAST WM.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

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

WITNESS the signature of the Water Resources Director, affixed **FEBRUARY 27, 1996.**

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 69037

WaterWatch

RECEIVED
FEB 16 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Via FAX and Regular Mail

February 14, 1995

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

Re: Objection to Technical Reports for:
73584, Lower Powder River Irrigation, Supp. Irrig., Powder
73481, Kopp, Irrigation, Domestic, Livestock, Dutch Gulch Spgs.
73778, BLM, Livestock, Wildlife, Dry Creek
73779, BLM, Livestock, Wildlife, Prichard Creek
73468, McCord, Wildlife, Livestock, McMullen Slough
73268, 73269, Daniels, Recreation, Livestock, Wildlife, Powder River
72901, Clear Creek Reservoir, Supp. Irrigation
72625, Noble, Livestock, Wildlife, Pine Creek
72487, Torrance, Livestock, Pine Creek
72212, Stevenson, Irrigation, Powder
72272, Hutcheon, Livestock and Wildlife, Tadpole Springs
Powder River Basin

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain some of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in our objections to G-12395 which is hereby incorporated into this objection letter.

◆ **The Water Availability Analyses in the Technical Reports are Defective**

The analysis in each application is defective for the following reasons:

- It fails to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analyses takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to adequately consider rights-of-record. At any given moment there may be valid, but unexercised water rights in a basin. Water users may at any time use the water to which they are legally entitled up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights-of-record results in an over-estimation of water availability and over-

allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The technical reports fails to contain any analysis of water availability, contrary to OAR 690-11.

- The water availability analysis fails to take into consideration other pending water applications. There are a huge number of applications moving forward in this basin (these are only some of them!). Failure to take into account the other applications which are being proposed for issuance results in the overestimation of the capacity of the resource to sustain the proposed uses which results in overallocation of the resource.

- The water availability analyses fail to take into account pending instream water rights on the mainstem Powder. Failure to take the instream water right applications into account when doing the water availability analysis results in an overestimation of actual water availability.

◆ **The Uses as Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and and 537.170. See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f).

1. The proposed uses are likely to impair the public interest because they will deplete flows necessary to maintain the quantity needed by instream uses.

The Powder River and its tributaries support a variety of instream uses, including providing habitat for fish. It also drains into the Snake River where the Chinook and Sockeye salmon have been listed under the Federal Endangered Species Act. Flows from the Powder River System are essential to the flow levels in the Snake River.

The water availability tables in the technical reports fail to take into account flows necessary to maintain fish populations in the Powder River and the threatened and endangered fish populations in the Columbia River System. It also fails to take into account pending senior applications by the Oregon Department of Fish & Wildlife for instream water rights for the Powder River mainstem. These flows are essential for rainbow and brook trout populations in the basin. This is consistent with the statewide policy on water allocation requires that applications for out-of-stream water rights be subject to review to ensure that public values are protected. OAR 690-410-070(2). See also Instream Flow Protection policy OAR 690-410-030.

Attempts by the Department to estimate water availability confirm that the Columbia System (which includes its tributaries the Snake River and the Powder River) are already overallocated. Using 80% exceedence flow figures and flow proposed by the Columbia Basin Fish and Wildlife Authority, fish needs are not met in the Columbia River from at

Oregon and Idaho to secure one million acre feet of **additional** water from the Upper Snake River Basin for mainstem fish flows. If permitted, these uses will effect flows needed to conserve and maintain fish life and habitat in the Columbia River system and the Powder River Basin.

The state and federal Endangered Species Acts place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival of recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced Palilia case, the oft-cited case on habitat alteration rising to the level of take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

2. Measurement and Reporting

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

The surface waters of the Powder basin are overallocated. The information generated by these proposed conditions are essential to the management and control of the water resource. **If** these uses were to be permitted, water use measurement and reporting would be essential for protection of the public interest in the resource and must be a condition of use. However, we question the Department's ability to control these uses, **even** with these requirements.

3. Screening and Passage Conditions are inadequate

Given the critical status of fish populations in this river system and the adverse effects this diversion will fish habitat, screening and passage must be mandatory and clearly be required to be in place **before** any storage or diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

4. Water Quality Concerns

The Powder River is designated by the DEQ as water quality limited for several pollution assessment parameters such that the River is incapable of supporting the listed beneficial use of water contact. When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

> constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

> To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

> Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the

multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); ORS 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the creek. See also OAR 690-11-195(4)(c).

The technical reports do not reveal whether or not DEQ has made a determination regarding the effect these proposed uses on the water quality of the Powder River. Mining, livestock and irrigation uses may result in discharges to surface waters. If so, the Association must obtain an NPDES permit prior to any discharges. Until the DEQ has done this analysis, the Department has insufficient information upon which to make a public interest determination.

5. The proposed uses are contrary to Oregon policy.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). The Commission's review relating to instream needs is not limited to existing instream water rights or applications for water rights, it must also consider instream flow needs that are not specifically protected. OAR 690-410-070(2)(h). No such consideration has been done.

6. Conservation Conditions are Inadequate

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. Given the presence of potentially listed winter steelhead and coho, the water quality problems and the fact that the proposed use is these type of uses are known to cause these existing problems it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place prior to any approval of this proposed used.

7. Livestock

The use of water for livestock which is contemplated in applications 73481, 73778, 73779, 73468, 72625, 72487, 72272 are not in the public interest because it is not sufficiently conditioned to protect the resource. Livestock will enter the riparian areas and stream beds not only to drink from the stream, but also to eat the lush riparian vegetation. Failure to require fencing of the riparian area as a condition of water use results in no assurance that livestock will stay out of the riparian areas. Thus, the use as proposed is not in the public interest.

Sincerely,

K. Priestley

Kimberley Priestley
Legal/Policy Analyst

SURNAME
SRW 4/15/94
BLG 4/15/94

7250

APR 15 1994

Mr. Reed Marbut
Oregon Water Resources Department
158 12th Street N.E.
Salem, Oregon 97310-0210

Dear Mr. Marbut:

Enclosed is a list of projects and application numbers for which the Vale District, Bureau of Land Management submitted Applications for a Permit to Construct a Reservoir. As these projects are now subject to the provisions covered under the Oregon Legislature's 1993 passage of HB2153, we are requesting that each of these applications be processed by the Oregon Water Resources Department pursuant to HB2153.

If additional information is required, please contact Brent Grasty at this office (503) 473-3144.

Sincerely,

JAMES E. MAY

James E. May
District Manager

Enclosures (as stated)

BGrasty:dmz:41594:O:\DATA\SHARE\OUTBASKE\RES\HB2153

The following is a list of reservoirs submitted by the Vale District, Bureau of Land Management, as Applications to Construct a Reservoir. Each of the following is subject to the provisions and processes covered under HB2153, passed by the1993 Oregon Legislature. Please process these applications under these provisions.

OWRD Application Number	BLM Project Name	BLM Project Number
R-73102	BRIT RESERVOIR	68- 5418
R-73103	CHALK ROCK PIT RESERVOIR	68- 4787
R-73104	HORSE SPRING RESERVOIR	68- 4068
R-73105	LITTLE COLE SPRING RESERVOIR	68- 5381
R-73106	SNOWSHOE RESERVOIR	11- 0
R-73107	TWELVE MILE PIT RESERVOIR	68- 1799
R-73108	TWELVEMILE RIDGE RESERVOIR	68- 5742
R-73109	WARM SPRINGS RESERVOIR	68- 5861
R-73509	LAVA PASTURE RESERVOIR	68- 5042
R-73510	BARREL RESERVOIR	48- 4728
R-73511	BLUE MOUNTAIN NO.5 RESERVOIR	68- 87
R-73512	SUNDANCE RESERVOIR	48- 4824
R-73513	BUCKBOARD RESERVOIR	48- 154
R-73514	DEEP DRAW RESERVOIR	48- 4370
R-73515	SPOTTED HORSE RESERVOIR	48- 4821
R-73516	McEWEN RESERVOIR	48- 271
R-73517	SELLEY GAP PIT RESERVOIR	48- 23
R-73518	WILLOW BASIN RESERVOIR	48- 5289
R-73519	JUNIPER RESERVOIR	68- 1364
R-73520	RIVERSIDE NO.2 RESERVOIR	48- 15
R-73521	LOVELAND CANYON RESERVOIR	68- 45
R-73522	QUICK FILL RESERVOIR	48- 4376
R-73523	RAW BUTTE RESERVOIR	48- 6602
R-73524	CURREY CANYON NO.2 RESERVOIR	48- 5254
R-73525	FENCE RESERVOIR	48- 5016
R-73525	PALAMINO CREEK NO.2 RESERVOIR	68- 5592
R-73567	PASTTIME RESERVOIR	68- 5862
R-73568	GOLD CREEK NO.1 RESERVOIR	48- 4256
R-73569	BIG BRUSH RESERVOIR	68- 1544
R-73570	OREGON CANYON NO.1 RESERVOIR	68- 137
R-73571	CROSS ROADS RESERVOIR	68- 1764
R-73572	OREGON CANYON NO.2 RESERVOIR	68- 1545
R-73573	BLUE MOUNTAIN NO.4 RESERVOIR	68- 86
R-73574	SAGEBRUSH RESERVOIR	48- 4726
R-73575	UPPER BONEY SPRINGS RESERVOIR	68- 5739
R-73576	UPPER DEACON FLAT RESERVOIR	48- 696
R-73577	DUKE RESERVOIR	48- 4829
R-73578	ARRIEN NO.1 RESERVOIR	48- 364
R-73579	EL GREGO RESERVOIR	48- 5608
R-73579	COW PATTI RESERVOIR	48- 5609
R-73588	DINKY RESERVOIR	68- 5867
R-73589	MUSTARD RESERVOIR	68- 6032
R-73590	DEAD HORSE BUTTE RESERVOIR	68- 50
R-73591	DINO RESERVOIR	48- 5562
R-73592	LITTLE LOUSE CANYON LAKE RESERVOIR	68- 1142
R-73623	THEO RESERVOIR	48- 5564

R-73624	OLD FENCE RESERVOIR	48- 5616
R-73625	GREGORY CREEK NO.2 RESERVOIR	48- 5189
R-73626	COOPER RESERVOIR	48- 5664
R-73627	LOWER MILLER RESERVOIR	48- 1463
R-73628	SOUTH RESERVOIR	48- 1461
R-73630	LOWER BLACK CANYON RESERVOIR	48- 5187
R-73630	GREGORY CREEK NO. 1 RESERVOIR	48- 5188
R-73631	BEULAH CREEK RESERVOIR	48- 1773
R-73632	KID FLAT RESERVOIR	48- 4658
R-73633	DAVIS RESERVOIR	48- 1352
R-73634	ANTELOPE FLAT NO.1 RESERVOIR	48- 307
R-73635	SECTION 5 RESERVOIR	48- 5915
R-73636	HALFWAY PIT RESERVOIR	48- 5762
R-73638	UPPER CHIMNEY CREEK RESERVOIR	68- 5763
R-73639	ANNEX RESERVOIR	68- 5767
R-73640	SADDLE BUTTE RESERVOIR	68- 105
R-73641	SKEDADDLE PIT RESERVOIR	68- 1794
R-73642	BRETZ RESERVOIR	68- 5913
R-73643	JOCK RESERVOIR	68- 5912
R-73644	DEEP HOLE RESERVOIR	68- 5914
R-73645	WILDHORSE SPRING NO.2 RESERVOIR	68- 5704
R-73645	WILDHORSE SPRING NO.3 RESERVOIR	68- 5695
R-73646	CORTA NO.2 RESERVOIR	68- 5911
R-73647	SHORT RESERVOIR	68- 5899
R-73648	RYE GRASS RESERVOIR	68- 112
R-73649	ROUGH RESERVOIR	68- 5898
R-73650	MIDDLE SADDLE BUTTE PIT RESERVOIR	- 5678
R-73652	JUNIPER WATERHOLE	58- 4322
R-73653	NORTH DORSETT GULCH RESERVOIR	58- 4475
R-73653	SOUTH DORSETT GULCH WATERHOLE	58- 4477
R-73653	BEDSPRINGS FLAT RESERVOIR	58- 4476
R-73653	WEST GUZZLER WATERHOLE	58- 4479
R-73653	WEST SARDINE RESERVOIR	58- 4474
R-73653	SOUTH GUZZLER WATERHOLE NO.2	58- 4478
R-73653	SOUTH GUZZLER WATERHOLE NO.1	58- 4478
R-73654	COLD RESERVOIR	48- 5566
R-73655	HOPE FLAT PIT RESERVOIR	48- 1704
R-73656	LITTLE JOHN RESERVOIR	68- 1373
R-73657	TWIN SPRINGS RESERVOIR	68- 34
R-73658	LAKE RIDGE RESERVOIR	68- 876
R-73659	IRON MOUNTAIN WATERHOLE	58- 4321
R-73660	PLEASANT VALLEY WATERHOLE NO.2	58- 4556
R-73660	EAST PLEASANT VALLEY NO.2 RESERVOIR	58- 4542
R-73660	EAST PLEASANT VALLEY NO.1 RESERVOIR	58- 4526
R-73660	E. PLEASANT VALLEY NO.1 RESERVOIR	58- 4526
R-73661	ANTELOPE SPRING RESERVOIR	48- 418
R-73661	BULL CANYON HEADWATER	48- 5908
R-73661	CRUMENT RESERVOIR	48- 5454
R-73662	FEATHER PIT RESERVOIR	68- 1811
R-73663	LAKE EDGE PIT RESERVOIR	68- 5701
R-73664	HIDDEN RESERVOIR	68- 5900
R-73665	EUGLENA RESERVOIR	68- 2083
R-73666	LOST RESERVOIR	68- 5903
R-73667	HOLDING CORRAL RESERVOIR	68- 2140
R-73668	WILDHORSE SPRING NO.1 RESERVOIR	68- 5703
R-73669	BOGUS BENCH RESERVOIR	68- 5758
R-73670	WEST CRATER PIT RESERVOIR	68- 4588

R-73696	WEST BENCHMARK RESERVOIR	48- 5928
R-73697	BRISTOL RESERVOIR	48- 5006
R-73698	JENKINS NO.1 RESERVOIR	48- 1029
R-73699	CLARK CANYON NO.1 RESERVOIR	48- 5455
R-73700	PHIPPS CREEK NO.1 RESERVOIR	48- 5614
R-73702	PHIPPS CREEK NO.2 RESERVOIR	48- 5615
R-73703	PINE TREE RESERVOIR	48- 5909
R-73704	NEEDHAM WELL RESERVOIR	48- 5433
R-73705	RIMROCK RESERVOIR	48- 5004
R-73706	SACRAMENTO BUTTE RESERVOIR	48- 1973
R-73707	RHINEHART CREEK RESERVOIR	48- 315
R-73708	SADDLEHORSE RESERVOIR	48- 5007
R-73708	UPPER SADDLEHORSE CREEK RESERVOIR	48- 5929
R-73709	LITTLE MUD FLAT RESERVOIR	48- 1356
R-73718	LAKE RIDGE SPRING PIT RESERVOIR	48- 4335
R-73718	POVERTY RESERVOIR	48- 958
R-73718	LAKE RIDGE CHARCO PIT RESERVOIR	48- 5258
R-73719	LITTLE COLE SPRINGS RESERVOIR	68- 5381
R-73720	DISASTER PEAK RESERVOIR	68- 4570
R-73721	DRY DRAW RESERVOIR	68- 1218
R-73722	BLUE RESERVOIR	48- 5644
R-73723	QUARTER PIT RESERVOIR	48- 4671
R-73724	HARVEY RESERVOIR	48- 5662
R-73724	BOGART RESERVOIR	48- 5663
R-73724	FRITZ RESERVOIR	48- 5910
R-73725	MOSQUITO CREEK PIT NO.3 RESERVOIR	48- 2056
R-73726	WOOLHAWK PIT NO.1 RESERVIOR	68- 5045
R-73728	INDIAN CHARCO PIT RESERVOIR	48- 5257
R-73728	BURNT MOUNTAIN PIT RESERVOIR	48- 5906
R-73728	JUNIPER SPRING PIT RESERVOIR	48- 5285
R-73728	LAKE RIDGE RESERVOIR	48- 4273
R-73773	RUN THRU RESERVOIR	68- 5917
R-73774	EAST HORSE RIDGE PIT RESERVOIR	68- 5075
R-73775	LOVELAND HORSE CAMP RESERVOIR	68- 5730
R-73776	GRASSHOPPER RESERVOIR	58- 4461
R-73776	D RESERVOIR	58- 4462
R-73776	M RESERVOIR	58- 4456
R-73777	LITTLE HOLE RESERVOIR	68- 3571
R-73778	WEST ROHNER RESERVOIR	58- 4506
R-73779	LOWER WIDMAN RESERVOIR	58- 4470
R-73779	R RESERVOIR	58- 4463
R-73779	TRUSCOTT RESERVOIR	58- 4458
R-73779	CHRIS LEE WATERHOLE	58- 4469
R-73779	HORSE WATERHOLE	58- 4466
R-73779	SECTION 15 RESERVOIR	58- 4459
R-73779	SHEEP WATERHOLE	58- 4465
R-73783	DRY CREEK NO.2 RESERVOIR	48- 373
R-73784	EAST MCEWEN RESERVOIR	48- 5935
R-73785	REN RESERVOIR	48- 5932
R-73785	SWAMPY RESERVOIR	48- 5931
R-73786	HANSEN WATERHOLE	48- 1972
R-73786	BIG LAKE WATERHOLE RESERVOIR	48- 1348
R-73802	MUD FLAT NO.2 RESERVOIR	68- 1237
R-73803	HORSESHOE RESERVOIR	68- 5071
R-73804	ANTELOPE SPRING NO.3 RESERVOIR	68- 5916
R-73805	SKULL CREEK RIM NO.2 RESERVOIR	68- 5729
R-73806	IRON DAM PIT RESERVOIR	68- 1916

R-73807	HORSE SHOE RESERVOIR	68- 1911
R-73808	RABURN PIT RESERVOIR	68- 5539
R-73809	UPPER BATTLE CREEK RESERVOIR	68- 3701
R-73810	S RESERVOIR	58- 4165
S-20491	SQUAW CREEK RES	48- 4000
S-73727	WOOLHAWK PIT NO.1 RESERVOIR	68- 5045

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # R-73778

WATERWATCH

ODF&W - County: Baker

WATERMASTER #: Vernon Church

REGIONAL MANAGER: Kent Seailes

CWRE: Vernon Pritchard

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES: X — DIV 33 —

CASEWORKER (initials/date) D Miller ORIGINAL TO APPLICANT 6/28/94

TRS CNE 94

Oregon

WATER
RESOURCES
DEPARTMENT

December 6, 1994

U.S. BUREAU OF LAND MANAGEMENT; VALE DISTRICT
100 OREGON ST
VALE, OR 97918

Reference: File R 73778

Dear Applicant:

The Water Resources Department has finished the first step of its analysis of your application. Enclosed is a copy of this first report, which is called the Report of Technical Review.

The technical review is the Department's legal and scientific analysis of the application, including a calculation of the expected availability of water for your proposed use, an analysis of whether the use would conflict with other existing water rights, and if the use is compatible with the Department's river basin programs and local land use plans. Step two, is the 60-day public review period.

In the case of your application, the Technical Review was satisfactory, and it concluded that water would be available for this use for the time period described in the permit conditions of the attached Report. The Report also includes other conditions which may be placed in the water right permit to protect other water users, the public or fish and wildlife resources.

The Report of Technical Review is only the first step of the review process and does not authorize you to construct a water system or to use the public waters. The Report does not represent any commitment by the Department ultimately to approve your application. Before a permit may be granted, the Department must complete a public interest review.

In this second step of the review process, state regulations require that other water users and the general public be given an opportunity to object to your proposed water use. You also may object to any of the Department's findings or proposed permit conditions contained in the technical report. If you wish to object, you must file your objection with the Department in writing by **5 p.m. on or before FEBRUARY 16, 1995.** Interested parties must also submit their objections before the same deadline.

Please review the enclosed informational sheet which describes the appeals process and the steps that must be taken by any party objecting to your Report of Technical Review or by parties wishing to protest issuance of the permit.

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

If you have questions, please feel free to telephone me or any of the Department's Water Rights Division staff members. My telephone number is 378-3739 in Salem, or you may call toll-free from within the state to 1-800-624-3199.

Sincerely,

Dallas Miller
Water Rights Division

Enclosures

Report Date: December 6, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: FEBRUARY 16, 1995

1. APPLICATION FILE NUMBER -R 73778

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

U.S. BUREAU OF LAND MANAGEMENT; VALE DISTRICT
100 OREGON ST 503-473-3144
VALE, OR 97918
COUNTY OF BAKER

Date application received for filing and/or tentative date of priority: 11/17/1993

SOURCE: INTERMITTENT STREAM, A TRIBUTARY OF DRY CREEK

Purpose and/or use: STORE WATER FOR WILDLIFE AND LIVESTOCK.

Volume: 0.11 ACRE-FOOT

Point of Diversion Location:
SW 1/4 NE 1/4, SECTION 28, T 9 S, R 42 E, W.M.;
6875.72 FEET SOUTH & 2531.91 FEET WEST FROM NE CORNER, SECTION 21.

Reservoir location:

SW 1/4 NE 1/4
SECTION 28
TOWNSHIP 9 SOUTH, RANGE 42 EAST, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.11 acre-foot is likely available for storage for 5 months.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: R 73778

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.

2. Water may be stored during the period: NOVEMBER 1 THROUGH MARCH 31.

3. Volume of use: 0.11 ACRE-FOOT

4. Water use development requirements:

   A. Begin construction by (one year from issuance of permit).

   B. Complete construction by October 1, 1996.

   C. Completely apply the water to beneficial use by October 1, 1997.

5. Measurement recording and reporting conditions:

   A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

   B. 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.

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

7. The 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.

8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

9. The total area proposed to be submerged by the reservoir, when full is 0.073 acre; the proposed maximum depth of water in feet is 2.8; the maximum height of the dam is 5.1 feet.

10. "Installation of an outlet conduit would threaten the integrity of the existing structure. Should an outlet conduit be required at some later date to satisfy priority water distribution needs, one shall be installed using appropriate safeguards and construction techniques, or the structure may be breached or reconstructed."

11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

12. The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

Oregon

WATER
RESOURCES
DEPARTMENT

December 6, 1994

U.S. BUREAU OF LAND MANAGEMENT; VALE DISTRICT
100 OREGON ST
VALE, OR 97918

Reference: File R 73778

Dear Applicant:

Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Because your application was filed on waters upstream from Bonneville Dam after July 17, 1992, you must provide information that shows that the proposed water use complies with existing state and federal water quality standards.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Dallas Miller

Dallas Miller
Water Rights Division

cc: VERNON PRITCHARD, CWRE

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

WATER AVAILABILITY TABLE

Basin: Powder
Water Availability Subbasin: 0202200000000000 (and Nested Subbasins)
Exceedance Level: 50
Time: 12:57 Date: 12/06/1994

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0200000000000000	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES
2	0202000000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES
3	0202200000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES

Powder River above

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0202200000000000

Basin: Powder

Exceedance Level: 50

Time: 12:57 Date: 12/06/1994

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0202200000000000	POWDER R	YES	127.0
2	0202200000000000	POWDER R	YES	238.0
3	0202200000000000	POWDER R	YES	423.0
4	0202200000000000	POWDER R	YES	554.0
5	0202200000000000	POWDER R	YES	355.0
6	0202000000000000	POWDER R	YES	320.0
7	0202000000000000	POWDER R	NO	-234.0
8	0202000000000000	POWDER R	NO	-297.0
9	0202000000000000	POWDER R	NO	-104.0
10	0202000000000000	POWDER R	YES	26.6
11	0202000000000000	POWDER R	YES	48.9
12	0202000000000000	POWDER R	YES	30.4
Stor	0202200000000000	POWDER R	YES	127000.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: Powder
Stream: POWDER R > SNAKE R
Water Availability Subbasin: 0202200000000000
Exceedance Level: 50
Time: 12:58 Date: 12/06/1994

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Water Available 1/1/93	CU + Stor After 1/1/93	Net Minimum Flow	Instream Water Rights	Net Water Available
1	269.00	92.00	177.00	0.02	177.00	50.00	127.00
2	416.00	118.00	298.00	0.04	298.00	60.00	238.00
3	681.00	188.00	493.00	0.17	493.00	70.00	423.00
4	969.00	344.00	625.00	1.30	624.00	70.00	554.00
5	1390.00	963.00	427.00	1.80	425.00	70.00	355.00
6	1280.00	859.00	421.00	2.16	419.00	70.00	349.00
7	326.00	483.00	-157.00	0.00	-157.00	50.00	-207.00
8	259.00	478.00	-219.00	0.00	-219.00	50.00	-269.00
9	132.00	171.00	-39.10	0.00	-39.10	50.00	-89.10
10	104.00	18.20	85.80	0.53	85.30	50.00	35.30
11	149.00	42.00	107.00	0.01	107.00	50.00	57.00
12	186.00	103.00	83.20	0.01	83.20	50.00	33.20
Stor	369000	163000	163000	362	162000	32300	130000

TECHNICAL REVIEW CHECKLIST

11/4/94

1. Application: R-73778

2. Review Date: 12 6 94 D Millar

S indicates information was completed or adequately addressed.
U indicates information is needed, or incomplete, or inadequately addressed
N/A indicates Not Applicable

SUMMARY

N/A	Land Use
NA/yes/no	Substantial SW interference w/GW (if yes, see results of surface water availability analysis)
S	Conflicts Copy Plat card(s), copy maps of other affected wRs. Staple to this sheet.
S	Water Availability (62 0220) (Water Availability Sub-basin#)
S	The application, map and supporting data are complete and free of defects.
yes/NA	A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

3. S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge. An oath is required before a permit is issued regardless of the application's priority date.

5. S Application fees:

FEE NOTES:

Examination fee:	$ 40 -
Recording fee:	$ 10 -
TOTAL REQUIRED	$ 50 -
TOTAL SUBMITTED	$ 50 -
AMOUNT DUE prior to issuance of permit	$ 0
AMOUNT OVERPAID refund due applicant	$ 0

6. S Proposed dates of beginning and completion of construction, and complete application of water.

7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)

8. N/A Ford A written copy of the legal description of the property on which the water is to be used.

9. N/A — A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

10. N/A — No statement of ownership was required for applications filed before August, 1990.

11. S — The proposed use is not restricted or prohibited by statute.

12. S — The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

13. KS — One or more of the use(s) are allowed under the basin program; OAR 690 - 509-601 (1). (GA) initials

Uses applied for: Storage (livestock & wildlife)

Discussion: X Div 33 review applies

Water Quality Check

14. N/A — DEQ has provided notice to the WRD concerning limitations of appropriation from surface water sources designated as TMDL streams. This application does not propose to appropriate water from a source that has been identified by the DEQ as a TMDL stream.

15. N/A — This application proposes to appropriate water from a source that has been identified by the DEQ as a TMDL stream and has been limited to months when water quality will not be impaired.

Land Use Compatibility: As expressed by the Planning Department of _____.

15. _____ — The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).

16. N/A — The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

17. _____ — The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

18. N/A — Plans, specifications and supporting information for the dam and impoundment area must be approved by dam safety before a technical review is issued. Plans and specifications are not required for dams less than 10 feet in height and store less than 9.2 acre-feet. (OAR 690, Div 20)

TOWNSHIP 9S . RANGE 42E W. M. SECTION 28

N E				N W				S W				S E				Application Number	Permit Number	Certificate Number
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Acreage in lot or legal subdivision as shown on government plat. If other than 40 acres																		
	SM															72428		
		RES														R-73778		

Application No. R-73778

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Bureau of Land Management, Vale District
(Please print or type - use dark ink)

Mailing Address: 100 Oregon Street, Vale, Oregon 97918 503-473-3144
City State Zip Daytime Phone No.

I (We) make application for a permit to construct **West Rohner (58-4506)** reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: **an unnamed intermittent stream**, a tributary of **Dry Creek**.

   If not in channel of a stream, state how it is to be filled: _____

2. **THE DAM:** The maximum height of the structure will be **5.1** feet above stream bed or ground surface at the centerline.

The dam will be (check) **X** earthfill, ____ concrete, ____ flashboard, ____ other.

If "other" give description: _____

Give the location, description, and dimensions of the outlet conduit: **None**

NOTE: All dams across natural stream, channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE**(s) of the impounded water will be: **Wildlife and livestock.**

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SALEM, OREGON

4. ***THE AMOUNT OF WATER*** *to be stored is:* ***0.11*** *acre-feet.*

The area submerged by the reservoir, when filled, will be ***0.073*** *acres,*

and the maximum depth of water will be ***2.8*** *feet.*

5. ***SPILLWAY DESCRIPTION*** *(location and dimensions). State whether over or around the dam.*

Around the right abutment of the dam.
Bottom width - 3.0 feet.
Top width - 7.0 feet.
Spillway crest to dam crest - 1.3 feet.

6. ***PROJECT SCHEDULE:*** *(List month and year)*

Proposed date construction work will begin ***Existing structure.***

Proposed date construction work will be completed ***Existing.***

Proposed date water use will be completed ***Existing structure.***

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. *a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):*

X *Applicant* ____ *CWRE* _____ *Other (Identify in Remarks section)*

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

X *Applicant* ____ *CWRE* _____ *Other (Identify in Remarks section)*

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SALEM, OREGON

8. *Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership?* ***Yes*** *. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.*

REMARKS:

This structure, and the water stored therein, is on Federal lands, managed by the Bureau of Land Management, Vale District, Oregon. Consequently, the Land Use Information Form is not included.

The Reservoir is located in Baker County, and is listed in the Baker County Assessor's Office as on property owned by the United States of America.

The reservoir was constructed prior to 1975.

Failure of this structure would not pose a threat to life or property.

Installation of an outlet conduit would threaten the integrity of the existing structure. Should an outlet conduit be required later for water distribution needs, it would be installed using appropriate safeguards and construction techniques, or the structure may be breached or reconstructed.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use, and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

George D House — 11/10/93

Signature of Applicant — *Date*

GEORGE D. HOUSE
Assistant District Manager
for Operations

Signature of Co-Applicant, if any — *Date*

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WATER RESOURCES DEPT.
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

_____

_____

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19_____.

WITNESS my hand this _____ day of _____, 19_____.

_____

Water Resources Director

By:_____

This instrument was first received in the office of the Water Resources Director at_____, Oregon, on the_____day of _____, 19_____, at _____o'clock,_____M.

APPLICATION NO: R-73778

APPLICATION MAP FOR PERMIT TO CONSTRUCT A RESERVOIR

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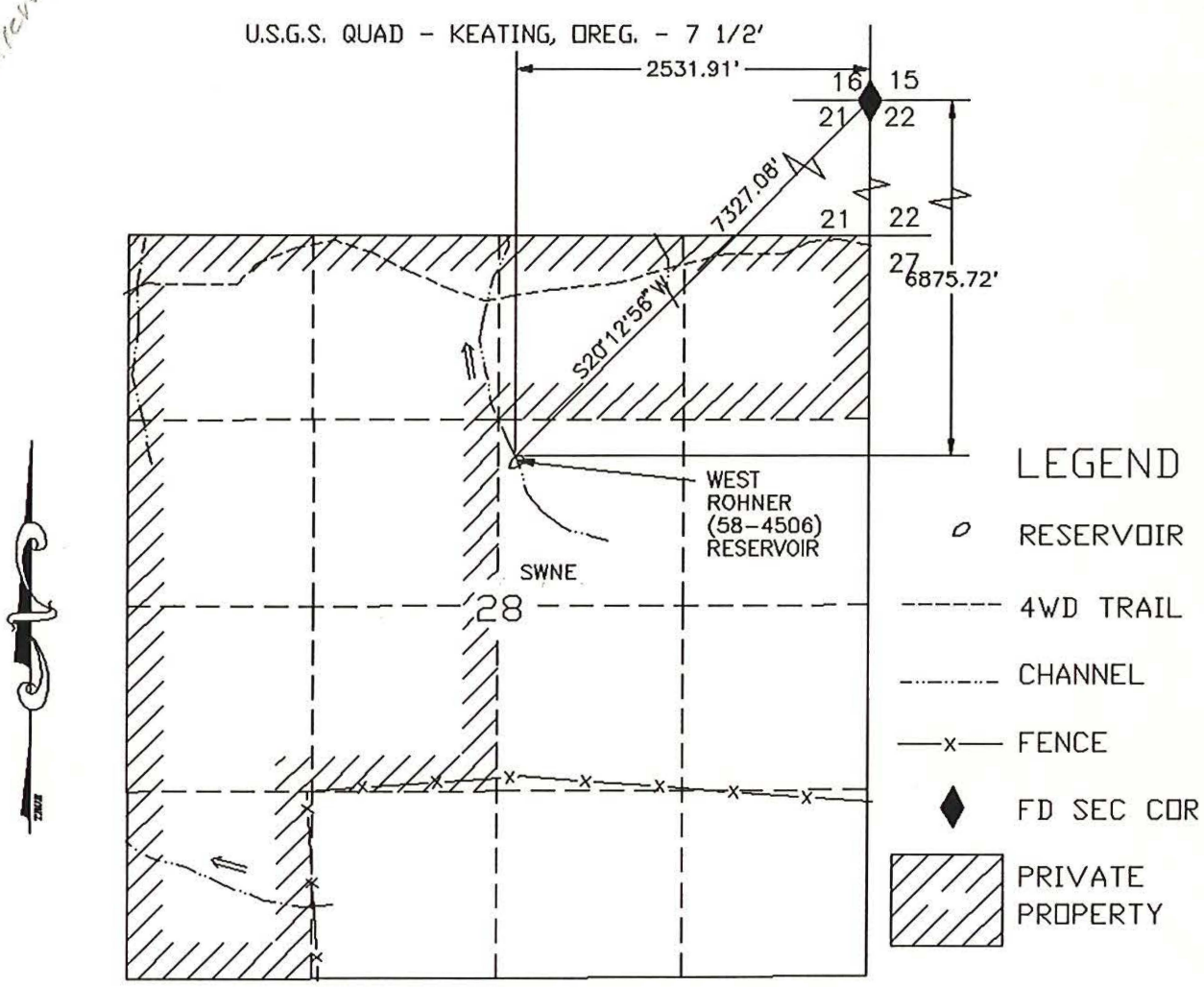
WATER RESOURCES DEPT.
SALEM, OREGON

SW1/4 NE1/4 SEC 28 T 9S R 42E W.M.

U.S.G.S. QUAD - KEATING, OREG. - 7 1/2'



WEST ROHNER (58-4506) RESERVOIR

Certified Water Right Examiner #182
Vernon R. Pritchard
May 17, 1988
STATE OF OREGON

1320 660 1320

SCALE 1"=1320'

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS FOR LOCATION OF PROPERTY BOUNDARIES.

ALWAYS THINK SAFETY

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT DIVISION OF OPERATIONS VALE DISTRICT	
WEST ROHNER (58-4506) RESERVOIR	
DESIGNED	
REVIEWED	
APPROVED George D Hocum CHIEF, BRANCH OF ENGINEERING	
DRAWN: CG	SCALE: 1"=1320'
DATE: 09/11/93	SHEET 1 OF 1
DRAWING NO. OR-03-9172.45-407	

ACAD RELEASE 11/DCA
DWG FILE: WROHNER.DWG

Application No. R-73778
Permit No.

"CERTIFICATE NO. 69037"

WaterWatch
OF OREGON

RECEIVED
DEC 22 1993
WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

December 20, 1993

RE: Application for Permit #R73773, 74, 75, 76, 77, 78, 79, 83, 84, 85, 85, 86, U. S. BLM, Baker & Malheur Co. Stock

WaterWatch has reviewed the limited amount of information contained in the public notice of these water right applications. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for these proposed uses? Does the Department have adequate data to accurately determine the 50% exceedence levels?

What effect will these proposed uses have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

These water sources may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect these proposed withdrawals will have on water quality?

If these water sources provide habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will these proposed diversions require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

Much of the surface water in Baker and Malheur Counties are already seriously overappropriated. Has the applicant submitted the water availability data required for those uses located within the Malheur Lake Basin? Will the department include a permit condition to require outlet facilities in these reservoirs so that inflow can be passed outside of any water storage season?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for these permits that will carry out and encourage compliance with state policy?

Are these uses among the BLM's existing illegal uses of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest? How will the Department determine any potential harm?

Please send WaterWatch a copy of the Department's technical review of this application.

Sincerely,

Jim Myron

bc:

WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

Oregon

WATER
RESOURCES
DEPARTMENT

December 7, 1993

U.S. BUREAU OF LAND MANAGEMENT; VALE DISTRICT
100 OREGON ST
VALE, OR 97918

REFERENCE: File(s) R-73773, R-73774, R-73775, R-73776, R-73777, R-73778, R-73779, R-73783, R-73784, R-73785, R-73786

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

REFERENCE: File(s) - R-73773, R-73774, R-73775, R-73776, R-73777, R-73778, R-73779, R-73783, R-73784, R-73785, R-73786

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

Steve Brown
Manager
Water Rights Division

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Vale District Office
100 Oregon Street
Vale, Oregon 97918

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

7250

NOV 15 1993

RECEIVED
NOV 17 1993
WATER RESOURCES DEPT.
SALEM, OREGON

Water Resource Department
3850 Portland Road N.E.
Salem, Oregon 97310

Dear Sir:

Please find enclosed the documents in application for a Permit to Construct a Reservoir to store water. This includes the completed Application to Construct and location map(s). Filing fees should be charged to the Blanket Purchase Order (U.S. Bureau of Land Management No. OR-030-PH7-409) agreement established between the Vale District and the OWRD.

The BLM project name and number for this reservoir is West Rohner (58-4506); please refer to this name/number combination in future correspondence. The reservoir is located in Township 09 South, Range 42 East, W.M., Section 28, SWNE.

This application should be routed through Steve Brown at OWRD. Please contact Brent Grasty (503-473-3144) if you have any questions.

Yours truly,

George House
Assistant District Manager
Operations

Enclosures (as stated)

Application No. R-73778
Permit No.

APPLICATION PROCESSING OUTLINE APPLICATION FILE # 78278
PRIORITY DATE _____

DATE	INITIALS	MINIMUM REQUIREMENTS TO FILE
12-2	PLD	Name and mailing address
		Source of water
		Quantity of water
		Location of project
		Use of water
		Signature of applicant
		Allowable use by policy
		State Engineer withdrawal
		Legislative withdrawal
		Land use approved _____ pending _____

FIELD OPERATIONS

			YES	NO
12/13/93	DLB	Application date stamped per money receipt date		
		Stream Indexed BASIN 9		
		Stream Code _____		
		Scenic Waterway _____		
		Findings:		
		1) Concluded - Scenic-Reg Ack letter		
		2) Under Study - Scenic-Ack letter		
		3) Basin 2 - Willamette-Ack letter		
12/13/93	DLD	Plat Carded and copy made	(YES)	NO
		Conflicts (well _____surface_____)	___	___
		Prior ISWR # _____	___	___
		Within Irrigation District _____ (name)		
		Notified	___	___
		District excerpt received	___	___
		Entered in Paradox		
		Prepare six copies of Draft Permit		
		Send one copy to Data Center		

SUPPORT SERVICES

12/8/93	CAM	Stamp contents with application number
		Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER
11	4	Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
4	4	Place label on file and card
/	/	If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section
/		Notify Irrigation District

FIELD OPERATIONS

			YES	NO
		Ownership Statement	___	___
		Name and address of all owners	___	___
		Other landowners notified	___	___
		Legal Description	___	___
		Need Commission review	___	___
		____ Requests greater than 5.0 cfs		
		____ Dam height greater than 20 feet		
		____ Storage greater than 100 acre-feet		
		____ Out of Basin diversion		
		____ Groundwater recharge project		
		____ Other substantial public interest		
		GW comments received _____ resolved _____		
		ODFW comments received _____ resolved _____		
		DEQ comments received _____ resolved _____		
		Interest Groups _____		
		Water availability received		
		Objections received _____ resolved _____		
		Protest received _____ resolved _____		
		Management Codes		

EXAMINATION FEE: _____
RECORDING FEE: _____
TOTAL: _____
REFUND: _____
DEFICIENT: _____

REMARKS: _____