2

Application No. S 86392
Permit No. S 54260
Certificate No. 95107

Name S-86392
By Cliff Curry
Address Little Fish Investments LLC
985 SW Disk Drive #110
Bend OR 97702

C10

Priority

County WM#

RELATED FILES

DEVELOPMENT Date

Completion 10-1-2010

Extended to

Final Proof received E:OBW 10/2/2014

Cert. Mailed 7/8/2020

Date

DENIED

MISFILED

WITHDRAWN

CANCELLED

Volume	Page

FEES PAID

Date	Amount	Receipt No.
8/8/05	500.00	76470
3/7/06	250.00	80201
10-3-10	175.00	121497
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS

MAP LOCATION

Rev. 04/03

Jeremy Giffin
Deschutes Basin Watermaster
District 11
South Central Region

Oregon
WATER RESOURCES
DEPARTMENT
Field Services Division
1128 NW Harriman St.
Bend, Oregon 97701
(541) 388-6669
Fax: (541) 388-5101
Jeremy.T.GIFFIN@wrd.state.or.us

App S-86392
Lindsey
541~~503~~-389-0203

Steve Marx
Ph 541-388-6365 x227
FAX 541-388-6281

14U622

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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.

LITTLE FISH INVESTMENTS
985 SW DISK DR #110
BEND, OR 97702 S-86392

9590 9403 0912 5223 1956 42

2. Article Number *(Transfer from service label)*
7016 0340 0000 9901 8318

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☒ Addressee

B. Received by *(Printed Name)* Taryn Turner

C. Date of Delivery 8/11/16

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED BY OWRD

AUG 15 2016

SALEM, OR

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING#

9590 9403 0912 5223 1956 42

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

Oregon Water Resources Department
725 Summer St NE STE A
Salem, OR 97301

PHILLIPS Stacy H S-86392

From: SAUTER Jerry K
Sent: Tuesday, August 23, 2016 10:30 AM
To: Michele Sims
Cc: PHILLIPS Stacy H
Subject: RE: Permit S-54260

Thanks for the update Michele
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@wrd.state.or.us

From: Michele Sims [mailto:sims.mw@gmail.com]
Sent: Tuesday, August 23, 2016 9:16 AM
To: SAUTER
Subject: Permit S-54260

Hi Jerry-
Working on another overdue permit (S-54260) for Cliff Curry. Should have it submitted before the deadline.

thanks-

Michele Sims PLS, CWRE
14865 Checkrein
Sisters, Oregon 97759
541-408-4777 (mobile)

Mailing List for Final Certificate

Copies Mailed

by: TM (STAFF)

on: 7/8/2020 (DATE)

Application: S-86392

Permit: S-54260

Certificate: 95107

Permit/Certificate Holder:

CLIFF CURRY
985 SW DISK DR #110
BEND OR 97702

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES -NT LITTLE FISH INVESTMENTS LLC IS CLIFF CURRY**

Copies of Final Certificate to be sent to:

1. Watermaster District #: 11
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

1. MICHELE W. SIMS, CWRE

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

DATE MAILED: JUL 0 8 2020

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

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

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CLIFF CURRY
985 SW DISK DR #110
BEND OR 97702

confirms the right to the use of water perfected under the terms of Permit S-54260. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-86392

SOURCE OF WATER: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE or USE: DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.134 CUBIC FOOT PER SECOND

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: AUGUST 8, 2005

The point of diversion and discharge point are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	13	NE SW	460 FEET SOUTH AND 1505 FEET EAST FROM W1/4 CORNER, SECTION 13

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q
18 S	11 E	WM	13	NW SW

Measurement, recording and reporting conditions:

A. The water user shall maintain, in good working order, a totalizing flow meter or other suitable measuring device as approved by the Director at the intake diversion point and the discharge point as identified in OAR 690-507-645.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

B. The water user shall allow the watermaster access to the meter; provided however, where the meter is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The surface water use must be 100% non-consumptive, must be returned to the originating source at or above the original point of diversion.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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

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

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

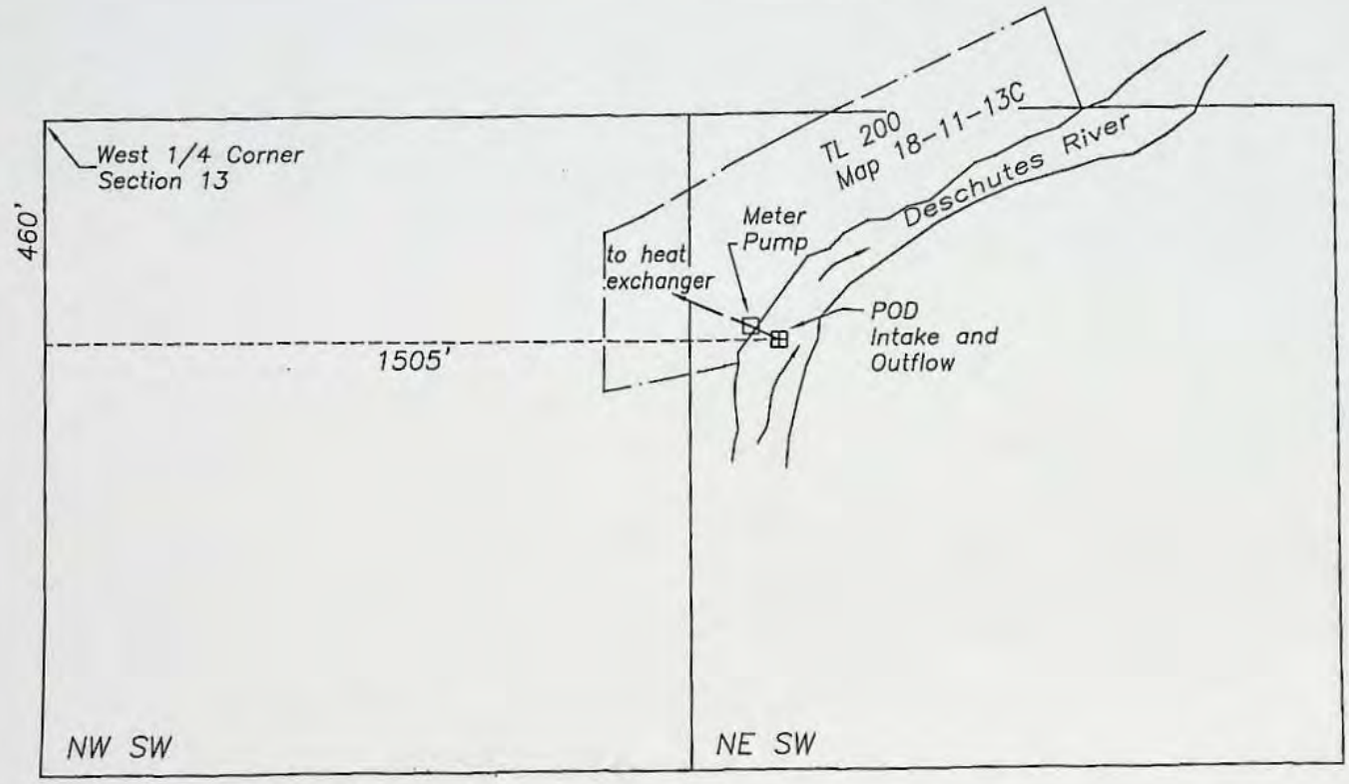
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Issued JUL 08 2020.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Claim of Beneficial Use
Application S-86392
Permit S-54260





9/14/2016

Certified Water Right Examiner
#60068
Michele W. Sims
July 14, 2004
STATE OF OREGON

Renewal date: 6/30/2018

Sec. 13
T18S, R11E, W.M.
Deschutes County, OR

400 0 400 800 1200

9/2/2016 curry cabu

GRAPHIC SCALE – FEET

Legend

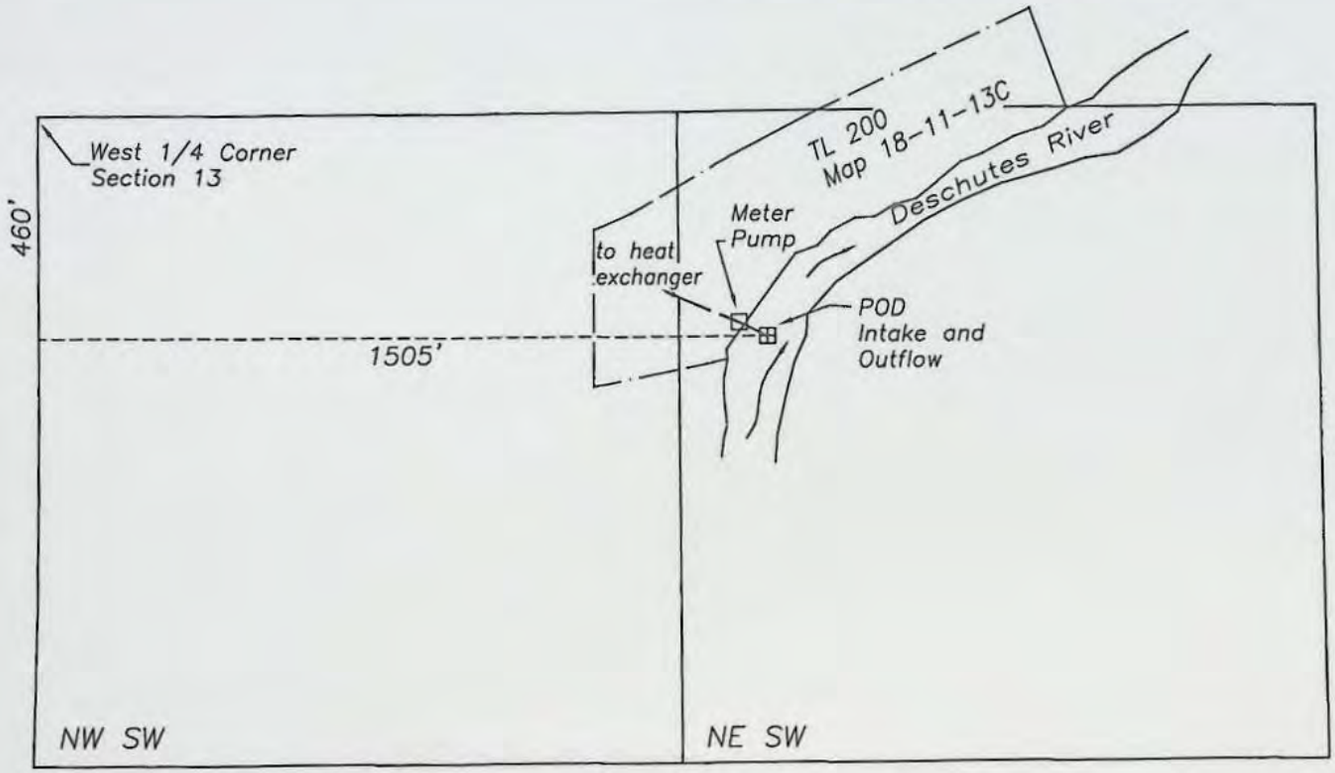
Property line

Mainline

This map is for the purpose of identifying the location of the water right. It is not intended to provide legal dimensions or locations of property ownership lines.

Michele W. Sims, Consultant, LLC 14865 Checkrein Sisters, OR 97759 541-408-4777

Claim of Beneficial Use
Application S-86392
Permit S-54260





9/14/2016
Certified Water Right Examiner
#60068
Michele W. Sims
July 14, 2004
STATE OF OREGON

Renewal date: 6/30/2018

Sec. 13
T18S, R11E, W.M.
Deschutes County, OR

400 0 400 800 1200

GRAPHIC SCALE – FEET

Legend

Property line

Mainline

This map is for the purpose of identifying the location of the water right. It is not intended to provide legal dimensions or locations of property ownership lines.

Michele W. Sims, Consultant, LLC 14865 Checkrein Sisters, OR 97759 541-408-4777

Final

MEMO –Proof to Satisfaction

Application # S-86392	Permit # S-54260	Transfer #
WRD Reviewer C. Holmes		Date 4-10-2020
WRD Peer Reviewer		Date

Research

___ Organize file in chronological order
___ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments,
Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
___ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
___ Water Organization identified using AOI? ___ No ___ Yes
If "Yes" cc: _____ & Add to Mailing List
___ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
___ Print Platcard & check for Place of Use Conflict? ___ No ___ Yes
If "Yes", provide copy of certificate & relevant map
___ Print BLM Cadastral Survey
___ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ___ No ___ Yes
If "No", either _____WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

n/a Fish Conditions
YES Meter/measuring device - TFM
_____ Water Use Reporting - MAY
_____ Pump Test (post December 19, 1988)
_____ Other Conditions _____
_____ SWL
YES C-Date OCT. 1 2010
MAR. 30 2006
_____ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)
0.747

NOTES:

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

___ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

___ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:

App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____

NOTES:

_____

_____

_____

_____

_____

_____

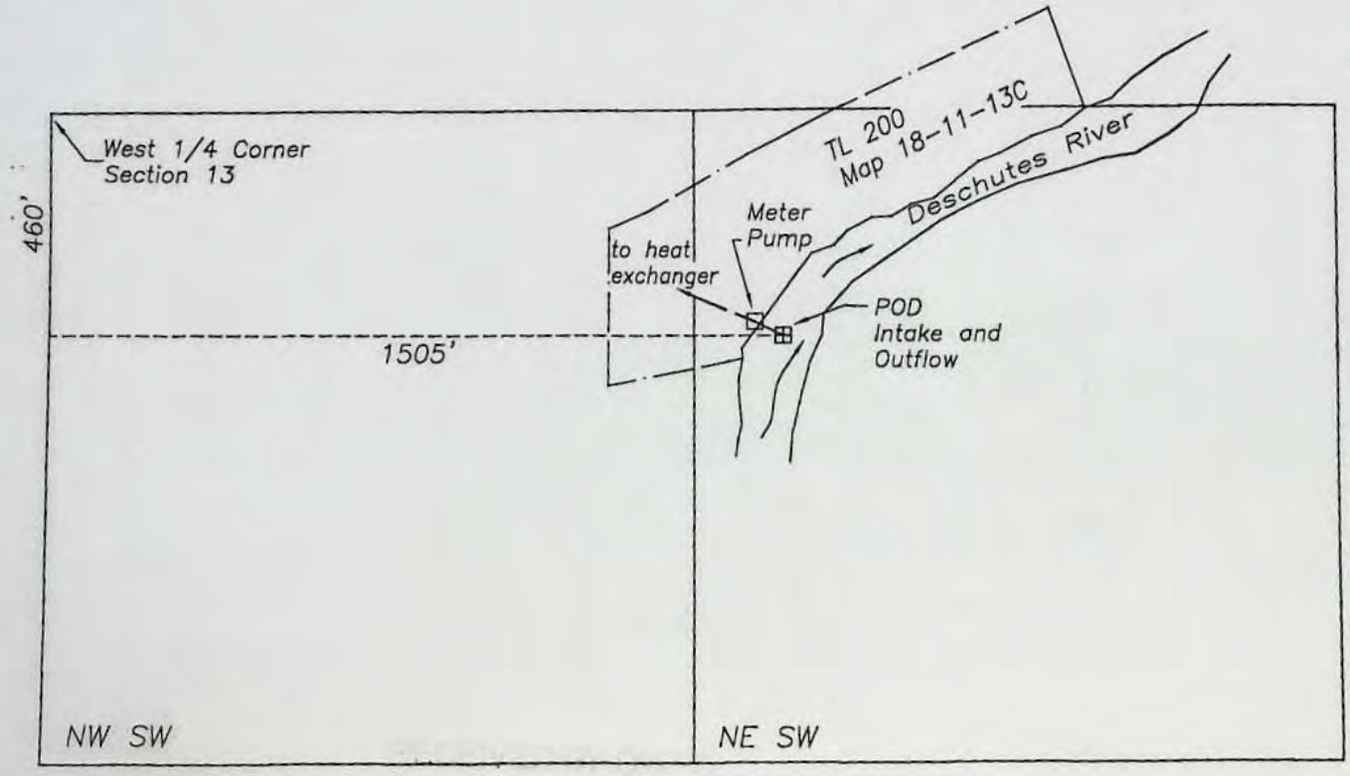
_____

_____

_____

_____

Claim of Beneficial Use
Application S-86392
Permit S-54260





9/14/2016

Certified Water Right Examiner
#60068
Michele W. Sims
July 14, 2004
STATE OF OREGON

Renewal date: 6/30/2018

Sec. 13
T18S, R11E, W.M.
Deschutes County, OR

400 0 400 800 1200

9/2/2016 curry cobu

GRAPHIC SCALE – FEET

Legend

——·—— Property line

– – – – – – Mainline

This map is for the purpose of identifying the location of the water right. It is not intended to provide legal dimensions or locations of property ownership lines.

Michele W. Sims, Consultant, LLC 14865 Checkrein Sisters, OR 97759 541-408-4777

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CLIFF CURRY
PMB 447; 86 SW CENTURY DR (503)551-3503
BEND, OR 97702

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

APPLICATION FILE NUMBER: S-86392

SOURCE OF WATER: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.134 CUBIC FOOT PER SECOND

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: AUGUST 8, 2005

INTAKE POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13

DISCHARGE POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2225 FEET NORTH & 1592 FEET EAST FROM SW CORNER, SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ SW ¼
SECTION 13
TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the intake diversion point and the discharge point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain the meter in good working order.

B. The permittee shall allow the watermaster access to the meter; provided however, where the meter 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.

The proposed surface water use must be 100% non-consumptive, must be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) must be less than 50 gallons or be accomplished with water from another source.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued March 30, 2006

E. Timothy Ward for
Phillip C. Ward, Director
Water Resources Department

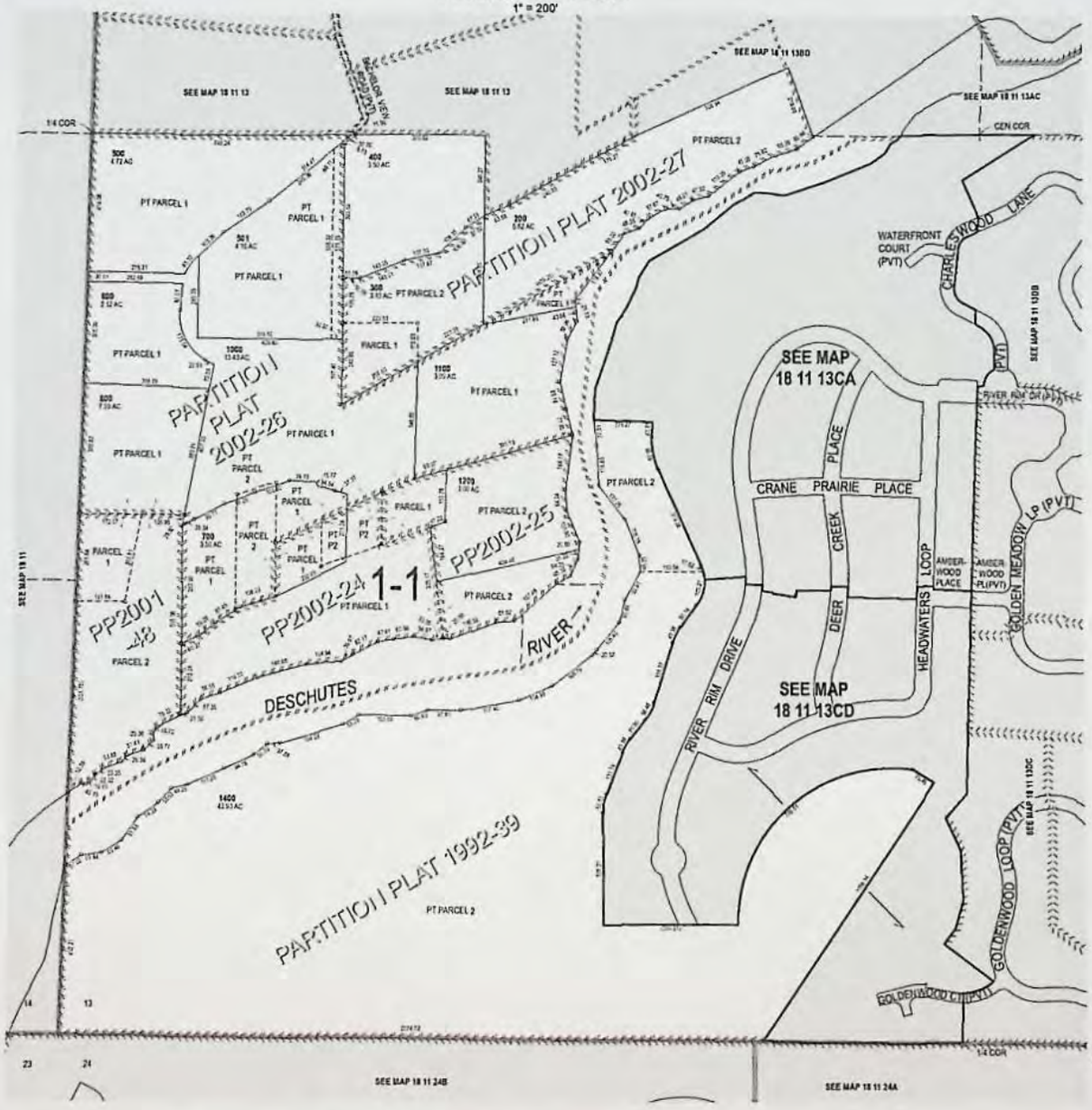


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

11/29/2018

S.W.1/4 SEC.13 T.18S. R.11E. W.M.
DESCHUTES COUNTY
1" = 200'

18 11 13C0
& INDEX



18 11 13C0
& INDEX

Deschutes County Property Information

Summary for account #200999

Summary information is displayed for the selected property.

Account Information

Mailing Name: LITTLE FISH INVESTMENTS LLC
Map and Taxlot: 181113C000200
Account: 200999
Situs Address: 60980 BACHELOR VIEW RD, BEND, OR 97702
Tax Status: Assessable

4.10.20 Business Registry
Clifford B. Curry

Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

Ownership

Mailing To:
LITTLE FISH INVESTMENTS LLC
985 SW DISK DR #110
BEND, OR 97702

Taxes

Property Tax (Current Year): $20,372.14
Tax Code Area: 1001

Assessment

Assessor Acres: 6.62
Property Class: 005

OPEN SPACE POTENTIAL ADDITIONAL TAX LIABILITY

Valuation

Current Year Value Summary
As of Jan.1, 2019
2019 - 2020 Tax Year

Real Market Values:

Land	$1,876,000
Structures	$1,418,040
Total	**$3,294,040**

Assessed Values:

Maximum Assessed	N/A
Assessed Value	$1,313,840
Veterans Exemption	

THE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. DESCHUTES COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. DESCHUTES COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. DESCHUTES COUNTY SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. DESCHUTES COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

© 2020 - Deschutes County. All rights reserved.

Oregon Water Resources Department
Water Rights in the Same Area

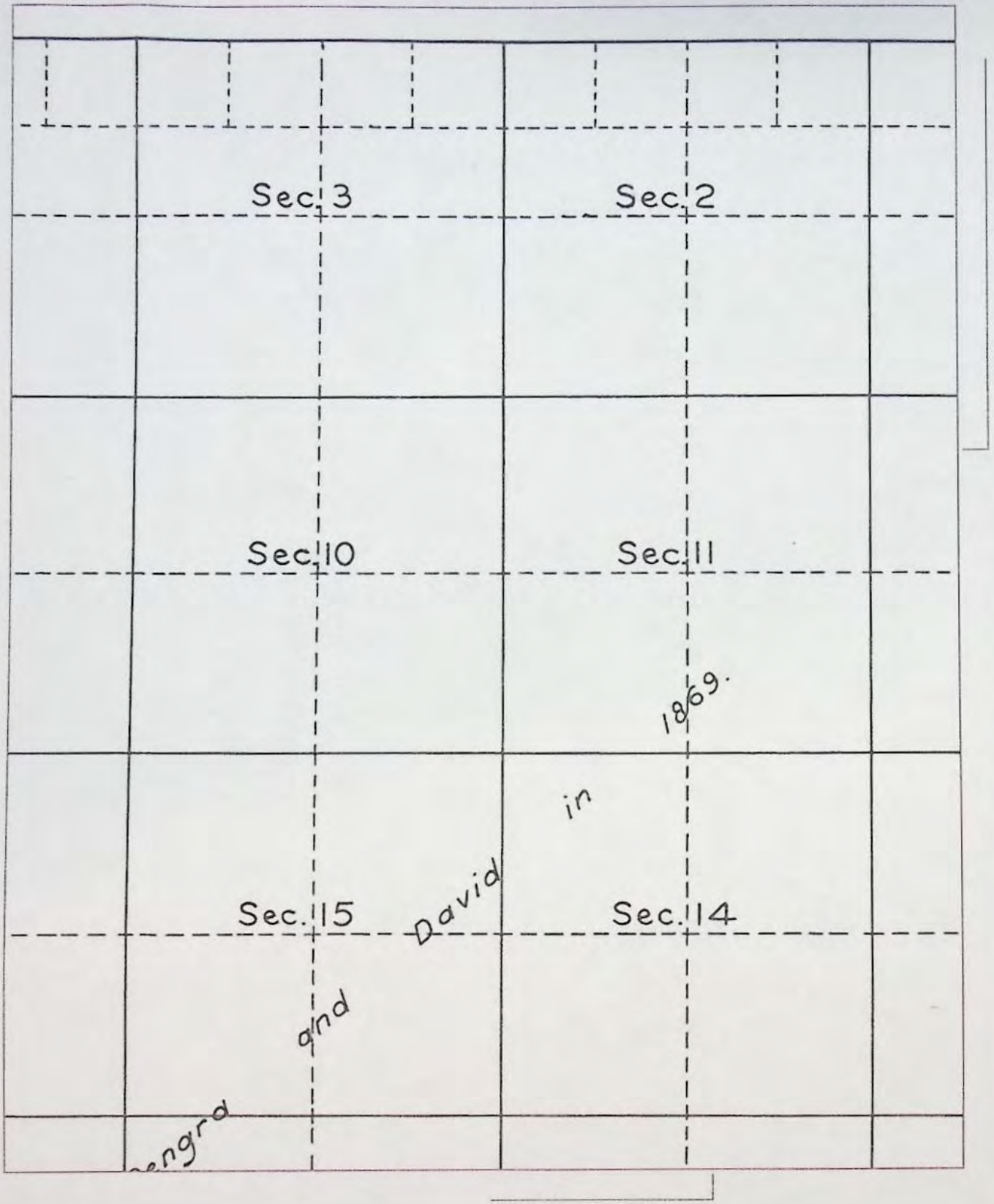
Main Help
Return Contact Us

Places of Use from Water Rights in the Same Area

The following rights have acreage in the same quarter-quarter as Permit: S 54260 *

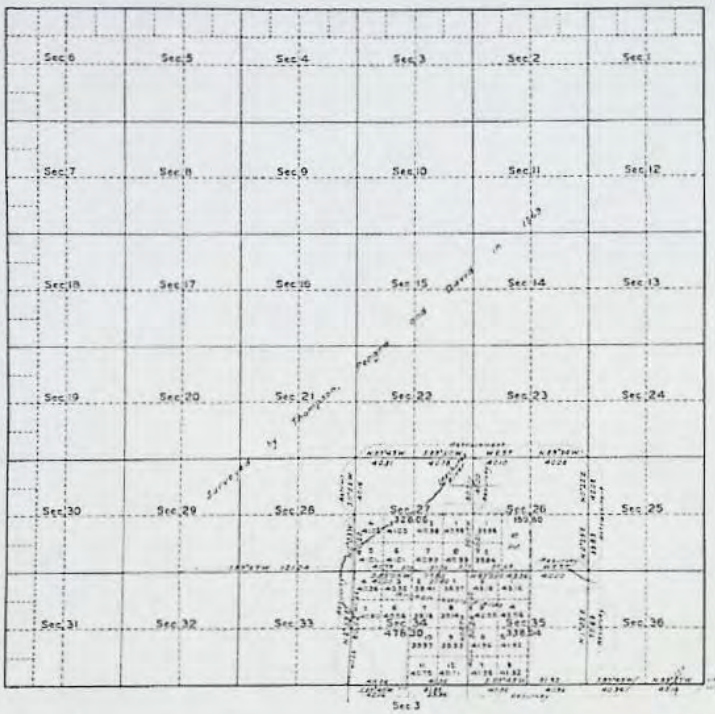
Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	
CERT:85526 OR *	CITY OF BEND; PUBLIC WORKS DEPARTMENT	TUMALO CREEK, CITY OF BEND V DESCHUTES CO,1926,DES			85526		NC	DO	1E
CERT:85411 OR *	CITY OF BEND; PUBLIC WORKS DEPARTMENT		G-8695	G-8565	85411	12/22/1978	NC	QM	1E
CERT:94101 (RR) *	CITY OF BEND		G-8695	G-8565	94101	12/22/1978	NC	QM	1E
PERMIT: G 17539 *	AVION WATER CO. INC.		G-16060	G-17539		7/28/2003	NC	QM	1E
PERMIT: G 17551 *	AVION WATER CO.		G-17606	G-17551		12/14/2012	NC	QM	1E

reset | pan | blowup | reduce | enlarge | print_screen | print_plat | help | about



reset | pan | blowup | reduce | enlarge | print_screen | print_plat | help | about

TOWNSHIP No. 18 SOUTH, RANGE No. 11 EAST, OF THE WILLAMETTE MERIDIAN, OREGON.



LINES DESIGNATED OR WHOM SURVEYED	GROUP No.	GROUP DATE	MILEAGE MLS.	MILEAGE CHS.	WHEN SURVEYED BEGUN	WHEN SURVEYED COMPLETED
Exterior			3	454		
Subdivisional	Geo. F. Rigby	141 Feb. 2 1932	10	3.61	June 1932	June 8 1932
Miscellaneous			1	44.71		

Office of U.S. Supervisor of Surveys,
Denver Colorado May 6, 1932

The above plat of Township 18 S., R. 11 E. of the Willamette Meridian, Oregon, is officially confirmed to the field notes of the survey thereof which have been examined and approved.

U.S. Supervisor of Surveys

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington D.C. November 22, 1933

The survey represented by this plat having been correctly executed in accordance with the requirements of law and the regulations of this office, is hereby accepted.

Assistant Commissioner

CLAIM OF BENEFICIAL USE for Surface Water Permits claiming 0.1 cfs or less

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

A fee of $175 must accompany this form for permits with priority dates after July 8, 1987.

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

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

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

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

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

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

SECTION 1
GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
S-86392	S-54260	NA

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Cliff Curry/Little Fish Investments LLC		**541-323-2299**	
ADDRESS **985 SW Disk Drive #110**			
CITY **Bend**	STATE **OR**	ZIP **97702**	E-MAIL **cliff@curryarchitecture.com**

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

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

PERMIT HOLDER OF RECORD **same**		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT HOLDER OF RECORD **NA**		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **8/22/2016**

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Cliff Curry	**8/22/2016**	**landowner**

6. County: **Deschutes**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD **NA**		
ADDRESS		
		ZIP

Add additional tables for owners of record as needed

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

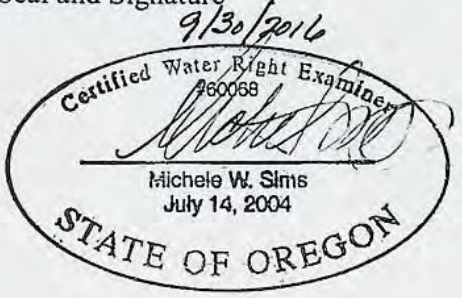
RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



CWRE NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Michele Sims		**541-408-4777**	
ADDRESS **14865 Checkrein**			
CITY **Sisters**	STATE **OR**	ZIP **97759**	E-MAIL **michele@orwaterrights.com**

Permit Holder's of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Clifford Curry	Owner	9/22/16

RECEIVED BY OWRD

OCT 03 2016

SALEM, OR

SECTION 3

CLAIM DESCRIPTION

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

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD	**Deschutes River**	

2. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD	**Domestic**	**NA**	**1/1 to 12/31**	**0.21 cfs (instantaneous rate)**
Total Quantity of Water Used				**0.21 cfs**

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

Water is pumped from the river into a loop of pipe that runs through a heat exchanger at the house, then returned to the river. The system runs only when the heat pump is operating (winter).

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

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **NO**

(e.g. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

NA

5. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD	**0.134 cfs**	**0.21 cfs**	**NA**	**domestic**	**na**	**na**

RECEIVED BY OWRD

OCT 03 2016

SALEM, OR

SECTION 4

SYSTEM DESCRIPTION

Are there multiple PODs? **NO**

If *"YES"* you will need to copy and complete Sections 4B through 4E for each POD.

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

POD

A. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used? **YES**

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Gorman-Rupp	**T2A 60B**	**1412569**	**centrifugal**

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	**20.6**	**2'**	**12'**	**0.75 cfs**

4. Provide pump calculations:

Q = (7.5hp)(6.61) = 0.75 cfs possible
52.3+14'
This is a variable-speed pump

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
			0.21 cfs (see attachement 1)

Reminder: For pump calculations use the reference information at the end of this document.

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

6. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
NA					

7. Additional notes or comments related to the system:

Heat pump system is only used in the winter. Pump was not operating at the time of the visit in August. Attachment 1 (screen shot of control panel) shows operating conditions September 19, when heating system was running.

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir) **NO**

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe? **NO**

E. Gravity Flow Canal or Ditch

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

SECTION 5

CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	**3/30/2006**		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	**10/1/2010**	**9/2006**	**Heat pump installed and system in operation.**

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

2. Is there an extension final order(s)? **NO**

3. Measurement Conditions:

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

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

b. Has a meter been installed? **YES**

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	**unknown**	**unknown**	**working**	**See attached photo**	**2006**

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **NO**

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**

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

a. Was the water user required to restore the riparian area if it was disturbed? **NO**

b. Other conditions? **YES**

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

Water must be 100% non-consumptive, must be returned to source at or above the POD, and initial start-up water must be less than 50 gallons, or must be accomplished with water from another source.
Compliance: water use is non-consumptive (pipe is closed system)
Volume of water necessary to fill 112' of 3" OD pipe is calculated to be less than 50 gallons.
Self-priming pump requires less than 50 gallons to start.
Water is taken from and returned to source at the POD

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Photo 1	**Control screen showing operating conditions when heat pump operating (September 2016)**
Pump spec sheet	**Operating curve for pump**

SECTION 7

CLAIM OF BENEFICIAL USE MAP

RECEIVED BY OWRD

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

OCT 03 2016

SALEM, OR

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

POD pump located with Topcon HiperLite+ GPS. Also used aerial photo from GoogleEarth dated 7/6/2014.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

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

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

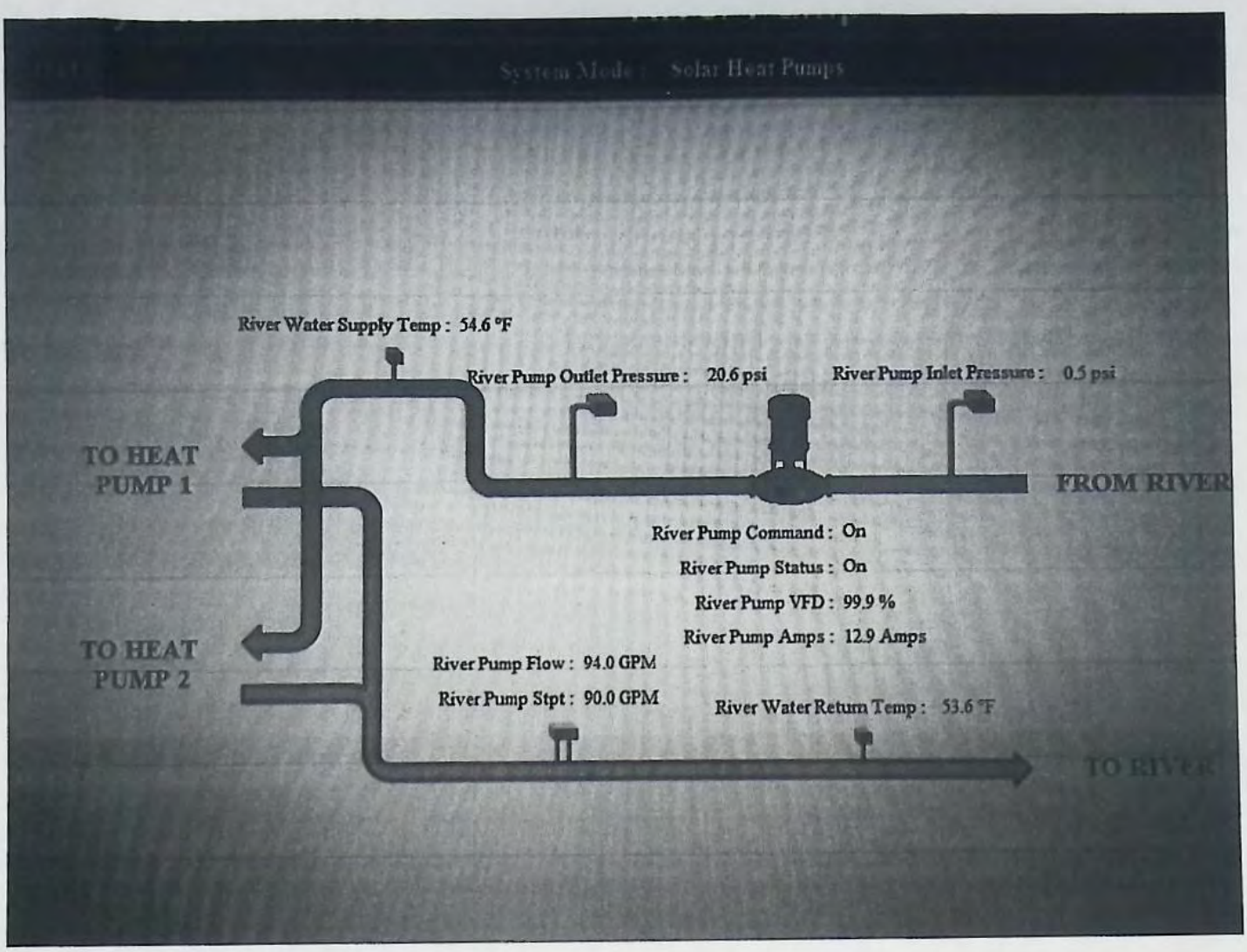
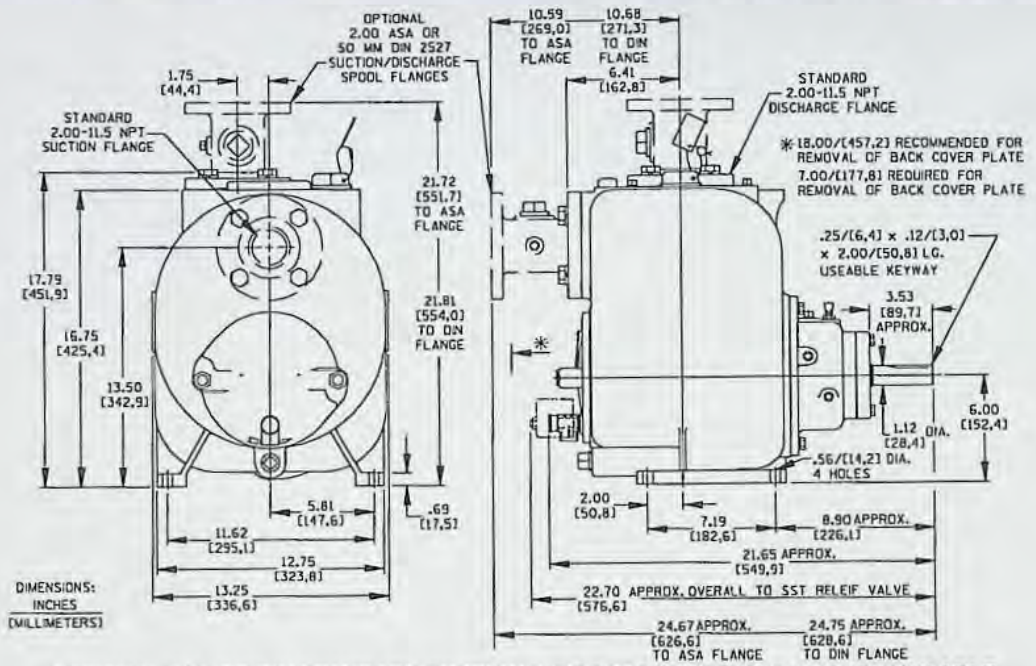


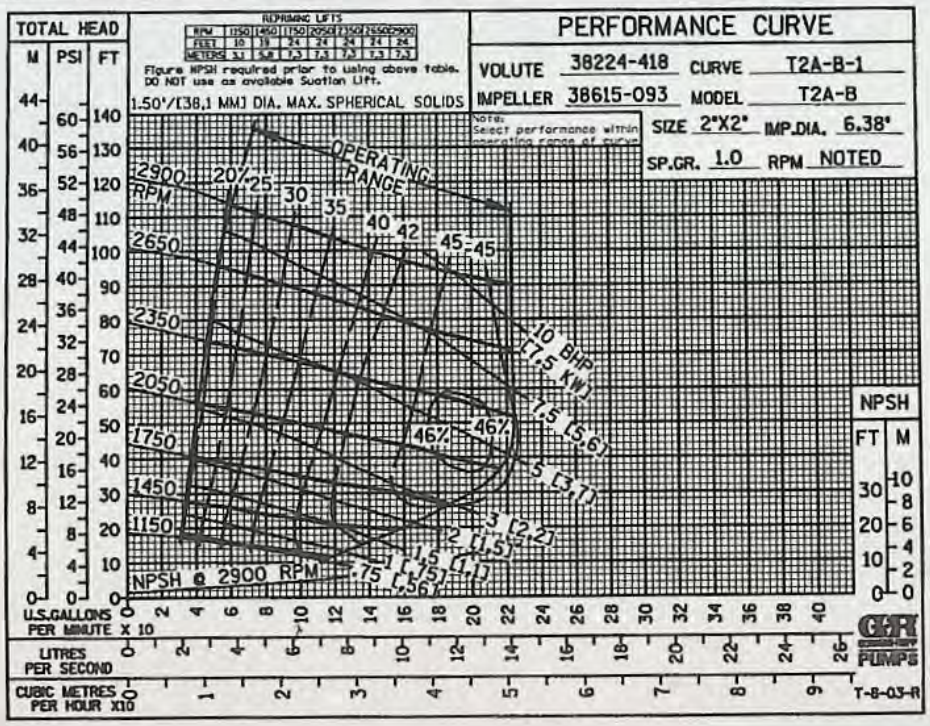
PHOTO 1

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

Specification Data	APPROXIMATE DIMENSIONS and WEIGHTS	NET WEIGHT: 210 LBS. (95 KG.)*
SECTION 55, PAGE 980		SHIPPING WEIGHT: 220 LBS. (10 KG.)*
		EXPORT CRATE: 7.9 CU. FT. (0,22 CU. M.)
		*ADD 8 LBS. (3,6 KG.) W/EACH SPOOL FLANGE



OPTIONAL ASA OR DIN STANDARD SUCTION & DISCHARGE SPOOL FLANGES AVAILABLE



RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

THE GORMAN-RUPP COMPANY • MANSFIELD, OHIO
GORMAN-RUPP OF CANADA LIMITED • ST. THOMAS, ONTARIO, CANADA
Specifications Subject to Change Without Notice
Printed in U.S.A.

© Copyright by the Gorman-Rupp Company 2010

Completion Checklist for CWRE Claims of Beneficial Use

Application # S-86392

Date Received 10/3/2016
CWRE Name Michelle Sims Claim Logged yes
File Marked yes
Oversized Map # _____
Reviewer Connie Vaaler

Map Review:

✓ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b)
✓ Application & permit #; or transfer # (OAR 690-014-0100(1)
✓ Disclaimer (OAR 690-014-0170(5)
✓ North arrow (OAR 690-310-0050(2)(c)
✓ CWRE stamp and signature (OAR 690-014 & 310-0050)
✓ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
✓ Township, range, section, and tax lot numbers (OAR 690-310-0050(4)
_____ Source illustrated if surface water (OAR 690-014-0170(3)
_____ Point(s) of diversion or appropriation (illustrated) (OAR 690–014(4) & 690-310-0050)
_____ Point(s) of diversion or appropriation (coordinates)(OAR 690–014(4) & 690-310-0050)
_____ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
_____ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690–014(4)
_____ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

Report Review:

✓ On form or format provided by the Department (OAR 690-014-0100(1)
✓ Application & permit #; or transfer # (OAR 690-014)
✓ Ownership information (OAR 690-014)
_____ Date of survey (OAR 690-014)
_____ Person interviewed (OAR 690-014)
_____ County (OAR 690-014)
_____ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
_____ Source(s) of water (OAR 690-014-0100)
_____ Use, period of use, and rate for use (OAR 690-014-0100)
_____ Place of use location (OAR 690-014-0100)
_____ Type of use (OAR 690-014-0100)
_____ Extent of use (OAR 690-014-0100)
_____ Rate and Duty (OAR 690-014-0100)
_____ Diversion rate for each use (OAR 690-014-0100)
_____ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
_____ System capacity (OAR 690-014-0100)
  _____ Calculated capacity of system (required)
  _____ Measured amount of use (optional)
_____ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  _____ Time limits
  _____ Initial water level measurements
  _____ Annual static water level measurements
  Measurement, recording, and reporting
    ___ Meter/measuring device
    ___ Water use reporting
  _____ Fish screening and/or by-pass
  _____ Pump test (ground water)
  _____ Other conditions
    _____
    _____
_____ CWRE stamp and signature (OAR 690-014-0100)
_____ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient
N/A = Not Applicable

_____Map and COBU reviewed
_____Conflict check Any Conflicts? _____
_____Check for ownership

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____
Proposed Actions:
Send letter requesting the following items/information:_____
_____ Send letter recommending extension to cure deficiencies:_____

Can certificate be processed further?
_____Yes

If "Yes":
_____Proposed
_____Final Certificate #_____

Mailing list:

Proposed:

Final:

CLAIM OF BENEFICIAL USE for Surface Water Permits claiming 0.1 cfs or less

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

A fee of $175 must accompany this form for permits with priority dates after July 8, 1987.

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

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

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

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

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

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

SECTION 1
GENERAL INFORMATION

1. File Information

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
S-86392	S-54260	NA

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME	PHONE NO.	ADDITIONAL CONTACT NO.
Cliff Curry/Little Fish Investments LLC	541-323-2299	

ADDRESS			
985 SW Disk Drive #110			
CITY	STATE	ZIP	E-MAIL
Bend	OR	97702	cliff@curryarchitecture.com

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

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

PERMIT HOLDER OF RECORD		
same		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL PERMIT HOLDER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: 8/22/2016

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Cliff Curry	8/22/2016	landowner

6. County: Deschutes

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD		
NA		
ADDRESS		
		ZIP

Add additional tables for owners of record as needed

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

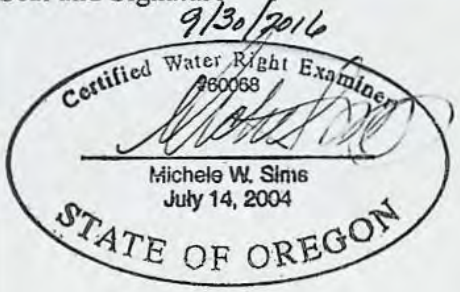
RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



CWRE NAME		PHONE NO.	ADDITIONAL CONTACT NO.
Michele Sims		**541-408-4777**	
ADDRESS **14865 Checkrein**			
CITY **Sisters**	STATE **OR**	ZIP **97759**	E-MAIL **michele@orwaterrights.com**

Permit Holder's of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Clifford Curry	Owner	9/22/16

RECEIVED BY OWRD

OCT 03 2016

SALEM, OR

SECTION 3

CLAIM DESCRIPTION

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

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD	Deschutes River	

2. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD	Domestic	NA	1/1 to 12/31	0.21 cfs (instantaneous rate)
Total Quantity of Water Used				0.21 cfs

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

Water is pumped from the river into a loop of pipe that runs through a heat exchanger at the house, then returned to the river. The system runs only when the heat pump is operating (winter).

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

4. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. NO

(e.g. *"The permit allowed three points of diversion. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

NA

5. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD	0.134 cfs	0.21 cfs	NA	domestic	na	na

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

SECTION 4

SYSTEM DESCRIPTION

Are there multiple PODs? NO

If *"YES"* you will need to copy and complete Sections 4B through 4E for each POD.

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

POD

A. Place of Use

Attach Claim of Beneficial Use map.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used? YES

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)
Gorman-Rupp	T2A 60B	1412569	centrifugal

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	20.6	2'	12'	0.75 cfs

4. Provide pump calculations:

Q = (7.5hp)(6.61) = 0.75 cfs possible
52.3+14'
This is a variable-speed pump

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
			0.21 cfs (see attachement 1)

Reminder: For pump calculations use the reference information at the end of this document.

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

6. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
NA					

7. Additional notes or comments related to the system:

Heat pump system is only used in the winter. Pump was not operating at the time of the visit in August. Attachment 1 (screen shot of control panel) shows operating conditions September 19, when heating system was running.

C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir) **NO**

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe? **NO**

E. Gravity Flow Canal or Ditch

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

SECTION 5

CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	**3/30/2006**		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)			
COMPLETE APPLICATION OF WATER (C)	**10/1/2010**	**9/2006**	**Heat pump installed and system in operation.**

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

2. Is there an extension final order(s)? **NO**

3. Measurement Conditions:

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

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

b. Has a meter been installed? **YES**

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD	unknown	unknown	working	See attached photo	2006

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? NO

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? NO

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

a. Was the water user required to restore the riparian area if it was disturbed? NO

b. Other conditions? YES

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

Water must be 100% non-consumptive, must be returned to source at or above the POD, and initial start-up water must be less than 50 gallons, or must be accomplished with water from another source.
Compliance: water use is non-consumptive (pipe is closed system)
Volume of water necessary to fill 112' of 3" OD pipe is calculated to be less than 50 gallons.
Self-priming pump requires less than 50 gallons to start.
Water is taken from and returned to source at the POD

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Photo 1	Control screen showing operating conditions when heat pump operating (September 2016)
Pump spec sheet	Operating curve for pump

SECTION 7

CLAIM OF BENEFICIAL USE MAP

RECEIVED BY OWRD

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

OCT 03 2016

SALEM, OR

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

POD pump located with Topcon HiperLite+ GPS. Also used aerial photo from GoogleEarth dated 7/6/2014.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

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

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

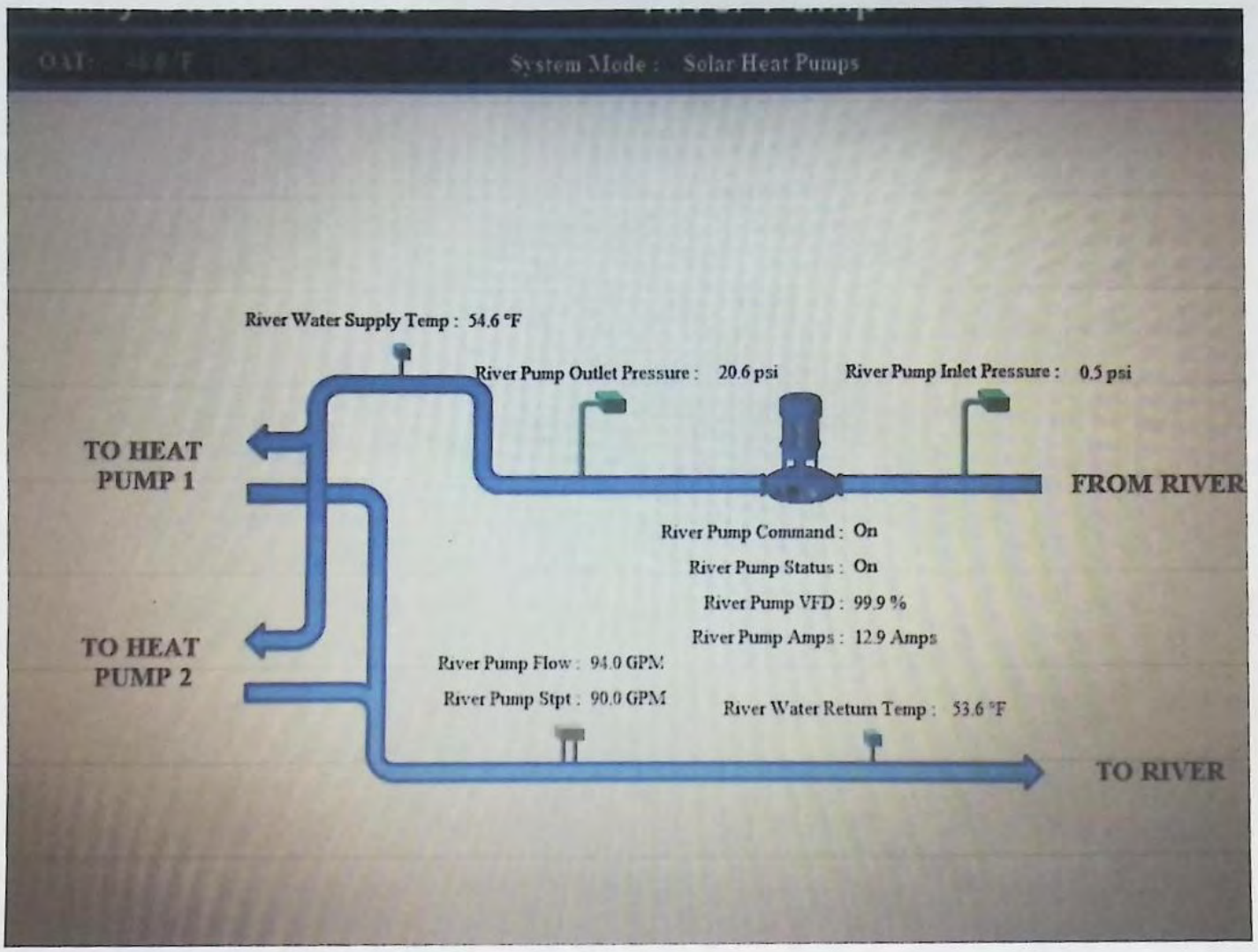
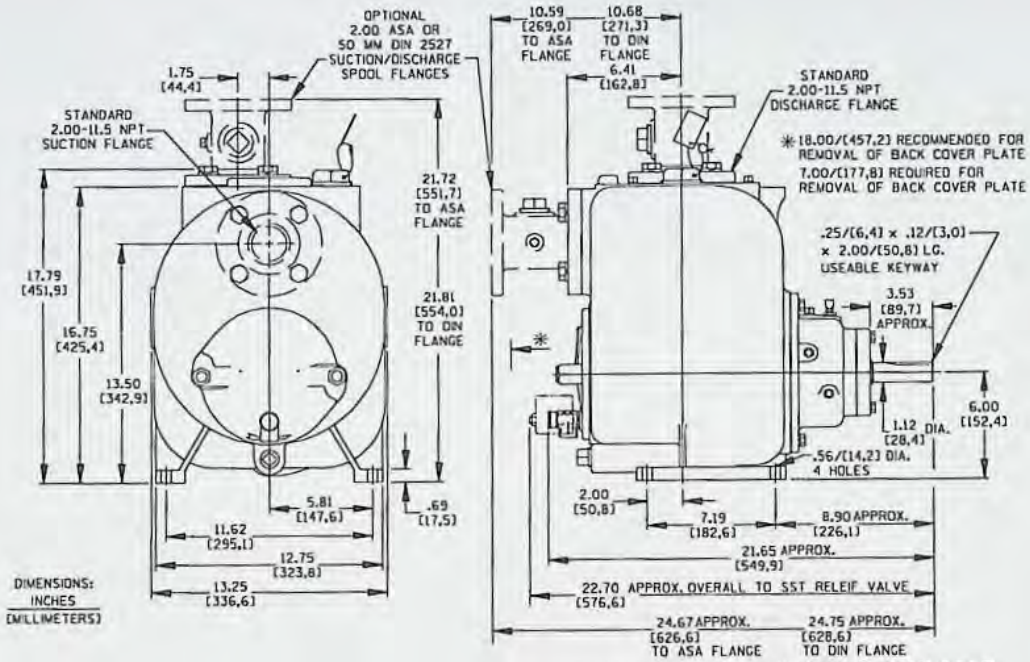


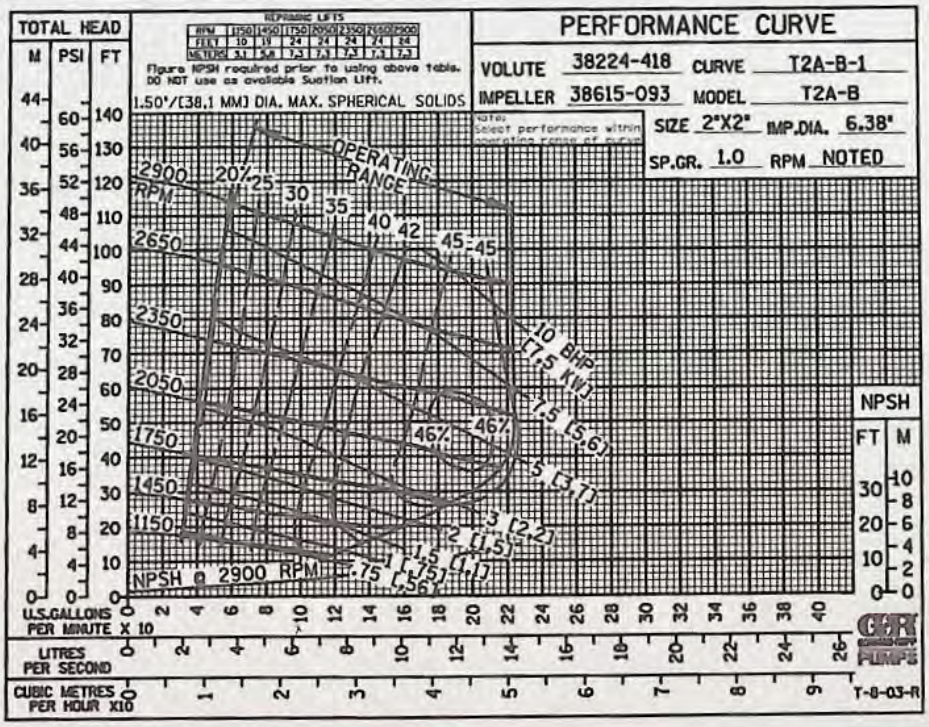
PHOTO 1

RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

Specification Data	APPROXIMATE DIMENSIONS and WEIGHTS	NET WEIGHT: 210 LBS. (95 KG.)*
SECTION 55, PAGE 980		SHIPPING WEIGHT: 220 LBS. (10 KG.)*
		EXPORT CRATE: 7.9 CU. FT. (0,22 CU. M.)
		*ADD 8 LBS. (3,6 KG.) W/EACH SPOOL FLANGE



OPTIONAL ASA OR DIN STANDARD SUCTION & DISCHARGE SPOOL FLANGES AVAILABLE



RECEIVED BY OWRD
OCT 03 2016
SALEM, OR

THE GORMAN-RUPP COMPANY • MANSFIELD, OHIO
GORMAN-RUPP OF CANADA LIMITED • ST. THOMAS, ONTARIO, CANADA

Specifications Subject to Change Without Notice
Printed in U.S.A.

© Copyright by the Gorman-Rupp Company 2010

Oregon
Kate Brown, Governor

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

October 11, 2016

Cliff Curry
Little Fish Investments LLC
985 SW Disk Drive #110
Bend OR 97702

On October 3, 2016 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-86392 Permit S-54260

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:
http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

Customer Service phone: (503) 986-0801

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

Cc: file

Oregon
Kate Brown, 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.wrd.state.or.us

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

August 9, 2016

Certified mail number 7016 0340 0000 9901 8318
Return receipt requested

LITTLE FISH INVESTMENTS
985 SW DISK DR #110
BEND, OR 97702

Reference: Application S-86392, Permit S-54260

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2010.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2010. The fee for submitting a claim of beneficial use is $175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is $575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 7, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a $450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)
cc: File S-86392
OWRD Watermaster District 11

PERMIT STATUS REVIEW BY **Corey Courchane** ***DATE*** 6-9-16 ***FILE #*** S-86392

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

NO Extension pending _____ _____

NO Assignment is pending _____

NO Cancellation has been requested ____ _____

NO Dept. has already sent a **certified** 60-Day Compliance letter (date _____, #_____)
Was **60 days notice** allowed? Y N If No, How Much Time ? _____
Was mail deliverable as addressed? Y N date _____
If mail returned, online/www check ? Y N date _____ successful ? Y N
Re-send Cert. Letter ? Y N date _____
Send cancellation order Y N

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received_____ _____

2. IF **NONE** OF THE ABOVE APPLY
✓ Send **certified** "C" date notice packet to permit holder.
"C" DATE October 1, 2010 **BASIN NUMBER** 5 **WM #** 11
CWRE or AGENT none

3. **AOI Yes**_____ **NO** ✓ **If Yes, name of AOI** _____

S:\groups\wr\PERMIT C jd\c-date-checklist.doc

Send letter 6-9-16 cc
New owner attached

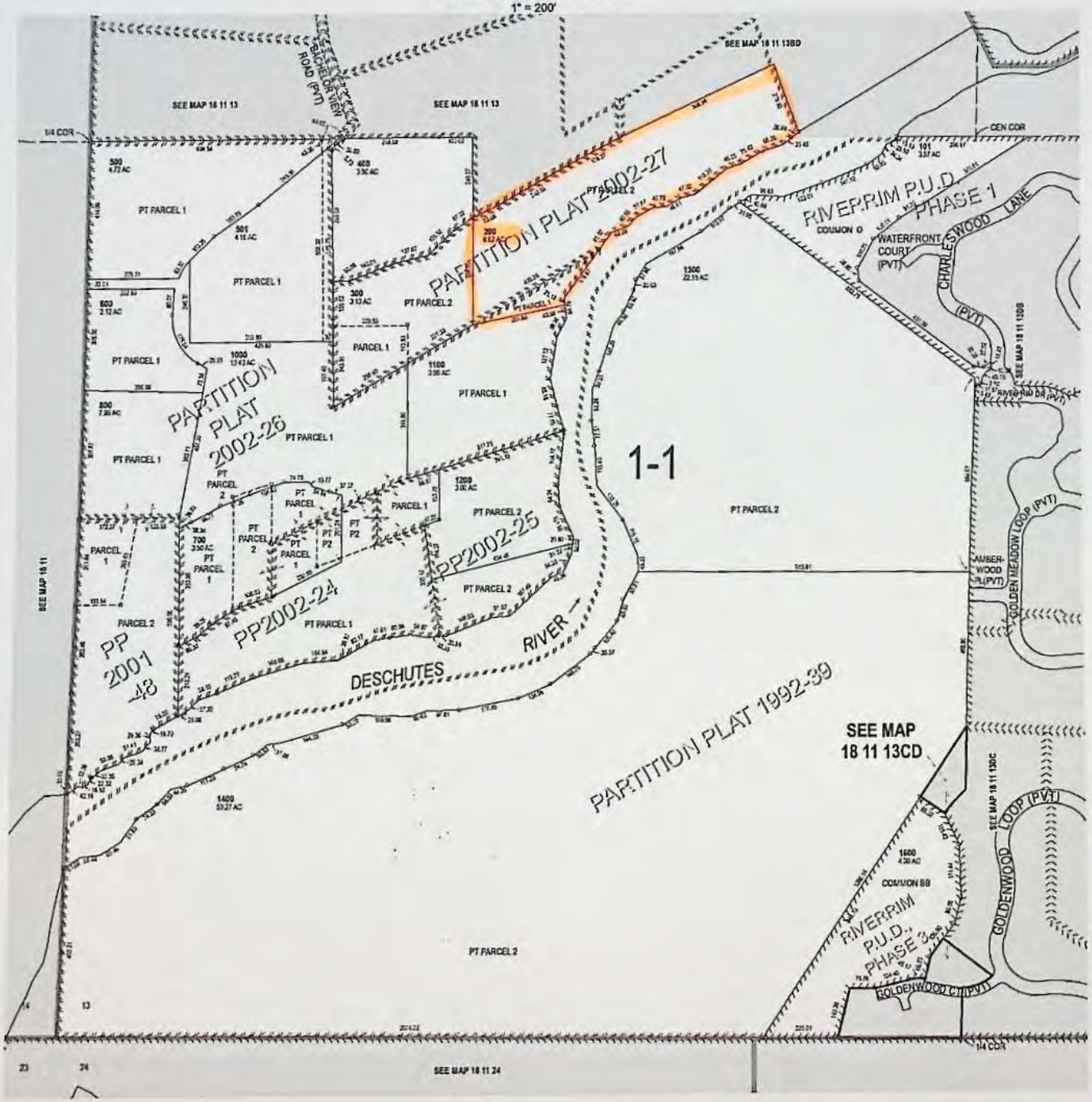
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

5/14/2014

S.W.1/4 SEC.13 T.18S. R.11E. W.M.
DESCHUTES COUNTY

1" = 200'

18 11 13C0 & INDEX



Canceled Nos.
100
900
1101
1500

18 11 13C0 & INDEX

Deschutes County Property Information

Report Date: 6/9/2016 8:55:44 AM

Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Deschutes County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Deschutes County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Deschutes County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Deschutes County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

Account Summary

Account Information

Mailing Name: LITTLE FISH INVESTMENTS LLC
Map and Taxlot: 181113C000200
Account: 200999
Tax Status: Assessable
Situs Address: 60980 BACHELOR VIEW RD, BEND, OR 97702

Property Taxes

Current Tax Year: $14,054.36
Tax Code Area: 1001

Assessment

Subdivision:
Lot:
Block:
Assessor Acres: 6.62
Property Class: 005

Ownership

Mailing Address:
LITTLE FISH INVESTMENTS LLC
985 SW DISK DR #110
BEND, OR 97702

Valuation

Real Market Values as of Jan. 1, 2015

Land	$1,830,150
Structures	$1,076,080
Total	$2,906,230

Current Assessed Values:

Maximum Assessed	N/A
Assessed Value	$916,466
Veterans Exemption	$0.00

Warnings, Notations, and Special Assessments

Assessor's Office Notations

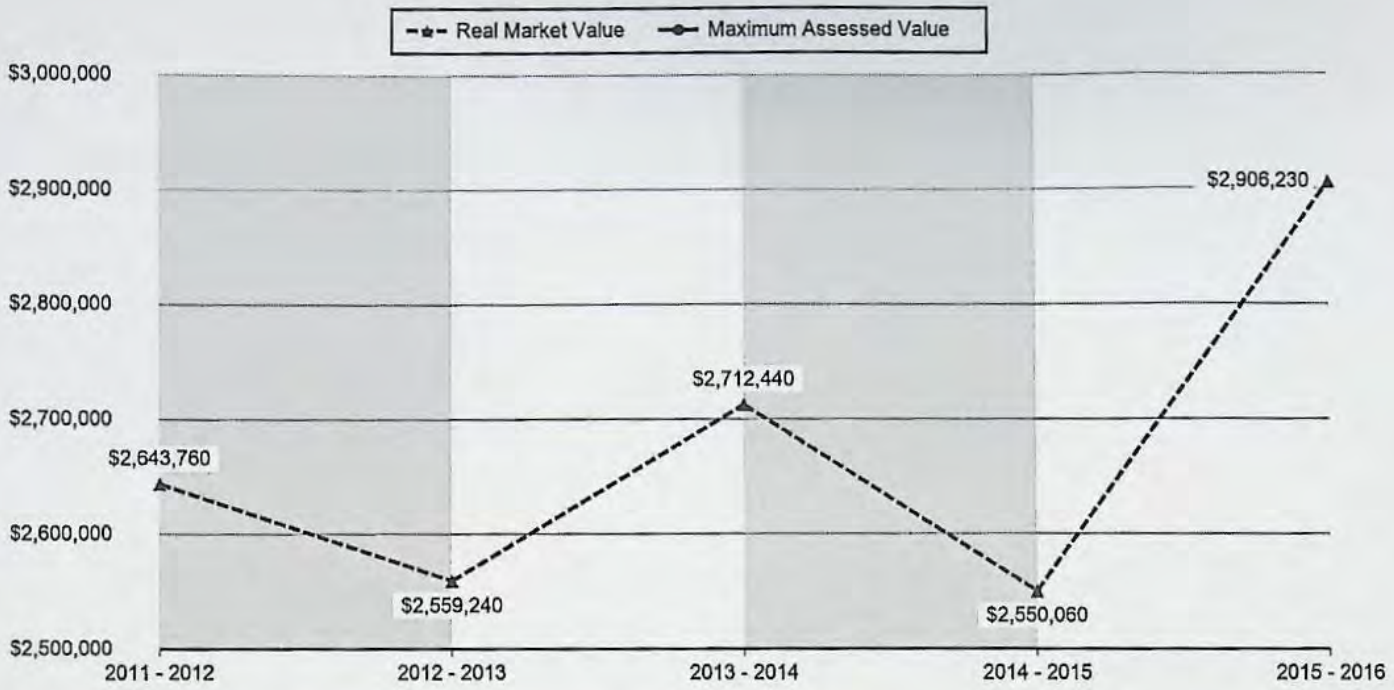
OPEN SPACE POTENTIAL ADDITIONAL TAX LIABILITY

Assessor's Office Special Assessments	Amount	Year
DEPT OF FORESTRY FIRE PATROL TIMBER	18.75	2016
DEPT OF FORESTRY SURCHARGE	47.50	2016

Review of digital records maintained by the Deschutes County Assessor's Office, Tax Office, Finance Office, and the Community Development Department indicates that there are County tax, assessment, or property development related notations associated with this account and that have been identified above. Independent verification of the presence of additional Deschutes County tax, assessment, development, and other property related considerations is recommended. Confirmation is commonly provided by title companies, real estate agents, developers, engineering and surveying firms, and other parties who are involved in property transactions or property development. In addition, County departments may be contacted directly to discuss the information.

Valuation History *All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.*

	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016
Real Market Value - Land	$1,696,420	$1,611,900	$1,708,260	$1,606,130	$1,830,150
Real Market Value - Structures	$947,340	$947,340	$1,004,180	$943,930	$1,076,080
Total Real Market Value	$2,643,760	$2,559,240	$2,712,440	$2,550,060	$2,906,230
Maximum Assessed Value	N/A	N/A	N/A	N/A	N/A
Total Assessed Value	$814,712	$839,035	$864,089	$889,892	$916,466
Veterans Exemption	$0	$0	$0	$0	$0



Sales History

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording Instrument
10/01/2012	CURRY,CLIFFORD	LITTLE FISH INVESTMENTS LLC	$0	06-GRANTEE IS RELATED/FRIENDS/BUSINESS ASSOCIATES	2012-39478
01/10/2003	THOMPSON,STEPHEN EBERLY JR	CURRY,CLIFFORD	$1,100,000	24-CONFIRMED SALE NOT USABLE IN RATIO STUDY	2003-2305

Service Providers *Please contact districts to confirm.*

Category	Name	Phone	Address
COUNTY SERVICES	DESCHUTES COUNTY	(541) 388-6570	1300 NW WALL ST, BEND, OR 97701
CITY SERVICES	CITY OF BEND	(541) 388-5505	710 NW WALL ST, BEND, OR 97701
POLICE SERVICES	CITY OF BEND POLICE DEPARTMENT	(541) 322-2960	555 NE 15TH ST, BEND, OR 97701
SCHOOL DISTRICT	BEND - LA PINE SCHOOL DISTRICT	(541) 355-1000	520 NW WALL ST, BEND, OR 97701
ELEMENTARY SCHOOL ATTENDANCE AREA	WILLIAM E. MILLER ELEMENTARY SCHOOL	(541) 355-2500	300 NW CROSBY DR, BEND, OR 97701
EDUCATION SERVICE TAX DISTRICT	HIGH DESERT EDUCATION SERVICE DISTRICT	(541) 693-5600	145 SE SALMON AVE, REDMOND, OR 97756
COLLEGE TAX DISTRICT	CENTRAL OREGON COMMUNITY COLLEGE	(541) 383-7700	2600 NW COLLEGE WAY, BEND, OR 97701
PARK & RECREATION DISTRICT	BEND PARK & RECREATION DISTRICT	(541) 389-7275	799 SW COLUMBIA ST, BEND, OR 97702
LIBRARY DISTRICT	DESCHUTES PUBLIC LIBRARY	(541) 617-7050	601 NW WALL ST, BEND, OR 97701
GARBAGE & RECYCLING SERVICE	CASCADE DISPOSAL	(541) 382-6660	1300 SE WILSON AVE, BEND, OR 97702

Kerry Kavanagh

From: Andrea Lefever [ALEFEVER@epi.umaryland.edu]
Sent: Friday, January 11, 2008 10:22 AM
To: Kerry Kavanagh
Subject: Tickets? Confirmed?
Importance: High

Andrea Lefever
Research Coordinator
Division of Gerontology
University of Maryland Baltimore
660 W. Redwood St, HH 200
Baltimore, Maryland 21201
410-706-4411
410-706-4400 (fax)
alefever@epi.umaryland.edu

Confidentiality Statement:

This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86392

Final Order

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 above 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 August 8, 2005, CLIFF CURRY submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 10, 2006. The protest period closed February 24, 2006, and no protest was filed.

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 the location of the discharge point and to correctly describe the measuring, reporting and recording conditions.

The proposed final order described the location of the intake diversion point, but did not describe the location of the proposed discharge point:

> POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13

The intake point of diversion location as well as the discharge location, as modified in the attached draft permit is:

> INTAKE POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13
>
> DISCHARGE POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2225 FEET NORTH & 1592 FEET EAST FROM SW CORNER, SECTION 13

The proposed final order described the measuring, reporting and recording conditions as:

> 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.

The condition, as modified in the attached permit is:

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the intake diversion point and the discharge point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain the meter in good working order.

B. The permittee shall allow the watermaster access to the meter; provided however, where the meter 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.

Order

Application S-86392 therefore is approved with the above modification to the Proposed Final Order, and Permit S-54260 is issued as limited by the conditions set forth therein.

DATED March 30, 2006

E. Timothy Wall 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 previously filed a protest and want to know its status, please contact Mike Reynolds 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.

STATE OF OREGON

COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CLIFF CURRY
PMB 447; 86 SW CENTURY DR (503)551-3503
BEND, OR 97702

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

APPLICATION FILE NUMBER: S-86392

SOURCE OF WATER: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.134 CUBIC FOOT PER SECOND

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: AUGUST 8, 2005

INTAKE POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13

DISCHARGE POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2225 FEET NORTH & 1592 FEET EAST FROM SW CORNER, SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ SW ¼
SECTION 13
TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at the intake diversion point and the discharge point as approved by the Director. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645. The permittee shall maintain the meter in good working order.

B. The permittee shall allow the watermaster access to the meter; provided however, where the meter 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.

The proposed surface water use must be 100% non-consumptive, must be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) must be less than 50 gallons or be accomplished with water from another source.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued March 30, 2006

E. Timothy Ward for

Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #S-86392

Original mailed to applicant with claim of beneficial use form:

CLIFF CURRY
PMB 447; 86 SW CENTURY DR
BEND OR 97702

Copies sent to:
1. WRD - File # S-86392
2. WRD - Ken Stahr

Copies Mailed
By: AS
(SUPPORT STAFF)
on: 3/30/04
(DATE)

FO and Map Copies sent to (remember to reduce copy margins):
3. WRD - Watermaster District #: 11

Copies sent to Other Interested Persons *(CWRE, Agent, Commenter, etc.)*
4. _____
5. _____
6. _____

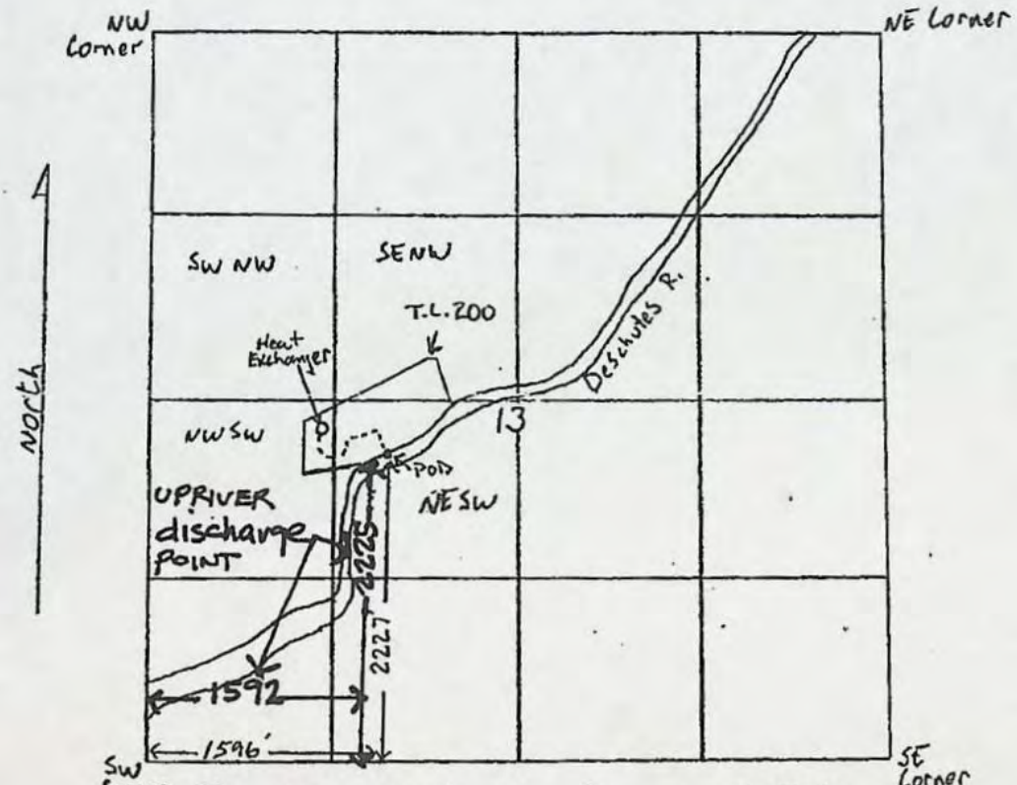
"$10 LETTER" sent to Interested Persons who have not protested or paid for copies
1. _____
2. _____
3. _____

CASEWORKER : Kerry Kavanagh

Surface water right Application For
cliff Curry

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

Scale- 1" = 1320'

POD - 2227' north & 1596' East of the SW Corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No S-54260

FO CHECKLIST

Application #: S-86392 **Applicant:** CLIFF CURRY

✓ Has applicant **name and/or address changed**, or has the file been **assigned**? Y / (N)
If new: _____

✓ Were **comments** received? If so, from whom and when? NO
Respond to significant comments, issues, or disputes related to the proposed use of water

✓ **Verify names and mailing addresses** of all commentors, affected landowners and those who paid $10 fee on PFO cc: list.

✓ Have **affected landowner**(s) been notified? Y / N / (NA) If not, do not issue FO. Send a letter to affected landowner(s).

✓ Has ODFW asked for **screening** condition and rate ≤ **0.5 CFS**? Y / (N) / NA If yes, include fish screening form.

✓ Are requested **GW conditions included** in permit? Y / N / (NA) If not, add condition(s) _____

✓ Do PFO conclusions **require modification** due to typos or errors? Y / (N) What and why? _____

_____

_____

✓ **Fees**

Base Fee	Water Amount (Q)	
$100 / $150 $250 / $300	(1st CFS/AF	200
	_____ Addl @ _____ +	—

300 (base) + 200 (Q) = 500 (total exam fee)

EXAM FEE REQUIRED	500	RECORDING FEE REQUIRED	$175 / ($250)
EXAM FEE PAID	-500	RECORDING FEE PAID	-250
STILL OWED	Ø	STILL OWED	Ø

FO type __ DENIAL ✓ FO w/ Permit # S-54260 __ FO w/o permit __ lacks fees __ lacks easement __ lacks approved dam plans & specs

Name: Kerry Kavanagh **Date:** 3/1/2006 **Peer Reviewer:** Anita Huffman

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

PFO CHECKLIST

Application #: S-86392 **Applicant:** CLIFF CURRY **PFO week:** 543

✓ **Shortcomings** preventing PFO? Y / (N) Should process continue? (Y) / N

✓ **IR Date** 9-9-05 **Public Notice Date** ~~9-12-05~~ 10-13-05 **Comments received?** (Y) / N App provided info requested

✓ 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** OK / REDONE / (NA) non-consumptive - will use water from domestic for start up

✓ Have **conflicts** been addressed? Y / N / (NA) _____

✓ **Changes from IR determinations** positive - non-consumptive - 60 gpm ~ 0.134 cfs
WM #11 - non-consumptive use - yr - w/no injury to sr. wr
ODFW - pump intake screen condition

✓ **Copy to** WM #11
Steve Marx

✓ **Fees**

Base Fee	Water Amount (Q)	
$100 / $150	(1st CFS) / AF	200
$250 / $300	_____ Addl @ _____ +	_____

300 (base) + 200 (Q) = 500 (total exam fee)

EXAM FEE REQUIRED	500	RECORDING FEE REQUIRED	$175 / ($250)
EXAM FEE PAID	-500	RECORDING FEE PAID	-0
STILL OWED	0	STILL OWED	250

Name: Kerry L. Kavanagh **Date:** 11/29/2005 **Peer Reviewe** CORY ENGEL

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.

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: 10/31/05 **Deadline Date:** ASAP Application # S-86392

Applicant's Name: CLIFF CURRY

A) Will the proposed use occur in an area that may affect the essential habitat of a **SENSITIVE** fish species?
NO / (**YES**) IF ANSWER TO QUESTION (A) IS **YES**, FILL OUT SECTION I.

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 ANSWER TO QUESTION (B) IS **YES**, FILL OUT SECTION II.
IF ANSWER IS **NO** TO BOTH QUESTIONS, FILL OUT PUBLIC INTEREST REVIEW SHEET

☞ (PAGE 2)

SECTION I:

1) Will the proposed use result in a **NET LOSS** in the habitat of a SENSITIVE SPECIES? [690-33-330(2)(a)]
Not as proposed - i.e. non-consumptive Potential entrainment

2) What stage or value is at risk (circle all that apply): 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?
Pump intake screen

(Try to 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:

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?
Include intake screen requirement

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:

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 are recommended?:

RECEIVED
NOV 04 2005
WATER RESOURCES DEPT
SALEM, OREGON

ODFW Representative: Name: Steve Mauk Date: 11-1-05

WRD Contact: Caseworker: Kerry Kavanagh, Water Rights Division

OREGON WATER RESOURCES DEPARTMENT

State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAXED 10-13-05

FAX TRANSMITTAL

TO: Steve Mark, ODFW **FAX NUMBER:** 541-388-6281

DATE: OCT 13, 2005 **PAGES:** 13 **, INCLUDING COVER SHEET**

FROM: KERRY KAVANAGH **PHONE: (503) 986-0** 816

COMMENTS: APP S-86392 CLIFF CURRY

Please review and complete your Div 33 comment form.
Let me know if you need more information.

WATER RIGHTS
- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES
- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES
- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION
- District 16 Watermaster

DIRECTOR'S OFFICE
- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES
- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or 503-986-0904

P.S. I recently changed my name from Kerry Lefever.

Curry Brandaw Architects
PARTNERSHIP
Construction
LLC CCB NO.125360

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

October 12, 2005

Kerry Lefever
Water Rights Section
Oregon Water Resources Department
725 Summer St. NE, Ste. A
Salem, OR 97301-1271

Re: Reference File S-86392

Dear Kerry Lefever,

This letter is in response to your initial review and request for more information.

Number 3: Your initial review determination

Please keep in mind as you make your final determination that our use is non-consumptive. We are going to circulate water from the river to a heat pump which will take 5 degrees of heat from the river water. The river water continues its enclosed loop back to the river.

Number 4:

The restriction of use between April 15 and September 30 is not a problem.

Number 5: Deficiencies and additional information

We will be diverting 60 gpm of water from the Deschutes River in a 2" continuous loop pipe. The water goes through a heat pump and back to the river. The water is enclosed through the entire pass through the factory manufactured heat pump. The water does not leave its closed loop until it reaches the river discharge point. The water is not consumed or polluted. The only change is the water returns to the river 5 degrees cooler.

The temperature impact is negligible when you consider 60 gpm coming into 224,000 gpm. It might not be possible to measure the temperature differences of the mixing streams.

2601 - 25th St. SE, Suite 300 ▪▪ Salem, Oregon 97302 ▪▪ Phone 503.399-1090 ▪▪ Fax 503.399-0565

Map Attachment:

The enclosed map has been amended to show the discharge point to be four feet up river from the diversion point. It is located relative to a recognized survey point.

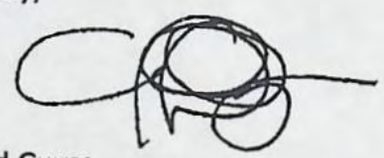
Other Issues:

The initial start up water will come from a domestic well.

I am in agreement with all the likely conditions you outlined.

I have attempted to answer all the issues you have raised. But I remain available to further clarify any remaining issues.

Sincerely,



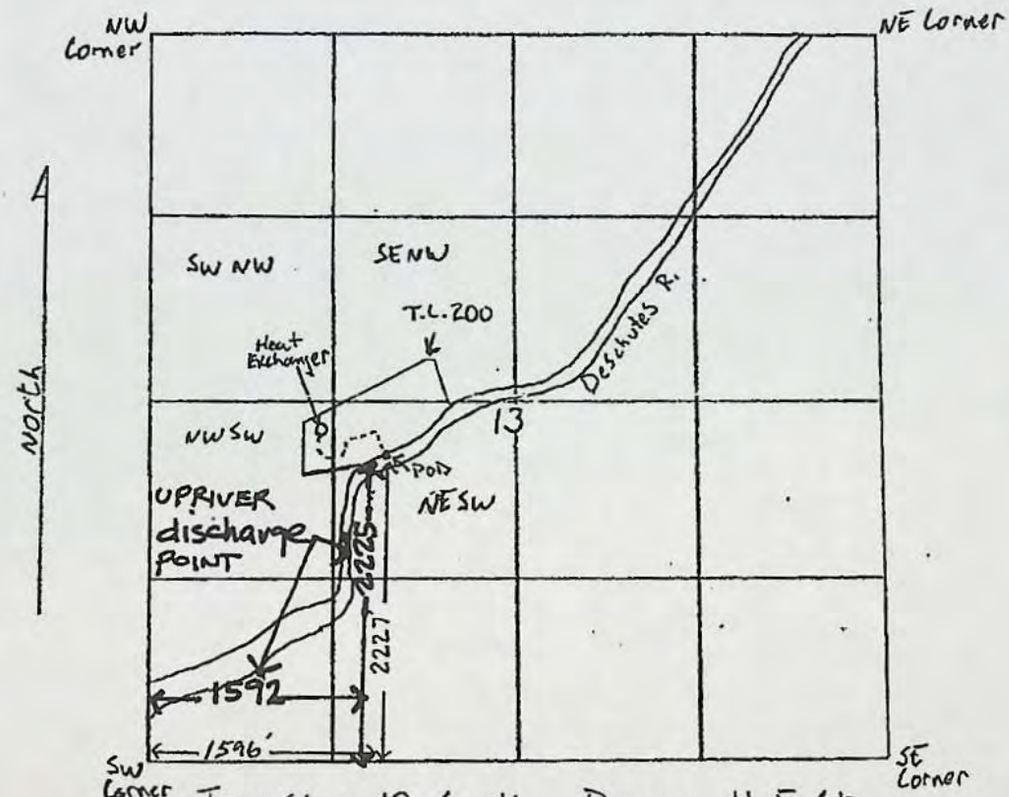
Clifford Curry
Curry Brandaw Architects and Construction

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

Surface water right Application For
Cliff Curry

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

Scale - 1" = 1320'

POD - 2227' north & 1596' East of the SW Corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

To: "Steven Marx" <Steven.D.Marx@state.or.us>
From: Kerry Lefever <Kerry.A.LEFEVER@wrd.state.or.us>
Subject: Re: File S-86392
Cc: jeremy Giffin, Kerry Lefever
Bcc:
Attached:

Steve,

Have you contacted the applicant directly? Cliff Curry's phone number is 503-551-3503.

You may also want to discuss this application with Jeremy Giffin, Watermaster District #11, at 541-388-6669.

Let me know if you need any additional information from the application file.

Kerry

At 03:57 PM 9/29/05, you wrote:
Kerry,

ODFW has reviewed the preliminary analysis for File S-86392. Lack of information does not allow adequate assessment of the application as it relates to completing the Division 33 Review.

thanks,

Steven Marx
District Fisheries Biologist
Oregon Department of Fish and Wildlife
61374 Parrell Road
Bend, Oregon 97702

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: 9/9/2005 Please return to WRD before **October 13, 2005.** **Application #:** S-86392

Applicant's Name: CLIFF CURRY

SOURCE OF WATER: ☐ GROUNDWATER ☒ SURFACE WATER ☐ STORAGE

DESCRIPTION OF THE SOURCE: Deschutes River
(A spring, well, sump, exempt pond, unnamed stream, etc.)

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 _____

RECEIVED
SEP 21 2005
WATER RESOURCES DEPT
SALEM, OREGON

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: _____

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? A non-consumptive use should not be given less than A year around use if it does not injure existing water rights.

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: _____

Comments: _____

Watermaster Signature: _____ Date: 9-15-05

WRD Contact: **Caseworker:** Kerry Lefever, Water Rights Division
503-986-0816/ Fax: 503-986-0901 / e-mail: Kerry.A.LEFEVER@wrd.state.or.us

Oregon
Theodore R. Kulongoski, Governor

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

September 9, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CLIFF CURRY
PMB 447; 86 SW CENTURY DR
BEND, OR 97702

(503)551-3503

Reference: File S-86392

Dear Applicant:

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:

Explanation of proposed use:

The proposed use is described by the applicant as a closed-loop heat exchange for heating and cooling a residence.

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.

2. The use of water from Deschutes River, a tributary of Columbia River, for domestic use (heat exchange - heating and cooling) for one household **is a classified use** under OAR 690-505, the Deschutes Basin Program.

3. Surface water from the Deschutes River for domestic use **is not available** at any time of the year.

4. Use of water from direct flow **is not allowed** April 15 through September 30 except for domestic use (OAR-690-33).

5. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Allowable Water Use

Because item #3 above is unfavorable, the use of water from Deschutes River, a tributary of Columbia River, for domestic is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Required:

Additional information is required to process your application. Please provide the following items:

- In your application form, the quantity of water you requested was zero. Although you have indicated that the proposed use is non-consumptive, being a closed-loop heat exchange system to provide heating and cooling to your residence, you will be diverting water from the Deschutes River. Please provide the Department with the rate of water you are proposing to divert.

- The Department may allow your proposed use if you can provide information that the proposed surface water use:

    1) is 100% non-consumptive,

    2) will be returned to the originating source at or above the original point of diversion, and

    3) the initial start-up water (for charging and filling the system) is less than 50 gallons or can be accomplished with water from another source.

- Please show on the enclosed copy of your application map where you propose to discharge the effluent to the source stream. The Department will not consider the proposed use if the discharge point is not at or above the proposed point of diversion. Please also provide the coordinates of the discharge point to a recognized public land survey point.

- Other potential issues, such as temperature change of the water and fish screening/passage may be a concern to the Department and/or Oregon Department of Environmental Quality (DEQ) and Oregon Fish and Wildlife Department (ODFW). As you provide information to the Department describing your proposed use, please consider how you may propose to handle the effluent prior to discharge to the source stream.

Please submit this information no later than October 13, 2005. 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.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a proposed final order recommending denial of the application.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a $50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, September 23, 2005**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:

   A. 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.

2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

3. The 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.

4. 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.

5. The tentative priority date for this application is August 8, 2005.

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.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our customer service staff at 503-986-0801. Feel free to call me at 503-986-0816 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Sincerely,

Kerry Lefever

Kerry Lefever
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86392
wab 5-197
pou 5-197
gw

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86392

Applicant: CLIFF CURRY

County: Deschutes

Watermaster: 11

Priority Date: August 8, 2005

Source: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER

Use: DOMESTIC USE FOR ONE HOUSEHOLD (HEAT EXCHANGE - HEATING AND COOLING)

Quantity: _____?____ CUBIC FOOT PER SECOND

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 1 DESCHUTES R MISC

Point of Diversion Location: NESW, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13

Place of Use: NWSW, SECTION 13, TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

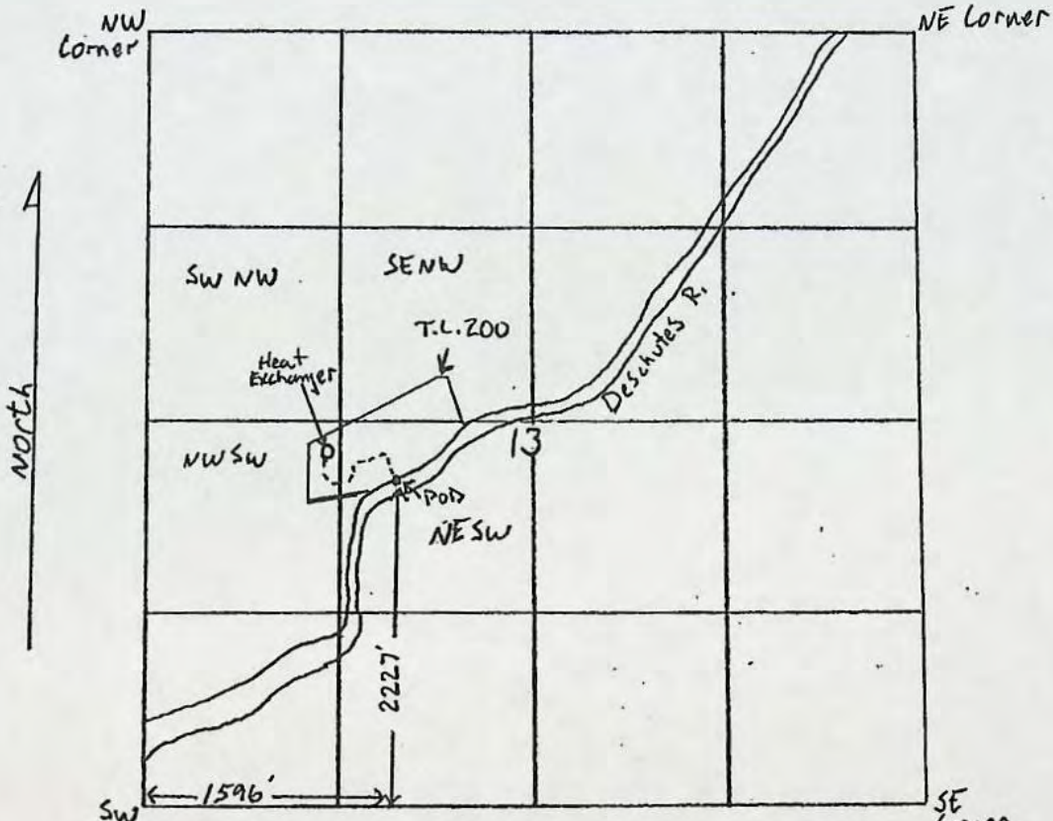
14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 23, 2005

PUBLIC NOTICE DATE: Tuesday, September 20, 2005

30 DAY COMMENT DEADLINE DATE: Thursday, October 13, 2005

Surface water right Application For
Cliff Curry

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

Scale - 1" = 1320'

POD - 2227' north & 1596' East of the SW corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

To: "Steven Marx" <Steven.D.Marx@state.or.us>
From: Kerry Lefever <Kerry.A.LEFEVER@wrd.state.or.us>
Subject: Re: File S-86392
Cc: jeremy Giffin, Kerry Lefever
Bcc:
Attached:

Steve,

Have you contacted the applicant directly? Cliff Curry's phone number is 503-551-3503.

You may also want to discuss this application with Jeremy Giffin, Watermaster District #11, at 541-388-6669.

Let me know if you need any additional information from the application file.

Kerry

At 03:57 PM 9/29/05, you wrote:
Kerry,

ODFW has reviewed the preliminary analysis for File S-86392. Lack of information does not allow adequate assessment of the application as it relates to completing the Division 33 Review.

thanks,

Steven Marx
District Fisheries Biologist
Oregon Department of Fish and Wildlife
61374 Parrell Road
Bend, Oregon 97702

X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See http://www.impsec.org/email-tools/sanitizer-intro.html
for details. $Revision: 1.139 $Date: 2003-09-07 10:14:23-07
Subject: File S-86392
Date: Thu, 29 Sep 2005 15:57:27 -0700
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: File S-86392
Thread-Index: AcXFSSnZ0+fQj4j6T9SaoTZflmUYpg==
From: "Steven Marx" <Steven.D.Marx@state.or.us>
To: "LEFEVER Kerry A" <Kerry.A.Lefever@state.or.us>
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=0.1 required=5.0 tests=HTML_60_70,HTML_MESSAGE
autolearn=no version=2.63
X-Spam-Level:

Kerry,

ODFW has reviewed the preliminary analysis for File S-86392. Lack of information does not allow adequate assessment of the application as it relates to completing the Division 33 Review.

thanks,

Steven Marx
District Fisheries Biologist
Oregon Department of Fish and Wildlife
61374 Parrell Road
Bend, Oregon 97702

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: 9/~~7~~9/2005 Please return to WRD before **October ~~14~~13, 2005.** **Application #:** S-86392

Applicant's Name: CLIFF CURRY

SOURCE OF WATER: ☐ GROUNDWATER ☒ SURFACE WATER ☐ STORAGE

DESCRIPTION OF THE SOURCE: Deschutes River
(A spring, well, sump, exempt pond, unnamed stream, etc.)

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 _____

RECEIVED
SEP 21 2005
WATER RESOURCES DEPT
SALEM, OREGON

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: _____

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? A non-consumptive use should not be given less than A year around use if it does not injure existing water rights.

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: _____

Comments: _____

Watermaster Signature: _____ Date: 9-15-05

WRD Contact: **Caseworker:** Kerry Lefever, Water Rights Division
503-986-0816/ Fax: 503-986-0901 / e-mail: Kerry.A.LEFEVER@wrd.state.or.us

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Developed 6/27/97 - Current as of 8/31/05)

standard language for all surface and reservoir applications unless instructed otherwise by ODFW:
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. (formerly b54c and odfwdam)

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. (formerly fish)

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. (formerly odfw and b54b)

fishdiv33

(formerly pispc) 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. **[same as riparian]**

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. **[same as wq]**

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. **[same as fishapprove]**

fishmay Not withstanding 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. (formerly odfwmay)

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.

IR CHECKLIST

Application #: S-86392 **Applicant:** CLIFF CURRY

Use(s): DOMESTIC **Priority Date:** August 8, 2005

✓ If quasi/muni, **reviewed by Bill Fujii** Y / (N) / NA

✓ Is the **application complete?** (Y) / N need note

✓ **Prohibited by ORS 538?** Y / (N) If so, do not do an IR; return app & fees to applicant.

MA **GW Review** ☐ surface classification triggered ☐ Is there PSI? stream name _____

☐ 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
☐ Well located in **GWLA** or **CGWA** or **T1N R3E Sec 20, 21, 28, 29?** Y / N (If Y, include 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)
swr cc: dave jarrett

✓ **DIVISION 33** (Y) / N / NA
(If Y, attach basin map w/ pod)

Domestic
☑ Above Bonn ☐ If above, not allowed April 15 - September 30?
☐ Below Bonn
☐ Statewide

✓ **SW Availability** NA ☑ 80% live ☐ 50% storage no water available at any time WID: 5-197

☐ wab in Lost River Basin? If so, use 7-13-04 table for watershed ID # 31420404.
☐ wab in Chehalem, Champoeg, Mission or Case Creeks? If so, use Dwight's 12/4/2004 memo.

See DWF memo 2-27-2002 RE: 100% non-consump uses - domestic

✓ 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) Middle Deschutes OAR 690-505-0010

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

✓ **Rate** _____ **Rate** Max _____ Req Ø non-consumptive closed loop heatpump

Duty _____ **Season** Allowed _____ Req UR

✓ **Land use** approval (OK) needs approval county notified NA

✓ B.O.R. or Doug Co. project Y / (N) **contract #** _____

✓ Does the applicant intend to begin **use within 5 years?** (Y) / N
(If not, bring to supervisor's attention.)

✓ Statement allowing someone to act as **authorized agent?** Y / (N) / NA

✓ **Conditions:** SMALL & special per WM

Small ≤ 0.1 CFS, ≤ 9.2 AF, **Medium** > 0.1 or < 1.5 CFS, > 9.2 or < 100AF, **Large** ≥ 1.5 CFS, ≥ 100 AF
use at least Medium for: human consumption (SWW), siltcoos lake, livestock SWW, Galesville/BOR
uses that **require** Large: GW condition 7I, temp control (NU), gov. entity and tenmile lake

Application #: S-86392 **Applicant:** CLIFF CURRY

Is the stream **withdrawn?** Y / (N) / NA season allowed {order of State Engineer (1934) does not fit w/in 4 items of presumption - SB 674

Basin Maps have been checked (Y) / N **River Mile** Deschutes R ~RM 171

SWW ABOVE (WITHIN) NO (if so, notify state parks & record app # in book) Name Deschutes

Is the use located within Oregon **Streamflow Restoration** Area? (Y) / N / NA

Letter format Good Limited (Bad) Bad w/ HC Opportunity

If **Initial Review is negative**, did you notify the applicant? Y / N / NA

CWRE, representative, etc. to notify? Y / N WM #11,
ODFW - Steve Marx ODA - Jim Johnson
DEQ - Dick Nichols

Addn'l info req'd? (Y) / N clarify rate; provide info the proposed use is 100% non-consumptive; discharge at or above POD; initial start up volume 50 gals or less or from other source.
(If Y, send certified)

Attachments included? (Y) / N / NA app map

Fees

Base Fee	Water Amount (Q)	
$100 / $150 $250 / $300	1st CFS/AF	200
	____ Addl CFS/AF @ ____ +	____

300 (base) + 200 (Q) = 500 (total exam fee)

non-consumptive - requested Ø cfs
closed loop heat exchange
Need rate of water

EXAM FEE REQUIRED	500
EXAM FEE PAID	-500
STILL OWED	Ø

Name: Kerry Lefever **Date:** 8/12/2005 **Peer Review** Jerry Gainey

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.

Memo

Oregon Water Resources Department
Water Rights Section

To: Water Right Section Technical Staff

From: Dwight French, Water Rights Section Manager February 27, 2002

RE: Water availability determinations for 100% non-consumptive uses
(Example and case study file: S-84770)

Occasionally we receive applications that want to use surface water in an area where no water is available for operation of a heat pump or similar domestic device that operates at a 100% non-consumptive rate. Our water allocation policy (OAR 690-410-070(1)) says:

> Policy. The waters of the state shall be allocated within the capacity of the resource and consistent with the principle that water belongs to the public to be used beneficially without waste. Water shall be allocated among a broad range of beneficial uses to provide environmental, economic, and social benefits. The waters of the state shall be protected from over-appropriation by new out-of-stream uses of surface water or new uses of groundwater.

When a proposed surface water use is 100% non-consumptive, will be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) is less than 50 gallons or can be accomplished with water from another source, the use will not contribute to over-appropriation and is therefore consistent with our water availability policy.

Other potential issues, such as temperature change or fish screening/passage still apply.

Analysis for Application: S86392

Location: 18S-11E-13-NWSW

Uses: DO P

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
11	SC	Jeremy Giffin	1128 NW Harriman	Bend	97701	541-388-6669		541-388-5101

Records Found: 1

WAB

WS_ID	BASIN	LINK1
197	5	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Deschutes	41017

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

690-505-0010 Middle Deschutes 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 Middle Deschutes 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 Middle Deschutes River Basin are hereby so classified with the following exceptions:

(A) OAR 690-505-0050, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board;

(B) The maximum economic development of this state, the attainment of the main stem Metolius River, above river mile 13.0, 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, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development, recreation, wildlife and fish life uses and the waters of the main stem, Metolius River, above river mile 13.0, are hereby so classified;

(C) Further, no out-of-basin diversions of the waters of the mainstem Metolius River, above river mile 13.0, shall be permitted for any use;

(D) No further appropriations except for domestic or livestock uses shall be permitted for waters of the mainstem Deschutes River, from the head of Lake Billy Chinook near river mile 120 to the North Canal Dam near river mile 165;

(E) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes 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, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7-1/2 theoretical horsepower, recreation, wildlife and fish life uses.

(b) Applications for the use of the waters of the Middle Deschutes 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) Minimum Perennial Streamflows: For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage (priority date -- May 24, 1962).

(3) 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.

Platcard Report

Township 18S Range 11E Section 13

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
ⓘ	- -	29053	Deschutes River (F)	CN see transfers			7.0 IR CN											27.0 IR CN	19.7 IR CN	10.0 IR CN		
ⓘ	- -	74197	Deschutes River (F)	CN see transfers									7.17 IR CN				10.61 IR CN	30.77 IR CN	19.9 IR CN	24.5 IR CN		
	-			CN see transfers														0.05 PM CN				
ⓘ	- -	74197	Deschutes River (F)	CN see transfers									7.17 IR CN				10.61 IR CN	30.77 IR CN	19.9 IR CN	24.5 IR CN		
	-			CN see transfers														0.05 PM CN				
ⓘ	- -	74197	Deschutes River (F)	CN see transfers									7.17 IR CN				10.61 IR CN	30.77 IR CN	19.9 IR CN	24.5 IR CN		
	-			CN see transfers														0.05 PM CN				
ⓘ	- -	74197	Deschutes River (F)	CN see transfers									7.17 IR CN				10.61 IR CN	30.77 IR CN	19.9 IR CN	24.5 IR CN		
	-			CN see transfers														0.05 PM CN				
ⓘ	- -	74197	Deschutes River (F)	xfr#: T9209									7.17 IR				10.61 IR	30.77 IR	19.9 IR	24.5 IR		

Page:1 2 3 4 Next Last

Platcard Report

Township 18S Range 11E Section 13

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
ⓘ	- -	74197	Deschutes River (F)	xfr#: T9209														0.05 PM				
ⓘ	- 10/31/1900	75593	Deschutes River (F)	xfr#: S119											0.4 ID							
ⓘ	G5644 10/13/1971	G4946 -			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
ⓘ	G5644 10/13/1971	G4946 -		xfr#: T7009	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
ⓘ	G5644 10/13/1971	G4946 -		xfr#: T9408	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
ⓘ	G5644 10/13/1971	G4946 68458		CN xfr#: T7009	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN		
ⓘ	G5644 10/13/1971	G4946 68702		xfr#: T7009	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
ⓘ	G5644 10/13/1971	G4946 79994		CN xfr#: T9408	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN		
ⓘ	G8695 12/22/1978	G8565 -			QM	QM	QM		QM	QM	QM	QM	QM	QM								
ⓘ	G10400 06/24/1981	G9451 64989									6.0 IR											

Page:First Previous 1 **2** 3 4 Next Last

Return to Platcard Query Screen

Run Time: 2 seconds

Platcard Report

Township 18S Range 11E Section 13

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
ℹ	G11942 06/30/1989	G11379 -		xfr#: T8342	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
ℹ	G12226 09/07/1990	G11380 -		see transfers	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU		
ℹ	G12924 -	G12788 -		xfr#: T7778	QM		QM	QM							QM	QM	QM	QM	QM	QM		
ℹ	G15851 10/09/2002	-			QM		QM	QM					QM		QM	QM	QM	QM	QM	QM		
ℹ	S9266 11/19/1923	S6104 8782																DO				
ℹ	S13180 02/28/1913	S23256 -		WD xfr#: T9423									7.17 IS (s) WD				10.61 IS (s) WD	30.77 IS (s) WD	19.9 IS (s) WD	24.5 IS (s) WD		
	02/28/1913			WD xfr#: T9423														0.05 PM WD				
ℹ	S13180 02/28/1913	S23256 -		WD xfr#: T9555									7.17 IS (s) WD				10.61 IS (s) WD	30.77 IS (s) WD	19.9 IS (s) WD	24.5 IS (s) WD		
	02/28/1913			WD xfr#: T9555														0.05 PM WD				
ℹ	S13180 02/28/1913	S23256 -		xfr#: T9603									7.17 IS (s)				10.61 IS (s)	30.77 IS (s)	19.9 IS (s)	24.5 IS (s)		

Page:First Previous 1 2 **3** 4 Next Last

Return to Platcard Query Screen

Run Time: 2 seconds

Platcard Report

Township 18S Range 11E Section 13

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
ⓘ	S13180 02/28/1913	S23256 -		xfr#: T9603														0.05 PM				
ⓘ	S13180 02/28/1913	S23256 76714		see transfers									7.17 IS (s)				10.61 IS (s)	30.77 IS (s)	19.9 IS (s)	24.5 IS (s)		
	02/28/1913			see transfers														0.05 PM				
ⓘ	S86392 08/08/2005	-												DO								

Page:First Previous 1 2 3 **4**

Return to Platcard Query Screen

Run Time: 1 seconds

OREGON

Water Resources Department

Water Availability

WATER AVAILABILITY TABLE
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB TUMALO CR

Watershed ID #: 197 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

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	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
2	30530627	NO	NO	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
3	30530643	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
4	30530112	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
5	197	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

no water available

STREAM NAMES
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB TUMALO CR

Watershed ID #: 197 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Item	Watershed ID	Stream Name
1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH
2	30530627	DESCHUTES R > COLUMBIA R - AB EAGLE CR
3	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR
4	30530112	DESCHUTES R > COLUMBIA R - AB BUCKHORN CAN
5	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR

LIMITING WATERSHEDS
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB TUMALO CR

Watershed ID #: 197 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-928.0
2	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-756.0
3	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-525.0
4	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	-812.0
5	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	-2232.0
6	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	-2563.0
7	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	-2832.0
8	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	-2657.0
9	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	-2224.0
10	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	-1110.0
11	30530627	DESCHUTES R > COLUMBIA R - AB EAGLE CR	NO	-603.0
12	30530643	DESCHUTES R > COLUMBIA R - AB SHITIKE CR	NO	-1124.0
Stor	197	DESCHUTES R > COLUMBIA R - AB TUMALO CR	NO	0.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	4970.00	632.00	12.30	4330.00	450.00	4500.00	-624.00

2	5530.00	695.00	21.80	4810.00	450.00	4500.00	-137.00
3	6140.00	950.00	32.30	5160.00	450.00	4500.00	208.00
4	6470.00	923.00	35.90	5510.00	450.00	4000.00	1060.00
5	6220.00	1120.00	20.50	5080.00	450.00	4000.00	632.00
6	5560.00	1160.00	4.61	4390.00	450.00	4000.00	-58.30
7	4610.00	902.00	3.56	3700.00	450.00	4000.00	-746.00
8	4320.00	810.00	3.45	3510.00	450.00	3500.00	-443.00
9	4410.00	695.00	3.50	3710.00	450.00	3800.00	-538.00
10	4520.00	759.00	3.57	3760.00	450.00	3800.00	-493.00
11	4610.00	818.00	3.46	3790.00	450.00	3800.00	-461.00
12	4820.00	744.00	3.42	4070.00	450.00	4500.00	-877.00
Stor	4390000	617000	8910	3760000	326000	2950000	520000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	620.00	0.00	17.00	0.91	0.07	4.36	1.30	0.00	644.00
2	693.00	0.00	17.00	0.91	0.07	4.36	1.30	0.00	717.00
3	888.00	70.70	17.00	0.91	0.07	4.36	1.30	0.00	982.00
4	491.00	444.00	17.00	0.91	0.07	4.36	1.30	0.00	959.00
5	91.80	1020.00	17.00	0.91	0.07	4.36	1.30	0.00	1140.00
6	49.00	1080.00	34.10	0.91	0.07	4.36	1.30	0.00	1170.00
7	38.50	827.00	34.10	0.91	0.07	4.36	1.30	0.00	906.00
8	35.60	737.00	34.10	0.91	0.07	4.36	1.30	0.00	813.00
9	35.80	622.00	34.10	0.91	0.07	4.36	1.30	0.00	699.00
10	439.00	300.00	17.00	0.91	0.07	4.36	1.30	0.00	763.00
11	798.00	0.00	17.00	0.91	0.07	4.36	1.30	0.00	822.00
12	723.00	0.00	17.00	0.91	0.07	4.36	1.30	0.00	747.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

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

DETAILED REPORT OF INSTREAM REQUIREMENTS
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

APP #	-90506A	-70501A	70087A	71194A	0	0	0	MAXIMUM
	ISWRs							
Status	SWW	Treaty	Cert.	Cert.				
1	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
2	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
3	4500.00	3500.00	3500.00	4500.00	0.00	0.00	0.00	4500.00
4	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
5	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
6	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00

7	4000.00	3000.00	3000.00	4000.00	0.00	0.00	0.00	4000.00
8	3500.00	3000.00	3000.00	3500.00	0.00	0.00	0.00	3500.00
9	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
10	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
11	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
12	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	4700.00	620.00	3.44	4080.00	450.00	4500.00	-874.00
2	5070.00	681.00	3.64	4390.00	450.00	4500.00	-565.00
3	5640.00	926.00	17.70	4700.00	450.00	4500.00	-254.00
4	5920.00	879.00	16.20	5030.00	450.00	4000.00	575.00
5	5710.00	1010.00	4.54	4700.00	450.00	4000.00	246.00
6	5260.00	1040.00	4.59	4210.00	450.00	4000.00	-239.00
7	4420.00	817.00	3.54	3600.00	450.00	4000.00	-851.00
8	4160.00	740.00	3.43	3420.00	450.00	3500.00	-534.00
9	4260.00	633.00	3.49	3620.00	450.00	3800.00	-626.00
10	4370.00	709.00	3.55	3660.00	450.00	3800.00	-592.00
11	4460.00	809.00	3.44	3650.00	450.00	3800.00	-603.00
12	4600.00	734.00	3.41	3860.00	450.00	4500.00	-1087.00
Stor	4050000	580000	4290	3470000	326000	2950000	312000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	602.00	0.00	16.30	0.62	0.07	3.84	0.98	0.00	624.00
2	663.00	0.00	16.30	0.62	0.07	3.84	0.98	0.00	685.00
3	861.00	61.40	16.30	0.62	0.07	3.84	0.98	0.00	944.00
4	462.00	411.00	16.30	0.62	0.07	3.84	0.98	0.00	895.00
5	79.40	913.00	16.30	0.62	0.07	3.84	0.98	0.00	1010.00
6	39.30	972.00	32.70	0.62	0.07	3.84	0.98	0.00	1050.00
7	31.50	751.00	32.70	0.62	0.07	3.84	0.98	0.00	821.00
8	29.30	676.00	32.70	0.62	0.07	3.84	0.98	0.00	744.00
9	29.60	568.00	32.70	0.62	0.07	3.84	0.98	0.00	636.00
10	432.00	258.00	16.30	0.62	0.07	3.84	0.98	0.00	712.00
11	791.00	0.00	16.30	0.62	0.07	3.84	0.98	0.00	813.00
12	715.00	0.00	16.30	0.62	0.07	3.83	0.98	0.00	737.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

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

12	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB EAGLE CR

Watershed ID #: 30530627 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

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

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	4310.00	615.00	3.42	3690.00	119.00	4500.00	-928.00
2	4540.00	674.00	3.47	3860.00	119.00	4500.00	-756.00
3	5040.00	930.00	15.40	4090.00	119.00	4500.00	-525.00
4	5270.00	952.00	13.90	4300.00	119.00	4000.00	185.00
5	5180.00	1140.00	4.45	4040.00	119.00	4000.00	-83.70
6	4840.00	1200.00	4.50	3640.00	119.00	4000.00	-484.00
7	4090.00	981.00	3.44	3110.00	119.00	4000.00	-1013.00
8	3880.00	850.00	3.35	3030.00	119.00	3500.00	-592.00
9	3990.00	722.00	3.43	3260.00	119.00	3800.00	-655.00
10	4070.00	748.00	3.51	3320.00	119.00	3800.00	-601.00
11	4130.00	810.00	3.42	3320.00	119.00	3800.00	-603.00
12	4230.00	732.00	3.38	3490.00	119.00	4500.00	-1124.00
Stor	3620000	626000	3970	2990000	86200	2950000	140000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	598.00	0.38	15.50	0.50	0.07	3.92	0.70	0.00	619.00
2	656.00	0.00	15.50	0.50	0.07	3.92	0.70	0.00	677.00
3	852.00	72.90	15.50	0.50	0.07	3.92	0.70	0.00	946.00
4	453.00	491.00	15.50	0.50	0.07	3.92	0.70	0.00	965.00
5	73.60	1050.00	15.50	0.50	0.07	3.92	0.70	0.00	1140.00
6	35.00	1130.00	31.10	0.50	0.07	3.92	0.70	0.00	1200.00
7	28.40	920.00	31.10	0.50	0.07	3.92	0.70	0.00	985.00
8	26.70	790.00	31.10	0.50	0.07	3.92	0.70	0.00	853.00
9	27.10	662.00	31.10	0.50	0.07	3.92	0.70	0.00	725.00
10	430.00	301.00	15.50	0.50	0.07	3.92	0.70	0.00	752.00
11	788.00	5.14	15.50	0.50	0.07	3.92	0.70	0.00	814.00
12	712.00	3.17	15.50	0.50	0.07	3.91	0.70	0.00	736.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

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

DETAILED REPORT OF INSTREAM REQUIREMENTS
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB SHITIKE CR

Watershed ID #: 30530643 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

	ISWRs							
APP #	-90506C	-70501C	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 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB BUCKHORN CAN

Watershed ID #: 30530112 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1120.00	550.00	3.26	567.00	0.00	500.00	67.00
2	1210.00	454.00	3.31	753.00	0.00	500.00	253.00
3	1300.00	451.00	3.41	845.00	0.00	500.00	345.00
4	1270.00	1010.00	3.81	252.00	0.00	500.00	-248.00
5	1350.00	1980.00	3.96	-631.00	0.00	250.00	-881.00
6	1310.00	2270.00	4.17	-966.00	0.00	250.00	-1216.00
7	1070.00	2340.00	3.32	-1274.00	0.00	250.00	-1524.00
8	1050.00	2130.00	3.24	-1086.00	0.00	250.00	-1336.00
9	1110.00	1750.00	3.32	-642.00	0.00	250.00	-892.00
10	1140.00	1230.00	3.41	-96.70	0.00	500.00	-597.00
11	1130.00	853.00	3.26	274.00	0.00	500.00	-226.00
12	1100.00	724.00	3.31	373.00	0.00	500.00	-127.00
Stor	1060000	954000	2520	283000	0	286000	96000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB BUCKHORN CAN

Watershed ID #: 30530112 Basin: DESCHUTES Exceedance Level: 80

Time: 14:10 Date: 08/12/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	465.00	79.80	7.24	0.23	0.03	0.93	0.08	0.00	553.00
2	363.00	86.10	7.24	0.23	0.03	0.93	0.08	0.00	458.00
3	300.00	146.00	7.24	0.23	0.03	0.93	0.08	0.00	455.00
4	32.60	977.00	7.24	0.23	0.03	0.93	0.08	0.00	1020.00
5	42.80	1930.00	7.24	0.23	0.03	0.93	0.08	0.00	1980.00
6	6.13	2250.00	14.50	0.23	0.03	0.93	0.08	0.00	2270.00
7	4.80	2320.00	14.50	0.23	0.03	0.93	0.08	0.00	2340.00
8	4.64	2120.00	14.50	0.23	0.03	0.93	0.08	0.00	2140.00
9	4.74	1730.00	14.50	0.23	0.03	0.93	0.08	0.00	1750.00
10	377.00	851.00	7.24	0.23	0.03	0.93	0.08	0.00	1240.00
11	735.00	113.00	7.24	0.23	0.03	0.93	0.08	0.00	857.00
12	617.00	102.00	7.24	0.23	0.03	0.93	0.08	0.00	728.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB BUCKHORN CAN

Watershed ID #: 30530112 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

	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 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB BUCKHORN CAN

Watershed ID #: 30530112 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

	ISWRs							
APP #	-90505A	70695A	0	0	0	0	0	MAXIMUM
Status	SWW	App.						
1	500.00	250.00	0.00	0.00	0.00	0.00	0.00	500.00
2	500.00	250.00	0.00	0.00	0.00	0.00	0.00	500.00
3	500.00	250.00	0.00	0.00	0.00	0.00	0.00	500.00
4	500.00	250.00	0.00	0.00	0.00	0.00	0.00	500.00
5	250.00	250.00	0.00	0.00	0.00	0.00	0.00	250.00
6	250.00	250.00	0.00	0.00	0.00	0.00	0.00	250.00
7	250.00	250.00	0.00	0.00	0.00	0.00	0.00	250.00
8	250.00	250.00	0.00	0.00	0.00	0.00	0.00	250.00
9	250.00	250.00	0.00	0.00	0.00	0.00	0.00	250.00
10	500.00	250.00	0.00	0.00	0.00	0.00	0.00	500.00
11	500.00	250.00	0.00	0.00	0.00	0.00	0.00	500.00
12	500.00	250.00	0.00	0.00	0.00	0.00	0.00	500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB TUMALO CR

Watershed ID #: 197 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available

1	1050.00	529.00	3.24	518.00	0.00	660.00	-142.00
2	1090.00	428.00	3.29	658.00	0.00	660.00	-1.60
3	1160.00	424.00	3.29	732.00	0.00	1000.00	-268.00
4	1150.00	958.00	3.70	188.00	0.00	1000.00	-812.00
5	1230.00	1860.00	3.96	-632.00	0.00	1600.00	-2232.00
6	1160.00	2120.00	4.17	-963.00	0.00	1600.00	-2563.00
7	1000.00	2230.00	3.32	-1232.00	0.00	1600.00	-2832.00
8	1000.00	2050.00	3.24	-1057.00	0.00	1600.00	-2657.00
9	1060.00	1680.00	3.32	-624.00	0.00	1600.00	-2224.00
10	1080.00	1190.00	3.39	-110.00	0.00	1000.00	-1110.00
11	1070.00	820.00	3.24	247.00	0.00	660.00	-413.00
12	1040.00	701.00	3.29	335.00	0.00	660.00	-325.00
Stor	966000	908000	2500	238000	0	825000	13600

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB TUMALO CR

Watershed ID #: 197 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	463.00	67.60	0.00	0.20	0.03	0.77	0.06	0.00	532.00
2	361.00	69.20	0.00	0.20	0.03	0.77	0.06	0.00	431.00
3	298.00	128.00	0.00	0.20	0.03	0.77	0.06	0.00	427.00
4	30.70	930.00	0.00	0.20	0.03	0.77	0.06	0.00	962.00
5	41.00	1820.00	0.00	0.20	0.03	0.77	0.06	0.00	1860.00
6	4.22	2120.00	0.00	0.20	0.03	0.77	0.06	0.00	2130.00
7	3.36	2230.00	0.00	0.20	0.03	0.77	0.06	0.00	2230.00
8	3.28	2050.00	0.00	0.20	0.03	0.77	0.06	0.00	2050.00
9	3.36	1680.00	0.00	0.20	0.03	0.77	0.06	0.00	1680.00
10	375.00	813.00	0.00	0.20	0.03	0.77	0.06	0.00	1190.00
11	733.00	88.50	0.00	0.20	0.03	0.77	0.06	0.00	823.00
12	615.00	88.30	0.00	0.20	0.03	0.77	0.06	0.00	704.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE
Water Availability as of 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB TUMALO CR

Watershed ID #: 197 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

	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 8/12/2005 for
DESCHUTES R > COLUMBIA R - AB TUMALO CR

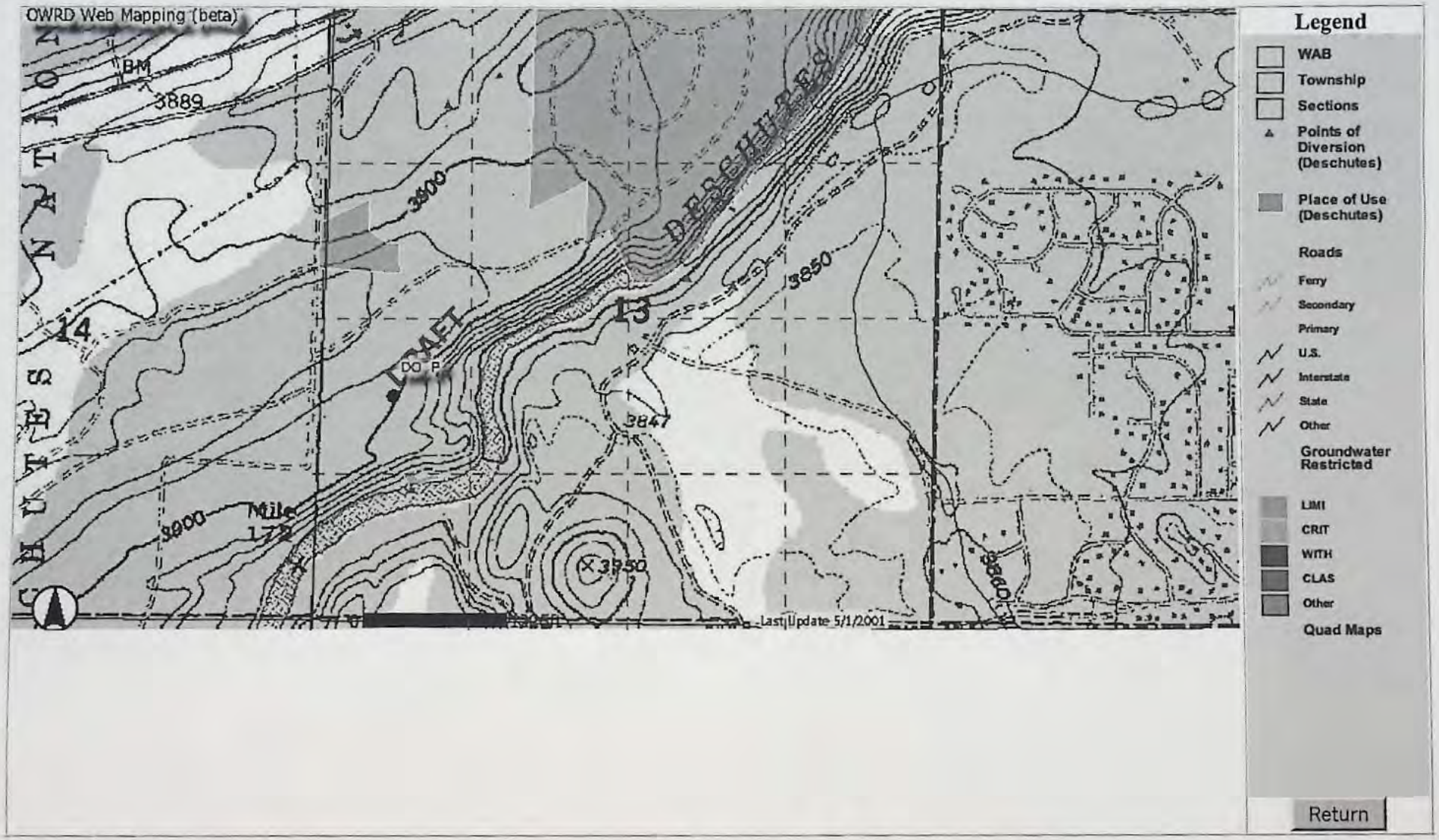
Watershed ID #: 197 Basin: DESCHUTES Exceedance Level: 80
Time: 14:10 Date: 08/12/2005

	ISWRs							
APP #	-90504A	197A	0	0	0	0	0	MAXIMUM
Status	SWW	Cert.						
1	660.00	660.00	0.00	0.00	0.00	0.00	0.00	660.00
2	660.00	660.00	0.00	0.00	0.00	0.00	0.00	660.00
3	1000.00	660.00	0.00	0.00	0.00	0.00	0.00	1000.00
4	1000.00	660.00	0.00	0.00	0.00	0.00	0.00	1000.00
5	1600.00	660.00	0.00	0.00	0.00	0.00	0.00	1600.00

6	1600.00	660.00	0.00	0.00	0.00	0.00	0.00	1600.00
7	1600.00	660.00	0.00	0.00	0.00	0.00	0.00	1600.00
8	1600.00	660.00	0.00	0.00	0.00	0.00	0.00	1600.00
9	1600.00	660.00	0.00	0.00	0.00	0.00	0.00	1600.00
10	1000.00	660.00	0.00	0.00	0.00	0.00	0.00	1000.00
11	660.00	660.00	0.00	0.00	0.00	0.00	0.00	660.00
12	660.00	660.00	0.00	0.00	0.00	0.00	0.00	660.00

1

Application S-86392



OREGON WATER RESOURCES DEPARTMENT

State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAXED 1-11-06 KZK

FAX TRANSMITTAL

TO: CLIFF CURRY **FAX NUMBER:** 503-399-0565

DATE: JAN 11, 2006 **PAGES:** 12, **INCLUDING COVER SHEET**

FROM: KERRY KAVANAGH **PHONE: (503) 986-0** 816

COMMENTS: APPLICATION S-86392
PROPOSED FINAL ORDER ISSUED 1-10-06

WATER RIGHTS
- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES
- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES
- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION
- District 16 Watermaster

DIRECTOR'S OFFICE
- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES
- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or 503-986-0904

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86392

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of $250.00. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **February 24, 2006**, issuance of a permit may be delayed.

Proposed Final Order

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

Application History

On August 8, 2005, CLIFF CURRY submitted an application to the Department for the following water use permit:

- Amount of Water: 0.134 CUBIC FOOT PER SECOND
- Use of Water: DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD
- Source of Water: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER
- Area of Proposed Use: Deschutes County within SECTION 13, TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

On September 9, 2005, the Department mailed the applicant notice of its Initial Review, determining that "*the use of water from Deschutes River, a tributary of Columbia River, for domestic is not allowable, and it appears unlikely that you will be issued a permit.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On September 20, 2005, 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.

Within 30 days of the Department's public notice, written comments were received from the applicant describing the proposed use of 0.134 cubic foot per second of water as non-consumptive.

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

- comments by or consultation with another state agency

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

Findings of Fact

The Deschutes Basin Program allows DOMESTIC.

Senior water rights exist on DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER, or on downstream waters.

DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER is within the Deschutes River State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is not available for further appropriation (at an 80 percent exceedance probability) at any time of the year.

The Department finds that the amount of water requested, 0.134 CFS, is an acceptable amount.

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, Fish and Wildlife (DFW), and Agriculture. WRD and DFW 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:

> 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 <u>prior to</u> 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.

The proposed surface water use is 100% non-consumptive, will be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) is less than 50 gallons or can be accomplished with water from another source.

Pursuant to OAR 690-310-0120(2), the Department has considered the following factors, shown in bold below, as provided in ORS 537.170(8):

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

The applicant has demonstrated that the proposed domestic use (operation of a heat pump) will be 100% non-consumptive. Therefore, the use does not prevent conservation of water for any purpose.

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

Domestic use is necessary to a reasonable use of domestic property. The applicant has demonstrated that the proposed use will be 100% non-consumptive.

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

The proposed use in application S-86392 is domestic which includes uses of water for sanitation (OAR 690-300-0010(24)). Considering that applicant may have no other viable source of water to provide sanitation to their home, the proposed use is necessary to provide the beneficial uses sanitation to applicant.

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

Water is not available for the proposed use during the full period requested.

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

The use will be conditioned to require reasonable use of the water and to prevent waste.

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

The pending application's priority date, conditioning that makes the use subject to senior rights, and the Department's existing system of regulation are the means necessary to protect existing vested and inchoate rights.

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

The proposed use is consistent with the Water Resource Commission's basin program for this proposed use.

Conclusions of Law

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

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

Water **is not available** for the proposed use.

The proposed use will not injure other water rights.

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

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

Because water is not available, the required presumption **has not** been established.

OAR 690-310-120(2)(b)"states that when the presumption is not established, the Department shall determine whether the proposed use will impair or be detrimental to the public interest considering the factors in ORS 537.170(8), and may make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or be detrimental to the public interest, and propose approval of

the application with appropriate modifications or conditions.

In consideration of findings described above, even though the presumption is not established, the proposed use will not impair or be detrimental to the public interest if approved with the following conditions:

1. The use shall be limited to DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD at a diversion rate of 0.134 CFS during the period January 1 through December 31 of each year.

2. The proposed surface water use must be 100% non-consumptive, must be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) must be less than 50 gallons or be accomplished with water from another source.

3. 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.

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

Recommendation

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

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

DATED January 10, 2006

Dwight French
Administrator
Water Rights & Adjudication Division

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest 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 $250 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.
- <u>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.</u>

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is $50.00. If a hearing is scheduled, an additional fee of $200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **February 24, 2006**.

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 if

- 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 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 if you have previously filed a protest and want to know the status, please contact Mike Reynolds 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 97301-1271, Fax: 503-986-0901.

KLK - WEEK 546

DRAFT This is not a permit. DRAFT

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CLIFF CURRY
PMB 447; 86 SW CENTURY DR (503)551-3503
BEND, OR 97702

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

APPLICATION FILE NUMBER: S-86392

SOURCE OF WATER: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.134 CUBIC FOOT PER SECOND

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: AUGUST 8, 2005

POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ SW ¼
SECTION 13
TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

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.

The proposed surface water use must be 100% non-consumptive, must be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) must be less than 50 gallons or be accomplished with water from another source.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____, 2005

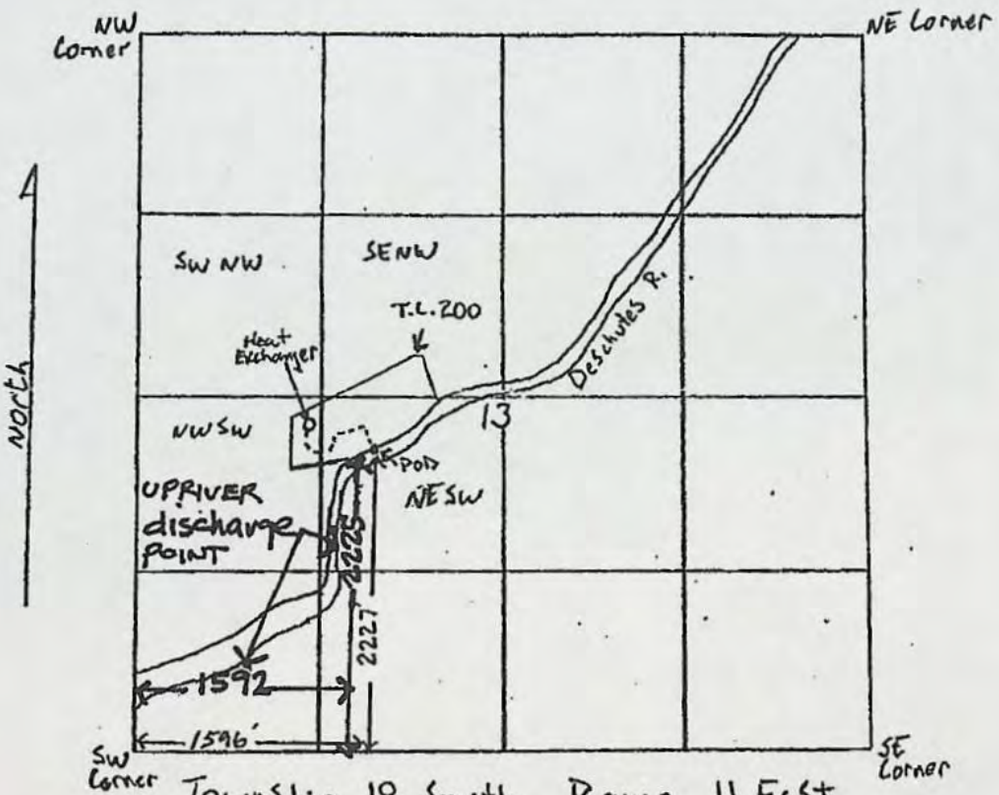
DRAFT - THIS IS **NOT** A PERMIT

_____
Phillip C. Ward, Director
Water Resources Department

Surface water right Application For
Cliff Curry

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

Scale - 1" = 1320'

POD - 2227' north & 1596' East of the SW corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

Mailing List for PFO Copies

Application #S-86392 PFO Date January 10, 2006

Original mailed to:

Applicant: CLIFF CURRY
PMB 447; 86 SW CENTURY DR
BEND, OR 97702

Copies Mailed
By: TCB
(SUPPORT STAFF)
on: 1/10/06
(DATE)

Copies sent to:
1. WRD - File # S-86392
2. Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:
3. WRD - Watermaster # 11

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

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

Affected Landowners (include "Notice of Proposed Final Order--Affected Landowner"):

1.

CASEWORKER : KLK - WEEK 546

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86392

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of $250.00. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **February 24, 2006**, issuance of a permit may be delayed.

Proposed Final Order

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

Application History

On August 8, 2005, CLIFF CURRY submitted an application to the Department for the following water use permit:

- Amount of Water: 0.134 CUBIC FOOT PER SECOND
- Use of Water: DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD
- Source of Water: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER
- Area of Proposed Use: Deschutes County within SECTION 13, TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

On September 9, 2005, the Department mailed the applicant notice of its Initial Review, determining that "*the use of water from Deschutes River, a tributary of Columbia River, for domestic is not allowable, and it appears unlikely that you will be issued a permit.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On September 20, 2005, 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.

Within 30 days of the Department's public notice, written comments were received from the applicant describing the proposed use of 0.134 cubic foot per second of water as non-consumptive.

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

- comments by or consultation with another state agency

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

Findings of Fact

The Deschutes Basin Program allows DOMESTIC.

Senior water rights exist on DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER, or on downstream waters.

DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER is within the Deschutes River State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is not available for further appropriation (at an 80 percent exceedance probability) at any time of the year.

The Department finds that the amount of water requested, 0.134 CFS, is an acceptable amount.

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, Fish and Wildlife (DFW), and Agriculture. WRD and DFW 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:

> 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 <u>prior to</u> 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.

The proposed surface water use is 100% non-consumptive, will be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) is less than 50 gallons or can be accomplished with water from another source.

Pursuant to OAR 690-310-0120(2), the Department has considered the following factors, shown in bold below, as provided in ORS 537.170(8):

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

The applicant has demonstrated that the proposed domestic use (operation of a heat pump) will be 100% non-consumptive. Therefore, the use does not prevent conservation of water for any purpose.

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

Domestic use is necessary to a reasonable use of domestic property. The applicant has demonstrated that the proposed use will be 100% non-consumptive.

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

The proposed use in application S-86392 is domestic which includes uses of water for sanitation (OAR 690-300-0010(24)). Considering that applicant may have no other viable source of water to provide sanitation to their home, the proposed use is necessary to provide the beneficial uses sanitation to applicant.

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

Water is not available for the proposed use during the full period requested.

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

The use will be conditioned to require reasonable use of the water and to prevent waste.

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

The pending application's priority date, conditioning that makes the use subject to senior rights, and the Department's existing system of regulation are the means necessary to protect existing vested and inchoate rights.

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

The proposed use is consistent with the Water Resource Commission's basin program for this proposed use.

Conclusions of Law

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

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

Water **is not available** for the proposed use.

The proposed use will not injure other water rights.

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

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

Because water is not available, the required presumption **has not** been established.

OAR 690-310-120(2)(b)"states that when the presumption is not established, the Department shall determine whether the proposed use will impair or be detrimental to the public interest considering the factors in ORS 537.170(8), and may make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or be detrimental to the public interest, and propose approval of

the application with appropriate modifications or conditions.

In consideration of findings described above, even though the presumption is not established, the proposed use will not impair or be detrimental to the public interest if approved with the following conditions:

1. The use shall be limited to DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD at a diversion rate of 0.134 CFS during the period January 1 through December 31 of each year.

2. The proposed surface water use must be 100% non-consumptive, must be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) must be less than 50 gallons or be accomplished with water from another source.

3. 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.

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

Recommendation

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

DATED January 10, 2006

Dwight French
Administrator
Water Rights & Adjudication Division

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest 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 $250 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.
- <u>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.</u>

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is $50.00. If a hearing is scheduled, an additional fee of $200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **February 24, 2006.**

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 if

- 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 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 if you have previously filed a protest and want to know the status, please contact Mike Reynolds 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 97301-1271, Fax: 503-986-0901.

KLK - WEEK 546

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CLIFF CURRY
PMB 447; 86 SW CENTURY DR (503)551-3503
BEND, OR 97702

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

APPLICATION FILE NUMBER: S-86392

SOURCE OF WATER: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER

PURPOSE OR USE: DOMESTIC USE (OPERATION OF A HEAT PUMP) FOR ONE HOUSEHOLD

MAXIMUM RATE: 0.134 CUBIC FOOT PER SECOND

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: AUGUST 8, 2005

POINT OF DIVERSION LOCATION: NE ¼ SW ¼, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ SW ¼
SECTION 13
TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

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.

The proposed surface water use must be 100% non-consumptive, must be returned to the originating source at or above the original point of diversion, and the initial start-up water (for charging or filling the system) must be less than 50 gallons or be accomplished with water from another source.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2010. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____, 2005

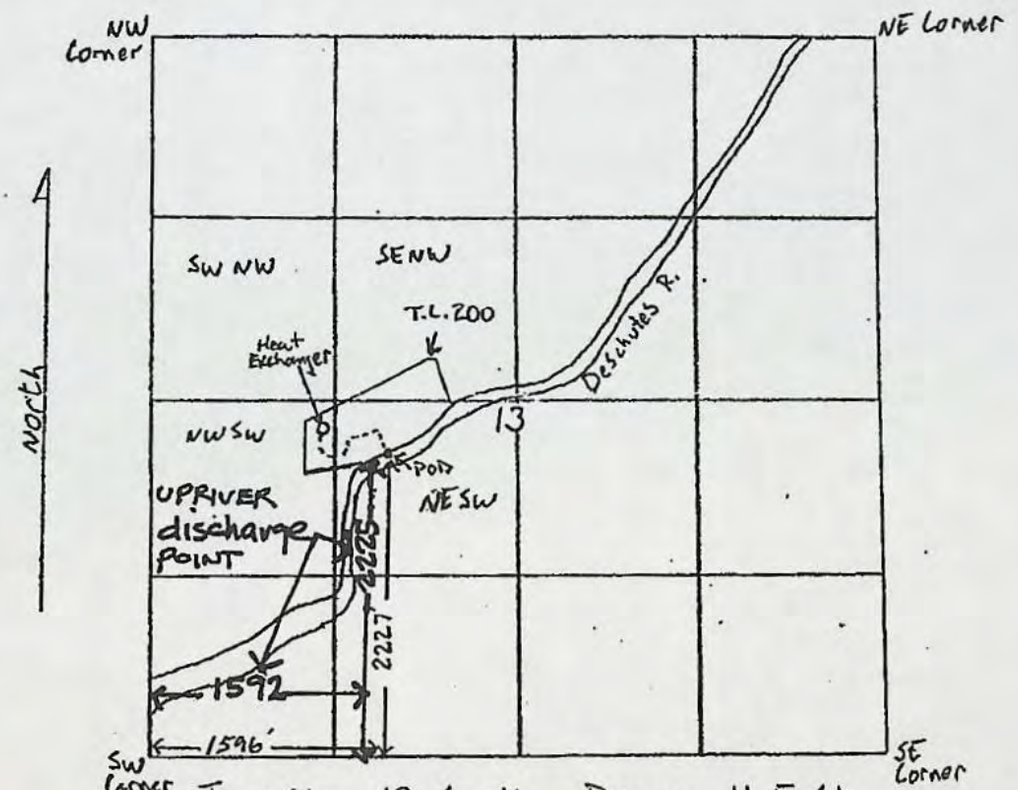
DRAFT - THIS IS **NOT** A PERMIT

_____
Phillip C. Ward, Director
Water Resources Department

Surface water right Application For
Cliff Curry

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

Scale- 1" = 1320'

POD - 2227' north & 1596' East of the SW Corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

Mailing List for IR Copies

Application #S-86392 IR Date: September 9, 2005

Original mailed to:

Applicant: CLIFF CURRY
PMB 447
86 SW CENTURY DR
BEND, OR 97702

Copies Mailed
By: TCB
(SUPPORT STAFF)
on: 9/9/05
(DATE)

Copies sent to:
1. WRD - File # S-86392
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:
3. WRD - Watermaster # 11
4. ODFW District Biologist: Steve Marx
5. Columbia River Intertribal Fish Commission
6. US Fish & Wildlife
7. NW Power Planning Council
8. DEQ — Dick Nichols, Eastern Region
9. DOA (Salem): Jim Johnson
10. State Parks

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

11. _____

12. _____

\COPYSHT.IR

ID# KL

***REMINDER**: Copy **all** IR's for uses in the geographic Umatilla Basin to Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801.*

***REMINDER**: Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)*

Curry Brandaw Architects
PARTNERSHIP
Construction
LLC CCB NO.125360

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

October 12, 2005

Kerry Lefever
Water Rights Section
Oregon Water Resources Department
725 Summer St. NE, Ste. A
Salem, OR 97301-1271

Re: Reference File S-86392

Dear Kerry Lefever,

This letter is in response to your initial review and request for more information.

Number 3: Your initial review determination

Please keep in mind as you make your final determination that our use is non-consumptive. We are going to circulate water from the river to a heat pump which will take 5 degrees of heat from the river water. The river water continues its enclosed loop back to the river.

Number 4:

The restriction of use between April 15 and September 30 is not a problem.

Number 5: Deficiencies and additional information

We will be diverting 60 gpm of water from the Deschutes River in a 2" continuous loop pipe. The water goes through a heat pump and back to the river. The water is enclosed through the entire pass through the factory manufactured heat pump. The water does not leave its closed loop until it reaches the river discharge point. The water is not consumed or polluted. The only change is the water returns to the river 5 degrees cooler.

The temperature impact is negligible when you consider 60 gpm coming into 224,000 gpm. It might not be possible to measure the temperature differences of the mixing streams.

2601 - 25th St. SE, Suite 300 ▪▪ Salem, Oregon 97302 ▪▪ Phone 503.399-1090 ▪▪ Fax 503.399-0565

Map Attachment:

The enclosed map has been amended to show the discharge point to be four feet up river from the diversion point. It is located relative to a recognized survey point.

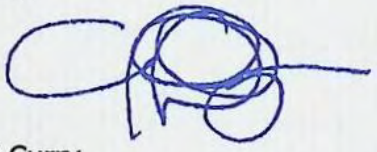
Other Issues:

The initial start up water will come from a domestic well.

I am in agreement with all the likely conditions you outlined.

I have attempted to answer all the issues you have raised. But I remain available to further clarify any remaining issues.

Sincerely,



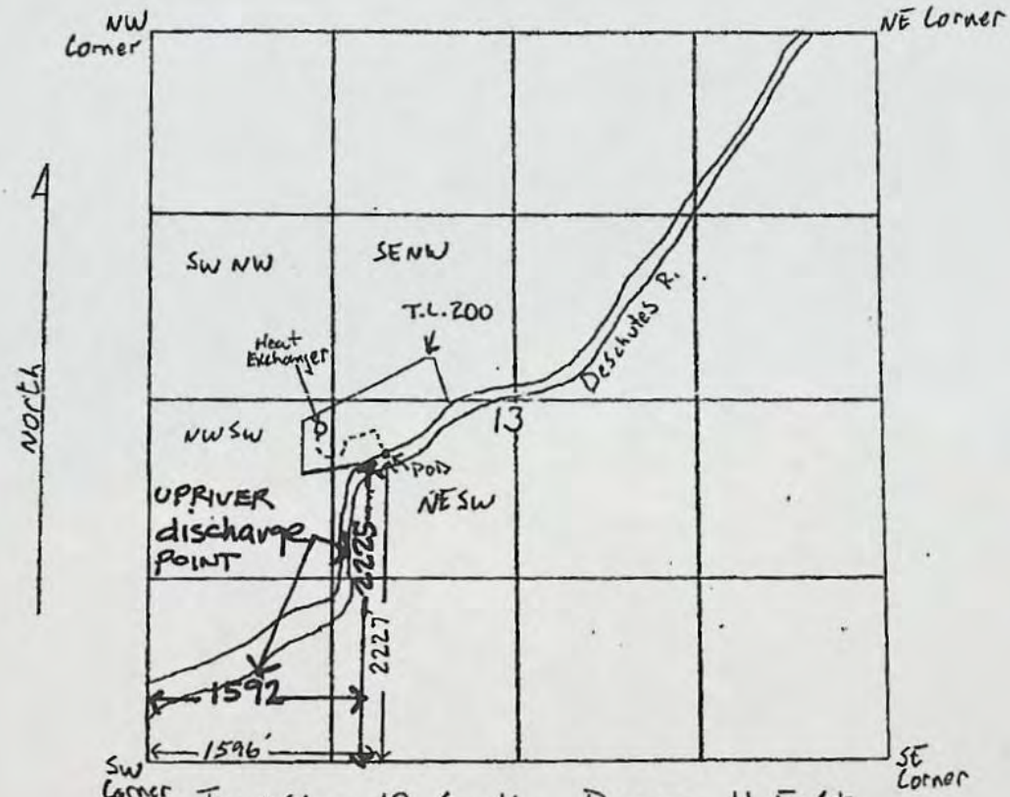
Clifford Curry
Curry Brandaw Architects and Construction

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

Surface water right Application For
Cliff Curry

RECEIVED
OCT 12 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

Scale - 1" = 1320'

POD - 2227' north & 1596' East of the SW corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

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:

S-86392
CLIFF CURRY
PMB 447; 86 SW CENTURY DR
BEND OR 97702

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Wendy May ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) Wendy May
C. Date of Delivery 9-12

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

2. Article Number
(Transfer from service label) 7004 2510 0004 6094 8998

PS Form 3811, February 2004 Domestic Return Receipt WR (IR) 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 97301-1271

Oregon
Theodore R. Kulongoski, Governor

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

September 9, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CLIFF CURRY
PMB 447; 86 SW CENTURY DR
BEND, OR 97702

(503)551-3503

Reference: File S-86392

Dear Applicant:

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:

Explanation of proposed use:

The proposed use is described by the applicant as a closed-loop heat exchange for heating and cooling a residence.

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.

2. The use of water from Deschutes River, a tributary of Columbia River, for domestic use (heat exchange - heating and cooling) for one household **is a classified use** under OAR 690-505, the Deschutes Basin Program.

3. Surface water from the Deschutes River for domestic use **is not available** at any time of the year.

4. Use of water from direct flow **is not allowed** April 15 through September 30 except for domestic use (OAR-690-33).

5. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Allowable Water Use

Because item #3 above is unfavorable, the use of water from Deschutes River, a tributary of Columbia River, for domestic is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Additional Information Required:

Additional information is required to process your application. Please provide the following items:

- In your application form, the quantity of water you requested was zero. Although you have indicated that the proposed use is non-consumptive, being a closed-loop heat exchange system to provide heating and cooling to your residence, you will be diverting water from the Deschutes River. Please provide the Department with the rate of water you are proposing to divert.

- The Department may allow your proposed use if you can provide information that the proposed surface water use:

    1) is 100% non-consumptive,

    2) will be returned to the originating source at or above the original point of diversion, and

    3) the initial start-up water (for charging and filling the system) is less than 50 gallons or can be accomplished with water from another source.

- Please show on the enclosed copy of your application map where you propose to discharge the effluent to the source stream. The Department will not consider the proposed use if the discharge point is not at or above the proposed point of diversion. Please also provide the coordinates of the discharge point to a recognized public land survey point.

- Other potential issues, such as temperature change of the water and fish screening/passage may be a concern to the Department and/or Oregon Department of Environmental Quality (DEQ) and Oregon Fish and Wildlife Department (ODFW). As you provide information to the Department describing your proposed use, please consider how you may propose to handle the effluent prior to discharge to the source stream.

Please submit this information no later than October 13, 2005. 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.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a proposed final order recommending denial of the application.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a $50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, September 23, 2005**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:

    A. 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.

2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

3. The 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.

4. 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.

5. The tentative priority date for this application is August 8, 2005.

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.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our customer service staff at 503-986-0801. Feel free to call me at 503-986-0816 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Sincerely,

Kerry Lefever

Kerry Lefever
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86392
wab 5-197
pou 5-197
gw

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86392

Applicant: CLIFF CURRY

County: Deschutes

Watermaster: 11

Priority Date: August 8, 2005

Source: DESCHUTES RIVER, A TRIBUTARY OF COLUMBIA RIVER

Use: DOMESTIC USE FOR ONE HOUSEHOLD (HEAT EXCHANGE - HEATING AND COOLING)

Quantity: _____?____ CUBIC FOOT PER SECOND

Basin Name & Number: Deschutes, #5

Stream Index Reference: Volume 1 DESCHUTES R MISC

Point of Diversion Location: NESW, SECTION 13, T18S, R11E, W.M.; 2227 FEET NORTH & 1596 FEET EAST FROM SW CORNER, SECTION 13

Place of Use: NWSW, SECTION 13, TOWNSHIP 18 SOUTH, RANGE 11 EAST, W.M.

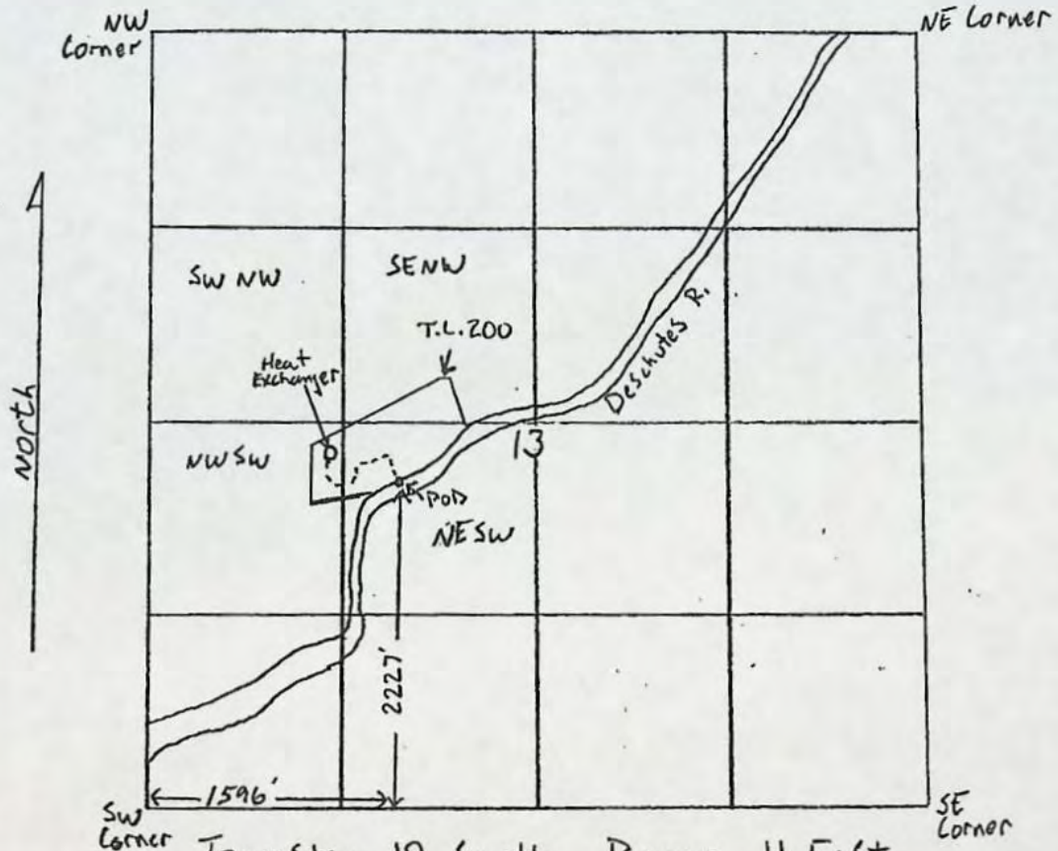
14 DAY STOP PROCESSING DEADLINE DATE: Friday, September 23, 2005

PUBLIC NOTICE DATE: Tuesday, September 20, 2005

30 DAY COMMENT DEADLINE DATE: Thursday, October 13, 2005

Surface water right Application For
cliff Curry

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



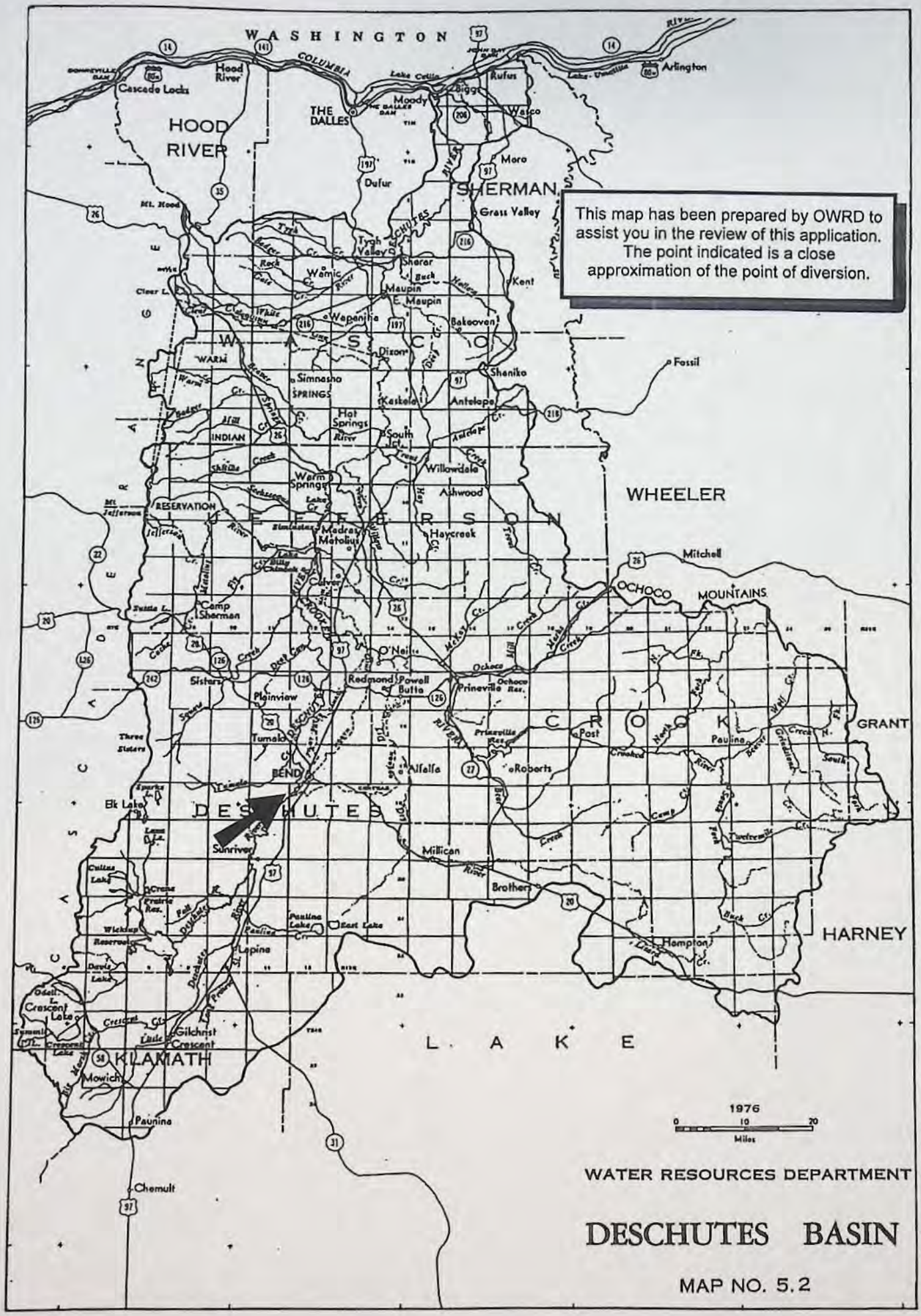
Township 18 South Range 11 East
Section 13

Scale- 1" = 1320'

POD - 2227' north & 1596' East of the SW corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

S-86392
CLIFF CURRY
DESCHUTES R, A TRIBUTARY OF COLUMBIA R



From: "Jeremy Giffin" <Jeremy.T.GIFFIN@wrd.state.or.us>
To: "Connie Vance" <Connie.R.VANCE@wrd.state.or.us>
Subject: Re: Cliff Curry Surface Water Application
Date: Wed, 3 Aug 2005 08:34:20 -0700
X-Mailer: Microsoft Outlook Express 6.00.2800.1437
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us
X-Spam-Status: No, hits=-4.9 required=5.0 tests=BAYES_00 autolearn=ham
version=2.63
X-Spam-Level:

Connie, Dwight and I talked about this application prior to the latest submittal. The use is for heat exchange in the house, therefore the amount of water he intends to consume is 0. We were going to have a flow meter installed at the intake and outlet to prove that it was a closed loop system. We did not want to put a number under the amount he intends to use as water availablity would throw the application out. Dwight came up with the idea of calling it domestic so that it would make it through the application process and fit into the basin plan. At the time I talked with dwight he wanted to have the person working the application talk to him about it. Please call me if you have any questions.

--Jeremy

----- Original Message -----
From: "Connie Vance" <Connie.R.VANCE@wrd.state.or.us>
To: <Jeremy.T.GIFFIN@wrd.state.or.us>
Sent: Friday, July 29, 2005 9:30 AM
Subject: Cliff Curry Surface Water Application

> FYI
>
>
> We received his re-submitted application on Thursday, July 28. I have
> consulted with Herb and we are going to return it. On page 3 he did not
> list the amount of water he intends to use. He put 0. (If he doesn't
> intend to use water why is he applying for a permit?) The map shows
> the landscape beautifully. It does not meet our Map Requirements.
>
> Have a good day.
>
> Connie Vance
> Customer Service Rep.
> Water Rights Section

Meter in - meter out? Why not on permit?

S 86392

Jeremy Giffin
Deschutes Basin Watermaster
District 11
South Central Region

Oregon

WATER RESOURCES

DEPARTMENT

Field Services Division
1128 NW Harriman St.
Bend, Oregon 97701
(541) 388-6669
Fax: (541) 388-5101
Jeremy.T.GIFFIN@wrd.state.or.us

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 Use
Surface Water

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 to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON
RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON
RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

1. APPLICANT INFORMATION

A. Individuals

Applicant: Cliff (First) Curry (Last)

Mailing address: PMB 447, 86 SW Century Drive

Bend (City) OR (State) 97702 (Zip)

Phone: 503-551-3503 (Home) (Work) (Other)

*Fax: _____ *E-Mail address: cliff@currybrandaw.com

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

_____ (City) (State) (Zip)

Phone: _____ (Day) (Evening)

*Fax: _____ *E-Mail address: _____

**Optional information*

For Department Use

App. No. S86392 Permit No. _____ Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Deschutes River Tributary to: Columbia River

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

B. Property Ownership

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

Do you own all the land where you propose to divert, transport, and use water?

- ☑ Yes *(Skip to section 3 "Water Use.")*
- ☐ 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.
  - ☐ 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).

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

List the names and mailing addresses of all affected landowners.

_____

_____

_____

_____

_____

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**,indicate the number of households to be supplied with water: 1
- If your proposed use is **irrigation**, please attach Form **I**
- If your proposed use is **mining**, attach Form **R**
- If your proposed use is **municipal or quasi-municipal**, attach Form **M**
- If your proposed use is **commercial/industrial**, attach Form **Q**

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use		Amount
Deschutes River	Domestic Use	0.00	☐ cfs ☑ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

C. Period of Use

Indicate the time of year you propose to use the water: January 1 - December 31

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31)

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 0

(This number should be consistent with your application map.)

4. WATER MANAGEMENT

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

A. Diversion

What method will you use to divert water from the source?

☑ Pump (give horsepower and pump type) 1/2 HP

☐ Head-gate (give dimensions) _____

☐ Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

☐ Weir ☑ Meter ☐ Periodic Sampling

☐ Other (describe) Non- Consumptive closed loop system

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

C. Transport
How will you transport water to your place of use?

☒ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☒ Yes ☒ No

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

☑ Pipe (give diameter and total length)

Diameter 2" Length 100'

☒ Other (describe) _____

D. Application/Distribution Method
What equipment will you use to apply water to your place of use? A closed loop pipe system that ren

Irrigation or land application method (check all that apply):

☒ Flood	☒ High-pressure sprinkler	☒ Low pressure sprinkler
☒ Drip	☒ Water cannons	☒ Center pivot system
☒ Hand lines	☒ Wheel lines	
☒ Siphon tubes or gated pipe with furrows		
☑ Other, describe This use does not apply water.		

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

Distribution method

☑ Direct pipe from source	☒ In-line storage (tank or pond)	☒ Open canal

E. Conservation
What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

This is a non-consumptive closed loop system.

5. RESOURCE PROTECTION

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

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

☒ Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions: A 1/8" mesh fish screen over the intake of the pipe.

☑ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Minimal disruption-already approved through the city planning

☑ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: The ditch will be hand dug in the riparian zone.

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

☑ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: No digging will occur below the water line and no chemicals will be used.

☒ Other:

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin 11/01/2005

Proposed date construction will be completed 11/15/2005

Proposed date beneficial water use will begin 11/15/2005

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This is a non-consumptive domestic use that will be monitored by the District 11 watermasters office.

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

8. 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 points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant *(If more than one applicant, all must sign)* — Date: 5/23/05

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's Fee Schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

Oregon Water Resources Department
Land Use Information Form

RECEIVED
MAY 31 2005
WATER RESOURCES DEPT
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS INFO 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, or exchange 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.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

— A. Applicant

Name: Cliff Curry

Address: PMB 447, 86 Century Dr SW

City: Bend State: OR Zip: 97702 Day Phone: 503-551-3503

— B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: *(check all that apply)*	Proposed Land Use
200		☒ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Deschutes County

— C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☐ Irrigation
☐ Municipal ☐ Quasi-municipal ☒ Domestic (indicate number of households) 1
☐ Other _____

Briefly describe: _____

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Deschutes River (source)

Indicate the estimated quantity of water the use will require: ~~0.00~~ 69 ☐ CFS ☒ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

S 86392

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 this case, only the city planning agency must complete this form. ***Please request additional forms as needed or feel free to copy.***

A. Allowed Use

Check the appropriate box below and provide 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): _____. Go to section B "Approval" below.

☑ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

RECEIVED
MAY 31 2005
WATER RESOURCES DEPT
SALEM, OREGON

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	*Check the item that applies:* Land Use Approval:	
Waterway Overlay Zone Approval	Bend Code § 10-10.22A	☑ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: *Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)* PZ 04-662

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

B. Approval

Please provide printed name and written signature.

Name: AARON HENSON Date: 6/3/05

Title: ASSOCIATE PLANNER Phone: (541) 383-4885

Signature: Aaron Henson

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

C. Additional Comments

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

Existing house approved in 2003 (City File # PZ 03-334).

Pipes for utility facility approved in 2005 (City File # 04-662, attached.) Subject to 7 conditions on page 24 of attached decision.

Note: *If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

CITY OF BEND
ADMINISTRATIVE REVIEW AND DECISION

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

PROJECT NUMBERS: PZ 04-662

DATE MAILED: April 22, 2005

APPLICANTS/ OWNERS: Clifford Curry & Delight Stone
61878 Bunker Hill Court
Bend, OR 97702

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

ARCHITECT: Curry Brandow Architects
2601 25th Street SE, Suite 300
Salem, OR 97302

ATTORNEY: Tia Lewis
Merrill O'Sullivan, LLP
1070 NW Bond Street, Suite 303
Bend, OR 97701

LOCATION: The subject property is located at 60980 Bachelor View Road on the west bank of the Deschutes River, and is further is identified on County Assessor's Map #18-11-13C as Tax Lot 200.

PROPOSAL: The applicant is requesting Waterway Overlay Zone review and approval to locate private utility facilities in the riparian corridor. The subject property is currently being developed with a single-family dwelling that was previously approved under City File #PZ 03-334. As part of the heating system for the new dwelling, the applicant proposes to install a utility facility which will utilize a heat exchanger to remove heat from river water. The proposed facility consists of a closed loop piping system with an intake point and outflow point placed in the Deschutes River below the winter low water mark. The system will be constructed of 2 inch diameter PVC pipe buried in one 6 inch wide by 24 inch deep trench running from the river up to the residence, a distance of approximately 265 feet.

PROJECT MANAGER: Aaron Henson AICP, Associate Planner

S-86392

APPLICABLE CRITERIA:

(1) Bend Zoning Ordinance No. NS-1178, Chapter 10;
   (a) 10-10.9D, Urban Low Density Residential (RL) Zone
   (b) 10-10.10, Urban Standard Density Residential (RS) Zone
   (c) 10-10.22A, Waterway Overlay Zone

(2) City of Bend Ordinance No. NS-1775, Land Use Permit & Review Procedures;
   (a) 10-16.6, Deschutes River Corridor Design Review Procedures

FINDINGS OF FACT:

1. **LOCATION:** The subject property is located at 60980 Bachelor View Road on the west bank of the Deschutes River, and is further is identified on County Assessor's Map #18-11-13C as Tax Lot 200.

2. **ZONING:** The subject property is split-zoned Urban Standard Density Residential (RS) and Urban Low Density Residential (RL), and has a split Comprehensive Plan designation of Residential Standard Density and Residential Low Density on the Bend Urban Area General Plan map. The subject property falls within the Waterway Overlay Zone (WOZ), which includes the Riparian Corridor subzone (75 ft. from the ordinary high water mark), the Deschutes River Corridor Design Review Combining Zone (100 ft. from the ordinary high water mark), the River Corridor Area of Special Interest (ASI) subzone, and the Flood Plain Combining (FP) Zone. As described in Section 22A.4(2)(a) of the Zoning Ordinance, the flood plain is the 100-year flood area indicated on the flood Insurance Rate Map (FIRM) as Zones A and AE. FIRM maps 41017C0215 C and 41017C0325 C show that a small portion of the subject property which is located immediately adjacent to the Deschutes River is within the floodway area in Zone A. However, the proposed utility facility is mostly located in Other Areas Zone X, which FEMA has determined to be outside the 500-year floodplain.

3. **SITE/SURROUNDING LAND DESCRIPTION:** Staff conducted a site visit on January 27, 2005. Staff provides the following finding based on observations made on the site, the submitted application materials, and City records:

   The subject property contains approximately 6.62 acres, with approximately 913.62 feet of frontage along the west side of the Deschutes River. Access to the site is provided by a steep private gravel driveway off the end of Bachelor View Road. The property slopes gradually up from the river to the site of the applicant's single-family home and various accessory structures, which are currently under construction. To the west of these structures, the site slopes sharply upward. Existing vegetation on the site consists of brush and native grasses. There are several large Ponderosa Pine trees and one dead Juniper tree in the vicinity of the proposed utility facility. The existing pine trees exhibit scorch marks from the Awbrey Hall forest fire that occurred in 1990.

There is an existing single-family home/cabin on the adjacent upstream parcel in the RL zone to the south; No other buildings or structures are currently visible from the subject property.

4. **PROPOSAL:** The applicant is requesting Waterway Overlay Zone review and approval to locate private utility facilities in the riparian corridor. The subject property is currently being developed with a single-family dwelling that was previously approved under City File #PZ 03-334. As part of the heating system for the new dwelling, the applicant proposes to install a utility facility which will utilize a heat exchanger to remove heat from river water. The proposed facility consists of a closed loop piping system with an intake point and outflow point placed in the Deschutes River below the winter low water mark. The system will be constructed of 2 inch diameter PVC pipe buried in one 6 inch wide by 24 inch deep trench running from the river up to the residence, a distance of approximately 265 feet.

5. **PUBLIC NOTICE AND COMMENTS:** The City of Bend Planning Division sent notices of the request to surrounding owners of record of property as shown on the most recent property tax assessment roll within 100 feet of the subject property and across the Deschutes River. No written comments were submitted from the property owners entitled to notice. Various agencies were also sent notices; their comments and recommendations are listed below.

AGENCY COMMENTS

Note: The following comments and recommendations received from various agencies are not necessarily reflective of the Conditions of Approval for the proposed project.

FIRE DEPARTMENT COMMENTS:
By: Brian Huff, City of Bend Fire Inspector
Date: March 31, 2005

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

No comments on request to locate utility facilities in the riparian corridor.

ENGINEERING DIVISION COMMENTS:
By: City Engineer
Date: April 8, 2005

Comply with U.S. Army Corps of Engineers requirements.

GRADING/DRAINAGE COMMENTS:
By: City of Bend Engineering Division
Date: March 30, 2005

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

Grading/Clearing:

Grading and clearing activities shall conform to the City of Bend Grading/Clearing Ordinance (NS-1879).

Grading/clearing activities begun prior to approval of Final Engineering drawings shall be subject to applicability and submittals required for a Major Grading Permit.

Provide comprehensive Grading/Clearing Plan.

Provide Grading/Clearing Statement.

Provide plan for erosion control during construction.

Provide description for erosion control, re-vegetation and/or stabilization following final grading.

Show construction points-of-entry for site.

Show location of all trees 8" dbh and larger. Fifty percent (50%) of all trees between eight (8) inches and twelve (12) inches dbh shall be retained on-site. All trees twelve (12) inches dbh and larger shall be retained on-site.

Storm Drainage:

Show any natural or existing drainage routes.

Submit a temporary drainage control plan to be in place during construction and/or for phased developments.

Submit a master storm drainage control plan for proposed impervious surface showing storm drainage contained on-site or routed to an approved drainage facility. No building permits to be issued until Drainage Plan is approved by City of Bend.

For private storm water management systems: Prior to the issuance of a Certificate of Occupancy and/or approval of Final Plat, the Engineer of Record shall provide written documentation stating that storm water management systems have been designed and installed per Oregon DEQ and City of Bend approved design requirements.

Show subsurface drainage measures to control water seepage impacts on neighboring properties.

Show all drainage easements on the Final Plat.

Additional Comments:

Prior to approval of Final Plat or issuance of a Certificate of Occupancy, all requirements of the City of Bend Grading Ordinance shall be met.

Proposed site plan does not provide sufficient information for grading/drainage approval. Submit detailed grading/drainage plan for approval prior to issuance of Building Permits.

Comply with all previous comments with PZ 03-334.

TRAFFIC ENGINEER COMMENTS:
By: Robin Lewis, P.E.
Date: April 8, 2005

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

No traffic comments.

LONG RANGE PLANNING COMMENTS:
By: Wendy Robinson, Senior Planner

Provide tree protection plan to protect trees from equipment damage.

Provide restoration plan for area within the Riparian Corridor.

BUILDING DIVISION COMMENTS:
By: Larry Ellenwood, Assistant Building Official

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

No comment.

ARNOLD IRRIGATION DISTRICT COMMENTS:
By: Shawn Gerdes, Manager
Date: March 30, 2005

Arnold Irrigation District does not have any facilities or water rights at this location.

CENTRAL OREGON IRRIGATION DISTRICT COMMENTS:
By: Jed Barrett
Date: April 5, 2005

No comments.

DIVISION OF STATE LANDS COMMENTS:
By: Nicole Navas, Resource Coordinator; Field Operations - Eastern Region
Date: April 1, 2005

Under the Oregon Removal-Fill Law (ORS 196.800 – 196.990), removal, filling, or alteration of 50 cubic yards or more of material within the bed or banks of the waters of this state or any amount of material within waters designated Essential Salmonid Habitat or State Scenic Waterway requires a permit from the Department of State Lands. Waters of the state include the Pacific Ocean, rivers, lakes, most ponds and wetlands, and other natural water bodies.

If Clifford Curry and Delight Stone's proposed installation of utility piping will involve any amount of fill and/or removal within the designated state scenic Deschutes River and/or adjacent wetlands (Township 18S, Range 11E, Section 13C, Tax Lot 200), the property owner may need to obtain a permit from the Department.

Please contact me at (541) 388-6236, if you have any questions regarding the Removal-Fill Program.

OREGON WATER RESOURCES DEPARTMENT COMMENTS:
By: Kyle Gorman
Date: April 18, 2005

The applicant is proposing to use waters of the Deschutes River for heat exchange. According to the Oregon Administrative Rules Chapter 690 Division 505-0000: The uses of waters of the Upper Deschutes River are not classified for this type of use and therefore this application is not consistent with rule. The application for heat exchange would not be allowed by the Oregon Water Resources Department.

If the City or applicant has further questions, please call me at 541-388-6669.

STAFF NOTE: Mr. Gorman's comments on behalf of the Water Resources Department were received 10 days after the City's deadline for agency comments.

6. **APPLICATION ACCEPTANCE DATE:** The application for Waterway Overlay Zone (WOZ) review was originally submitted to the City of Bend Planning Division on November 12, 2004. On November 16, 2004, staff notified the applicants that their application was incomplete. In response, the applicants submitted additional information on December 3, 2004, but staff replied with a second letter dated December 9, 2004 informing the applicants that their application was still incomplete.

   On December 15, 2004, staff received a letter from the applicants' attorney requesting additional time within which to provide the missing information. Specifically, the applicants' attorney requested staff to delay processing the application and allow the applicant until February 28, 2004 to provide all required information for a complete application. The attorney's letter included written acknowledgement that her client's request for more time precluded application of ORS 227.178 and prevented the 120-day rule from beginning to run.

On February 28, 2004, the applicants submitted a revised site plan map, together with a burden of proof prepared by their attorney. In response, staff brought some discrepancies between the site plan map and the burden of proof to the attention of the applicants' attorney. The applicants' attorney then submitted a corrected burden of proof on March 15, 2005, at which time the applicants' WOZ application was formally accepted and deemed complete.

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

CONCLUSIONARY FINDINGS:

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10-16.6, DESCHUTES RIVER CORRIDOR DESIGN REVIEW PROCEDURES

(1) Deschutes River Corridor Design Review Procedures.
For all property subject to the Deschutes River Design Review process pursuant to the City Zoning Ordinance, the following procedures shall apply:

A. There shall be two types of review for Design Review depending on the level and type of activity proposed. Notwithstanding these provisions, the Planning Director may refer any application to the Planning Commission for approval. The Planning Commission's consideration shall be subject to the land use permit procedures.

1. Development Action review shall be performed by the Planning Director for the following activities:

a. Minor alterations of 10 percent or less to an existing building façade facing river.
b. Changes in window or door placement visible from the river.

FINDING: The proposed utility facility will be buried in a trench within the Deschutes River Design Review Corridor. The applicant's project does not result in any alterations to the previously approved building façade facing the Deschutes River, nor does it result in any changes in window or door placements visible from the river. Therefore, staff finds that the City of Bend Land Use Permit & Review Procedures Ordinance authorizes staff to administratively review and approve the proposed use.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.9D; URBAN LOW DENSITY RESIDENTIAL (RL) ZONE

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

(2) Permitted Uses. The following permitted are permitted.

(a) Single-family dwellings.

(d) Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to Section 27(2).

FINDING: The subject property is currently being developed with a single-family home and various accessory buildings and structures. The applicants' proposal consists of a utility facility to serve the previously approved single-family dwelling. Staff finds that the proposed utility facility is an accessory use appurtenant to the previously approved single-family dwelling. Therefore, this criterion is satisfied.

(4) **Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.**

FINDING: No changes to the height of the previously approved single-family home and accessory buildings and structures are proposed. Therefore, this criterion is met.

(5) **Lot Requirements. The following lot requirements shall be observed...**

FINDING: The subject property complies with the dimensional requirements of the RL Zone, and the proposed utility facility does not affect any lot requirements. Therefore, this criterion is met.

(7) **Off-Street Parking. Off-street parking shall be as required in Section 24.**

FINDING: Section 24 requires two parking spaces per dwelling unit for single-family homes. The plans for the applicants' previously approved single-family dwelling meet this requirement.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10-10.10, URBAN STANDARD RESIDENTIAL (RS) ZONE

(2) **Permitted Uses. The following uses are permitted:**

(a) **Single-family dwelling.**

FINDING: As previously noted, the subject property is currently being developed with a single-family home and various accessory buildings and structures, which are located in the RL zone. The applicants' proposal consists of a utility facility to serve the previously approved single-family dwelling. No development is proposed within the RS zoned portion of the applicant's property. Therefore, this criterion is satisfied.

(5) **Lot Requirements. The following lot requirements shall be observed...**

FINDING: The subject property complies with the dimensional requirements of the RS Zone, and the proposed utility facility does not affect any lot requirements. Therefore, this criterion is met.

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A, WATERWAY OVERLAY ZONE (WOZ)

(1) Purpose. The Deschutes River and Tumalo Creek stream corridors within the urban growth boundary of the City of Bend are valuable economic, recreational, scenic and natural resources for the community. The Waterway Overlay Zone (WOZ) is inclusive of all special purpose provisions that pertain to these stream corridors. The WOZ is intended to conserve and enhance the natural resource values of areas along the Deschutes River and Tumalo Creek within the city by:

a) Recognizing and respecting the unusual natural beauty and character of the city's major waterways;
b) Protecting and enhancing water quality for human use and aquatic life;
c) Conserving and restoring habitat for wildlife, fish and other aquatic life;
d) Conserving wetlands;
e) Controlling erosion and reducing the effects of flooding;
f) Improving coordination between the city and agencies regarding development activities near waterways;
g) Promoting development that is compatible with the purposes of the WOZ;
h) Promoting the preservation and restoration of native riparian vegetation;
i) Maintaining the scenic quality of the canyon and rimrock areas along these waterways;
j) Conserving and protecting property values; and
k) Encouraging development, preservation and enhancement of reasonable public access to major waterways for recreational use and visual enjoyment.

(2) Applicability. Provisions of this section apply to all property within the boundaries of the WOZ as shown on the Bend Urban Area Zoning Map and consistent with WOZ boundary determination procedures of subsection 3 below. Many parcels within the WOZ are affected by more than one sub-zone. Where this is the case, applicable development standards for each sub-zone shall apply within that sub-zone's boundaries. Standards of this section shall apply in addition to applicable standards of the underlying zone. Where there are conflicts between sub-zone standards, the more restrictive standards shall control. The WOZ includes the following sub-zones:

- Riparian Corridor
- Deschutes River Corridor Design Review
- River Corridor Areas of Special Interest
- Flood Plain

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

(3) **WOZ Boundary Determination. The WOZ boundary is inclusive of all WOZ sub-zones, as specified in this section. Except for the River Corridor Areas of Special Interest and the Flood Plain Sub-Zone, the boundary of all sub-zones shall be determined by distance measurement from the designated waterway. The boundary for the River Corridor Areas of Special Interest Sub-Zone is designated on the Bend Urban Area General Plan Map, and shall be considered to be the outer (upland) edge of the mapped boundary line. Unless otherwise provided for specific WOZ sub-zones, boundary measurements shall be made from the ordinary high water mark. Distance measurements shall be made horizontally and at right angles to the edge of the waterway.**

FINDING: As previously noted, the subject property falls within the Waterway Overlay Zone. Specifically, portions of the applicants' property are located in all four sub-zones. The relevant approval criteria for these subzones are reviewed below.

(4) **Tree Removal. Consistent with the purposes of this section, and because trees contribute to the overall health of the riparian corridor, removal of existing trees greater than 4 inches in diameter within the WOZ is prohibited, except as follows:**

a. **Where necessary to accommodate an approved development activity; or**
b. **Where the tree is determined by a qualified professional to be diseased or hazardous; or**
c. **Where necessary to mitigate potential fire hazard in accordance with the Fire Protection Act of 1997.**

Tree removal under this subsection may be authorized by the review authority, based on findings demonstrating conformance with criteria a), b), or c). Where tree removal is proposed apart from an approved development activity, the review authority may authorize removal as a development action. If no hazard will be created, a tree or snag requested for removal may be required to be left in place as wildlife habitat.

FINDING: The applicants are not proposing to remove any existing trees within the Waterway Overlay Zone. As shown on the submitted site plan map and indicated in the applicants' burden of proof, the applicants will maintain a 30 ft. separation between the trench for the proposed utility facility and all existing trees within the Riparian Corridor. Therefore, staff finds that this criterion will be met.

(5) **Review Process.**

a) **State Agency Coordination. Within the WOZ, the State of Oregon has jurisdiction over certain development activities. In order to ensure coordination between the City of Bend and affected state agencies,**

notice of proposed activities within the WOZ will be provided to the Division of State Lands, the Oregon Department of Fish and Wildlife, the Oregon Parks and Recreation Department, and the Department of Environmental Quality, in accordance with provisions of Sec. 10-16.2(8) of the Bend Code.

FINDING: Mailed notice to the above listed state agencies was provided by the City Planning Division as required, and a deadline for comments of April 8, 2005 was set. The Oregon Department of State Lands replied to the City's notice with a letter dated April 1, 2005, prior to the City's deadline for comments. The letter states, in relevant part, that if the applicants' proposed installation of utility piping will involve any amount of fill and/or removal within the designated state scenic Deschutes River and/or adjacent wetlands, the applicants may need to obtain a permit from the Department of State Lands, in addition to obtaining Waterway Overlay Zone approval from the City of Bend.

The Oregon Water Resources Department also responded to the City's notice, but the Water Resources Department's letter dated April 18, 2005 was not received until after the City's deadline for comments. The content of the letter states that the Oregon Water Resources Department would not allow the applicants' proposed use of waters of the Upper Deschutes River based on the Oregon Administrative Rules (OAR) Chapter 690 Division 505-0000. A copy of the Water Resources Department's letter dated was provided to the applicants on April 19, 2005. According to an e-mail from the applicants' attorney dated April 21, 2005, the applicants have contacted a consultant to help them through the water rights permitting process, and the applicants believe they can resolve the issues and meet the OAR requirements.

Based on the above findings, it shall be required as a condition of approval that prior to installing the proposed utility facility, the applicant must obtain any necessary state permits. Copies of all such permits (or written certification that such permits are not needed) shall be submitted to the City Planning Division.

b) Application Information. In addition to application information required under Sec. 10-16.2(2), an application for a development or land use action within the WOZ shall include the following:

A. A detailed written explanation of the proposal, including the location, amount, and type (species) of any vegetation to be removed or planted, and any material to be graded, excavated, or filled.

B. An explanation of why any proposed grading, excavation, or fill of material and/or vegetation is necessary.

C. A site plan drawn to scale, accompanied by such drawings, sketches, photos, and descriptions as are necessary to describe and illustrate the proposed activity. The site plan shall, at a minimum, inclu

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

i. **Any proposed structures or impervious surfaces on the site;**
ii. **Location of property lines, easements, existing and proposed structures;**
iii. **Identification of existing vegetation on the site, indicating areas of native and non-native plant species;**
iv. **Any proposed modifications to existing vegetation;**
v. **A grading and drainage plan, showing existing and proposed site contours at two-foot intervals, or less;**
vi. **All applicable WOZ sub-zone boundaries;**
vii. **Location of the ordinary high water mark;**
viii. **Location of designated wetlands on or abutting the site; boundaries of designated wetlands shall be delineated using methods accepted by the Oregon Division of State Lands;**

FINDING: The subject property is located within the WOZ, although the previously approved single-family home is being constructed outside of the Riparian Corridor and the Design Review Corridor boundaries. As previously determined, the proposed utility facility is located within the boundaries of all four subzones, the approval criteria for which are addressed below.

The applicants' propose to place a utility facility in the Riparian Corridor as authorized by Section 22A.1(3)(C) of the Zoning Ordinance, as discussed below. The proposed utility facility will allow the applicants to heat the residence by using a heat exchanger to remove heat from river water and convert it to energy. The proposed facility consists of a closed loop piping system with an intake point and outflow point placed in the river below the winter low water mark. The below water piping will be screened with the outflow spread over three feet to eliminate jetting and slowly disperse the change in velocity and temperature.

The closed loop system will remove water from the river at a rate of 60 gallons per minute, deliver it to a heat exchanger in the residence which will remove 5 degrees of heat, and return it to the river 5 degrees cooler at the same rate of 60 gallons per minute. The closed loop system will be constructed of 2" PVC pipe. The pipe will be placed deep enough in the water so as not to be visible and will be buried in one 6" wide trench running from the river up to the residence for a distance of 265 feet. The trench will be located at least 30 feet from any tree, and will be meandered to avoid any manzanita and minimize impact to the existing natural vegetation.

The applicants estimate that their project can be completed in two days and will require movement of less than 8 cubic yards of dirt, which will be cut out of the trench and placed back in as fill over the pipes. Due to the small scale of the project, no ground disturbing machinery is needed.

There will be no disturbance to native vegetation other than the small amount of grass species in the trench area and all dirt required to refill the trench will be replaced by hand. The applicants propose to replant all grasses disturbed by the project at the same density as exists today.

The applicant has submitted is a site plan drawn to scale dated May 5, 2004 (last revised December 1, 2004) showing the project and the required information set forth above. Therefore, staff finds that this criterion is met.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.1, RIPARIAN CORRIDOR SUB-ZONE

(1) **Riparian Corridor Boundary. The width of the Riparian Corridor Sub-Zone adjacent to various waterway segments is specified in Tables 1 and 2 below. Boundary distances shall be measured from the ordinary high water mark, or from the upland edge of any designated wetlands, whichever is more landward. For purposes of riparian corridor boundary determination, steep slopes are considered to exist in an area having:**

- **60 percent or greater slope; and**
- **a vertical rise of 20 feet or more; and**
- **a continuous horizontal length 50 ft. or more.**

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

Table 1
West Side Riparian Corridor Boundary: Deschutes River

DESCHUTES RIVER – WEST SIDE	
From the South UGB line to the COID intake	30/75 feet[1]
From the COID intake to the Southern River Crossing alignment	30/50 feet[2]
From the Southern River Crossing alignment to the north boundary of McKay Park	40 feet
From the north boundary of McKay Park to the Tumalo Irrigation District intake (south boundary of Block 15, Awbrey Heights Subdivision)	30 feet
From the Tumalo Irrigation intake (south boundary of Block 15, Awbrey Heights Subdivision) to the Mt. Washington Drive bridge	30/50 feet[3]
From the Mt. Washington Drive bridge to the south boundary of Sawyer Park	30 feet
From the south boundary of Sawyer Park to the north UGB line	30/50 feet[4]

[1]Where steep slopes are present within 75 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 75 ft. horizontally of OHW, the Riparian Corridor Boundary is 75 ft. from OHW.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

[2]Where steep slopes are present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 50 ft. from OHW.

[3]Between the River's Edge Golf Course and the Mt. Washington Dr. Bridge, where steep slopes are present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 50 ft. from OHW.

[4]Where steep slopes are present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 50 ft. from OHW.

FINDING: The subject property is located within the area described as: "From the South UGB line to the COID intake." Based on the lack of steep slopes within 75 feet horizontally of the ordinary high water mark, all structures on the applicants' property are subject to a setback of 75 ft. from the ordinary high water mark of the Deschutes River. The previously approved single-family home and accessory structures on the subject property comply with this requirement. Staff finds that the 75 ft. setback from the ordinary high water mark does not apply to the applicants' proposed water lines because they will be buried in a trench, and will not be visible once the project is complete and the disturbed area is restored.

(2) **Activities Subject to Review and Approval. Within the Riparian Corridor sub-zone, permanent alteration by grading, removal of native vegetation, excavation or fill of soils or rocks, or by placement of structures or impervious surfaces is prohibited, except as provided below in subsections (3), (5), (6) and (7).**

(3) **Land Use Actions. The following may be approved within the Riparian Corridor by the Review Authority as a land use action:**

- **A. Streets, roads, bridges and driveways.**
- **B. Hard surface pedestrian and bicycle paths, unpaved trails, and boardwalks.**
- **C. Public and private utility transmission and distribution lines, including irrigation pumps and facilities, and drainage facilities.**
- **D. Water-related and water-dependent uses, including parks, interpretive areas, and viewpoints.**
- **E. Maintenance or repair of existing streets, roads, paths, and lawfully existing structures that involves grading, fill, or excavation of more than ten cubic yards of material, including vegetation.**
- **F. Restoration of the riparian corridor, including site grading and re-contouring, when carried out in conformance with an approved restoration plan (see subsection (5), below).**

FINDING: Staff finds that the applicants are proposing a private utility facility in the riparian corridor as authorized by Section 22A.1(3)(C). The applicable approval criteria are addressed below.

(4) **Approval Criteria for Land Use Actions. The Review Authority may approve a land use permit for uses listed in subsection (3), above, based on findings that the following criteria are satisfied:**

A. All necessary state and federal permits have been obtained, or will be obtained by the applicant, as a condition of approval.

FINDING: The applicants have applied for a water rights permit to remove water from the river through the Oregon Water Resources Department. As previously noted, the applicants may also need a permit from the Oregon Department of State Lands for fill/ removal associated with their project. As a condition of approval, prior to installing the proposed utility facility, the applicants shall obtain any necessary state and federal permits. Copies of all such permits (or written certification that such permits are not needed) shall be submitted to the City of Bend Planning Division.

B. The proposed development or activity is designed and constructed to minimize intrusion into the riparian corridor. This criterion shall not preclude placement of permitted uses in the riparian corridor at intervals and locations for purposes of providing reasonable public access to, and views of, the waterway. The following shall be specifically addressed in demonstrating conformance with this criterion:

i. Removal of riparian vegetation shall be limited to the minimum amount necessary to accommodate the proposed use; any vegetation removed in excess of this standard shall be non-native species. The proposal shall specify replacement of that vegetation with riparian species that are native to the Bend area, and similar to existing plant species in the vicinity (excluding noxious weeds as identified by the Deschutes County Soil and Water Conservation District).

ii. Any proposed construction shall be designed in such a manner as to minimize adverse impacts upon a designated wetland, native riparian vegetation, fish and wildlife habitat and water quality within this sub-zone.

iii. Erosion within the riparian corridor shall be prevented during and after construction by the use of mulch, erosion blankets, debris fencing, or similar preventative practices.

iv. Demonstrate that surface runoff from impervious areas will not flow unfiltered or untreated into the adjacent waterways.

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

FINDING: The portion of the subject property where the applicants plan to install the proposed utility lines has a gentle slope to the river. The applicants' project has been designed to minimize disturbance to the ground and vegetation by placing the piping system into one common 6" wide trench. The small scale of the project eliminates the need for ground disturbing equipment and all fill work in the trench can be done by hand. The applicants intend to meander the trench to avoid any manzanita bushes and maintain a minimum 30 foot distance from any tree. Three species of native grass will need to be removed to dig the trench, all of which will be replanted at the same density once the trench is filled in. The applicants estimate the project can be completed in two days, and will require movement of less than 8 cubic yards of dirt. There are no impervious surfaces associated with the project.

In order to ensure full compliance with the above criteria, the following items shall be required as conditions of approval: Removal of riparian vegetation shall be limited to the minimum amount necessary to accommodate the proposed use; Replacement vegetation shall be riparian plants that are native to the Bend area, and similar to existing plant species in the vicinity (excluding noxious weeds as identified by the Deschutes County Soil and Water Conservation District); All construction activities shall be conducted so as to minimize adverse impacts upon any designated wetlands, native riparian vegetation, fish and wildlife habitat, and water quality; Erosion within the riparian corridor shall be prevented during and after construction by the use of mulch, erosion blankets, debris fencing, or similar preventative practices.

Based on the above findings and the applicants' ability to comply with the conditions of approval, staff finds that the above criteria will be satisfied.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.2, DESCHUTES RIVER CORRIDOR DESIGN REVIEW COMBINING ZONE

(3) Design Review Procedure. All new development, structures, additions and exterior alterations to structures, including outside storage and off-street parking lots within the Deschutes River Corridor, are subject to a design review process.

(5) Minimum Standards. Within the Deschutes River Corridor the following minimum standards shall apply:

(a) Building and Parking Setbacks.

(A) 100 foot setback area. For the areas described below, the setback for all new buildings, parking lots and loading areas shall be a minimum of 100 feet from the ordinary high water mark unless the Bend Urban Area Planning Commission approves a lesser setback. In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River.

(i) The east and west bank from the Arizona/Commerce Street line to the southern boundary of the Bend Area General Plan map;

(ii) The east bank from the southern property line of Magill's Landing Subdivision to the northern property line of the Bend Riverside Motel;

(iii) The east bank from the southern property line of Sawyer Park to the southern boundary of the Rimrock West Subdivision;

(iv) The east and west banks from the northern boundary of the Rimrock West subdivision to the northern boundary of the Bend Area General Plan map and

(v) The west bank north of the Park District property known as "Flume Park" to the southern boundary of the Rimrock West Subdivision.

After the applicant has demonstrated through design review that the project provides at least the following:

1. Protection of water quality, and fish and wildlife habitat;

2. The improvement or restoration of riverfront riparian areas by the creation of new riparian vegetation areas or by improvements to existing riverfront riparian areas through appropriate plantings, and;

3. The provision of open space along the riverfront: The Bend Urban Area Planning Commission may approve a lesser setback.

(B) Commercial Property. For all existing commercially zoned property within the Deschutes River Corridor in existence upon the adoption of this ordinance, the setback for all buildings, parking lots, and loading areas shall be 30 feet from the ordinary high water mark of the Deschutes River.

(C) Other Areas. For the areas not described in (a) (A) or (B) above, all buildings, parking lots, and loading areas shall be 40 feet from the ordinary high water mark of the Deschutes River. In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River.

(b) Features in Building Setback Area. Within the 30, 40 and 100 foot building setback area, required in (a) (A), (B) and (C) above, the Bend Urban Area Planning Commission may approve features to enhance or support public use. Such features may include sidewalks, trails, utility facilities, streets and bridges crossing the river, boardwalks,

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

decks, plazas, outdoor cafe seating areas, utilities, lights, bike racks, trash and recycling receptacles, furniture, bank stabilization structures, fences, art work, stairs, bike and pedestrian bridges, boat launch facilities, and vendor carts as defined by Bend Code Section 7.516. The placement and uses shall be subject to the criteria in Section 6.

FINDING: The applicants' proposal to establish private utility facilities in the riparian corridor is specifically authorized by Section 22A.1(3)(C). Section 22A.2(5)(a)(A) above provides for a minimum setback of 40 feet for all "new buildings, parking lots and loading areas", while Section 22A.2(5)(b) authorizes utility facilities which "enhance or support public use" within the 30, 40 and 100 foot building setback area for the Design Review sub-zone. Because the proposed utility facilities are not "new buildings, parking lots or loading areas" regulated by the Design Review setbacks in Section 22A.2(5)(a) and are specifically authorized in the riparian zone pursuant to Section 22A.1(3)(C), staff finds that Design Review is not required for the applicants' project. Nevertheless, staff concludes that the proposal is in compliance with the Design Review sub-zone criteria as set forth below.

(6) **Site and Design Review Criteria. In addition to the minimum standards above, the Bend Urban Area Planning Commission shall review the development using the following design criteria:**

(a) **Conservation of natural features. Major rock outcrops, stands of trees, riparian areas, or other prominent natural features are an important part of the visual character and quality of the community. The Bend Urban Area Planning Commission shall review the applicant's proposal for impacts on these resources and may limit the amount of removal, require additional screening, or moving or reducing in size the development addition or structure in order to preserve to the greatest extent possible, existing natural features.**

(b) **Compatibility with existing area. The Bend Urban Area Planning Commission shall consider the relationship of the proposed development with the existing surroundings, in terms of building bulk, height, location, separation, shape, parking areas, lighting, fences, landscaping, open space, visual and physical corridors to the river and adjacent land use.**

(c) **Colors and Materials. The Bend Urban Area Planning Commission shall consider colors and materials. The Bend Urban Area Planning Commission may require new structures and additions to existing structures to be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site or colors that are compatible with adjacent buildings.**

(d) **No large areas, including roofs, shall be finished with bright or reflective materials. Metal roofing material is permitted if it is non-reflective and of a color which blends with the surrounding vegetation and landscape.**

(e) **The Bend Urban Area Planning Commission may establish increased setbacks, limitations of building heights, and limitations on the bulk and length of buildings, limitations on lighting, landscaping, fences, size and shape of windows facing the river, size and location of parking, and outdoor storage areas and any other improvement or use listed in 5 (a) and (b) above in order to carry out the purpose of this ordinance.**

(f) **For projects proposing development within the setback area, the Bend Urban Area Planning Commission may consider the degree to which the project provides public access along the riverfront, and may require the dedication of public access on an individualized determination that the required access is reasonably related to the project, and that the required dedication is also roughly proportional to the impact of the proposed project.**

(g) **For projects incorporating a setback less than 100 feet the BUAPC may required enhanced site landscaping, minimum corridors between buildings, variations in building setbacks, size or bulk of facades and may impose any other conditions of approval reasonably required to meet the purposes of this ordinance.**

FINDING: The applicants' project has been designed to minimize disturbance to existing vegetation and will result in no visible facilities since all pipes in the closed loop system will be buried or below the low water mark in the river. As previously noted, the applicants will meander the 6" wide trench to avoid trees and vegetation. Only three species of grasses will need to be disturbed during the trenching and the applicants will replant these grasses at the same density upon completion of the two-day project. The applicants anticipate that a total of 8 yards of dirt will need to be disturbed (dug out of the trench and then filled back in on top of the pipes) in order to complete the project. There are no impervious surfaces associated with the proposal and erosion will be minimal as the ground disturbance will be small and occur over a two-day period.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.3, RIVER CORRIDOR AREAS OF SPECIAL INTEREST SUB-ZONE

1. **<u>Approval Criteria</u>. Proposed development or land use actions on property subject to the River Corridor Areas of Special Interest Review, shall be subject to the following provisions:**

   A. **The proposal shall be designed and constructed so as to maintain the integrity of the existing natural features and biological systems by utilizing exterior building materials that have earth tone colors. Removal of native vegetation shall be limited to the minimum amount**

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

necessary to accommodate the proposed development or land use action; any vegetation removed in excess of this standard shall be non-native species.

B. Structures located along the canyon rim of the river shall be set back a minimum of 30 feet from the River Corridor Area of Special Interest boundary for a building 20 feet or less in height. For buildings over 20 feet in height, the building shall set back one additional foot for every additional foot over 20 feet. The maximum building height shall not exceed that of the underlying zone.

C. The permanent alteration of a River Corridor Area of Special Interest by grading, excavation or fill, the placement of structures or impervious surfaces, or by the removal of existing vegetation is only permitted as authorized within the Riparian Corridor sub-zone, or as provided below:

i. Streets and Crossings. Public or private streets and river crossings may be placed within a River Corridor Area of Special Interest to access development activities if it is shown that no other practicable method of access exists. If allowed, the applicant shall demonstrate that:

(a) No other practicable access to the buildable area exists, or access from an off-site location through the use of easements is not possible;
(b) Roads and driveways are designed to be the minimum width necessary and the minimum intrusion into the River Corridor Area of Special Interest while also allowing safe passage of vehicles and/or pedestrians;

ii Utilities, Irrigation Facilities, and Drainage Facilities. Public and private utilities, irrigation facilities, or drainage facilities may be placed within a River Corridor Area of Special Interest when it is shown that no other practicable alternative location exists. If allowed, the applicant shall demonstrate that:

a. No other practicable access exists or access from an off-site location through the use of easements is not possible;
b. The corridor necessary to construct utilities shall be the minimum width practicable;
c. Removal of existing trees and native vegetation shall be avoided unless absolutely necessary.
d. Minimal visual impact to the river corridor will result from the construction of the facility.

FINDING: As previously discussed, the applicants' proposal to locate utility facilities in the riparian corridor is permitted pursuant to Section 22A.1(3)(C) of the Zoning Ordinance. Thus, it is permitted in the River Corridor ASI pursuant to Section 22A.3(1)(C), which allows the placement of facilities in the River Corridor ASI as "authorized within the Riparian Corridor sub-zone or as provided below..." (emphasis added). Because the facility is authorized by the Riparian Corridor sub-zone, it is permitted in the River Corridor ASI pursuant to the quoted and underscored language. Nevertheless, staff finds the applicants have also addressed compliance with the criteria at subsection C(ii) as set forth above.

The applicants propose to draw water from the river at a rate of 60 gallons per minute, extract 5 degrees of heat from it, and return it to the river 5 degrees cooler at the same rate of 60 gallons per minute. Because the proposal necessarily involves a closed loop piping system to the river, no alternative location outside the ASI exists. The applicants have proposed to combine the closed loop piping system into one 6" wide trench, which is the minimum width necessary to hold two 2" wide pipes. As discussed, the applicants will meander the trench to avoid any manzanita bushes and maintain a 30 ft. separation distance from any tree. Three species of grasses will be disturbed during construction and the applicants will replant them at the same density upon completion of the two-day project. There should be no visual impact as all facilities will be located underground or under water. Therefore, the above criteria will be satisfied.

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.4, FLOOD PLAIN COMBINING ZONE, OR FP ZONE

(2) **Application of FP Zone.**

(a) The FP Combining Zone shall apply to the areas identified on the Flood Insurance Rate Map (FIRM), as special flood hazard areas inundated by 100-year flood and floodway areas. The FIA Flood Insurance Study for Bend and the FIRM map are hereby adopted and by this reference included herein. The A and AE zones shown on the FIRM map are hereby zoned FP.

FINDING: FIRM maps show that a small portion of the subject property located immediately adjacent to the river is within the floodway area in Zone A.

(5) **Permit for Use or Development in an FP Zone. No development shall occur in an FP zone unless a permit has been received for the work. Except for improvement of an existing structure which is less than substantial, as determined by the City, no permit shall be issued unless the work will be reasonably safe from flooding, otherwise complies with this ordinance, and all necessary state, federal, and local permits will be obtained as a condition of approval on any permit in an FP zone. The following information shall be submitted with the permit application:**

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

(a) The location of the property with reference to channel stations and flood profile elevations.

(b) The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and, for areas immediately adjacent to a stream, two-foot for ground slopes between five and ten percent, and five-foot for greater slopes.

(c) The location of existing and proposed diking or revetments, if any.

(d) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding.

(8) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(8A) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(9) Land Development Standards in a Flood Hazard Area.

(a) **In addition to the terms of Subsections 9 and 10 of this section, a subdivision or other land development, including all utility facilities, within an FP zone shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.**

(b) **A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood-carrying capacity of the watercourse.**

RECEIVED

(c) **A proposed land development of greater than either 50 lots or 5 acres shall include data showing the base flood elevation.**

AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

(11) Utilities Standards in a Flood Hazard Area.

(a) **A public utility or facility associated with a land development within a FP zone shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.**

(b) **Any new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.**

(c) **Any new or replacement sewerage system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the flood waters.**

FINDING: The exact location of the flood plain on the subject property is difficult to determine. The FIRM maps designate the 100-year flood plain to be Zone A, which indicates no base flood elevations have been determined. In any event, the proposal is consistent with the provisions of the flood plain zone to the extent that no structures are proposed in low lying areas susceptible to flooding. The proposed utility facility is a closed loop system with no opportunity for contamination or the infiltration of flood waters into the system.

CONCLUSIONS:

Based on the information provided by the applicants, the listed conditions of approval, and the above Findings of Fact and Conclusionary Findings, staff finds the applicants' proposal to locate a private utility facility in the riparian corridor has met all applicable criteria of the RL Zone, RS Zone, and the Waterway Overlay Zone (WOZ).

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

DECISION:

The proposed private utility facility in the riparian corridor is approved, subject to the following conditions of approval.

CONDITIONS OF APPROVAL:

1. Approval is based on the submitted plans dated May 5, 2004, last revised December 1, 2004. Any substantial alteration to the plans shall require additional land use approval.

2. The applicants shall maintain a 30 ft. separation between the trench for the proposed utility facility and all existing trees within the Riparian Corridor.

3. Removal of riparian vegetation shall be limited to the minimum amount necessary to accommodate the proposed utility facility.

4. Replacement vegetation shall be riparian plants that are native to the Bend area, and similar to existing plant species in the vicinity (excluding noxious weeds as identified by the Deschutes County Soil and Water Conservation District).

5. All construction activities shall be conducted so as to minimize adverse impacts upon any designated wetlands, native riparian vegetation, fish and wildlife habitat, and water quality.

6. Erosion within the riparian corridor shall be prevented during and after construction by the use of mulch, erosion blankets, debris fencing, or similar preventative practices.

7. Prior to installing the proposed utility facility, the applicants shall obtain any necessary state and federal permits. Copies of all such permits (or written certification that such permits are not needed) shall be submitted to the City of Bend Planning Division.

DURATION OF APPROVAL: The applicant shall meet all conditions of this approval within one (1) year following the date this decision becomes final, or obtain an extension of time pursuant to the City of Bend Land Use Review and Procedures Ordinance No. NS-1775, or this approval shall be void.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party on interest.

Written by: Aaron Henson

Aaron Henson AICP, Associate Planner

Reviewed by: _____

Dale Van Valkenburg, Current Planning Manager

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

AmeriTitle
Part Of The JELD-WEN Family

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

PLEASE DELIVER FAX AS SOON AS POSSIBLE TO THE FOLLOWING!

NAME: Heidi Kennedy

COMPANY:

REGARDING: Curry/Thompson

FAX NUMBER: 388-5519

PHONE NUMBER:

FROM JAN MILLAR TITLE OFFICER

FAX NUMBER: 541 389 0506

PHONE NUMBER: 541 389 7711

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

PAGES INCLUDING COVER:

DATE: 6/17/03

MESSAGE:

[X] MAIN OFFICE
15 OREGON AVENUE
BEND, OREGON 97701
P.O. BOX 752, BEND, OREGON 97709
PHONE (541) 389-7711
FAX (541) 389-0506

[ ] SUNRIVER ESCROW OFFICE
SUNRIVER VILLAGE, BLDG. 7
P.O. BOX 4325
SUNRIVER, OREGON 97707
PHONE (541) 593-1613
FAX (541) 593-2546

[ ] SISTERS ESCROW OFFICE
220 S. Pine, Ste. 106
P.O. Box 668
Sisters, Oregon 97759
Phone (541) 549-8089
FAX (541) 549-8086

[ ] SOUTH BEND ESCROW OFFICE
345 S. E. THIRD ST.
BEND, OREGON 97702
P.O. BOX 752, BEND, OREGON 97709
PHONE (541) 389-9176
FAX (541) 388-6939

[ ] REDMOND ESCROW OFFICE
735 S.W. 6TH STREET
P.O. BOX 219
REDMOND, OREGON 97756
PHONE (541) 923-1749
FAX (541) 923-5427

Forms/faxjan

S-86392

Until a change is requested all
tax statements shall be sent to:
Clifford Curry
61878 Bunker Hill Court
Bend, OR 97702

After recording return to:
FORCUM & SPECK
1123 NW BOND ST
BEND, OR 97701

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

WARRANTY DEED

Stephen E. Thompson, Jr., Grantor, conveys and warrants to Clifford Curry, Grantee, the real property described as:

Attached as Exhibit A

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

Free of encumbrances save and except:

1. All encumbrances and liens of record;
2. Reservations in patents;
3. Conditions, restrictions, reservations and easements of record;
4. Rights of the public in streets, roads and highways.

The true and actual consideration for this conveyance is $43,045.98.

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

By executing this instrument, Grantor certifies that he is not a "foreign person" as that term is defined in the Internal Revenue Code, Section 1445.

DATED this 13th day of June, 2003.

Stephen E. Thompson, Jr., Grantor
By Paul J. Speck, Attorney-In-Fact

STATE OF OREGON)
) ss.
County of Deschutes)

On the 13 day of June, 2003, personally appeared the above-named Paul J. Speck as attorney-in-fact for Stephen E. Thompson, Jr., Grantor, and acknowledged the foregoing instrument to be his voluntary act. Before me.

OFFICIAL SEAL
JEANNE L COWARD
NOTARY PUBLIC-OREGON
COMMISSION NO. 358013
MY COMMISSION EXPIRES JUN. 18, 2006

Notary Public for Oregon

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2003-40543
$36.00
06/17/2003 08:01:58 AM
D-D Cnt=1 Stn=3 PAT
$10.00 $11.00 $10.00 $5.00

USE AND ENJOYMENT EASEMENT
LEGAL DESCRIPTION

A parcel of land located in Parcel 1, Partition Plat No. 2002-26, further located within a portion of the Southwest 1/4 of Section 13, Township 18 South, Range 11 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning on the boundary of said Parcel 1 at the southwest corner of that property described in deed to Stephen E. Thompson recorded August 28, 2002 in Volume 2002, Page 46899 Deschutes County Official Records; thence along the boundary of said Parcel 1 the following three (3) courses:

North 59°35'22" East a distance of 439.26 feet;
South 35°57'15" West a distance of 178.87 feet;
South 06°18'15" East a distance of 21.13 feet;

thence leaving said boundary, South 78°25'31" West a distance of 281.86 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

12-03-02

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
PETER A. MANLEY
2214

EXPIRES 12-31-2002

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT

Until a change is requested, all tax statements shall be sent to:
Stephen E. Thompson, Jr.
P.O. Box 999
Sisters, OR 97759

After recording return to:
PAUL J. SPECK
1123 NW BOND ST
BEND, OR 97701

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

BARGAIN AND SALE DEED

Stephen E. Thompson, Jr., Grantor, conveys to Stephen E. Thompson, Jr., Grantee, the real property described as:

Attached as Exhibit A.

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

The true and actual consideration for this conveyance is the adjustment of property rights.

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

By executing this instrument, Grantor certifies that he is not a "foreign person" as that term is defined in the Internal Revenue Code, Section 1445.

DATED this 13th day of June, 2003.

Stephen E. Thompson, Jr., Grantor
By Paul J. Speck, Attorney-In-Fact

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

On the 13 day of June, 2003, personally appeared the above-named Paul J. Speck as attorney-in-fact for Stephen E. Thompson, Jr., Grantor, and acknowledged the foregoing instrument to be his voluntary act. Before me.

OFFICIAL SEAL
JEANNE L COWARD
NOTARY PUBLIC-OREGON
COMMISSION NO. 358013
MY COMMISSION EXPIRES JUN. 18, 2006

Notary Public for Oregon

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2003-40544
$41.00
06/17/2003 08:04:58 AM
D-D Cnt=1 Stn=3 PAT
$15.00 $11.00 $10.00 $5.00

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

ADJUSTED TAX ACCOUNT 181113 CO 01100
LEGAL DESCRIPTION

A parcel of land containing 3.99 acres, more or less, being a portion of Parcel 1, Partition Plat No. 2002-26 as recorded on March 4, 2002 in partition plat cabinet 2, pages 267, 268 and 269 in the office of the Deschutes County Clerk and is located in a portion of the Southwest One-Quarter (SW1/4) of Section 13, Township 18 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the easterly most corner of said Parcel 1 on the ordinary high water line of the Deschutes River; thence along the boundary of said Parcel 1 and said high water line the following two (2) courses:

South 35°57'15" West a distance of 178.87 feet;
South 06°18'15" East a distance of 21.13 feet to the southerly line of the "Use and Enjoyment" easement, described in Exhibit "C" in instrument recorded January 10, 2003 in volume 2003, Page 02309 Deschutes County Official Records and the True Point of Beginning;

thence continuing along said Parcel 1 boundary and said high water line the following five (5) courses:

South 06°18'15" East a distance of 43.66 feet;
South 28°27'35" West a distance of 59.96 feet;
South 08°55'24" West a distance of 127.12 feet;
South 12°57'04" East a distance of 85.16 feet;
South 16°06'42" East a distance of 77.65 feet to the northeasterly corner of Parcel 2, Partition Plat 2002-25;

thence leaving said Parcel 1 boundary and said high water line, along the northerly boundary of said Parcel 2, South 73°15'13" West a distance of 391.13 feet to the northwesterly corner of said Parcel 2, thence leaving said Parcel 2 boundary, along the northerly boundary of Parcel 1 of said Partition Plat 2002-25, South 73°15'13" West a distance of 98.97 feet; thence leaving said Parcel 1 boundary, North 00°00'00" East a distance of 348.86 feet to the southeast corner of Parcel 1 of said Partition Plat 2002-27, and the boundary of said Parcel 2 of said Partition Plat 2002-27; thence along said Parcel 2, Partition Plat 2002-27 boundary, North 59°35'22" East a distance of 227.33 feet to the southwesterly corner of said "Use and Enjoyment" easement; thence along the south line of said easement, North 78°25'31" East a distance of 281.86 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

03/10/03
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Peter G. Manley
OREGON
JULY 17, 1986
PETER A. MANLEY
2214
RENEWAL DATE: 12/31/04

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
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

July 29, 2005

Cliff Curry
PMB 447
86 SW Century Drive
Bend, OR 97702

Dear Mr. Curry:

The Oregon Water Resources Department received your Application for a Permit to Use Surface Water on July 28, 2005. Unfortunately, we must return it as we need more information.

Page 3 B. Amount of Water - You have 0. We need to know how much water you intend to use.

The map does not meet the requirements of OAR 690-310-050.

Please include the following items on your map.

- O **Township, Range, Section**
- O **Location of each diversion point, well or dam**
- ✓ **Reference corner on map**
- ✓ **Each point of diversion coordinate by reference to a recognized public land survey corner**
- ✓ **Even scale of the map, not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)**
- O **North Directional Symbol**
- ✓ **Place of use ¼¼'s and tax lot clearly identified**
- O **Number of acres per 1/41/4, if irrigation, nursery, or agriculture**
- O **Location of main canals, ditches, pipelines or flumes**
- O **Other**_____

_____

_____

S-86392

Please do not hesitate to contact me if I can be of further assistance. I may be reached at the above address or by telephone at 503-986-0803.

Sincerely,

Connie Vance

Connie Vance

Customer Service Rep.
Water Rights Section

cc Fiscal
Watermaster Dist. 11
Gen File

Enc. Original application
check for $500.00
Sample map & requirements

☑ **Season** being requested by applicant.

☑ **Water management section** has been completed? If system has not been designed, the applicant may estimate this information.

☑ **Resource protection system** completed on Surface Water application?

☑ Are the **dates of construction** indicated? Proposed dates for the Beginning of constrution, completion of construction, and complete application of water to the proposed use(s) If system already completed, applicant should indicate **existing**. Applicant may indicate in other than dates, these timelines.

☑ **Is the application signed in ink by the applicant?** If the application is in the name of an organization or corporation, the authorized agent with title or authority, must sign the application. If more than one applicant named, both/all must sign or application is incomplete.

☑ **Legal description included ?** A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill.

☑ **A completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?* Date should be within 6 months.

☑ Does the map meet map requirements of OAR 690-310-050?

- ☐ Town, Range, Sec, ¼ ¼ and Tax Lot #
- ☐ Reference corner on map
- ☐ ¼ ¼'s clearly identified
- ☐ POU clearly identified location of place of use where water is to be used. ie: domestic, industrial stock, irr, etc.
- ☐ Other
- ☐ Scale of the Map, not less than 4" = 1 mile
- ☐ North Directional Symbol (not fatal if omitted)
- ☐ Location of each diversion point, well or dam
- ☐ Location Coordinates for each POD by reference to a recognized public land survey corner
- ☐ Number of acres per ¼ ¼, if Irrigation

☑ fees enclosed?

Base Fee$ 300

Total Paid $ 500.00

plus$ 200

plus$ _____

Total Amount of Water Requested: _____

Total Exam Fee $ 500

Total Exam Fee $ 500.00 **Recording Fee $** 250.00

ompleteness Check by: Connie Vance Date: 8/08/05

\groups\wr\WRIG DOCUMENTS\application related\COMPLETENESSCHECKLIST04.wpd

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application S 86392
Priority Date: _____
Use(s): Non Consumptive
Rate: 0

County: Deschutes
Township: 18 S
Range: 11 E
Section: 13
POD ¼¼: NESW
POU ¼¼: NWSW

☑ **Applicant/Organization Name, Mailing Address and Telephone Number.** If applicant is other than a private landowner, Organizations section must be completed.

☑ **Source** listed

☑ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is located .....or..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE: An easement or agreement DOES NOT need to be submitted at this time, however a statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work is required at this time. Easement or agreement will be required before a permit will be issued.**

☐ **If a groundwater application...is the groundwater development section completed, including copies of well logs ?**

☑ **Proposed Use of the water....** Is each proposed use identified?

☐ Has the **appropriate "Supplemental Form" for each proposed use** been completed, if applicable ?

- ☐ **Form I** (Irrigation)
- ☐ **Form M** (Municipal or Quasi-Municipal)
- ☐ **Form R** (Mining)
- ☐ **Form Q** (Commercial or Industrial)
- ☐ **Spring Description Sheet** (if source is a Spring)

☑ **Amount of water** from each source listed in GPM, CFS or AF?

☐ **Acreage** being proposed, if applicable. NA

NEW WELL LOCATION

NEW HARDSCAPE DRIVEWAY AND TURN AROUND AREA

NATIVE ROCK

WALKWAY

DECK

OUTDOOR PATIO BELOW ROOF 3812.00 F.F.

3820

3812 F.F.

18" PP

14" PP

14" PP

8" PP

14" PP

18" PP

8" PP

00" PP

20" PP

26" PP

20" I

28" PP

20" PP

18" PP

10'-0" SETBACK

NEW 12'-0" WIDE DRIVE

ALTERNATE SAND FILTER SEPTIC SYSTEM (360 SQ. FT.)

12" PP

3810

3800

14" PP

24" PP

16" PP

"NO BUILD ZONE" EASEMENT

24" PP

28" PP

26" PP

15'-0" WIDE ROAD EASEMENT

⚠6 PLAN TO ALLOW FOR U

RICK

Enlarged Site Plan

Q:\Waterhouse\ConstrDoc\Arch\A1.2_Enlarged_Site_Plan

June 29, 2005 10:42:13

Located within a portion of The N 1/2 Of T

4 13

SECTION CORNER FND. 2"
RASS DISK IN CONCRETE
ARKED "TENNESON ENG.
ORP. ¼ 14/13 T18S R11E".

3870 3860 3850 3840 3830 3820 3810

DASHED LINE INDICATES OUTLINE
OF BUILDING PAD
(35,496 SQ. FT.)

POOL WITH
ROOF COVER
3810.00

16" PP

18" PP

OUTDOOR
GARDEN

10" PP

12" PP

ROCK
(E)

PROPOSED RESIDENCE

NATIVE ROCK
RETAINING WALL.

7'-0" SETBACK

DECK

CACTUS
GARDEN

TANK

6 HEAT
EXCHANGER

NATIVE ROCK
RETAINING WALL.

3812 F.F.

NATIVE ROCK
RETAINING
WALL

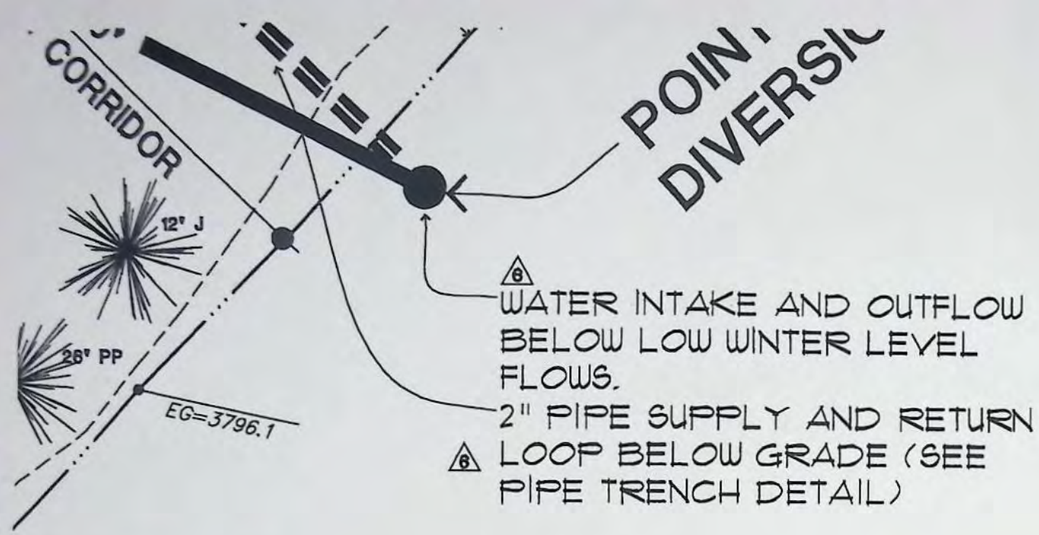
NEW WELL
LOCATION

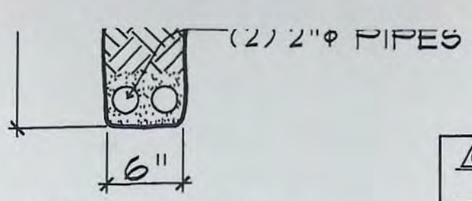
NEW HARDSCAPE
DRIVEWAY AND TURN

6 30'-0" SETBACK TO EXST. TREES

NATIVE

RIPA





6 PIPE TRENCH

NO.	DATE	REVISION
6	12/01/04	VARIANCE REVISION

DESCHUTES RIVER FLOW

LEGEND

PONDEROSA PINE TREE (DIAMETER AT BREAST HEIGHT)

TOP OF BANK AS OF 12/18/02

3612 EXISTING GROUND CONTOUR (2' INTERVAL)

BOUNDARY LINE

ENLARGED SITE PLAN

0 16' 32' 64'

SCALE: 1/16" = 1'-0"

North

'Y LINE IN RIPARIAN CORRIDOR

ENLARGED SITE PLAN

CURRY STONE RESIDENCE
60980 Bachelor View Rd.
Bend, Oregon

Curry Brandaw Architects
PARTNERSHIP
Construction
LLC CCB NO.125360

2601 25th Street SE, Suite 300 • • Salem, Oregon 97302
503. 399-1090 • • Direct 503. 399-1944 • • Fax 503. 399-0565

PROJECT NUMBER: 02046
DATE: MAY 5, 2004

©1998 Curry Brandaw Architects/ Curry Brandaw Construction Co.

http://www.currybrandaw.com

Building Permit

A1.2

SHEET

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

Township 13 South, Range 11 East
Tax Lot # - 181113c 200
6.15 Acres



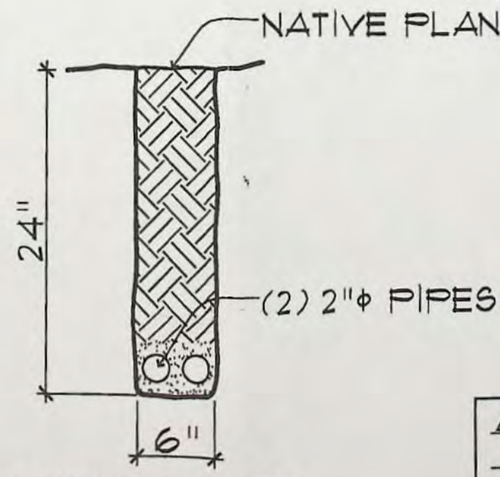
NOTES

1. LANDSCAPE CONCEPT
ALL THE PLANTINGS WILL BE NATIVE MATERIALS. WHENEVER POSSIBLE (GRASSES, MANZANETA AND SMALL PONDEROSA PINES) LOCATED WITHIN THE FOOTPRINT OF THE BUILDING WILL BE TRANSPLANTED ON SITE. ALL THE TREES OVER 6" WILL BE PRESERVED.

2. ROCK OUTCROPPINGS
THE CUT AND FILL WILL BE RETAINED WITH ROCK THAT IS NATIVE TO THE SITE. ANY PLACED ROCK WILL EMULATE THE NATURAL ROCK OUTCROPPINGS.

3. GRADING PLAN CONCEPT
THE CUT AND FILL WILL BE LIMITED TO THE GARAGE, CAR TURN-AROUND, GREENHOUSE AND HALL. ON THE RIVERSIDE THE BEDROOMS WILL BE OFF THE GROUND ON POSTS. THE OTHER LIVING AREAS WILL BE ON TYPICAL CRAWL SPACES. 85% OF THE SITE WILL REMAIN UNDISTURBED.

4. FINISH FLOOR OF RESIDENCE AND ADJACENT AREAS TO BE 3812.00 THROUGHOUT.



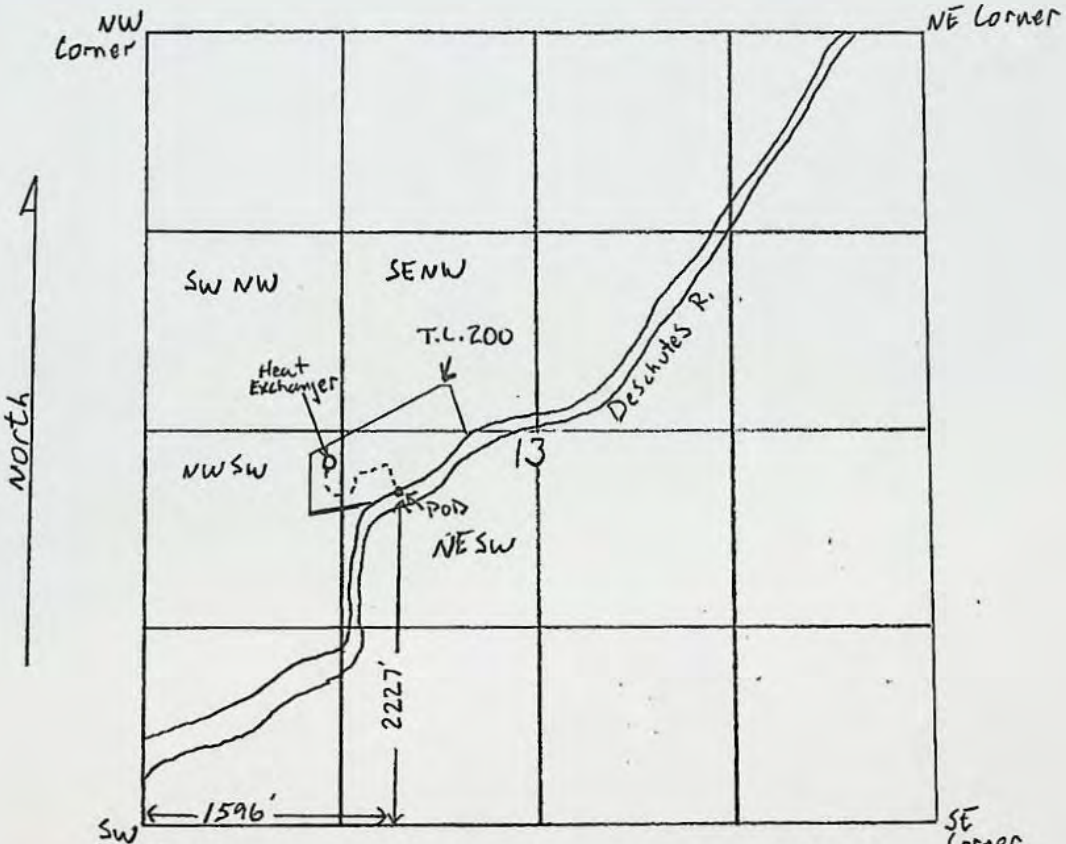
⑥ PIPE TRENCH

⑥	12/01/04	VARIANCE REVISION

Surface water right Application For
Cliff Curry

Superseded

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

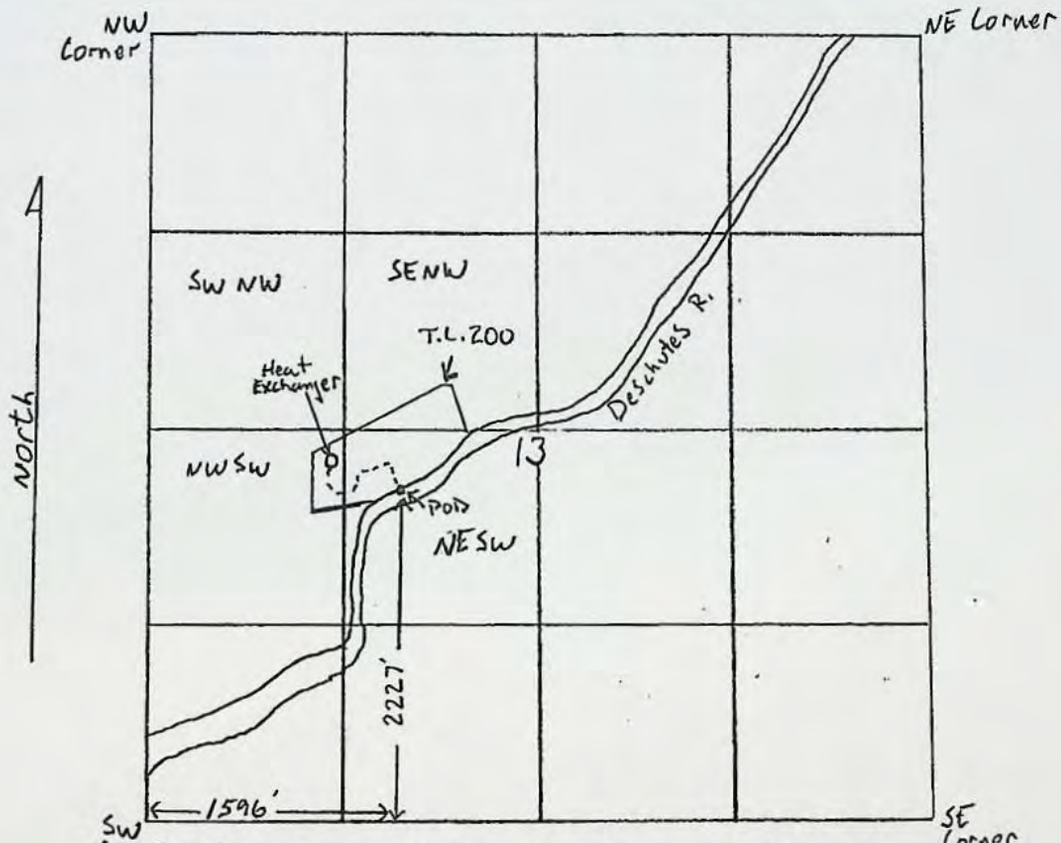
Scale - 1" = 1320'

POA - 2227' north & 1596' East of the SW corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

Surface water right Application For
Cliff Curry

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

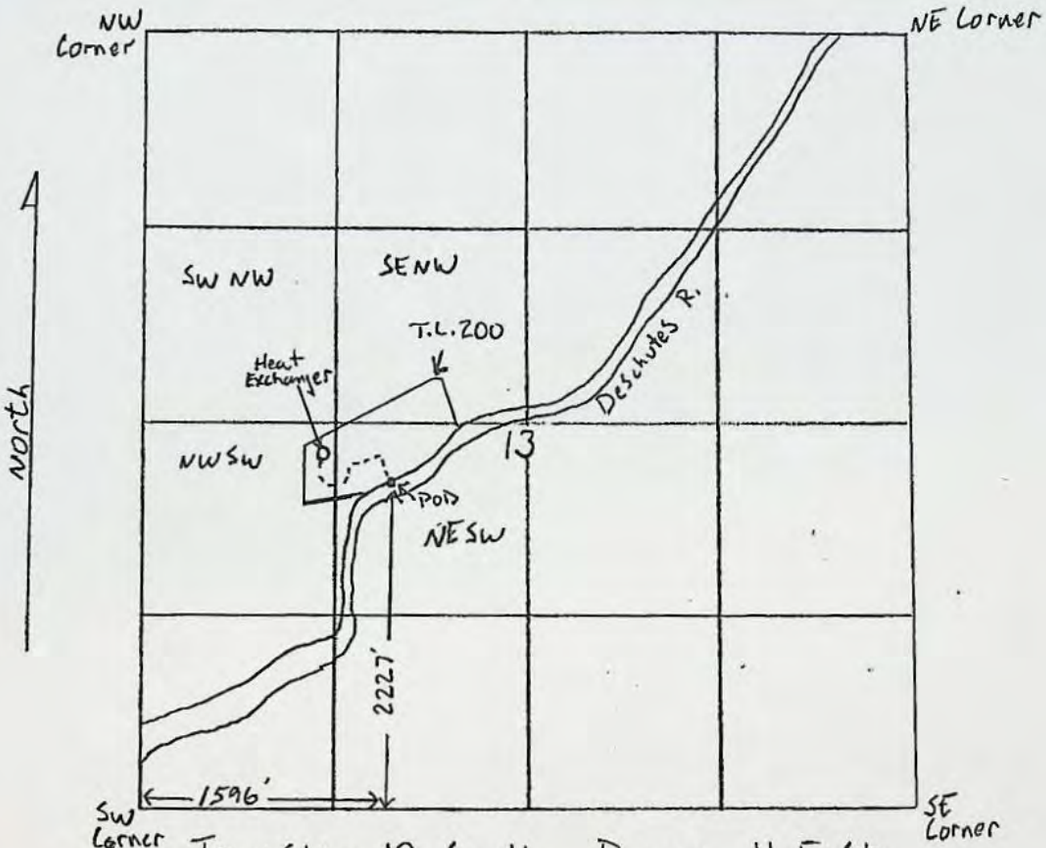
Scale- 1" = 1320'

POD - 2227' north & 1596' East of the SW corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86398
Permit No

Surface water right Application For
Cliff Curry

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

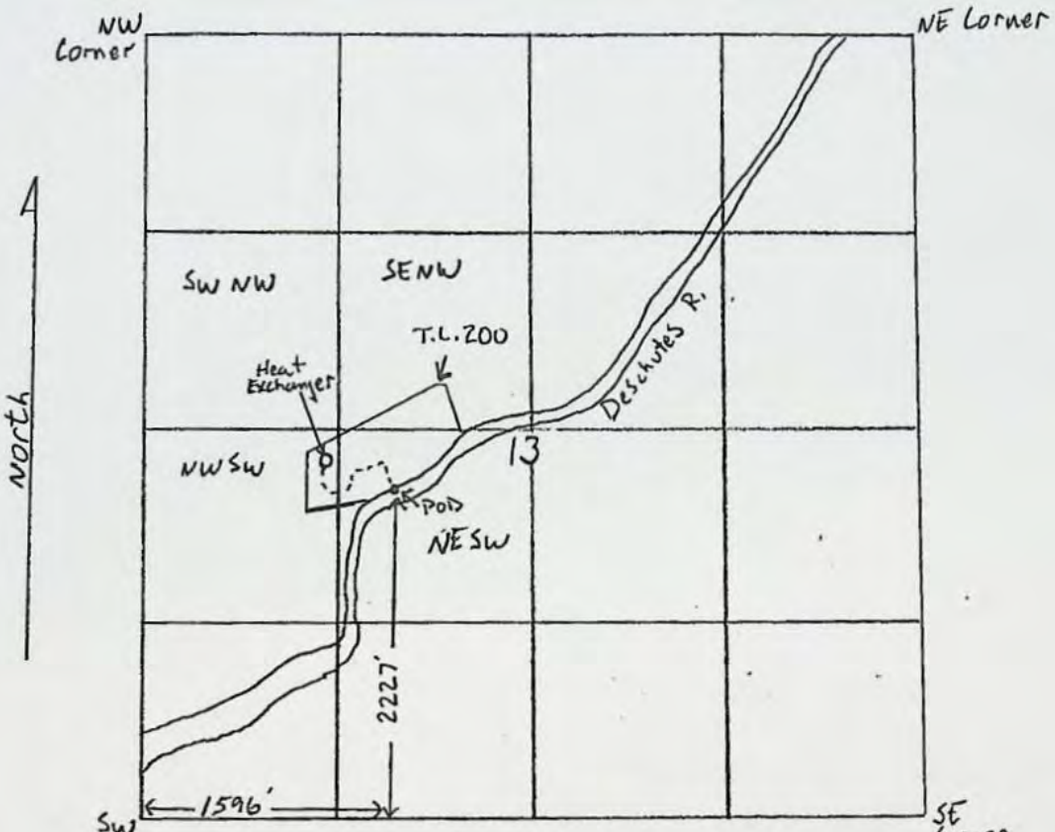
Scale- 1" = 1320'

POD - 2227' north & 1596' East of the SW corner of Section 13
Township 18 South Range 11 East, W.M.

App No S 86392
Permit No

Surface water right Application For
Cliff Curry

RECEIVED
AUG 08 2005
WATER RESOURCES DEPT
SALEM, OREGON



Township 18 South Range 11 East
Section 13

Scale- 1" = 1320'

POD - 2227' North & 1596' East of the SW Corner of Section 13
Township 18 South Range 11 East, W.M.

App No S-86392
Permit No

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application_____ County: _____

Priority Date: _____ Township:_____

Range: _____

Use(s): _____ Section: _____

POD ¼ ¼:_____

Rate:_____ POU ¼ ¼: _____

☑ **Applicant/Organization Name, Mailing Address and Telephone Number.** If applicant is other than a private landowner, Organizations section must be completed.

☑ **Source listed**

☑ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is located .....or..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE: An easement or agreement DOES NOT need to be submitted at this time, however a statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work is required at this time. Easement or agreement will be required before a permit will be issued.**

☐ **If a groundwater application...is the groundwater development section completed, including copies of well logs ?**

☑ **Proposed Use of the water....** Is each proposed use identified?

☐ **Has the appropriate "Supplemental Form" for each proposed use** been completed, if applicable ?

- ☐ **Form I** (Irrigation)
- ☐ **Form M** (Municipal or Quasi-Municipal)
- ☐ **Form R** (Mining)
- ☐ **Form Q** (Commercial or Industrial)
- ☐ **Spring Description Sheet** (if source is a Spring)

☐ **Amount of water** from each source listed in GPM, CFS or AF? unknown

☐ **Acreage** being proposed, if applicable. 0

☑ **Season being requested by applicant.**

☑ **Water management section** has been completed? If system has not been designed, the applicant may estimate this information.

☑ **Resource protection system** completed on Surface Water application?

☑ Are the **dates of construction** indicated? Proposed dates for the Beginning of constrution, completion of construction, and complete application of water to the proposed use(s) If system already completed, applicant should indicate **existing**. Applicant may indicate in other than dates, these timelines.

☑ **Is the application signed in ink by the applicant?** If the application is in the name of an organization or corporation, the authorized agent with title or authority, must sign the application. If more than one applicant named, both/all must sign or application is incomplete.

☑ **Legal description included ?** A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill.

☑ **A completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?* Date should be within 6 months.

☐ **Does the map meet map requirements of OAR 690-310-050?** NO

- ☑ Town, Range, Sec, ¼ ¼ and Tax Lot #
- ☑ Reference corner on map
- ☑ ¼ ¼'s clearly identified
- ☑ POU clearly identified location of place of use where water is to be used. ie: domestic, industrial stock, irr, etc.
- ☐ Scale of the Map, not less than 4" = 1 mile Not acceptable
- ☐ North Directional Symbol (not fatal if omitted)
- ☑ Location of each diversion point, well or dam
- ☐ Location Coordinates for each POD by reference to a recognized public land survey corner NO
- ☐ Number of acres per ¼ ¼, if Irrigation
- ☐ Other

☐ **fees enclosed?**

Base Fee$ 300

Total Paid $ 500.00

plus$_____

plus$_____

Total Amount of Water Requested: unKnown

Total Exam Fee $ unKnown don't Know amount of Water

Total Exam Fee $_____ **Recording Fee $**_____

Completeness Check by: Connie Vance **Date:** 7/29/05

groups\wr\WRIG DOCUMENTS\application related\COMPLETENESSCHECKLIST04.wpd

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 Use
Surface Water

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 to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

1. APPLICANT INFORMATION

A. Individuals

Applicant: Cliff (First) Curry (Last)

Mailing address: PMB 447, 86 SW Century Drive

Bend (City) OR (State) 97702 (Zip)

Phone: 503-551-3503 (Home) (Work) (Other)

*Fax: _____ *E-Mail address: cliff@currybrandaus.com

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

_____ (City) (State) (Zip)

Phone: _____ (Day) (Evening)

*Fax: _____ *E-Mail address: _____

**Optional information*

For Department Use		
App. No. _____	Permit No. _____	Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Deschutes River Tributary to: Columbia River

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

B. Property Ownership

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

Do you own all the land where you propose to divert, transport, and use water?

- ☑ Yes *(Skip to section 3 "Water Use.")*
- ☐ 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.
  - ☐ 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).

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

List the names and mailing addresses of all affected landowners.

_____

_____

_____

_____

_____

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 1
- If your proposed use is **irrigation**, please attach Form **I**
- If your proposed use is **mining**, attach Form **R**
- If your proposed use is **municipal or quasi-municipal**, attach Form **M**
- If your proposed use is **commercial/industrial**, attach Form **Q**

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use		Amount
Deschutes River	Domestic Use	0.00	☐ cfs ☑ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

C. Period of Use

Indicate the time of year you propose to use the water: January 1 - December 31

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 0

(This number should be consistent with your application map.)

4. WATER MANAGEMENT

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

A. Diversion

What method will you use to divert water from the source?

☑ Pump (give horsepower and pump type) 1/2 HP

☐ Head-gate (give dimensions) _____

☐ Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

☐ Weir ☑ Meter ☐ Periodic Sampling

☐ Other (describe) Non- Consumptive closed loop system

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

C. Transport
How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☑ Pipe (give diameter and total length)

Diameter 2" Length 100'

☐ Other (describe) _____

D. Application/Distribution Method
What equipment will you use to apply water to your place of use? A closed loop pipe system that ren

Irrigation or land application method (check all that apply):

☐ Flood	☐ High-pressure sprinkler	☐ Low pressure sprinkler
☐ Drip	☐ Water cannons	☐ Center pivot system
☐ Hand lines	☐ Wheel lines	
☐ Siphon tubes or gated pipe with furrows		
☑ Other, describe This use does not apply water.		

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

Distribution method

☑ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

E. Conservation
What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

This is a non-consumptive closed loop system.

5. RESOURCE PROTECTION

Protection Practices

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

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

☒ Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions: A 1/8" mesh fish screen over the intake of the pipe.

☑ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Minimal disruption-already approved through the city planning

☑ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: The ditch will be hand dug in the riparian zone.

☑ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: No digging will occur below the water line and no chemicals will be used.

☒ Other:

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin 11/01/2005

Proposed date construction will be completed 11/15/2005

Proposed date beneficial water use will begin 11/15/2005

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This is a non-consumptive domestic use that will be monitored by the District 11 watermasters office.

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

8. 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 points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

RECEIVED
JUL 28 2005
WATER RESOURCES DE
SALEM, OREGON

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant *(if more than one applicant, all must sign)* — Date: 5/23/05

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's Fee Schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

Oregon Water Resources Department
Land Use Information Form

RECEIVED
MAY 31 2005
WATER RESOURCES DEPT
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS INFORMATION 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, or exchange 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.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

— A. Applicant

Name: Cliff Curry

Address: PMB 447, 86 Century Dr SW

City: Bend State: OR Zip: 97702 Day Phone: 503-551-3503

— B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: *(check all that apply)*	Proposed Land Use
200		☒ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Deschutes County

— C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☐ Irrigation
☐ Municipal ☐ Quasi-municipal ☒ Domestic (indicate number of households) 1
☐ Other _____

Briefly describe: _____

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Deschutes River (source)

Indicate the estimated quantity of water the use will require: ~~0.50~~ 69 ☐ CFS ☒ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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 this case, only the city planning agency must complete this form. ***Please request additional forms as needed or feel free to copy.***

A. Allowed Use

Check the appropriate box below and provide 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): _____. Go to section B "Approval" below.

☑ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

RECEIVED
MAY 31 2005
WATER RESOURCES DEPT
SALEM, OREGON

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	*Check the item that applies:* Land Use Approval:	
Waterway Overlay Zone Approval	Bend Code § 10-10.22A	☑ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: *Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)* PZ 04-662

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

B. Approval

Please provide printed name and written signature.

Name: AARON HENSON Date: 6/3/05

Title: ASSOCIATE PLANNER Phone: (541) 383-4885

Signature: Aaron Henson

C. Additional Comments

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

Existing house approved in 2003 (City File # PZ 03-334).

Pipes for utility facility approved in 2005 (City File # 04-662, attached.) Subject to 7 conditions on page 24 of attached decision.

Note: *If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

CITY OF BEND
ADMINISTRATIVE REVIEW AND DECISION

PROJECT NUMBERS: PZ 04-662

DATE MAILED: April 22, 2005

APPLICANTS/ OWNERS: Clifford Curry & Delight Stone
61878 Bunker Hill Court
Bend, OR 97702

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

ARCHITECT: Curry Brandow Architects
2601 25th Street SE, Suite 300
Salem, OR 97302

ATTORNEY: Tia Lewis
Merrill O'Sullivan, LLP
1070 NW Bond Street, Suite 303
Bend, OR 97701

LOCATION: The subject property is located at 60980 Bachelor View Road on the west bank of the Deschutes River, and is further is identified on County Assessor's Map #18-11-13C as Tax Lot 200.

PROPOSAL: The applicant is requesting Waterway Overlay Zone review and approval to locate private utility facilities in the riparian corridor. The subject property is currently being developed with a single-family dwelling that was previously approved under City File #PZ 03-334. As part of the heating system for the new dwelling, the applicant proposes to install a utility facility which will utilize a heat exchanger to remove heat from river water. The proposed facility consists of a closed loop piping system with an intake point and outflow point placed in the Deschutes River below the winter low water mark. The system will be constructed of 2 inch diameter PVC pipe buried in one 6 inch wide by 24 inch deep trench running from the river up to the residence, a distance of approximately 265 feet.

PROJECT MANAGER: Aaron Henson AICP, Associate Planner

APPLICABLE CRITERIA:

(1) Bend Zoning Ordinance No. NS-1178, Chapter 10;
   (a) 10-10.9D, Urban Low Density Residential (RL) Zone
   (b) 10-10.10, Urban Standard Density Residential (RS) Zone
   (c) 10-10.22A, Waterway Overlay Zone

(2) City of Bend Ordinance No. NS-1775, Land Use Permit & Review Procedures;
   (a) 10-16.6, Deschutes River Corridor Design Review Procedures

FINDINGS OF FACT:

1. **LOCATION:** The subject property is located at 60980 Bachelor View Road on the west bank of the Deschutes River, and is further is identified on County Assessor's Map #18-11-13C as Tax Lot 200.

2. **ZONING:** The subject property is split-zoned Urban Standard Density Residential (RS) and Urban Low Density Residential (RL), and has a split Comprehensive Plan designation of Residential Standard Density and Residential Low Density on the Bend Urban Area General Plan map. The subject property falls within the Waterway Overlay Zone (WOZ), which includes the Riparian Corridor subzone (75 ft. from the ordinary high water mark), the Deschutes River Corridor Design Review Combining Zone (100 ft. from the ordinary high water mark), the River Corridor Area of Special Interest (ASI) subzone, and the Flood Plain Combining (FP) Zone. As described in Section 22A.4(2)(a) of the Zoning Ordinance, the flood plain is the 100-year flood area indicated on the flood Insurance Rate Map (FIRM) as Zones A and AE. FIRM maps 41017C0215 C and 41017C0325 C show that a small portion of the subject property which is located immediately adjacent to the Deschutes River is within the floodway area in Zone A. However, the proposed utility facility is mostly located in Other Areas Zone X, which FEMA has determined to be outside the 500-year floodplain.

3. **SITE/SURROUNDING LAND DESCRIPTION:** Staff conducted a site visit on January 27, 2005. Staff provides the following finding based on observations made on the site, the submitted application materials, and City records:

   The subject property contains approximately 6.62 acres, with approximately 913.62 feet of frontage along the west side of the Deschutes River. Access to the site is provided by a steep private gravel driveway off the end of Bachelor View Road. The property slopes gradually up from the river to the site of the applicant's single-family home and various accessory structures, which are currently under construction. To the west of these structures, the site slopes sharply upward. Existing vegetation on the site consists of brush and native grasses. There are several large Ponderosa Pine trees and one dead Juniper tree in the vicinity of the proposed utility facility. The existing pine trees exhibit scorch marks from the Awbrey Hall forest fire that occurred in 1990.

There is an existing single-family home/cabin on the adjacent upstream parcel in the RL zone to the south; No other buildings or structures are currently visible from the subject property.

4. **PROPOSAL:** The applicant is requesting Waterway Overlay Zone review and approval to locate private utility facilities in the riparian corridor. The subject property is currently being developed with a single-family dwelling that was previously approved under City File #PZ 03-334. As part of the heating system for the new dwelling, the applicant proposes to install a utility facility which will utilize a heat exchanger to remove heat from river water. The proposed facility consists of a closed loop piping system with an intake point and outflow point placed in the Deschutes River below the winter low water mark. The system will be constructed of 2 inch diameter PVC pipe buried in one 6 inch wide by 24 inch deep trench running from the river up to the residence, a distance of approximately 265 feet.

5. **PUBLIC NOTICE AND COMMENTS:** The City of Bend Planning Division sent notices of the request to surrounding owners of record of property as shown on the most recent property tax assessment roll within 100 feet of the subject property and across the Deschutes River. No written comments were submitted from the property owners entitled to notice. Various agencies were also sent notices; their comments and recommendations are listed below.

AGENCY COMMENTS

Note: The following comments and recommendations received from various agencies are not necessarily reflective of the Conditions of Approval for the proposed project.

FIRE DEPARTMENT COMMENTS:
By: Brian Huff, City of Bend Fire Inspector
Date: March 31, 2005

No comments on request to locate utility facilities in the riparian corridor.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

ENGINEERING DIVISION COMMENTS:
By: City Engineer
Date: April 8, 2005

Comply with U.S. Army Corps of Engineers requirements.

GRADING/DRAINAGE COMMENTS:
By: City of Bend Engineering Division
Date: March 30, 2005

Grading/Clearing:

Grading and clearing activities shall conform to the City of Bend Grading/Clearing Ordinance (NS-1879).

Grading/clearing activities begun prior to approval of Final Engineering drawings shall be subject to applicability and submittals required for a Major Grading Permit.

Provide comprehensive Grading/Clearing Plan.

Provide Grading/Clearing Statement.

Provide plan for erosion control during construction.

Provide description for erosion control, re-vegetation and/or stabilization following final grading.

Show construction points-of-entry for site.

Show location of all trees 8" dbh and larger. Fifty percent (50%) of all trees between eight (8) inches and twelve (12) inches dbh shall be retained on-site. All trees twelve (12) inches dbh and larger shall be retained on-site.

Storm Drainage:

Show any natural or existing drainage routes.

Submit a temporary drainage control plan to be in place during construction and/or for phased developments.

Submit a master storm drainage control plan for proposed impervious surface showing storm drainage contained on-site or routed to an approved drainage facility. No building permits to be issued until Drainage Plan is approved by City of Bend.

For private storm water management systems: Prior to the issuance of a Certificate of Occupancy and/or approval of Final Plat, the Engineer of Record shall provide written documentation stating that storm water management systems have been designed and installed per Oregon DEQ and City of Bend approved design requirements.

Show subsurface drainage measures to control water seepage impacts on neighboring properties.

Show all drainage easements on the Final Plat.

Additional Comments:

Prior to approval of Final Plat or issuance of a Certificate of Occupancy, all requirements of the City of Bend Grading Ordinance shall be met.

Proposed site plan does not provide sufficient information for grading/drainage approval. Submit detailed grading/drainage plan for approval prior to issuance of Building Permits.

Comply with all previous comments with PZ 03-334.

TRAFFIC ENGINEER COMMENTS:
By: Robin Lewis, P.E.
Date: April 8, 2005

No traffic comments.

LONG RANGE PLANNING COMMENTS:
By: Wendy Robinson, Senior Planner

Provide tree protection plan to protect trees from equipment damage.

Provide restoration plan for area within the Riparian Corridor.

BUILDING DIVISION COMMENTS:
By: Larry Ellenwood, Assistant Building Official

No comment.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

ARNOLD IRRIGATION DISTRICT COMMENTS:
By: Shawn Gerdes, Manager
Date: March 30, 2005

Arnold Irrigation District does not have any facilities or water rights at this location.

CENTRAL OREGON IRRIGATION DISTRICT COMMENTS:
By: Jed Barrett
Date: April 5, 2005

No comments.

DIVISION OF STATE LANDS COMMENTS:
By: Nicole Navas, Resource Coordinator; Field Operations - Eastern Region
Date: April 1, 2005

Under the Oregon Removal-Fill Law (ORS 196.800 – 196.990), removal, filling, or alteration of 50 cubic yards or more of material within the bed or banks of the waters of this state or any amount of material within waters designated Essential Salmonid Habitat or State Scenic Waterway requires a permit from the Department of State Lands. Waters of the state include the Pacific Ocean, rivers, lakes, most ponds and wetlands, and other natural water bodies.

If Clifford Curry and Delight Stone's proposed installation of utility piping will involve any amount of fill and/or removal within the designated state scenic Deschutes River and/or adjacent wetlands (Township 18S, Range 11E, Section 13C, Tax Lot 200), the property owner may need to obtain a permit from the Department.

Please contact me at (541) 388-6236, if you have any questions regarding the Removal-Fill Program.

OREGON WATER RESOURCES DEPARTMENT COMMENTS:
By: Kyle Gorman
Date: April 18, 2005

The applicant is proposing to use waters of the Deschutes River for heat exchange. According to the Oregon Administrative Rules Chapter 690 Division 505-0000: The uses of waters of the Upper Deschutes River are not classified for this type of use and therefore this application is not consistent with rule. The application for heat exchange would not be allowed by the Oregon Water Resources Department.

If the City or applicant has further questions, please call me at 541-388-6669.

STAFF NOTE: Mr. Gorman's comments on behalf of the Water Resources Department were received 10 days after the City's deadline for agency comments.

6. **APPLICATION ACCEPTANCE DATE:** The application for Waterway Overlay Zone (WOZ) review was originally submitted to the City of Bend Planning Division on November 12, 2004. On November 16, 2004, staff notified the applicants that their application was incomplete. In response, the applicants submitted additional information on December 3, 2004, but staff replied with a second letter dated December 9, 2004 informing the applicants that their application was still incomplete.

   On December 15, 2004, staff received a letter from the applicants' attorney requesting additional time within which to provide the missing information. Specifically, the applicants' attorney requested staff to delay processing the application and allow the applicant until February 28, 2004 to provide all required information for a complete application. The attorney's letter included written acknowledgement that her client's request for more time precluded application of ORS 227.178 and prevented the 120-day rule from beginning to run.

On February 28, 2004, the applicants submitted a revised site plan map, together with a burden of proof prepared by their attorney. In response, staff brought some discrepancies between the site plan map and the burden of proof to the attention of the applicants' attorney. The applicants' attorney then submitted a corrected burden of proof on March 15, 2005, at which time the applicants' WOZ application was formally accepted and deemed complete.

CONCLUSIONARY FINDINGS:

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10-16.6, DESCHUTES RIVER CORRIDOR DESIGN REVIEW PROCEDURES

(1) Deschutes River Corridor Design Review Procedures. For all property subject to the Deschutes River Design Review process pursuant to the City Zoning Ordinance, the following procedures shall apply:

A. There shall be two types of review for Design Review depending on the level and type of activity proposed. Notwithstanding these provisions, the Planning Director may refer any application to the Planning Commission for approval. The Planning Commission's consideration shall be subject to the land use permit procedures.

1. Development Action review shall be performed by the Planning Director for the following activities:

a. Minor alterations of 10 percent or less to an existing building façade facing river.

b. Changes in window or door placement visible from the river.

FINDING: The proposed utility facility will be buried in a trench within the Deschutes River Design Review Corridor. The applicant's project does not result in any alterations to the previously approved building façade facing the Deschutes River, nor does it result in any changes in window or door placements visible from the river. Therefore, staff finds that the City of Bend Land Use Permit & Review Procedures Ordinance authorizes staff to administratively review and approve the proposed use.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.9D; URBAN LOW DENSITY RESIDENTIAL (RL) ZONE

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

(2) Permitted Uses. The following permitted are permitted.

(a) Single-family dwellings.

(d) Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to Section 27(2).

FINDING: The subject property is currently being developed with a single-family home and various accessory buildings and structures. The applicants' proposal consists of a utility facility to serve the previously approved single-family dwelling. Staff finds that the proposed utility facility is an accessory use appurtenant to the previously approved single-family dwelling. Therefore, this criterion is satisfied.

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

FINDING: No changes to the height of the previously approved single-family home and accessory buildings and structures are proposed. Therefore, this criterion is met.

(5) Lot Requirements. The following lot requirements shall be observed...

FINDING: The subject property complies with the dimensional requirements of the RL Zone, and the proposed utility facility does not affect any lot requirements. Therefore, this criterion is met.

(7) Off-Street Parking. Off-street parking shall be as required in Section 24.

FINDING: Section 24 requires two parking spaces per dwelling unit for single-family homes. The plans for the applicants' previously approved single-family dwelling meet this requirement.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10-10.10, URBAN STANDARD RESIDENTIAL (RS) ZONE

(2) Permitted Uses. The following uses are permitted:

(a) Single-family dwelling.

FINDING: As previously noted, the subject property is currently being developed with a single-family home and various accessory buildings and structures, which are located in the RL zone. The applicants' proposal consists of a utility facility to serve the previously approved single-family dwelling. No development is proposed within the RS zoned portion of the applicant's property. Therefore, this criterion is satisfied.

(5) Lot Requirements. The following lot requirements shall be observed...

FINDING: The subject property complies with the dimensional requirements of the RS Zone, and the proposed utility facility does not affect any lot requirements. Therefore, this criterion is met.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A, WATERWAY OVERLAY ZONE (WOZ)

(1) Purpose. The Deschutes River and Tumalo Creek stream corridors within the urban growth boundary of the City of Bend are valuable economic, recreational, scenic and natural resources for the community. The Waterway Overlay Zone (WOZ) is inclusive of all special purpose provisions that pertain to these stream corridors. The WOZ is intended to conserve and enhance the natural resource values of areas along the Deschutes River and Tumalo Creek within the city by:

a) Recognizing and respecting the unusual natural beauty and character of the city's major waterways;
b) Protecting and enhancing water quality for human use and aquatic life;
c) Conserving and restoring habitat for wildlife, fish and other aquatic life;
d) Conserving wetlands;
e) Controlling erosion and reducing the effects of flooding;
f) Improving coordination between the city and agencies regarding development activities near waterways;
g) Promoting development that is compatible with the purposes of the WOZ;
h) Promoting the preservation and restoration of native riparian vegetation;
i) Maintaining the scenic quality of the canyon and rimrock areas along these waterways;
j) Conserving and protecting property values; and
k) Encouraging development, preservation and enhancement of reasonable public access to major waterways for recreational use and visual enjoyment.

(2) Applicability. Provisions of this section apply to all property within the boundaries of the WOZ as shown on the Bend Urban Area Zoning Map and consistent with WOZ boundary determination procedures of subsection 3 below. Many parcels within the WOZ are affected by more than one sub-zone. Where this is the case, applicable development standards for each sub-zone shall apply within that sub-zone's boundaries. Standards of this section shall apply in addition to applicable standards of the underlying zone. Where there are conflicts between sub-zone standards, the more restrictive standards shall control. The WOZ includes the following sub-zones:

- Riparian Corridor
- Deschutes River Corridor Design Review
- River Corridor Areas of Special Interest
- Flood Plain

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

(3) **WOZ Boundary Determination. The WOZ boundary is inclusive of all WOZ sub-zones, as specified in this section. Except for the River Corridor Areas of Special Interest and the Flood Plain Sub-Zone, the boundary of all sub-zones shall be determined by distance measurement from the designated waterway. The boundary for the River Corridor Areas of Special Interest Sub-Zone is designated on the Bend Urban Area General Plan Map, and shall be considered to be the outer (upland) edge of the mapped boundary line. Unless otherwise provided for specific WOZ sub-zones, boundary measurements shall be made from the ordinary high water mark. Distance measurements shall be made horizontally and at right angles to the edge of the waterway.**

FINDING: As previously noted, the subject property falls within the Waterway Overlay Zone. Specifically, portions of the applicants' property are located in all four sub-zones. The relevant approval criteria for these subzones are reviewed below.

(4) **Tree Removal. Consistent with the purposes of this section, and because trees contribute to the overall health of the riparian corridor, removal of existing trees greater than 4 inches in diameter within the WOZ is prohibited, except as follows:**

a. **Where necessary to accommodate an approved development activity; or**
b. **Where the tree is determined by a qualified professional to be diseased or hazardous; or**
c. **Where necessary to mitigate potential fire hazard in accordance with the Fire Protection Act of 1997.**

Tree removal under this subsection may be authorized by the review authority, based on findings demonstrating conformance with criteria a), b), or c). Where tree removal is proposed apart from an approved development activity, the review authority may authorize removal as a development action. If no hazard will be created, a tree or snag requested for removal may be required to be left in place as wildlife habitat.

FINDING: The applicants are not proposing to remove any existing trees within the Waterway Overlay Zone. As shown on the submitted site plan map and indicated in the applicants' burden of proof, the applicants will maintain a 30 ft. separation between the trench for the proposed utility facility and all existing trees within the Riparian Corridor. Therefore, staff finds that this criterion will be met.

(5) **Review Process.**

a) **State Agency Coordination. Within the WOZ, the State of Oregon has jurisdiction over certain development activities. In order to ensure coordination between the City of Bend and affected state agencies,**

notice of proposed activities within the WOZ will be provided to the Division of State Lands, the Oregon Department of Fish and Wildlife, the Oregon Parks and Recreation Department, and the Department of Environmental Quality, in accordance with provisions of Sec. 10-16.2(8) of the Bend Code.

FINDING: Mailed notice to the above listed state agencies was provided by the City Planning Division as required, and a deadline for comments of April 8, 2005 was set. The Oregon Department of State Lands replied to the City's notice with a letter dated April 1, 2005, prior to the City's deadline for comments. The letter states, in relevant part, that if the applicants' proposed installation of utility piping will involve any amount of fill and/or removal within the designated state scenic Deschutes River and/or adjacent wetlands, the applicants may need to obtain a permit from the Department of State Lands, in addition to obtaining Waterway Overlay Zone approval from the City of Bend.

The Oregon Water Resources Department also responded to the City's notice, but the Water Resources Department's letter dated April 18, 2005 was not received until after the City's deadline for comments. The content of the letter states that the Oregon Water Resources Department would not allow the applicants' proposed use of waters of the Upper Deschutes River based on the Oregon Administrative Rules (OAR) Chapter 690 Division 505-0000. A copy of the Water Resources Department's letter dated was provided to the applicants on April 19, 2005. According to an e-mail from the applicants' attorney dated April 21, 2005, the applicants have contacted a consultant to help them through the water rights permitting process, and the applicants believe they can resolve the issues and meet the OAR requirements.

Based on the above findings, it shall be required as a condition of approval that prior to installing the proposed utility facility, the applicant must obtain any necessary state permits. Copies of all such permits (or written certification that such permits are not needed) shall be submitted to the City Planning Division.

b) **Application Information. In addition to application information required under Sec. 10-16.2(2), an application for a development or land use action within the WOZ shall include the following:**

A. **A detailed written explanation of the proposal, including the location, amount, and type (species) of any vegetation to be removed or planted, and any material to be graded, excavated, or filled.**

B. **An explanation of why any proposed grading, excavation, or fill of material and/or vegetation is necessary.**

C. **A site plan drawn to scale, accompanied by such drawings, sketches, photos, and descriptions as are necessary to describe and illustrate the proposed activity. The site plan shall, at a minimum, include:**

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

i. **Any proposed structures or impervious surfaces on the site;**
ii. **Location of property lines, easements, existing and proposed structures;**
iii. **Identification of existing vegetation on the site, indicating areas of native and non-native plant species;**
iv. **Any proposed modifications to existing vegetation;**
v. **A grading and drainage plan, showing existing and proposed site contours at two-foot intervals, or less;**
vi. **All applicable WOZ sub-zone boundaries;**
vii. **Location of the ordinary high water mark;**
viii. **Location of designated wetlands on or abutting the site; boundaries of designated wetlands shall be delineated using methods accepted by the Oregon Division of State Lands;**

FINDING: The subject property is located within the WOZ, although the previously approved single-family home is being constructed outside of the Riparian Corridor and the Design Review Corridor boundaries. As previously determined, the proposed utility facility is located within the boundaries of all four subzones, the approval criteria for which are addressed below.

The applicants' propose to place a utility facility in the Riparian Corridor as authorized by Section 22A.1(3)(C) of the Zoning Ordinance, as discussed below. The proposed utility facility will allow the applicants to heat the residence by using a heat exchanger to remove heat from river water and convert it to energy. The proposed facility consists of a closed loop piping system with an intake point and outflow point placed in the river below the winter low water mark. The below water piping will be screened with the outflow spread over three feet to eliminate jetting and slowly disperse the change in velocity and temperature.

The closed loop system will remove water from the river at a rate of 60 gallons per minute, deliver it to a heat exchanger in the residence which will remove 5 degrees of heat, and return it to the river 5 degrees cooler at the same rate of 60 gallons per minute. The closed loop system will be constructed of 2" PVC pipe. The pipe will be placed deep enough in the water so as not to be visible and will be buried in one 6" wide trench running from the river up to the residence for a distance of 265 feet. The trench will be located at least 30 feet from any tree, and will be meandered to avoid any manzanita and minimize impact to the existing natural vegetation.

The applicants estimate that their project can be completed in two days and will require movement of less than 8 cubic yards of dirt, which will be cut out of the trench and placed back in as fill over the pipes. Due to the small scale of the project, no ground disturbing machinery is needed.

There will be no disturbance to native vegetation other than the small amount of grass species in the trench area and all dirt required to refill the trench will be replaced by hand. The applicants propose to replant all grasses disturbed by the project at the same density as exists today.

The applicant has submitted is a site plan drawn to scale dated May 5, 2004 (last revised December 1, 2004) showing the project and the required information set forth above. Therefore, staff finds that this criterion is met.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.1, RIPARIAN CORRIDOR SUB-ZONE

(1) **Riparian Corridor Boundary. The width of the Riparian Corridor Sub-Zone adjacent to various waterway segments is specified in Tables 1 and 2 below. Boundary distances shall be measured from the ordinary high water mark, or from the upland edge of any designated wetlands, whichever is more landward. For purposes of riparian corridor boundary determination, steep slopes are considered to exist in an area having:**

- **60 percent or greater slope; and**
- **a vertical rise of 20 feet or more; and**
- **a continuous horizontal length 50 ft. or more.**

Table 1
West Side Riparian Corridor Boundary: Deschutes River

DESCHUTES RIVER – WEST SIDE	
From the South UGB line to the COID intake	30/75 feet[1]
From the COID intake to the Southern River Crossing alignment	30/50 feet[2]
From the Southern River Crossing alignment to the north boundary of McKay Park	40 feet
From the north boundary of McKay Park to the Tumalo Irrigation District intake (south boundary of Block 15, Awbrey Heights Subdivision)	30 feet
From the Tumalo Irrigation intake (south boundary of Block 15, Awbrey Heights Subdivision) to the Mt. Washington Drive bridge	30/50 feet[3]
From the Mt. Washington Drive bridge to the south boundary of Sawyer Park	30 feet
From the south boundary of Sawyer Park to the north UGB line	30/50 feet[4]

[1]Where steep slopes are present within 75 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 75 ft. horizontally of OHW, the Riparian Corridor Boundary is 75 ft. from OHW.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

[2]Where steep slopes are present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 50 ft. from OHW.

[3]Between the River's Edge Golf Course and the Mt. Washington Dr. Bridge, where steep slopes are present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 50 ft. from OHW.

[4]Where steep slopes are present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 30 ft. from OHW. Where steep slopes are not present within 50 ft. horizontally of OHW, the Riparian Corridor Boundary is 50 ft. from OHW.

FINDING: The subject property is located within the area described as: "From the South UGB line to the COID intake." Based on the lack of steep slopes within 75 feet horizontally of the ordinary high water mark, all structures on the applicants' property are subject to a setback of 75 ft. from the ordinary high water mark of the Deschutes River. The previously approved single-family home and accessory structures on the subject property comply with this requirement. Staff finds that the 75 ft. setback from the ordinary high water mark does not apply to the applicants' proposed water lines because they will be buried in a trench, and will not be visible once the project is complete and the disturbed area is restored.

(2) <u>Activities Subject to Review and Approval</u>. Within the Riparian Corridor sub-zone, permanent alteration by grading, removal of native vegetation, excavation or fill of soils or rocks, or by placement of structures or impervious surfaces is prohibited, except as provided below in subsections (3), (5), (6) and (7).

(3) <u>Land Use Actions</u>. The following may be approved within the Riparian Corridor by the Review Authority as a land use action:

- **A. Streets, roads, bridges and driveways.**
- **B. Hard surface pedestrian and bicycle paths, unpaved trails, and boardwalks.**
- **C. Public and private utility transmission and distribution lines, including irrigation pumps and facilities, and drainage facilities.**
- **D. Water-related and water-dependent uses, including parks, interpretive areas, and viewpoints.**
- **E. Maintenance or repair of existing streets, roads, paths, and lawfully existing structures that involves grading, fill, or excavation of more than ten cubic yards of material, including vegetation.**
- **F. Restoration of the riparian corridor, including site grading and re-contouring, when carried out in conformance with an approved restoration plan (see subsection (5), below).**

FINDING: Staff finds that the applicants are proposing a private utility facility in the riparian corridor as authorized by Section 22A.1(3)(C). The applicable approval criteria are addressed below.

(4) Approval Criteria for Land Use Actions. **The Review Authority may approve a land use permit for uses listed in subsection (3), above, based on findings that the following criteria are satisfied:**

A. **All necessary state and federal permits have been obtained, or will be obtained by the applicant, as a condition of approval.**

FINDING: The applicants have applied for a water rights permit to remove water from the river through the Oregon Water Resources Department. As previously noted, the applicants may also need a permit from the Oregon Department of State Lands for fill/ removal associated with their project. As a condition of approval, prior to installing the proposed utility facility, the applicants shall obtain any necessary state and federal permits. Copies of all such permits (or written certification that such permits are not needed) shall be submitted to the City of Bend Planning Division.

B. **The proposed development or activity is designed and constructed to minimize intrusion into the riparian corridor. This criterion shall not preclude placement of permitted uses in the riparian corridor at intervals and locations for purposes of providing reasonable public access to, and views of, the waterway. The following shall be specifically addressed in demonstrating conformance with this criterion:**

i. **Removal of riparian vegetation shall be limited to the minimum amount necessary to accommodate the proposed use; any vegetation removed in excess of this standard shall be non-native species. The proposal shall specify replacement of that vegetation with riparian species that are native to the Bend area, and similar to existing plant species in the vicinity (excluding noxious weeds as identified by the Deschutes County Soil and Water Conservation District).**

ii. **Any proposed construction shall be designed in such a manner as to minimize adverse impacts upon a designated wetland, native riparian vegetation, fish and wildlife habitat and water quality within this sub-zone.**

iii. **Erosion within the riparian corridor shall be prevented during and after construction by the use of mulch, erosion blankets, debris fencing, or similar preventative practices.**

iv. **Demonstrate that surface runoff from impervious areas will not flow unfiltered or untreated into the adjacent waterways.**

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

FINDING: The portion of the subject property where the applicants plan to install the proposed utility lines has a gentle slope to the river. The applicants' project has been designed to minimize disturbance to the ground and vegetation by placing the piping system into one common 6" wide trench. The small scale of the project eliminates the need for ground disturbing equipment and all fill work in the trench can be done by hand. The applicants intend to meander the trench to avoid any manzanita bushes and maintain a minimum 30 foot distance from any tree. Three species of native grass will need to be removed to dig the trench, all of which will be replanted at the same density once the trench is filled in. The applicants estimate the project can be completed in two days, and will require movement of less than 8 cubic yards of dirt. There are no impervious surfaces associated with the project.

In order to ensure full compliance with the above criteria, the following items shall be required as conditions of approval: Removal of riparian vegetation shall be limited to the minimum amount necessary to accommodate the proposed use; Replacement vegetation shall be riparian plants that are native to the Bend area, and similar to existing plant species in the vicinity (excluding noxious weeds as identified by the Deschutes County Soil and Water Conservation District); All construction activities shall be conducted so as to minimize adverse impacts upon any designated wetlands, native riparian vegetation, fish and wildlife habitat, and water quality; Erosion within the riparian corridor shall be prevented during and after construction by the use of mulch, erosion blankets, debris fencing, or similar preventative practices.

Based on the above findings and the applicants' ability to comply with the conditions of approval, staff finds that the above criteria will be satisfied.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.2, DESCHUTES RIVER CORRIDOR DESIGN REVIEW COMBINING ZONE

(3) Design Review Procedure. All new development, structures, additions and exterior alterations to structures, including outside storage and off-street parking lots within the Deschutes River Corridor, are subject to a design review process.

(5) Minimum Standards. Within the Deschutes River Corridor the following minimum standards shall apply:

(a) Building and Parking Setbacks.

(A) 100 foot setback area. For the areas described below, the setback for all new buildings, parking lots and loading areas shall be a minimum of 100 feet from the ordinary high water mark unless the Bend Urban Area Planning Commission approves a lesser setback. In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River.

(i) The east and west bank from the Arizona/Commerce Street line to the southern boundary of the Bend Area General Plan map;

(ii) The east bank from the southern property line of Magill's Landing Subdivision to the northern property line of the Bend Riverside Motel;

(iii) The east bank from the southern property line of Sawyer Park to the southern boundary of the Rimrock West Subdivision;

(iv) The east and west banks from the northern boundary of the Rimrock West subdivision to the northern boundary of the Bend Area General Plan map and

(v) The west bank north of the Park District property known as "Flume Park" to the southern boundary of the Rimrock West Subdivision.

After the applicant has demonstrated through design review that the project provides at least the following:

1. Protection of water quality, and fish and wildlife habitat;

2. The improvement or restoration of riverfront riparian areas by the creation of new riparian vegetation areas or by improvements to existing riverfront riparian areas through appropriate plantings, and;

3. The provision of open space along the riverfront: The Bend Urban Area Planning Commission may approve a lesser setback.

(B) Commercial Property. For all existing commercially zoned property within the Deschutes River Corridor in existence upon the adoption of this ordinance, the setback for all buildings, parking lots, and loading areas shall be 30 feet from the ordinary high water mark of the Deschutes River.

(C) Other Areas. For the areas not described in (a) (A) or (B) above, all buildings, parking lots, and loading areas shall be 40 feet from the ordinary high water mark of the Deschutes River. In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River.

(b) Features in Building Setback Area. Within the 30, 40 and 100 foot building setback area, required in (a) (A), (B) and (C) above, the Bend Urban Area Planning Commission may approve features to enhance or support public use. Such features may include sidewalks, trails, utility facilities, streets and bridges crossing the river, boardwalks,

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

decks, plazas, outdoor cafe seating areas, utilities, lights, bike racks, trash and recycling receptacles, furniture, bank stabilization structures, fences, art work, stairs, bike and pedestrian bridges, boat launch facilities, and vendor carts as defined by Bend Code Section 7.516. The placement and uses shall be subject to the criteria in Section 6.

FINDING: The applicants' proposal to establish private utility facilities in the riparian corridor is specifically authorized by Section 22A.1(3)(C). Section 22A.2(5)(a)(A) above provides for a minimum setback of 40 feet for all "new buildings, parking lots and loading areas", while Section 22A.2(5)(b) authorizes utility facilities which "enhance or support public use" within the 30, 40 and 100 foot building setback area for the Design Review sub-zone. Because the proposed utility facilities are not "new buildings, parking lots or loading areas" regulated by the Design Review setbacks in Section 22A.2(5)(a) and are specifically authorized in the riparian zone pursuant to Section 22A.1(3)(C), staff finds that Design Review is not required for the applicants' project. Nevertheless, staff concludes that the proposal is in compliance with the Design Review sub-zone criteria as set forth below.

(6) Site and Design Review Criteria. In addition to the minimum standards above, the Bend Urban Area Planning Commission shall review the development using the following design criteria:

(a) Conservation of natural features. Major rock outcrops, stands of trees, riparian areas, or other prominent natural features are an important part of the visual character and quality of the community. The Bend Urban Area Planning Commission shall review the applicant's proposal for impacts on these resources and may limit the amount of removal, require additional screening, or moving or reducing in size the development addition or structure in order to preserve to the greatest extent possible, existing natural features.

(b) Compatibility with existing area. The Bend Urban Area Planning Commission shall consider the relationship of the proposed development with the existing surroundings, in terms of building bulk, height, location, separation, shape, parking areas, lighting, fences, landscaping, open space, visual and physical corridors to the river and adjacent land use.

(c) Colors and Materials. The Bend Urban Area Planning Commission shall consider colors and materials. The Bend Urban Area Planning Commission may require new structures and additions to existing structures to be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site or colors that are compatible with adjacent buildings.

(d) **No large areas, including roofs, shall be finished with bright or reflective materials. Metal roofing material is permitted if it is non-reflective and of a color which blends with the surrounding vegetation and landscape.**

(e) **The Bend Urban Area Planning Commission may establish increased setbacks, limitations of building heights, and limitations on the bulk and length of buildings, limitations on lighting, landscaping, fences, size and shape of windows facing the river, size and location of parking, and outdoor storage areas and any other improvement or use listed in 5 (a) and (b) above in order to carry out the purpose of this ordinance.**

(f) **For projects proposing development within the setback area, the Bend Urban Area Planning Commission may consider the degree to which the project provides public access along the riverfront, and may require the dedication of public access on an individualized determination that the required access is reasonably related to the project, and that the required dedication is also roughly proportional to the impact of the proposed project.**

(g) **For projects incorporating a setback less than 100 feet the BUAPC may required enhanced site landscaping, minimum corridors between buildings, variations in building setbacks, size or bulk of facades and may impose any other conditions of approval reasonably required to meet the purposes of this ordinance.**

FINDING: The applicants' project has been designed to minimize disturbance to existing vegetation and will result in no visible facilities since all pipes in the closed loop system will be buried or below the low water mark in the river. As previously noted, the applicants will meander the 6" wide trench to avoid trees and vegetation. Only three species of grasses will need to be disturbed during the trenching and the applicants will replant these grasses at the same density upon completion of the two-day project. The applicants anticipate that a total of 8 yards of dirt will need to be disturbed (dug out of the trench and then filled back in on top of the pipes) in order to complete the project. There are no impervious surfaces associated with the proposal and erosion will be minimal as the ground disturbance will be small and occur over a two-day period.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.3, RIVER CORRIDOR AREAS OF SPECIAL INTEREST SUB-ZONE

1. **<u>Approval Criteria</u>. Proposed development or land use actions on property subject to the River Corridor Areas of Special Interest Review, shall be subject to the following provisions:**

   A. **The proposal shall be designed and constructed so as to maintain the integrity of the existing natural features and biological systems by utilizing exterior building materials that have earth tone colors. Removal of native vegetation shall be limited to the minimum amount**

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

necessary to accommodate the proposed development or land use action; any vegetation removed in excess of this standard shall be non-native species.

B. Structures located along the canyon rim of the river shall be set back a minimum of 30 feet from the River Corridor Area of Special Interest boundary for a building 20 feet or less in height. For buildings over 20 feet in height, the building shall set back one additional foot for every additional foot over 20 feet. The maximum building height shall not exceed that of the underlying zone.

C. The permanent alteration of a River Corridor Area of Special Interest by grading, excavation or fill, the placement of structures or impervious surfaces, or by the removal of existing vegetation is only permitted as authorized within the Riparian Corridor sub-zone, or as provided below:

i. Streets and Crossings. Public or private streets and river crossings may be placed within a River Corridor Area of Special Interest to access development activities if it is shown that no other practicable method of access exists. If allowed, the applicant shall demonstrate that:

(a) No other practicable access to the buildable area exists, or access from an off-site location through the use of easements is not possible;
(b) Roads and driveways are designed to be the minimum width necessary and the minimum intrusion into the River Corridor Area of Special Interest while also allowing safe passage of vehicles and/or pedestrians;

ii Utilities, Irrigation Facilities, and Drainage Facilities. Public and private utilities, irrigation facilities, or drainage facilities may be placed within a River Corridor Area of Special Interest when it is shown that no other practicable alternative location exists. If allowed, the applicant shall demonstrate that:

a. No other practicable access exists or access from an off-site location through the use of easements is not possible;
b. The corridor necessary to construct utilities shall be the minimum width practicable;
c. Removal of existing trees and native vegetation shall be avoided unless absolutely necessary.
d. Minimal visual impact to the river corridor will result from the construction of the facility.

FINDING: As previously discussed, the applicants' proposal to locate utility facilities in the riparian corridor is permitted pursuant to Section 22A.1(3)(C) of the Zoning Ordinance. Thus, it is permitted in the River Corridor ASI pursuant to Section 22A.3(1)(C), which allows the placement of facilities in the River Corridor ASI as "authorized within the Riparian Corridor sub-zone or as provided below..." (emphasis added). Because the facility is authorized by the Riparian Corridor sub-zone, it is permitted in the River Corridor ASI pursuant to the quoted and underscored language. Nevertheless, staff finds the applicants have also addressed compliance with the criteria at subsection C(ii) as set forth above.

The applicants propose to draw water from the river at a rate of 60 gallons per minute, extract 5 degrees of heat from it, and return it to the river 5 degrees cooler at the same rate of 60 gallons per minute. Because the proposal necessarily involves a closed loop piping system to the river, no alternative location outside the ASI exists. The applicants have proposed to combine the closed loop piping system into one 6" wide trench, which is the minimum width necessary to hold two 2" wide pipes. As discussed, the applicants will meander the trench to avoid any manzanita bushes and maintain a 30 ft. separation distance from any tree. Three species of grasses will be disturbed during construction and the applicants will replant them at the same density upon completion of the two-day project. There should be no visual impact as all facilities will be located underground or under water. Therefore, the above criteria will be satisfied.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.22A.4, FLOOD PLAIN COMBINING ZONE, OR FP ZONE

(2) Application of FP Zone.

(a) **The FP Combining Zone shall apply to the areas identified on the Flood Insurance Rate Map (FIRM), as special flood hazard areas inundated by 100-year flood and floodway areas. The FIA Flood Insurance Study for Bend and the FIRM map are hereby adopted and by this reference included herein. The A and AE zones shown on the FIRM map are hereby zoned FP.**

FINDING: FIRM maps show that a small portion of the subject property located immediately adjacent to the river is within the floodway area in Zone A.

(5) Permit for Use or Development in an FP Zone. **No development shall occur in an FP zone unless a permit has been received for the work. Except for improvement of an existing structure which is less than substantial, as determined by the City, no permit shall be issued unless the work will be reasonably safe from flooding, otherwise complies with this ordinance, and all necessary state, federal, and local permits will be obtained as a condition of approval on any permit in an FP zone. The following information shall be submitted with the permit application:**

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

(a) The location of the property with reference to channel stations and flood profile elevations.

(b) The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and, for areas immediately adjacent to a stream, two-foot for ground slopes between five and ten percent, and five-foot for greater slopes.

(c) The location of existing and proposed diking or revetments, if any.

(d) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding.

(8) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(8A) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(9) Land Development Standards in a Flood Hazard Area.

(a) **In addition to the terms of Subsections 9 and 10 of this section, a subdivision or other land development, including all utility facilities, within an FP zone shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.**

(b) **A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood-carrying capacity of the watercourse.**

(c) **A proposed land development of greater than either 50 lots or 5 acres shall include data showing the base flood elevation.**

(11) Utilities Standards in a Flood Hazard Area.

(a) **A public utility or facility associated with a land development within a FP zone shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.**

(b) **Any new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.**

(c) **Any new or replacement sewerage system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the flood waters.**

FINDING: The exact location of the flood plain on the subject property is difficult to determine. The FIRM maps designate the 100-year flood plain to be Zone A, which indicates no base flood elevations have been determined. In any event, the proposal is consistent with the provisions of the flood plain zone to the extent that no structures are proposed in low lying areas susceptible to flooding. The proposed utility facility is a closed loop system with no opportunity for contamination or the infiltration of flood waters into the system.

CONCLUSIONS:

Based on the information provided by the applicants, the listed conditions of approval, and the above Findings of Fact and Conclusionary Findings, staff finds the applicants' proposal to locate a private utility facility in the riparian corridor has met all applicable criteria of the RL Zone, RS Zone, and the Waterway Overlay Zone (WOZ).

RECEIVED

JUL 28 2005

WATER RESOURCES DEPT
SALEM, OREGON

DECISION:

The proposed private utility facility in the riparian corridor is approved, subject to the following conditions of approval.

CONDITIONS OF APPROVAL:

1. Approval is based on the submitted plans dated May 5, 2004, last revised December 1, 2004. Any substantial alteration to the plans shall require additional land use approval.

2. The applicants shall maintain a 30 ft. separation between the trench for the proposed utility facility and all existing trees within the Riparian Corridor.

3. Removal of riparian vegetation shall be limited to the minimum amount necessary to accommodate the proposed utility facility.

4. Replacement vegetation shall be riparian plants that are native to the Bend area, and similar to existing plant species in the vicinity (excluding noxious weeds as identified by the Deschutes County Soil and Water Conservation District).

5. All construction activities shall be conducted so as to minimize adverse impacts upon any designated wetlands, native riparian vegetation, fish and wildlife habitat, and water quality.

6. Erosion within the riparian corridor shall be prevented during and after construction by the use of mulch, erosion blankets, debris fencing, or similar preventative practices.

7. Prior to installing the proposed utility facility, the applicants shall obtain any necessary state and federal permits. Copies of all such permits (or written certification that such permits are not needed) shall be submitted to the City of Bend Planning Division.

DURATION OF APPROVAL: The applicant shall meet all conditions of this approval within one (1) year following the date this decision becomes final, or obtain an extension of time pursuant to the City of Bend Land Use Review and Procedures Ordinance No. NS-1775, or this approval shall be void.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party on interest.

Written by: Aaron Henson

Aaron Henson AICP, Associate Planner

Reviewed by: _____

Dale Van Valkenburg, Current Planning Manager

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

AmeriTitle
Part Of The JELD-WEN Family

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

PLEASE DELIVER FAX AS SOON AS POSSIBLE TO THE FOLLOWING!

NAME: Heidi Kennedy

COMPANY:

REGARDING: Curry/Thompson

FAX NUMBER: 388-5519

PHONE NUMBER:

FROM JAN MILLAR TITLE OFFICER

FAX NUMBER: 541 389 0506

PHONE NUMBER: 541 389 7711

PAGES INCLUDING COVER:

DATE: 6/17/03

MESSAGE:

[X] MAIN OFFICE
15 OREGON AVENUE
BEND, OREGON 97701
P.O. BOX 752, BEND, OREGON 97709
PHONE (541) 389-7711
FAX (541) 389-0506

[ ] SUNRIVER ESCROW OFFICE
SUNRIVER VILLAGE, BLDG. 7
P.O. BOX 4325
SUNRIVER, OREGON 97707
PHONE (541) 593-1613
FAX (541) 593-2546

[ ] SISTERS ESCROW OFFICE
220 S. Pine, Ste. 106
P.O. Box 668
Sisters, Oregon 97759
Phone (541) 549-8089
FAX (541) 549-8086

[ ] SOUTH BEND ESCROW OFFICE
345 S. E. THIRD ST.
BEND, OREGON 97702
P.O. BOX 752, BEND, OREGON 97709
PHONE (541) 389-9176
FAX (541) 388-6939

[ ] REDMOND ESCROW OFFICE
735 S.W. 6TH STREET
P.O. BOX 219
REDMOND, OREGON 97756
PHONE (541) 923-1749
FAX (541) 923-5427

Forms/faxjan

Until a change is requested all
tax statements shall be sent to:
Clifford Curry
61878 Bunker Hill Court
Bend, OR 97702

After recording return to:
FORCUM & SPECK
1123 NW BOND ST
BEND, OR 97701

WARRANTY DEED

Stephen E. Thompson, Jr., Grantor, conveys and warrants to Clifford Curry, Grantee, the real property described as:

Attached as Exhibit A

Free of encumbrances save and except:

1. All encumbrances and liens of record;
2. Reservations in patents;
3. Conditions, restrictions, reservations and easements of record;
4. Rights of the public in streets, roads and highways.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

The true and actual consideration for this conveyance is $43,045.98.

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

By executing this instrument, Grantor certifies that he is not a "foreign person" as that term is defined in the Internal Revenue Code, Section 1445.

DATED this 13th day of June, 2003.

Stephen E. Thompson, Jr., Grantor
By Paul J. Speck, Attorney-In-Fact

STATE OF OREGON)
) ss.
County of Deschutes)

On the 13 day of June, 2003, personally appeared the above-named Paul J. Speck as attorney-in-fact for Stephen E. Thompson, Jr., Grantor, and acknowledged the foregoing instrument to be his voluntary act. Before me.

OFFICIAL SEAL
JEANNE L COWARD
NOTARY PUBLIC-OREGON
COMMISSION NO. 358013
MY COMMISSION EXPIRES JUN. 18, 2006

Notary Public for Oregon

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2003-40543
$36.00
06/17/2003 08:01:58 AM
D-D Cnt=1 Stn=3 PAT
$10.00 $11.00 $10.00 $5.00

USE AND ENJOYMENT EASEMENT
LEGAL DESCRIPTION

A parcel of land located in Parcel 1, Partition Plat No. 2002-26, further located within a portion of the Southwest 1/4 of Section 13, Township 18 South, Range 11 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning on the boundary of said Parcel 1 at the southwest corner of that property described in deed to Stephen B. Thompson recorded August 28, 2002 in Volume 2002, Page 46899 Deschutes County Official Records; thence along the boundary of said Parcel 1 the following three (3) courses:

North 59°35'22" East a distance of 439.26 feet;
South 35°57'15" West a distance of 178.87 feet;
South 06°18'15" East a distance of 21.13 feet;

thence leaving said boundary, South 78°25'31" West a distance of 281.86 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

12-03-02

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
PETER A. MANLEY
2214

EXPIRES 12-31-2002

EXHIBIT

Until a change is requested, all tax statements shall be sent to:
Stephen E. Thompson, Jr.
P.O. Box 999
Sisters, OR 97759

After recording return to:
PAUL J. SPECK
1123 NW BOND ST
BEND, OR 97701

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

BARGAIN AND SALE DEED

Stephen E. Thompson, Jr., Grantor, conveys to Stephen E. Thompson, Jr., Grantee, the real property described as:

Attached as Exhibit A.

The true and actual consideration for this conveyance is the adjustment of property rights.

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

By executing this instrument, Grantor certifies that he is not a "foreign person" as that term is defined in the Internal Revenue Code, Section 1445.

DATED this 13th day of June, 2003.

Stephen E. Thompson, Jr., Grantor
By Paul J. Speck, Attorney-In-Fact

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

On the 13 day of June, 2003, personally appeared the above-named Paul J. Speck as attorney-in-fact for Stephen E. Thompson, Jr., Grantor, and acknowledged the foregoing instrument to be his voluntary act. Before me.

OFFICIAL SEAL
JEANNE L COWARD
NOTARY PUBLIC-OREGON
COMMISSION NO. 358013
MY COMMISSION EXPIRES JUN. 18, 2006

Notary Public for Oregon

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
2003-40544
$41.00
06/17/2003 08:04:58 AM
D-D Cnt=1 Stn=3 PAT
$15.00 $11.00 $10.00 $5.00

RECEIVED
P.05
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

ADJUSTED TAX ACCOUNT 181113 CO 01100
LEGAL DESCRIPTION

A parcel of land containing 3.99 acres, more or less, being a portion of Parcel 1, Partition Plat No. 2002-26 as recorded on March 4, 2002 in partition plat cabinet 2, pages 267, 268 and 269 in the office of the Deschutes County Clerk and is located in a portion of the Southwest One-Quarter (SW1/4) of Section 13, Township 18 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the easterly most corner of said Parcel 1 on the ordinary high water line of the Deschutes River; thence along the boundary of said Parcel 1 and said high water line the following two (2) courses:

South 35°57'15" West a distance of 178.87 feet;
South 06°18'15" East a distance of 21.13 feet to the southerly line of the "Use and Enjoyment" easement, described in Exhibit "C" in instrument recorded January 10, 2003 in volume 2003, Page 02309 Deschutes County Official Records and the True Point of Beginning;

thence continuing along said Parcel 1 boundary and said high water line the following five (5) courses:

South 06°18'15" East a distance of 43.66 feet;
South 28°27'35" West a distance of 59.96 feet;
South 08°55'24" West a distance of 127.12 feet;
South 12°57'04" East a distance of 85.16 feet;
South 16°06'42" East a distance of 77.65 feet to the northeasterly corner of Parcel 2, Partition Plat 2002-25;

thence leaving said Parcel 1 boundary and said high water line, along the northerly boundary of said Parcel 2, South 73°15'13" West a distance of 391.13 feet to the northwesterly corner of said Parcel 2, thence leaving said Parcel 2 boundary, along the northerly boundary of Parcel 1 of said Partition Plat 2002-25, South 73°15'13" West a distance of 98.97 feet; thence leaving said Parcel 1 boundary, North 00°00'00" East a distance of 348.86 feet to the southeast corner of Parcel 1 of said Partition Plat 2002-27, and the boundary of said Parcel 2 of said Partition Plat 2002-27; thence along said Parcel 2, Partition Plat 2002-27 boundary, North 59°35'22" East a distance of 227.33 feet to the southwesterly corner of said "Use and Enjoyment" easement; thence along the south line of said easement, North 78°25'31" East a distance of 281.86 feet to the point of beginning, the terminus of this description.

Subject to: All easements, restrictions and right-of-ways of record and those common and apparent on the land.

03/10/03

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Peter G. Manley

OREGON
JULY 17, 1986
PETER A. MANLEY
2214

RENEWAL DATE: 12/31/04

RECEIVED
JUL 28 2005
WATER RESOURCES DEPT
SALEM, OREGON

☒ **Season** being requested by applicant.

☐ **Water management section** has been completed? If system has not been designed, the applicant may estimate this information.

☑ **Resource protection system** completed on Surface Water application?

☑ Are the **dates of construction** indicated? Proposed dates for the Beginning of construtions, completion of construction, and complete application of water to the proposed use(s) If system already completed, applicant should indicate **existing**. Applicant may indicate in other than dates, these timelines.

☒ **Is the application signed in ink by the applicant?** If the application is in the name of an organization or corporation, the authorized agent with title or authority, must sign the application. If more than one applicant named, both/all must sign or application is incomplete.

☐ NO **Legal description included ?** A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill.

☐ A **completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?* Date should be within 6 months. received 5/31/05 unsigned.

☐ Does the map meet map requirements of OAR 690-310-050? NO MAP SENT

- ☐ Town, Range, Sec, ¼ ¼ and Tax Lot #
- ☐ Reference corner on map
- ☐ ¼ ¼'s clearly identified
- ☐ POU clearly identified location of place of use where water is to be used. ie: domestic, industrial stock, irr, etc.
- ☐ Other
- ☐ Scale of the Map, not less than 4" = 1 mile
- ☐ North Directional Symbol (not fatal if omitted)
- ☐ Location of each diversion point, well or dam
- ☐ Location Coordinates for each POD by reference to a recognized public land survey corner
- ☐ Number of acres per ¼ ¼, if Irrigation

fees enclosed?

Total Paid $ 0

Total Amount of Water Requested: _____

Base Fee$ 300

plus$ 200

plus$ _____

Total Exam Fee $ 500

Total Exam Fee $ 500.00 **Recording Fee $** 250.00

ompleteness Check by: C.V. Date: 5/31/05

groups\wr\WRIG DOCUMENTS\application related\COMPLETENESSCHECKLIST04.wpd

Curtis

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application _____ County: Deschutes

Priority Date: _____ Township: _____

Range: _____

Use(s): Domestic Section: _____

POD ¼ ¼: Unknown

Rate: Unknown POU ¼ ¼: _____

☑ **Applicant/Organization Name, Mailing Address and Telephone Number.** If applicant is other than a private landowner, Organizations section must be completed.

☒ **Source** listed

App. Returned

☑ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is located .....or..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE: An easement or agreement DOES NOT need to be submitted at this time, however a statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work is required at this time. Easement or agreement will be required before a permit will be issued.**

☐ **If a groundwater application...is** the groundwater development section completed, including copies of well logs ?

☒ **Proposed Use of the water....** Is each proposed use identified?

☐ **Has the appropriate "Supplemental Form" for each proposed use** been completed, if applicable ?

- ☐ **Form I** (Irrigation)
- ☐ **Form M** (Municipal or Quasi-Municipal)
- ☐ **Form R** (Mining)
- ☐ **Form Q** (Commercial or Industrial)
- ☐ **Spring Description Sheet** (if source is a Spring)

☒ **Amount of water** from each source listed in GPM, CFS or AF?

☐ **Acreage** being proposed, if applicable.

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

June 1, 2005

Cliff Curry
PMB 447, 86 SW Century Drive
Bend, OR 97702

Dear Mr. Curry:

The Oregon Water Resources Department received your Application for a Permit to Use Surface Water on May 27, 2005. Unfortunately, at this time we are unable to accept it as we need the following information.

Land Use Information Form must be signed by the local land use official.

Legal Description - A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill.

Page 3, Section B. You must tell us how much water you want to pump. We cannot accept zero.

Application fees are based on the amount of water you want to use. The base fee is $300.00, and $200.00 for the first cubic foot per second. The total amount due with your application is $500.00. Before a permit is issued, you will need to submit a $250.00 recording fee.

You must submit an application map that meets all the minimum requirements of OAR 690-310-0050.

- ☒ **Township, Range, Section**
- ☒ **Location of each diversion point, well or dam**
- ☒ **Each point of diversion coordinate by reference to a recognized public land survey corner**
- ☒ **Even scale of the map, not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)**
- ☒ **North Directional Symbol**
- ☒ **Place of use ¼¼'s and tax lot clearly identified**
- ☒ **Reference corners on map**

Please do not hesitate to contact me if I can be of further assistance. I may be contacted at the above address or by telephone at 503-986-0803.

Sincerely,

Connie Vance

Connie Vance
Customer Service Spec.
Water Rights Section

cc gen file
Watermaster Dist. 11

enc sample map
original application

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 Use
Surface Water

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 to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

1. APPLICANT INFORMATION

A. Individuals

Applicant: Cliff (First) Curry (Last)

Mailing address: PMB 447 86 SW Century Drive

Bend (City) OR (State) 97702 (Zip)

Phone: 503-551-3503 (Home) (Work) (Other)

*Fax: _____ *E-Mail address: cliff@currybrandaw.com

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

_____ (City) (State) (Zip)

Phone: _____ (Day) (Evening)

*Fax: _____ *E-Mail address: _____

**Optional information*

For Department Use		
App. No. _____	Permit No. _____	Date _____

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Deschutes River Tributary to: Columbia River

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

B. Property Ownership

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

Do you own all the land where you propose to divert, transport, and use water?

- ☒ Yes *(Skip to section 3 "Water Use.")*
- ☐ 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.
  - ☐ 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).

List the names and mailing addresses of all affected landowners.

_____

_____

_____

_____

_____

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 1
- If your proposed use is **irrigation**, please attach Form **I**
- If your proposed use is **mining**, attach Form **R**
- If your proposed use is **municipal or quasi-municipal**, attach Form **M**
- If your proposed use is **commercial/industrial**, attach Form **Q**

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use		Amount
Deschutes River	Domestic Use	0.00	☐ cfs ☑ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

C. Period of Use

Indicate the time of year you propose to use the water: January 1 - December 31

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 0

(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

☑ Pump (give horsepower and pump type) 1/2 HP

☐ Head-gate (give dimensions) _____

☐ Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

☐ Weir ☑ Meter ☐ Periodic Sampling

☐ Other (describe) Non- Consumptive closed loop system

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

C. Transport
How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☑ Pipe (give diameter and total length)

Diameter 2" Length 100'

☐ Other (describe) _____

D. Application/Distribution Method
What equipment will you use to apply water to your place of use? A closed loop pipe system that ren

Irrigation or land application method (check all that apply):

☐ Flood ☐ High-pressure sprinkler ☐ Low pressure sprinkler
☐ Drip ☐ Water cannons ☐ Center pivot system
☐ Hand lines ☐ Wheel lines
☐ Siphon tubes or gated pipe with furrows
☑ Other, describe This use does not apply water.

Distribution method

☑ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

E. Conservation
What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

This is a non-consumptive closed loop system.

5. RESOURCE PROTECTION

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

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

☒ Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions: A 1/8" mesh fish screen over the intake of the pipe.

☑ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Minimal disruption-already approved through the city planning

☑ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: The ditch will be hand dug in the riparian zone.

☑ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: No digging will occur below the water line and no chemicals will be used.

☒ Other:

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin 11/01/2005

Proposed date construction will be completed 11/15/2005

Proposed date beneficial water use will begin 11/15/2005

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This is a non-consumptive domestic use that will be monitored by the District 11 watermasters office.

RECEIVED
MAY 27 2005
WATER RESOURCES DEPT
SALEM, OREGON

8. 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 points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Signature of Applicant *(if more than one applicant, all must sign)* — Date: 5/23/05

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's Fee Schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

Oregon Water Resources Department
Land Use Information Form

RECEIVED
MAY 31 2005
WATER RESOURCES DEPT
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS INFO 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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

— A. Applicant

Name: Cliff Curry

Address: PMB 447, 86 Century Dr SW

City: Bend State: OR Zip: 97702 Day Phone: 503-551-3503

— B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: *(check all that apply)*	Proposed Land Use
200		☒ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	
		☐ Diverted ☐ Conveyed ☐ Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Deschutes County

— C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☐ Irrigation
☐ Municipal ☐ Quasi-municipal ☒ Domestic (indicate number of households) 1
☐ Other _____

Briefly describe: _____

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water Deschutes River (source)

Indicate the estimated quantity of water the use will require: 0.00 ☐ CFS ☒ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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 this case, only the city planning agency must complete this form. ***Please request additional forms as needed or feel free to copy.***

RECEIVED
MAY 31 2005
WATER RESOURCES DEPT
SALEM, OREGON

A. Allowed Use

Check the appropriate box below and provide 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): _____. Go to section B "Approval" below.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	*Check the item that applies:* Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: *Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)*

B. Approval

Please provide printed name and written signature.

Name: _____ Date: _____

Title: _____ Phone: _____

Signature: _____

C. Additional Comments

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

Note: *If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

SE1/4 SEC.14 T.22S. R.10W. W.M.
COUNTY

Application No.

Permit No.

EPARED FOR
OSE ONLY.

Sample Map

1"-200'

APPROX. CEN. SEC.

NW1/4, SE1/4

SEE 22 10 14

N. 2593.6' &
W. 1217.7' FR
SE COR SEC 14

100
40.00 AC.

NE1/4, SE1/4

200
1.63 AC.

400
3.15 AC.

300
0.62 AC.

LOT 2

601
1.45 AC.

22.25

8/11

NORTH

105-

S80°E 5.00 CH.

G.L.O.

GLO MEANDER LINE

UMPQUA HWY.

HWY. DRWG. 4B-21-24

POINT OF DIVERSION
970' SOUTH & 880' EAST OF CENTER SECTION 14

MEANDER LINE

SCOTTSBURG - WEST RD.

HOUSE

800
1.32 AC.

900
0.92 AC.

1000
2.30 AC.

105-07

700
2.13 AC.

PLACE OF USE
3/4 ACRE

APPLICATION MAP

1000

1100
3.70 AC.
SEE M123-61

1200
6.40 AC.

LOT 1 5.00

1100

SEE M32-80

1200

SEE M77-18

CO. RD. NO. 240

2300
9.84 AC.

ST. HWY. NO. 38

RIVER

-00

LOT 8 14.70

1400
0.58 AC.

1500
0.84 AC.

1600
0.77 AC.

1700
0.47 Ac.

1800
0.77 AC.

1900
0.70 AC.

2000
0.89 AC.

1300
8.65 AC.

SEE CS M40-9
M116-65

2102
2.43 AC.

2100
2.49 AC

2103
2.23 AC

2104
2.02 AC

2201
2.29 AC.

2200
2.24 AC

2202
1.48 AC

2203
1.34 AC

2204
0.67 AC

1/4 COR.

MC

7.8 CH.

MC

SEE MAP 22 10 23

RECEIVED
OCT 19 1999
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

WATER RESOURCES DEPARTMENT

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

RECEIPT # 80201

INVOICE # _____

RECEIVED FROM: Clifford Curry
BY: H. Delight Stone

APPLICATION	D86392
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 810 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 250.00

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

RECEIVED
OVER THE COUNTER
FEB 28 '06

MISCELLANEOUS

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

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$ 250.00	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

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

_____ TREASURY OTHER / RDX

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

RECEIPT: 80201 DATED: 3-7-06 BY: Joan Smith

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 # 76470

INVOICE # _____

RECEIVED FROM: Clifford Curry

BY: _____

APPLICATION	S86392
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 311 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		$
_____	OTHER:	(IDENTIFY) _____	$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

	MISCELLANEOUS				
0407	COPY & TAPE FEES				$
0410	RESEARCH FEES				$
0408	MISC REVENUE: (IDENTIFY)	_____			$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____			$
0240	EXTENSION OF TIME				$
	WATER RIGHTS:	**EXAM FEE**		**RECORD FEE**	
0201	SURFACE WATER	$500.00	0202		$
0203	GROUND WATER	$	0204		$
0205	TRANSFER	$			
	WELL CONSTRUCTION	**EXAM FEE**		**LICENSE FEE**	
0218	WELL DRILL CONSTRUCTOR	$	0219		$
	LANDOWNER'S PERMIT		0220		$

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 76470 DATED: 2/2/05 BY: L Albin

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

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING ☒
POST CARD SENT ☒ 8/9/5cu.
DATA CENTER ☒ ij

GROUND WATER YES ☐ NO ☒
ENFORCEMENT YES ☐ NO ☒

WATER RIGHTS SUPPORT ☐

ANITA HUFFMAN	503-986-0815	☐
CORY ENGEL	503-986-0813	☐
JERRY GAINEY	503-986-0812	☐
KERRY LEFEVER	503-986-0816	☒
JEANA EASTMAN	503-986-0859	☐

A "Standard Reservoir" storing 9.2 acre-feet or more of
Water & has a dam height of 10.0 feet or greater needs to
have a copy of the application & supplemental forms routed to "JOHN FALK"



ATTN: WATER RIGHTS
SUPPORT....>>>>> Mark contents of Application File;
Update Powerbuilder with caseworker, etc.;
Route to filing cabinet.



STATE OF OREGON

WATER RESOURCES DEPARTMENT

RECEIPT # 121497

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

INVOICE # _____

RECEIVED FROM: Little Fish-Family trust; Clifford B Curry: H. Dwight Stone

BY:

APPLICATION	S-86392
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 5360 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D $ 175.00

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

4(0)11

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

02000 OTHER (IDENTIFY) COBU $175.00

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

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

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 121497 DATED: 10-3-16 BY: Felicia

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