



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

Application for a Permit to 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/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: David & Rebecca Weber
First Last
Mailing address: 63345 NW Skyline Ranch Rd
Bend Oregon 97701
City State Zip
Phone: 541.388.4419 541.410.6218
Home Work Other
*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: USDA Forest Service
Name and title of person applying: Phil Cruz / District Manager
Mailing address of organization: 1230 NE 3rd, Suite A-262
Bend Oregon 97701
City State Zip
Phone: 541.383.4000
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>5-86907</u>	Permit No. _____	Date _____

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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: Elk Lake Tributary to: None
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

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

B. Applications to Use Stored Water

(Not Applicable)
Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

- ☐ Yes.
- ☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- ☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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C. Property Ownership

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 easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much 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 provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: One
- 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**

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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	Type of use	Amount
Elk Lake	Human Consumption	.005 ☒ 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: May 1st thru November 30th
(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: Not Applicable
(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): 1hp - Submersible
- ☐ 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 means (describe): Bucket & Stop Watch

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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 _____ 1" Length _____ 175'

☐ Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? Not Applicable

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 _____

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. If you need additional space, attach a separate sheet.

Methods used to conserve water. 1)Kitchen: Use disposable dishes and utensils to avoid washing dishes in the sink.

2)Bathroom: Sink has spring loaded valves that shut off the hot or cold water when released 3)Shower:Limited Use

4)Toilet: Has water conservation flush/fill system. We conserve to minimize pumping our 500 gal holding tank.

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5. RESOURCE PROTECTION

A. 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 instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- ☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: Our submersible pump has a small mesh screen on the intake to prevent
any aquatic life to enter the water system.

- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: Vegetation and rocks on the bank have been in place
for over twenty years. We have no plans of making any changes to the existing vegetation and rocks.

- ☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Not Applicable

- ☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Waste water is collected in a buried 500 gallon holding tank. This tank is pumped
out one to two times a season.

- ☐ Other: _____

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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: Not Applicable

Proposed date construction will be completed: _____

Proposed date beneficial water use will begin: _____

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.

Please see cover letter

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.

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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:

 5-30-07
Signature of Applicant (If more than one applicant, all must sign.) Date

 5/20/07
Signature of Co-Applicant Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached 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.

WRD on the web:
www.wrd.state.or.us

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File #:

Oregon Water Resources Department

Application Supplement for Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways, or from streams for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption use is limited to use of water for drinking, cooking, and sanitation, and does not include other uses such as lawn or garden watering or other related water uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266.

1. Can you reasonably obtain water from any other source? YES / NO
(circle one)

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

We do not own the property, the Forest Service does. Also,
there are ~~no~~ no wells on any adjacent property to share.

- b. Securing stored water from upstream reservoirs.

There are no upstream reservoirs from our location
to draw water from

- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)

Our site does not have a fresh water holding tank or system
and the closest fresh water would have to be hauled from
forty miles away from the town of Bend.

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d. Community or municipal water suppliers.

Not Available

e. Tying in to a neighboring property's spring.

Not Available

g. Transferring existing water rights to your proposed use(s).

Not Applicable

Please identify any other alternate water sources you have considered, and why they are not feasible:

2. If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

YES / NO / NOT APPLICABLE
(circle one)

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If so, please describe how:

Denial of our application would result in loss of reasonable expectations of our property use. This would cause undue hardship for cooking, cleaning & bathing.

3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

YES / NO / NOT APPLICABLE
(circle one)

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4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

YES / NO / NOT APPLICABLE
(circle one)

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Co-Applicant Signature: Dan Weber

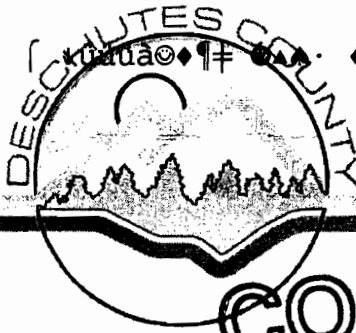
Date: 5/20/07

Co-Applicant Signature: Mike Schubert

Date: 5-23-07

Applicant Signature: _____

Date: _____



Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

June 19, 2007

David and Rebecca Weber
63345 NW Skyline Ranch Road
Bend OR 97701

Re: Land Use Information Form
Map 180832A000100

I have reviewed the above noted Land Use Information Form requesting removal of water from Elk Lake for domestic use associated with an existing cabin.

Deschutes County does not regulate leased residential property or uses of a resource, such as water appropriation, on land owned and managed by the United States Forest Service.

I have signed and enclosed the Land Use Information Form for your use and records.

If you have any further questions or need additional information, please contact me.

Sincerely,

Chris B. Bedsaul
Associate Planner

PS0734
Enclosure

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COPY ^{Copy}

Authorization ID: BEN177
Contact ID: BM02WEBE
Expiration Date: 12/31/2008
Use Code: 123

FS-2700-5a (8/99)
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
Forest Service
TERM SPECIAL USE PERMIT
For Recreation Residences
AUTHORITY:**

OCCUPANCY PERMITS, AS AMENDED March 4, 1915

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WEBER, DAVID AND REBECCA, 63345 Skyline Ranch, BEND, OR 97701 (hereafter called the holder) is hereby authorized to use National Forest lands, for a recreation residence for personal recreational use on the Deschutes National Forest, subject to the provisions of this permit including items I.A through XI. E, on pages 2 through 8. This permit covers .43 acres.

Described as: Lot EL M 02 of the Elk Lake tract.
(A plat of which is on file in the office of the Forest Supervisor.)

The following improvements, whether on or off the lot, are authorized in addition to the residence structure:

On-Lot Facilities – Guest cabin, toilet, dog kennel, storage building

Off-Lot Facilities – Maintaining a water supply system that includes pipelines, pump, and storage tank for domestic use (a strip of land approximately 95 feet in length and 2 feet in width), fire ring, sign

This use shall be exercised at least 15 days each year, unless otherwise authorized in writing. It shall not be used as a full-time residence to the exclusion of a home elsewhere.

**THIS PERMIT IS NOT TRANSFERABLE
PURCHASERS OF IMPROVEMENTS ON SITES AUTHORIZED BY THIS PERMIT MUST SECURE A NEW
PERMIT FROM THE FOREST SERVICE.**

THIS PERMIT IS ACCEPTED SUBJECT TO ALL OF ITS TERMS AND CONDITIONS.

ACCEPTED:

HOLDER SIGNATURE

David E. Weber
HOLDER NAME

DATE

ACCEPTED:

HOLDER SIGNATURE

Rebecca S. Weber
HOLDER NAME

DATE

APPROVED:

SIGNATURE AUTHORIZED OFFICER

WALTER C. SCHLOER, District Ranger
NAME AND TITLE

DATE

3-86909

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

May 20, 2007

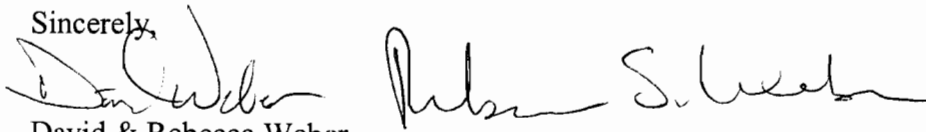
To Whom It May Concern—

I am a Special Use Permit holder for a Recreational Residence on Elk Lake in Deschutes County. Despite longstanding use of lake water for human consumption, it has come to our attention that obtaining a water right will be required in order to renew the Permit. The Forest Service and recreational residence permit holders were unaware that a water right was required when the use was established in the 1950's. Therefore, I am applying as a co-applicant for a surface water right for human consumption in the name of the USDA Forest Service.

The USDA Forest Service owns the land described in this application. I am the owner of all improvements on the property such as the cabin, storage building, decks, stairways, *and the water system*. The domestic water system described in this application is already in place, and has been in use seasonally since the 1950's. It has been upgraded periodically over the years, but has been functioning in its current form (intake, buried pipe, elec. Pump and waste water tank) since 1995.

If I can be of any assistance during the processing of this application, please do not hesitate to call me.

Sincerely,



David & Rebecca Weber
Bend, OR
H 541.388.4419
C 541.410.6218

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