



**LETTER OF TRANSMITTAL**

**TO:** Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301

<b>Date:</b> 08/17/2008	<b>Work Order</b> 13000
<b>Attention</b>	Water Rights
<b>RE:</b>	New Surface Water Filing

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1 set	(12 pgs) SURFACE WATER APPLICATION WITH ATTACHMENTS AND MAP
1	\$1,400.00 APPLICATION FEE
1 set	(4 pgs) LAND USE FORM
1	LEGAL DESCRIPTION

THESE ARE TRANSMITTED (as checked below)

- For approval       As requested       Filing/Recording  
 For your use       Approved as noted       For your review & approval

<b>Remarks:</b>	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	<b>TOTAL</b>	

PICKED UP BY:  
 DELIVERED BY:  
 COPY TO: Chris Braun, Confederated Tribes of Warm Springs w/ 1 of each

BY: Larry M. Toll, C.W.R.E  
 ltoll@tennesoneng.com

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 SEP 19 2008  
 WATER RESOURCES DEPT  
 SALEM, OREGON



**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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

### A. Applicants

Applicant: \_\_\_\_\_  
First Last

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

### B. Organizations

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

Name of Organization: Confederated Tribes of the Warm Springs  
Reservation of Oregon

Name and Title of Person Applying: Hood River Production Program  
Attention: Chris Brun

Mailing Address or Organization: 6040 Dee Highway  
Parkdale OR 97041  
City State Zip

Phone : 541-352-3548  
Day Evening

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

\*Optional (See Remarks for Agent)

For Department Use			<b>RECEIVED</b>
App. No. _____	Permit No. _____	Date _____	<b>SEP 19 2008</b>

Last Updated: 6/25/2008

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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: <u>West Fork Hood River</u>	Tributary to: <u>Hood River</u>
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**

*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 (Please check appropriate box below then skip to section 3 'Water Use')

- There are no encumbrances
- This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s) )

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.

Longview Timber Corp. Send correspondence to Longview Timber Corp., Attention: J. Steve Hansen  
 Longview, WA Mid Columbia Tree Farm  
 P.O. Box 907  
 Stevenson, WA 98648  
 Telephone (509) 427-7537

**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: \_\_\_\_\_
- 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
W Fk Hood R	Fish Production Facility	5.0 <input checked="" type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
	for native resident and	<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
	native anadromous fish	<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
	recovery	<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af

(See additional sheet attached)

**C. Period of Use**

Indicate the time of year you propose to use the water: Year Around

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

If you will be applying water to land, indicate the total number of acres where water will be applied or used: No Irrigation

*(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): \_\_\_\_\_

Head-gate (give dimensions): \_\_\_\_\_

other means (describe): Gravity flow

**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): \_\_\_\_\_

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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 18" Length 600'

other, describe: Facility being designed so pipe size may change

**D. Application/Distribution Method**

What equipment will you use to apply water to your place of use?

Water will flow by gravity through the holding ponds

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.

Measuring water diverted,

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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:

Will work with ODFW/NOAA Fisheries to have facility appropriately screened.

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

Yes, any disturbed ground will be replanted with native vegetation.

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

Excavation times will comply with ODFW in water work periods. No in water work is expected.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe:

Acclimation facility will be a flow through with only fish coming in contact with water. Will work with DEQ to deal with effluent. Because of size, this facility has NPDES WSP 300J exclusion.

- 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: Fall of 2009

Proposed date construction will be completed: 3/15/2010

Proposed date beneficial water use will begin: 3/15/2010

## 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.*

Agent for this application is:  
Larry Toll  
Tenneson Engineering Corporation  
409 Lincoln Street  
The Dalles, OR 97058  
Telephone: 541-296-9177  
E-mail: ltoll@tennesoneng.com

## 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, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:

*Chris Bunn*

Signature of Applicant (If more than one applicant, all must sign.)

*9/12/08*

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](http://www.wrd.state.or.us) or call (503) 986-0900.

\$500<sup>00</sup> Base  
 200<sup>00</sup> 1st cfs  
 400<sup>00</sup> 2,3,4,5 cfs  
 300<sup>00</sup> Rec  


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 \$1400<sup>00</sup>

WRD on the web:  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

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**Longview** Timber, Corp.

P.O. Box 667  
10 International Way  
Longview, WA 98632  
Phone (360) 575-5107  
Fax (360) 575-5932

Note: Joel Plahn has  
original of this letter.

July 31, 2008

State of Oregon  
Water Resources Department  
725 Summer St. NE, Suite A  
Salem, Oregon, 97301-1271

Dear Sir or Madam:

It has been brought to the attention of Longview Timber, Corp. that the Confederated Tribes of Warm Springs Reservation, Oregon (CTWSRO) wishes to acquire a non-consumptive water right to the West Fork of the Hood River at Moving Falls (river mile 2.5). The water right will be used to provide water for their proposed salmon acclimation facility as part of their efforts to restore fish runs in the Hood River basin. The Tribes are currently in the planning phase of this project. While we fully support this project, we have not completed a formal agreement allowing the tribes use of our land for this project. It is anticipated that an agreement will be reached in the coming months.

This letter authorizes the CTWSRO to file for water rights through the Oregon Water Resources Department. For this purpose, Longview Timber, Corp. authorizes the CTWSRO to enter Longview Timber, Corp. property to acquire any information needed for mapping the proposed water right. To the Oregon Water Resources Department, this letter authorizes the CTWSRO to do whatever is necessary to file and complete the water rights process.

Sincerely,

*Steve Hansen*  
John S. Hansen  
Mid-Columbia Tree Farm Manager

JSH:mw

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**Additional Information for Item 3 B on page 4 of Surface Water Application**

**Request for Rule 33-140 (2) Exemption:**

The water provided from this water right will be used exclusively to rear and acclimate spring Chinook salmon for release into the West Fork Hood River. This is one component of the CTWSRO's and ODFW's joint effort to re-introduce this formerly extirpated native anadromous fish stock in the Hood River basin.

The native run of Hood River spring Chinook salmon is believed to have become functionally extirpated during the 1970's. Beginning in 1994 the CTWSRO and ODFW, under the umbrella of the Hood River Production Program, have jointly worked toward rebuilding at risk native steelhead populations and re-introducing spring Chinook salmon in the Hood River basin. Under the revised Hood River Master Plan (BPA, 2008) we hope to acclimate hatchery produced spring Chinook salmon smolts from March through early May, 2010-2014. The fish will be held in temporary ponds supplied with West Fork water to allow them to imprint. They will then be released into the West Fork. Pending the results of monitoring and evaluation studies permanent ponds may be constructed for late rearing and acclimation (September- May) beginning in 2014.

This project has been reviewed by the Pacific Northwest Power and Conservation Council's Independent Scientific Review Panel (ISRP) and Hatchery Science Review Group (HSRG). Funding is provided by the Bonneville Power Administration.

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# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Confederated Tribes of the Warm Springs Reservation of Oregon, Hood River Production Program  
Mailing Address: 6040 Dee Highway  
City: Parkdale State: OR Zip: 97041 Day Phone: 541-352-3548

This application is related to a Measure 37 claim.  Yes  No

### A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
1N	9E	14	SWoNE	500		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Fish Facility
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Hood River County

### B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) West Fork Hood River

Estimated quantity of water needed: 5  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for household(s)  
 Municipal  Quasi-municipal  Instream  Other Fish Facility

Briefly describe: This fish acclimation facility is associated with the Confederated Tribes of the Warm Springs on going fish recovery program in the Hood Basin working conjunction with the Oregon Department of Fish and Wildlife. These acclimation ponds will use West Fork Hood River water. The facility will be flow through and non consumptive.

**Note to applicant:** *If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.*

### Receipt for Request for Land Use Information

State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

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## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Section 5.10(M) of the HRCZO

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

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Name: Eric D. Walker Title: Principal Planner  
 Signature: ERIC D. WALKER Phone: (503) 387-6840 Date: 9/11/08  
 Government Entity: HOOD RIVER COUNTY PLANNING DEPT.

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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✓ PARCEL 19: IN 9 13 7600

The East half of Lot 33, FIRST ADDITION TO RIVERSIDE PARK, in the County of Hood River and State of Oregon, lying in Section 13, Township 1 North, Range 9 East of the Willamette Meridian.

✓ PARCEL 20: IN 9 13 2500

That portion of Lots 17 and 32, FIRST ADDITION TO RIVERSIDE PARK, in the County of Hood River and State of Oregon, lying in Section 13, Township 1 North, Range 9 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of said Lot 32, being located in the East line of said Section 13; thence North 0°25' East along the East line of said Lots 32 and 17, being along the East line of said Section 13, to a point that is 1100 feet, measured along the said East line of said Section 13, North 0°25' East of the East quarter corner of said Section 13; thence South 19°18' West a distance of 483 feet; thence South 30°50' West a distance of 70 feet; thence South 41°18' West a distance of 321 feet; thence South 27°35' West a distance of 281 feet; thence South 47°18' West to the South line of said Lot 32; thence Easterly along the South line of said Lot 32 to the place of beginning.

✓ PARCEL 21: IN 9 14 500

All of Section 14, Township 1 North, Range 9 East of the Willamette Meridian, in the County of Hood River and State of Oregon, EXCEPT THE South half of the Northwest quarter, ALSO EXCEPT that portion platted as ROGERS ADDITION TO RIVERSIDE PARK.

✓ PARCEL 22: IN 9 2900

All of Section 15, Township 1 North, Range 9 East of the Willamette Meridian, in the County of Hood River and State of Oregon, EXCEPTING THEREFROM the West half of the Northeast quarter.

✓ PARCEL 23: IN 9 3100

All of Section 16, Township 1 North, Range 9 East of the Willamette Meridian, in the County of Hood River and State of Oregon.