

Daniel J. Hutchison
102 Jantoni Dr.
Boise, Idaho 83712
(208)830-7429

July 27, 2009

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503)986-0900

Dear Sir/Madam:

Enclosed is an Oregon Water Rights Application for the storage and irrigation use of water from Black Bull Spring located in Malheur County, Oregon. Black Bull Spring is located on my property in Township 28 South, Range 37 East, E ½ NE ¼ Section 34, and W ½ NW ¼ Section 35. This property is also described as Malheur County Tax Lot 1900 on map 28S37.

As noted in the enclosed water right application the spring surfaces and sinks below ground within my property. The past use of the water has been primarily as livestock water however, my management plan for the property has identified the need to irrigate two acres for the production of Christmas trees and black berries as well as garden crops and riparian area improvement.

Please find for your review and approval the enclosed:

1. Application for a Permit to Use Surface Water;
2. Water Rights Application Map;
3. Application for a Permit to Store Water in a Reservoir (Alternate Review);
4. Form I for Irrigation Water Use;
5. Spring Description Sheet; and,
6. Land Use Information Form. (Please note that the Malheur County Planning Director has reviewed and signed the Land Use Information Form).

Mr. Ron Jacobs the Malheur County Water Master has been very helpful in my development of this water rights application, however, any errors in the application are strictly my own. If you have any questions concerning this application please contact me.

I have enclosed the appropriate fees to include:

- | | |
|---|------------------|
| 1. Surface Water Base: | \$ 700.00 |
| 2. 1 st cubic foot per second (cfs) or fraction thereof: | \$ 250.00 |
| 3. Each additional use, point of diversion: | \$ 250.00 |
| 4. Alternate Permit Application for Qualifying Reservoirs: | |
| a. Base: | \$ 300.00 |
| b. Each af or fraction thereof: (2 af @ \$25 Each): | \$ 50.00 |
| 5. Standard permit recording fee: | <u>\$ 400.00</u> |
| 6. Total enclosed: | \$1,950.00 |

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Thank you for your review and consideration of this water right application.

Sincerely



Daniel J. Hutchison



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 Store Water in a Reservoir (Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

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Applicant: Daniel Hutchison
First Last
 Mailing Address: 102 Jantoni Dr.
Boise Idaho 83712
City State Zip
 Phone: (208)830-7428 N/A (208)830-7429
Home Work Other
 *Fax: N/A *Email Address: daniel.j.hutchison@us.army.mil
**optional information*

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2. LOCATION AND SOURCE

A. Reservoir Name: Duck Pond Reservoir

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: Black Bull Spri Tributary to: none

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
28 South	37 East	34	SE NE	1900

D. County of Use: Malheur

E. Dam: Maximum height of dam: 8 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity.

List quantity in Acre-Feet: 2.0

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

3. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose: Stock water, Irrigation, wildlife, aesthetics, fire protection and pollution abatement.

App. No. P-87503

For Department Use

Permit No. _____

Date _____

4. 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 5)

☒ 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). (Do not check this box if you described your use as "Multipurpose" in #3 above)

List Name and mailing addresses of all affected land owners:

Daniel J. and Linda J. Hutchison
102 Jantoni Dr.
Boise, Idaho 83712

5. ENVIRONMENTAL IMPACT

A. Channel: is the reservoir ☐ In Stream or ☒ off channel ?

B. Wetland: is the project in a wetland? ☒ Yes ☐ No ☐ Don't know

C. Existing: is this an existing reservoir? ☒ Yes ☐ No

If yes how long has it been in place? 35+ years

D. Fish Habitat: Is there fish habitat upstream from the proposed structure? ☐ Yes ☒ No ☐ Don't know

If yes, how much? miles

E. Partnerships: Have you been working with other agencies? ☐ Yes ☒ No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Daniel J. Hutchison

Landowner Signature

July 27, 2009

Date

Before you submit your application be sure you have:

- ☐ Answered each question completely.
- ☐ Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- ☐ The map must meet map requirements to be accepted.
- ☐ Included a land use form or receipt stub signed by a local planning official.
- ☐ Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF= \$ 100 ; 1.5 AF= \$ 120 ; 20.0 AF= \$ 480 ; 30.0 AF= \$ 680.

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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: Daniel Hutchison
First Last
 Mailing Address: 102 Janoni Dr.
Boise Idaho 83712 Daytime Phone: (208)830-7428
City State Zip

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:
28 South	37 East	34	NE NE	1900	C-A2	☒ Diverted	☒ Conveyed	☐ Used	Wetland
28 South	37 East	34	SE NE	1900	C-A2	☐ Diverted	☒ Conveyed	☒ Used	Multipurpose
28 South	37 East	34	SE NE	1900	C-A2	☐ Diverted	☒ Conveyed	☒ Used	Irrigation
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used:

Malheur County

B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 15 _____ ☐ 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 Stock water

Briefly describe:

75' X 150' pond with 4 inch head gate to control outflow. Water will be used for irrigation, wetland enhancement, and stock water.

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): MCC Title 6
- ☐ 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:	
		☐ 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
		☐ Obtained ☐ Denied	☐ Being pursued ☐ 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.

Name: Jon D Beal Title: Planning Director

Signature: Jon D Beal Phone: 475-5185 Date: 7-27-09

Government Entity: Malheur Co

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

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Applicant Name: Daniel J. Hutchison

AUG 03 2009

City or County: Malheur County

Staff Contact: _____

WATER RESOURCES DEPT
SALEM, OREGON

Signature: _____

Phone: _____

Date: _____



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR. 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

REV. 11/20/03

SPRING DESCRIPTION SHEET

1. Is the spring on the property owned by the applicant? YES ☒ NO ☐
2. If not, give name and address of legal owner: N/A
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES ☒ NO ☐
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES ☐ NO ☒
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?
 What is the maximum flow? 6 gallons per minute
 Is flow measured or estimated? MEASURED ☐ ESTIMATED ☒
6. Does the stream flowing from the spring form a well defined natural channel?
 YES ☐ NO ☒
7. Does the water flow off the lands on which it first arises? YES ☐ NO ☒
8. Give the name of the stream or other body of water into which the water from the spring flows: Duck Pond Reservoir (small stock watering pond)
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: 150 feet to pond and then 200 feet.
10. Remarks: The spring is named Black Bull Spring as noted on the 1974 USGS Topographic map. The current spring development has been in place for over 35 years. The 75' X 150' Duck Pond reservoir has also been in place for over 35 years. Overflow from the pond sinks before reaching other water.

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I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant *Dan White* July 27, 2009
 Signature Date

Signature *Dan White* July 27, 2009
 Signature Date

R-87503

Black Bull Spring and Duck Pond Reservoir
Township 28 South, Range 37 East, Section 34
View to the north



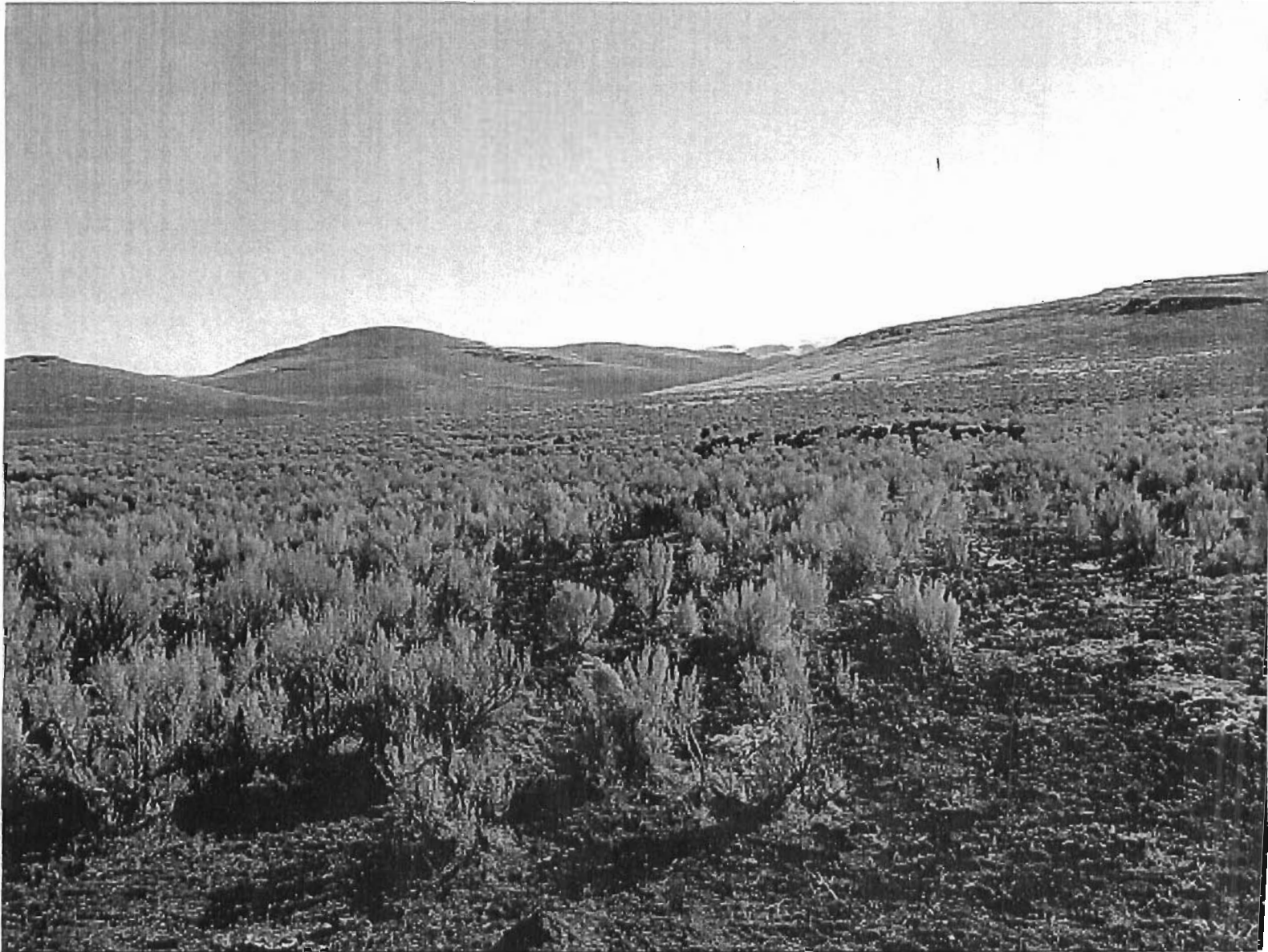
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R-87505

Black Bull Spring and Duck Pond Reservoir
Township 28 South, Range 37 East, Section 34
View to the South which Shows area to be irrigated



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