



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: Barbara GIESY
First Last
Mailing address: 2610 S.W. Davenport Ln.
Portland Oregon 97201
City State Zip
Phone: 503 2270924
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: Richard Weseler
Mailing address of organization: 1230 NE 3rd Suite A262
Bend Oregon 97701
City State Zip
Phone: 541 383 4000
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>S-86939</u>	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: 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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SALEM, OREGON**



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I. APPLICANT INFORMATION

A. Individuals

Applicant: Barbara GLEBY
First Last
Mailing address: 2610 S.W. DuPont Ln.
Portland Oregon 97201
City State Zip
Phone: 503 2270924
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: Richard Weseloh
Mailing address of organization: 1230 NE 3rd Suite A262
Bend Oregon 97701
City State Zip
Phone: 541 383 4000
Day Evening
*Fax: _____ *E-Mail address: _____

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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: _____
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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.

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- 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.

*Elk Lake to 2 Property Serial 135991 Township 18
Range 08 Sec 32 H0 lot 100
Tax lot: R1-004 180832 H0 001 H9
See names and addresses enclosed for USDA
and Barbara GIESY*

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
Elle Lake	Human Consumption	0005 ☒ 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:

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

Approx 5/1 to 10/31

D. Acreage

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

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

NA

4. WATER MANAGEMENT

A. Diversion

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

☐ Pump (give horsepower and pump type):

submersible pump - 10 GPM 1/2 HP 115V

☐ 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):

vacation house hold use
single dwelling

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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 1/4" Length Approx. 60'

☐ Other (describe) _____

D. Application/Distribution Method

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

Household faucets

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

NA

- | | | |
|--|--|---|
| ☐ 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

NA

- ☐ 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.

Household faucets

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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:

Submersible pump in enclosed screened "tube"

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

NA

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

Submersible screened - Recently modernized

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

Septic system and drainfield rebuilt in 2005 and "approved"

☐ Other:

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*water system originally placed approx. 1950
In Aug. 1995 Jerry Hunt of Thompson Pump and Dring.
changed system to a submersible pump following
design approved for other USDA service sites.
System presently serviced by Jerry Hunt of H+H Pump
and Irrigation of Bend Oregon*

Surface Water

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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: _____

Proposed date construction will be completed: _____

Proposed date beneficial water use will begin: SEE NOTE pg 6

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.

ELB Lake in 1950's - H2O system essentially the same configuration - most recent change was to submersible pump 8/95 and maintenance of that since as needed

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.

Geographic Designations
Township 18 S Range 8 E
NW 1/4 of NE 1/4 of Sec 32
Property Serial 135-991 Township 18 Range 08 Sec 32 H0
Lot 100
Tax lot: R1-004 180832 A0001 H9
Property tax acct Number 180832 A 100 H9

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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:

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

6-11-07
Date

Phil C. Jones
District Ranger

6-26-07
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:
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Surface Water:8

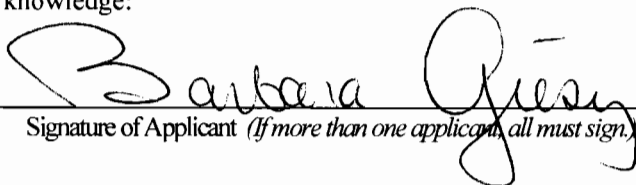
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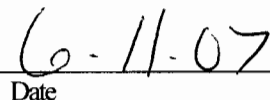
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- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

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

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.
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SALEM, OREGON

For Phil Cruz or Rick Wessler
Please sign

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.)
The lot is too steep and the access road too narrow to allow access for any type of well-drilling equipment. In addition, the soil surrounding Elk Lake is very thin (1 - 2 feet at most). Immediately beneath this soil is solid bedrock
- b. Securing stored water from upstream reservoirs.
There are none.
- 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.)
It would be difficult to impossible to get a water truck down the access road. Expense is also an issue. Quoted cost for providing this service is \$85.00 per hour from Bend. (They would not provide a written estimate.)

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d. Community or municipal water suppliers.

There are none.

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

There are none.

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

I have none, and there presently are none available to transfer in the Elk Lake vicinity.

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

I cannot think of any other sources.

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)

If so, please describe how:

It would make it exceedingly difficult to cook, wash dishes, shower, and provide basic sanitation.

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)

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)

Applicant Signature: Barbara Giesy

Date: 6-11-07

Applicant Signature: Rick Wesseler (Phil Cruz)

Date:

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WATER RESOURCES DEP
SALEM, OREGON

Memo

To: United States Forest Service
Bend-Fort Rock Ranger District
(copy sent to Mr. Giffin, Water Master)

From: Steven Skelton and Leslie Skelton
Elk Lake, Tract E Lot 11

CC: Kathryn Hart, Ann Brown (Guyer), Bill and Jill Zander (Nelson), Ron Estes

Date: July 5, 2007

Re: Water Rights Issues at Elk Lake

The United States Forest Service has sent the summer home owners at Elk Lake several letters in 2007 regarding obtaining water rights through the State of Oregon as a precondition for the Forest Service renewing our permit in 2008. Since the process of applying and issuing a water permit is a State of Oregon process, not a Federal process, we have obtained information directly from representatives of the State Water Board regarding how the process works.

We contacted Rick Wessler in early June after arriving at our property at Elk Lake. Mr. Wessler informed us that he believed there would have to be a separate application filed for each pump at Elk Lake. We decided to contact the State or Oregon Water Master for the Deschutes Basin, Jeremy Giffin to confirm the information and ask other questions about the process.

Here is a summary of what we have learned from Mr. Giffin over the month of June. As he had to consult with others regarding some of the following, it has taken a month to get definitive answers. Mr. Giffin has indicated he is very happy to confirm this information with the Forest Service. His phone number is 541-686-6669.

MULTIPLE PUMPS on ONE APPLICATION:

The State Water Board does not have an objection to multiple pumps being included in a single application. Mr. Giffin informed us that it is common for applications to be filed that include multiple pumps. He told us that he had called his headquarters in Salem, the department that handles the applications, and they confirmed that this is the case.

SURFACE WATER PERMIT:

Mr. Giffin told us that Elk Lake is in a unique status because the lake is a "closed pool" and water used from Elk Lake does not affect other water sources in Oregon. Mr. Giffin has had a chance to review the letter from the Forest Service indicating the proper answers to the questions on the Surface Water Permit Application and says that the proposed application answers look good to him. There had been some difficulty earlier in the spring in settling on exactly what form should be required, but now all agree this is the correct process.

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COSTS:

Mr. Giffin stated that the water rights process is a two stage process; the application, and the final certificate. The application, if approved, provides a temporary permit for three years, after which a water rights survey will have to be done by a surveyor before a final and permanent certificate will issue. The temporary and the permanent certificates will be in the name of the land owner, the US Forest Service, and not the summer home owner. While the home owners may provide information and include their names on the application (and pay the fees), the Forest Service is the ultimate certificate holder. The fees for application are in the \$500 range and the survey at the end of three years will probably cost at least \$1000. It is our assumption that the second stage of fees will also be passed on to the homeowners, though we had not been informed that this second stage existed until we spoke to Mr. Giffin.

HEALTH DEPARTMENT CONCERNS:

We asked Mr. Giffin about an issue regarding multiple pumps being on an application, and the ultimate certificate perhaps involving the State of Oregon Health Department requiring testing of water for multiple users. Although Mr. Giffin told us that he could not speak for the Health Department, his understanding was that the rule applied to ground water wells, and shouldn't apply to surface water permits. In any event, among the persons listed in the "cc:" portion of this memo, there are no pumps that serve more than two cabins. Mr. Giffin told us that based on his understanding, there would be no Health Department testing requirements that applied to this circumstance.

REQUEST:

Based on this information, we are requesting that the Forest Service approve a joint application from those home owners on Tract E at Elk Lake, that would like to submit together. The economic advantage is obvious as we would be able to jointly participate in the expenses and coordinate the survey that will occur three years as a single event. Since the certificate will issue in the name of the Forest Service, there seems to be no advantage to the Forest Service to manage multiple applications, the subsequent survey, and final certificate. Please notify us as soon as possible if this is alright. At this point in time, we know that Skelton, Hart, Ann Brown (Guyer cabin), Zander (Nelson cabin), and Estes would like to participate. This is 5 cabins, utilizing four pumps total.

There perhaps could be others from Tract E who may want to join in the joint application, and we are willing to apply jointly with any who have not yet applied and would like to do so. This might also potentially include McGiver and Cleveland. We have not yet confirmed their interest. That would mean a joint application from 7 cabins, and 6 pumps total as a maximum number. We don't know of any other possible inclusions from tract E—we think all other cabins are covered, or are not interested. Our thought is to hear from you, then give people 2 weeks to confirm their interest in joint application, and then proceed.

Other than agreeing to research this issue and provide information to the persons listed above, we do not formally represent any of the cabin owners. We are in touch with them by e-mail and telephone and are willing to forward any information we receive as quickly as we can. We all are interested in proceeding as quickly as possible with the application and moving the process forward.

Please contact Steve Skelton as soon as possible with your reaction to this request so that we can proceed in a timely manner. He can be reached at 503-807-6902, or 541-225-7474.

Sincerely,

Steven M. Skelton and Leslie Skelton

Email smskelton@juwio.com

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WATER RESOURCES DEPT
SALEM, OREGON

Residency Permit

FS-2700-23 (9/96)
OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE Forest Service AMENDMENT FOR SPECIAL-USE PERMIT	Holder No. 5 2 3 9-0 1	Type Site 1 2 3	Authority 7 1 2	
	Issue Date 0 1/1 7/8 9	Expir. Date 1 2/3 1/0 8	Region 0 6	
	Forest 0 1	District 0 1	State 4 1	County 0 1 7

AMENDMENT NUMBER 1

This Amendment is attached to and made a part of the Term special-use permit for Recreation Residence issued to Mrs. Barbara Giesy on 01/17/89 which is hereby amended as follows:

To change the face of the permit to reflect the following:

Permit additionally issued under the authority of the Granger-Thye Act of 1950 (Act of April 24, 1950).

For maintenance and restoration of Forest Road 4625 providing access to this Recreation Residence tract. Maintenance operating plan is on file at the Supervisors Office.

This Amendment is accepted subject to the conditions set forth herein, and to conditions n/a to n/a attached hereto and made a part of this Amendment.

Holder: Barbara Giesy Authorized Officer: Walt Schloer
Holder: _____ Title: District Ranger
Date: 12-15-96 Date: 1-16-97

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

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