



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

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## 1. APPLICANT INFORMATION

Applicant: Morrow County AUG 27 2009

Mailing Address: PO Box 428 Lexington Ore WATER RESOURCES DEPT  
Lexington Ore 97839 SALEM, OREGON

Phone: 541-999-9500 541-999-9500

\*Fax: 541-999-8352 \*Email Address: Mcroad@Co.Morrow.or.us

## 2. LOCATION AND SOURCE

A. Reservoir Name: Cuts Earth Pond

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: Herren CR Tributary to: Willow CR

### C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
45	29 E	27	NE 1/4 or SW 1/4 and SE 1/4 of NW 1/4	300

D. County of Use: Morrow

E. Dam: Maximum height of dam: 10 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: 4.8

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.

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App. No. R-87536 For Department Use Permit No. \_\_\_\_\_ Date \_\_\_\_\_ WATER RESOURCES DEPT  
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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 is you described your use as "Multipurpose" in #3 above)

List Name and mailing addresses of all affected land owners:

Morrow County - Catforth Park

5. ENVIRONMENTAL IMPACT

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A. Channel: is the reservoir  In Stream or  Off channel?

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

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

If yes how long has it been in place? 12/27/68 years 41 yrs

D. Fish Habitat: Is there fish habitat upstream from the proposed structure?  Yes  No  Don't know  
Does create habitat when pond is full  
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.

Burke O'Brien Public Works Director 8/11/2009

Landowner Signature

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.

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FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$305; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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CUTSFORTH PARK			
LARGE POND VOLUMES			
Survey 05/19/09			
Water Surface Elev	Water Surface Area	Volume Cu Yds	Volume Acre/Ft
3376	7935.24	180.53	0.11
3377	12114.54	557.16	0.35
3378	14568.03	1053.37	0.65
3379	16747.05	1633.2	1.01
3380	18779.53	2291.84	1.42
3381	20520.73	3019.83	1.87
3382	22089.82	3808.6	2.36
3383	23494.6	4653.96	2.88
3384	24540.29	5543.64	3.44
3385	25569.65	6471.39	4.01

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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: Morrow County  
 Mailing Address: P.O. Box 428, 365 W. Hwy 74  
 City: Lexington State: OR Zip: 97839 Day Phone: 541-989-8352

### 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:
45	28E	27	NE ¼ SW ¼ SE ¼ NW ¼	300		<input type="checkbox"/> Diverted <input checked="" 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	
						<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. Morrow 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 or Ground Water Registration Modification

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Source of water: Reservoir/Pond  Ground Water  Surface Water (name) Herron Creek

Estimated quantity of water needed: 4.8  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 recreation

Briefly describe: fishing Pond, fire protection

**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): MCZO Article 3 Section 3.020

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

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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The uses at Cutsforth Park are covered by a park land overlay zone adopted with the park's master plan in approximately 2000.

Name: CARLA McLANE Title: PLANNING DIRECTOR  
Signature: [Signature] Phone: 541-922-4624 Date: 8/14/2009  
Government Entity: Morrow County

**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.

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**Receipt for Request for Land Use Information**

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Applicant name: \_\_\_\_\_

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SALEM, OREGON

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF OREGON  
COUNTY OF MORROW  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MORROW COUNTY  
P.O. BOX 788  
HEPPNER, OREGON 97836

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of WILLOW CREEK, for CAMPGROUND USES (RESTROOMS, KITCHENS, SHOWERS, TRAILER HOOK-UPS, AND TENT-CAMP SPIGOTS).

This right was perfected under Permit 49594. The date of priority is DECEMBER 9, 1985. This right is limited to 0.02 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 27, T 4 S, R 28 E, W.M.; 1500 FEET NORTH AND 580 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 27.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4 CAMPGROUND USES  
SECTION 27  
TOWNSHIP 4 SOUTH, RANGE 28 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed AUGUST 19, 1992.

*19/* MARTHA O. PAGEL

Martha O. Pagel

*Water Rites  
that Tony Justus  
Reviewed in office  
4/23/09 11:00A  
[Signature]*

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Recorded in State Record of Water Right Certificates numbered 67695.

68626.JM

STATE OF OREGON  
COUNTY OF MORROW  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That MORROW COUNTY  
of Morrow County Courthouse, Heppner, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of  
Herron Creek, tributary of Willow Creek, appropriated under application number  
45669, permit number 34055, in Cutsforth Ponds,

fish culture and recreation for the purposes of  
under Reservoir Permit No. R-5396 of the State Engineer, and that said right to store said  
waters has been perfected in accordance with the laws of Oregon; that the priority of the right  
hereby confirmed dates from December 23, 1968

that the amount of water entitled to be stored each year under such right, for the purposes afore-  
said, shall not exceed 1.0 acre foot

The reservoir is located in

SE¼ NW¼  
NE¼ SW¼  
Section 27  
T. 4 S., R. 28 E., W. M.

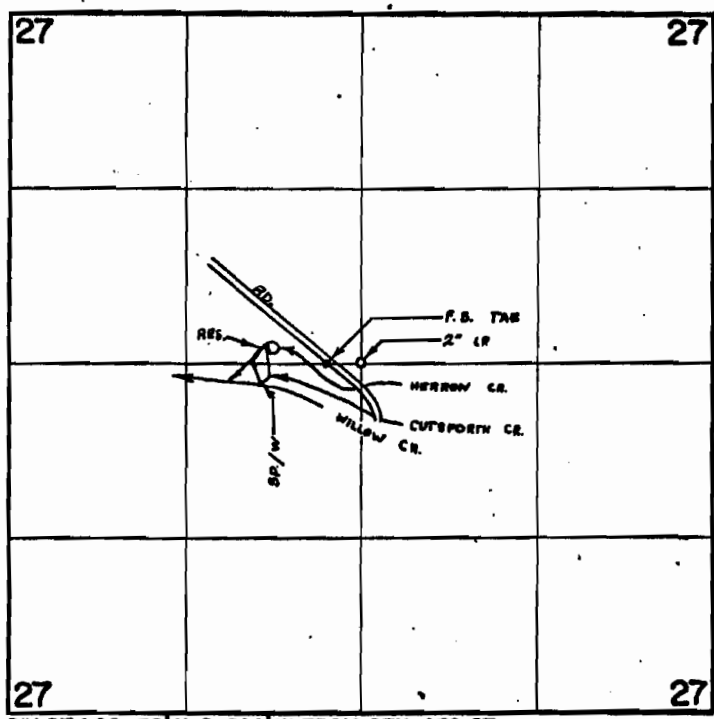
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WITNESS the signature of the State Engineer, affixed  
this date. December 14, 1972

CHRIS L. WHEELER  
State Engineer

R-87536  
K-5046  
38721 7

# T. 4 S. R. 28 E. W. M.



DIV. PT. LOC. 30' N. & 820' W. FROM CEN. SEC. 27

## FINAL PROOF SURVEY UNDER

Application No. R 45668 45669 Permit No. R 5396 34055  
IN NAME OF

.....MORROW COUNTY.....

Surveyed MAY 5 1971, by R. MUCKEN

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NZ K TP



STATE OF OREGON  
COUNTY OF MORROW  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That MORROW COUNTY

of Morrow County Courthouse, Heppner, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Herron Creek and reservoir constructed under application number R-45668, permit number R-5596 a tributary of Willow Creek for the purpose of fish culture and recreation

under Permit No. 34055 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 23, 1968

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.02 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NW 1/4, Section 27, T. 4 S., R. 28 E., W. M., 30 feet North and 820 feet West from Center, Section 27.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ----- of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SE 1/4 NW 1/4  
NE 1/4 SW 1/4  
Section 27  
T. 4 S., R. 28 E., W. M.

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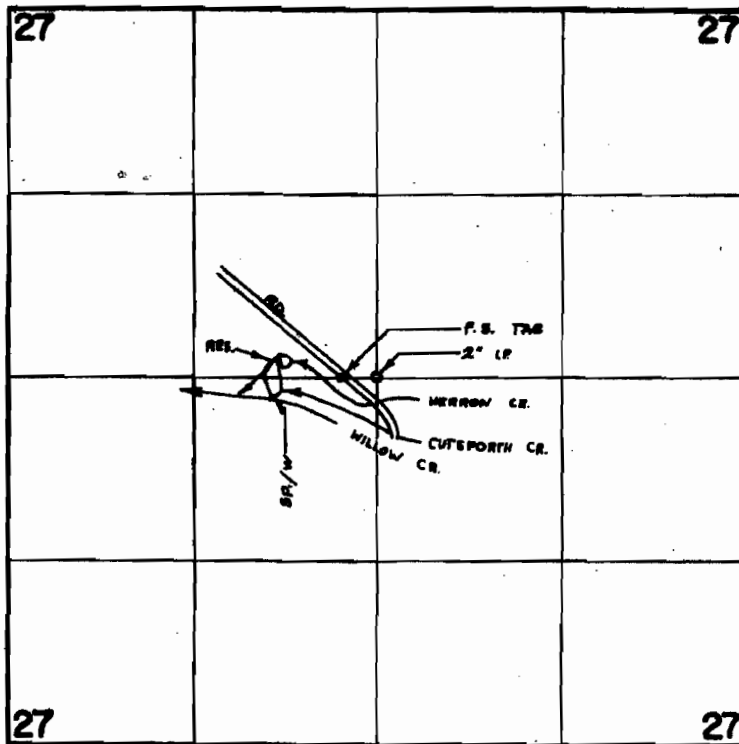
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. December 14, 1972

CHRIS L. WHEELER  
State Engineer

# T. 4 S. R. 28 E. W. M.



DN. PT. LOC. 30° N. & 680' W. FROM CEN. SEC. 27

## FINAL PROOF SURVEY UNDER

Application No. R 45009 Permit No. R 5396  
~~45009~~ ~~34055~~

IN NAME OF

MORROW COUNTY

Surveyed MAY 5, 1971, by R. MUCKEN

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R-87536

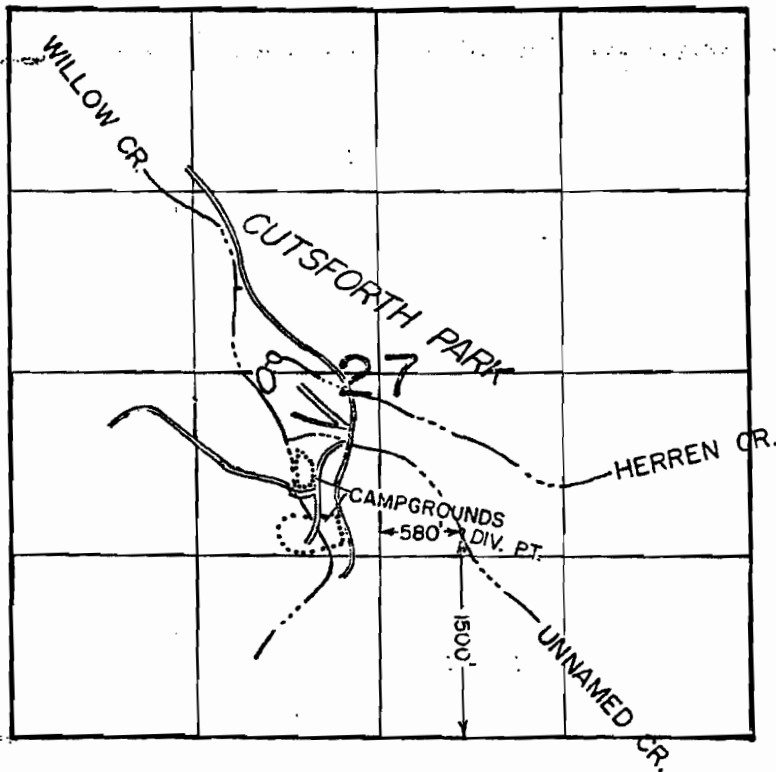
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Application No. 68626  
Permit No. 49594

T4S. R.28E. W.M.



SCALE: 1" = 1320'



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L.M.