



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301
 (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 application 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

Applicant: Richard First Hutson Last
 Mailing Address: 28295 SW Pine Lodge Road, Box 653
Camp Sherman City Oregon State 97730 Zip
 Phone: 541-595-6937 Home 503-805-9478 Other
 *Fax: _____ Work *E-Mail Address: richjud@msn.com Other
**optional information*

2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Agent: Michele First Sims Last
 Mailing Address: Fred Ast Jr. and Associates, P.O. Box 751
Sisters City Oregon State 97758 Zip
 Phone: 541-549-7851 Home 541-408-4777 Other
 *Fax: _____ Work *E-Mail Address: sims.mw@gmail.com Other
**optional information*

3. LOCATION AND SOURCE

A. Reservoir Name: NA

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: Lake Creek Tributary to: Metolius River

C. County in which diversion occurs: Jefferson

RECEIVED

SEP 07 2011
 WATER RESOURCES DEPT
 SALEM, OREGON

App. No. _____	For Department Use	Date _____
	Permit No. _____	

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
13S	9E	16	NW SE	3300

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

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 0.01 ac-ft

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

4. 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 use

5. 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, right of way, roads 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 the names and mailing addresses of all affected landowners:

Metolius Meadows Property Owners Association, P.O. Box 120, Camp Sherman, Oregon 97730

6. 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? _____ years.

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
SALEM, OREGON

D. **Fish Habitat:** Is there fish habitat upstream of 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.

7. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

See attached plan for "Lake Creek Diversion 13 & 14" design.

Water from the diversion is piped into the lined pond. (DIVERSION 14)

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
SALEM, OREGON

If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

See attached plan.

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
SALEM, OREGON

8. SIGNATURE

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


Richard D. Hutson Trustee

Landowner Signature


8/6/11

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.

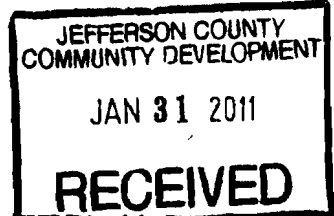
FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

Land Use Information Form



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

Sims.mw@gmail.com



NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Mailed 2/1/11

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
SALEM, OREGON

Land Use Information Form



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

Applicant(s): Richard Hutson

Mailing Address: P.O. Box 653

City: Camp Sherman

State: OR

Zip Code: 97730

Daytime Phone: 1-760-342-8227

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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:
13S	9E	16	DB	3300	CSRR2	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	pond
						<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, and/or used or developed:

Jefferson County, Oregon

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
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

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

Estimated quantity of water needed: 0.01 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

Briefly describe:

Applicant proposes to store water in pond located on common area of Metolius Meadows, a subdivision of record in Jefferson County. Water in pond is for multipurpose use: including storage of irrigation water (portion of Certificate 68374), wildlife, aesthetics, and other uses. Metolius Meadows Property Owners' Association has agreed to the application.
 (EXISTING POND)

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

See bottom of Page 3. →

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
 SALEM, OREGON

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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 343. A (3) & (4) of the Jefferson County Zoning Ord.
- Land uses to be served by the 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.

Name: Jon Skidmore ← Title: Planning Director
 Signature: Jon Skidmore Phone: 541-475-4462 Date: 1/31/11

Government Entity: Jefferson County OR

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: _____

RECEIVED

SEP 07 2011

WR/FS

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: RICHARD HUTSON

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain: ISWR 76416 IS not Always met in Full, however Condition #5 of Said ISWR maintains that the measurement of the ISWR shall occur @ the Head of Lake Clark.

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended: Flowmeter, and Applicant may only divert when All ISWR's out of Stream existing rights are met, including ISWR's on the metolious River.

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Matthias Perle
Who: Ted Wise

Agency: Upper Deschutes Watershed Council
Agency: ONFW
Date:
Date:

Watermaster signature:

Date: 8-1-11

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

RECEIVED

SEP 07 2011

WATER RESOURCES DEPT
SALEM, OREGON

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: RICHARD HUTSON Reservoir Name: POND

Source: LAKE CREEK Twp Rng Sec QQ: 13-9-16 NW SE Volume (AF): 0.2

Stream Name: LAKE CREEK Basin Name DESCHUTES in channel off channel

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

- 1) Is the proposed project and AO¹ off channel? Yes No
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?... Yes No
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW approved fish-passage plan?..... Yes No
 - b. Is there an ODFW approved fish-passage waiver or exemption?..... Yes No

If fish passage is required under (ORS 509.580 through .910) then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to #3(a) and #3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource? Yes No
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

RECEIVED
 SEP 07 2011
 WATER RESOURCES DEPT
 SALEM, OREGON

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)
² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

Lined area for handwritten notes or conditions.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? NO (explain) YES (select from Menu of Conditions on next page)

ODFW does not believe this project will have a significant detrimental impact, however, it does occur where native migratory fish (including spring chinook) are present. As such, the intake must have an adequate fish screen and the rock check dam must meet ODFW fish passage criteria

ODFW Signature: Brett Hodgson Print Name: Brett Hodgson
ODFW Title: Deschutes District Biologist Date: 8/22/11

RECEIVED
SEP 07 2011
WATER RESOURCES DEPT
SALEM, OREGON