

DAVID REVEL SHEETS
1090 SE GRIZZLY ROAD
MADRAS, OR
97741

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MAR 28 2012

WATER RESOURCES DEPT
SALEM, OREGON

March 26, 2012

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

Dear Sir/Madam:

Please find enclosed for your review an application to Store Water in a Reservoir and the additional required paperwork. The reservoir is located on my property in Township 12 South, Range 15 East, Section 33, Quarter/Quarter SESE, Jefferson County Tax Lot 1409.

My wife and I recently purchased this property. In doing research, we found out this reservoir was originally permitted (#R7252) in February 1978. Unfortunately, we were disheartened to find out that the permit was cancelled because of lack of final proof survey. See attached exhibit A.

In preparing this application, we have been working with Jeremy Giffin, Watermaster District 11, and Brett Hodgson, District Fisheries Biologist--High Desert Region. They made a site visit on March 14, 2012, to see the reservoir (Revel Pond) and evaluate our proposal.

Our goal with this existing pond is to create a riparian rehabilitation program--enhancing native wildlife and plant habitat.

I have prepared a check for the appropriate fees to include:

Base Fee	\$300.00
Each af or a fraction thereof: (4af @ \$25)	\$100.00
Permit Recording Fee	<u>\$400.00</u>
Total Enclosed (check #1635)	\$800.00

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

Sincerely,



David Revel Sheets

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* HELPED BY DISTRICT 11 WATER MASTER JEREMY GIFFIN AND
BRETT HODGSON, DISTRICT FISH BIOLOGIST, ON A SITE VISIT
MARCH 14, 2012.



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 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

Applicant: DAVID SHEETS
Mailing Address: 10910 SE GRIZZLY ROAD
MADRAS OR 97741
Phone: 909.230.2378 - 951.315.6354
Fax: - E-Mail Address*: _____
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

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

Agent: _____
Mailing Address: _____
Phone: _____
Fax: _____ E-Mail Address*: _____
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: REVEL 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: UNNAMED STREAM Tributary to: NEWBILL CREEK
C. County in which diversion occurs: JEFFERSON

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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
App. No. <u>12 SOUTH</u>	<u>15 EAST</u>	Permit No. <u>33</u>	<u>SESE</u>	<u>1409</u>

E. Dam: Maximum height of dam: 7' 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: 4.0 AF

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

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:

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

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If yes, how long has it been in place? 33 years.

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. JAN ROOFENER · JEFFERSON COUNTY SALT WATER CONSERVATION DIST.
541.923.4358
EXT. 128

7. WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

8. 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.

THERE ARE TWO 18" BLACK PLASTIC
DRAIN PIPES AT THE WATER FULL LINE.
THERE IS A 4" DRAIN PIPE LOCATED
LOWER IN THE DAM.
SEE SKETCH OF POND ATTACHED.

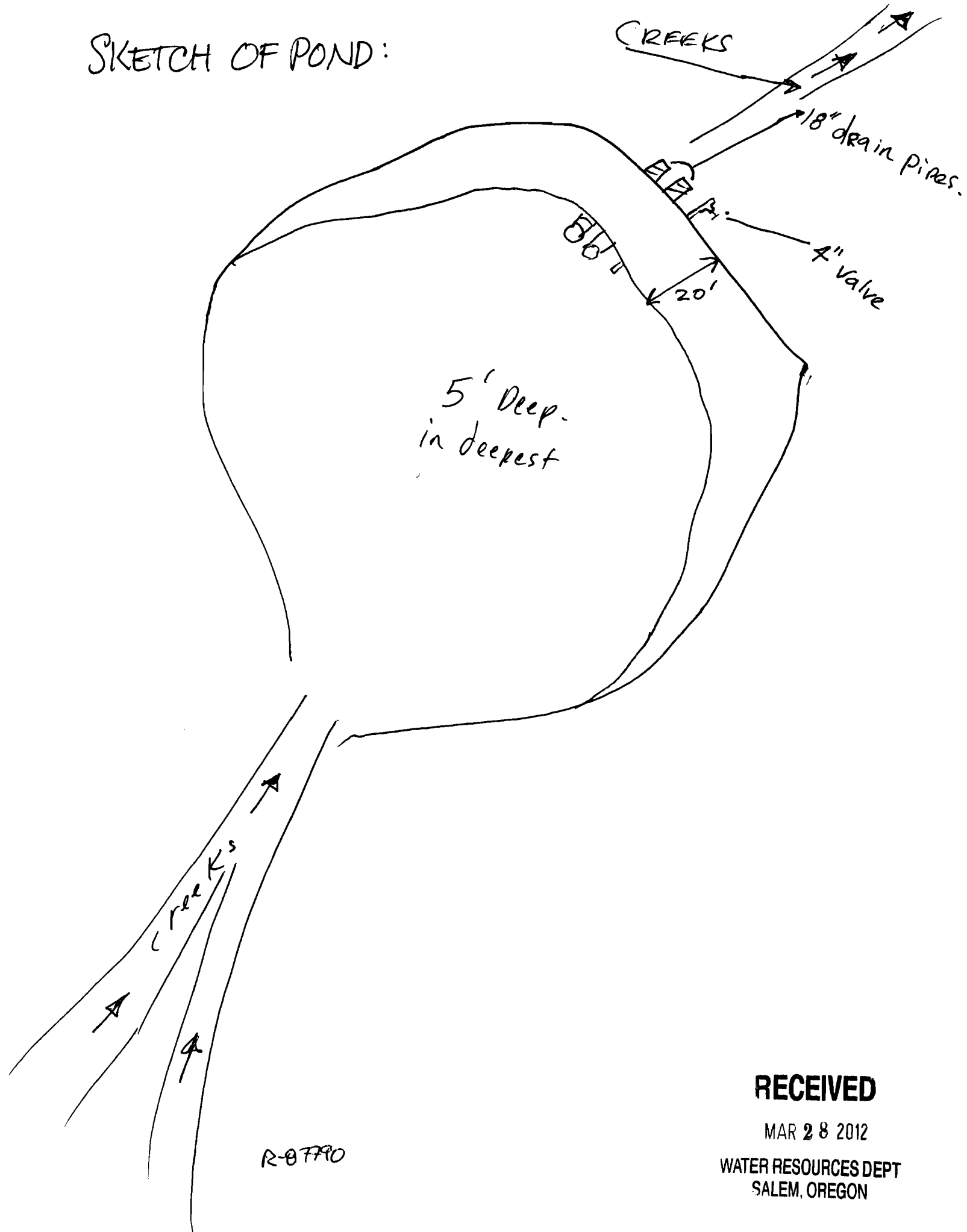
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SKETCH OF POND:

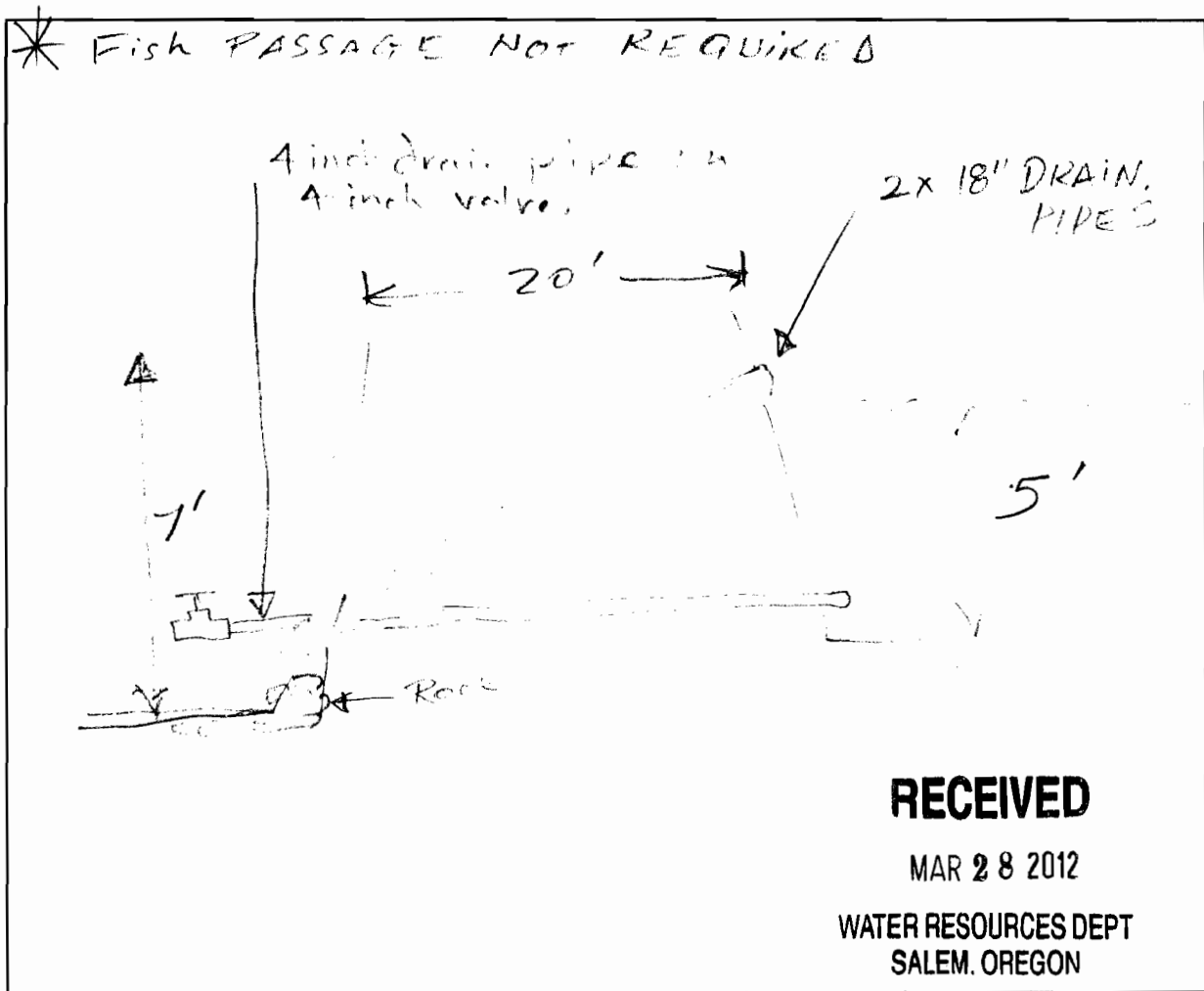


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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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



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9. SIGNATURE

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


Landowner Signature

3-26-12
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).

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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: DAVID Sheets

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

Explain: AS long as water is not stored when ISWR 73197 is not being satisfied.

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

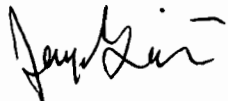
If YES, which conditions are recommended: Staff Plate in pond.

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:



Date: 2-14-12

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

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: David Sheets

10910 SE Grizzly Road Madras, OR 97741

Reservoir Name: _____ Source: Unnamed trib Volume (AF): _____

Twp Rng Sec QQ: T12S, R15E Sec 33 SESE Basin Name: Deschutes ☐ in-channel
☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

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

1) Is the proposed project and AO² 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 NMF³ 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.

² 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)

³ NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

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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)

Pond is an existing structure with long established resource impacts. There is an instream water right on Willow Creek (IS 73197) which is not met during most months of the year. The pond contributes to low flows in Willow Creek. The impacts of the pond could be off set by the landowner cancelling irrigation on 58 acres certificated through surface water right 2321. ODFW recommends the existing pond be certificated contingent upon cancellation of Certificate 2321.

The pond provides benefit as wildlife habitat, but has a detrimental impact on flows in Willow Creek. Water should only be stored during spring months when WRD determines it is available.

ODFW Signature: Brett Hodgson

Print Name: Brett Hodgson

ODFW Title: District Fish Biologist

Date: 3/19/12

NOTE: This completed form must be returned to the applicant.

Revised 8/2/11

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WATER RESOURCES DEPT
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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: DAVID SHEETS
First Last

Mailing Address: 10910 SE GRIZZLY ROAD

MADRAS OR 97741 Daytime Phone: 909-230-2378
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), 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:
12 SOUTH	15 EAST	33	SESE	1409	EFU/RANGE LAND	☒ Diverted	☐ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

JEFFERSON 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 ☐ 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: _____ ☐ 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 STORAGE

Briefly describe:

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. →

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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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ORS 215.283 (1) & 215.203
- ☐ 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:	
		☐ 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
		☐ 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.

ponds are outright allowed for farm use in EFU zones

Name: HEIDI BAKER Title: CDD DIRECTOR
 Signature: [Signature] Phone: 541-446-4462 Date: 2/16/12
 Government Entity: JEFFERSON 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.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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WATER RESOURCES DEPT
SALEM, OREGON

12-87790

Application No. R-57059

Permit No. R 7252

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

X
EXHIBIT A

I, Morrow Bros by Andrew J Morrow
(Name of Applicant)
of 1204 Chestnut St, Medora
(Mailing Address) (City)
State of Oregon, 97741, Phone No. 475-3116
(Zip Code)
do hereby make application for a permit to construct the Newbill reservoir
and to store the unappropriated waters of the State of Oregon, subject to existing rights.

1. The name of the stream from which the reservoir is to be filled is an unnamed stream
(Newbill Creek) tributary to Willow Creek

2. If not in channel of a stream, state how it is to be filled in channel

3. The dam will be located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33,
Township 12S, Range 15E, W. M.

4. The maximum height will be 9⁵ 8.0 feet above stream bed or ground surface at the
centerline. The top width will be 9⁰ 8.0 feet, slope of upstream face 3:1,
slope of downstream face 2:1, and height of dam above water line when full
3⁰ feet.

5. The dam will be (check one) ☒ earthfill, ☐ concrete, ☐ flashboard, ☐ other.
If "other", give description:

6. Give the location, description, and dimensions of the outlet conduit: none

(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

Form 890-9-0-1-77

Cancelled - sp. or Rec. Vol. 45 p. 235

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Application No. R-57059

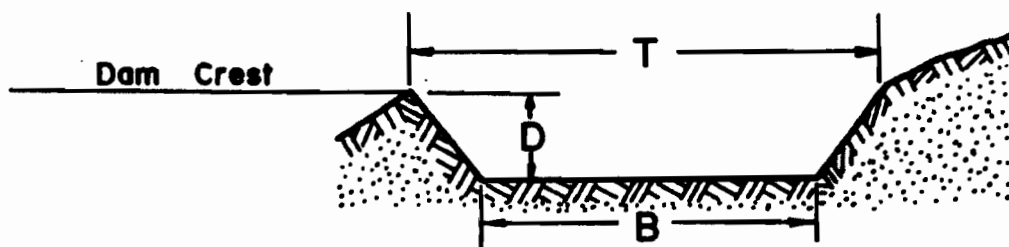
Permit No. R 7252

7. The impounded water will be used for livestock drinking directly from the pond

8. The amount of water to be stored is 375 7 acre feet.

9. The area submerged by the reservoir, when full, will be 12.5 acres,
and the maximum depth of water will be 6' 5" feet.

10. Give the location and dimensions of the spillway around dam
(State whether over or around dam)



The bottom width of the spillway, B , will be 6' feet.

The top width of the spillway, T , will be 12' feet.

The distance between the crest of the dam and the crest of the spillway, D , will be 3' feet.
(Must be at least 2 1/2 feet)

If any other type of spillway describe and give dimensions:

11. Construction work will begin on or before

12. Construction work will be completed and the reservoir filled by in use for several years

Remarks:

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x *Thomas B. ...*
Signature of Applicant

...

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before....., 19.....

WITNESS my hand this..... day of....., 19.....

Water Resources Director

By

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WATER RESOURCES DEPT
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

7TH day of FEBRUARY, 1978, at 11:00 o'clock A.M.

Application No. R-57059

Permit No. R 7252

R-8770

Application No. R-57059

Permit No. R 7252

IF ASSESS

**Permit to Construct a Reservoir
and Store for Beneficial Use the Public Waters
of the State of Oregon**

*This is to certify that I have examined the foregoing application and do hereby grant the same subject
the following limitations and conditions. The right herein granted is limited to the construction of
Newbill Reservoir and storage of water from Newbill Creek for stock water.*

The right hereunder shall be limited to the storage of 0.7 acre feet

The priority date of this permit is February 7, 1978

*Actual construction work shall begin on or before June 1, 1979 at
all thereafter be prosecuted with reasonable diligence and be completed on or before October
80*

WITNESS my hand this 1st day of June 19 78

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Water Resources Director

MARION COUNTY

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ORDER WATER RESOURCES DEPT
SALEM, OREGON

IN THE MATTER OF THE CANCELLATION)
 OF CERTAIN PERMITS TO APPROPRIATE)
 WATER UNDER THE PROVISIONS OF ORS)
 537.260.)

The time within which the appropriations under the following water use permits should have been perfected has expired. The owners of such permits have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Notices have been addressed to each of the owners of said permits by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The owners of such permits have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permits, although the sixty-day time limits allowed in such notices has elapsed.

<u>NAME</u>	<u>BASIN NUMBER</u>	<u>COUNTY</u>	<u>FILE NUMBER</u>	<u>PERMIT NUMBER</u>
<u>PERMITS TO USE GROUNDWATER:</u>				
Ophir C. Schmeck	12	Harney	G-6695	G-6241
Joe Cunha	7	Morrow	G-8950	G-8368
Charles & Laura Butler	5	Crook	G-9438	G-8757
William F. McClure	9	Baker	G-10412	G-9637
Jose M. Coronado	2	Clackamas	G-11664	G-10756

PERMITS TO CONSTRUCT RESERVOIRS AND USE SURFACE WATER:

Harry Washabaugh	9	Baker	R-53861	R-6460
Harry Washabaugh	9	Baker	53862	40456
Morrow Brothers, Andrew J. Morrow	5	Jefferson	R-57059	R-7252
Daniel G. Dougherty	2	Polk	R-60559	R-8237
Daniel G. Dougherty	2	Polk	60560	45559
John B. Bosko	15	Josephine	R-61033	R-8332
John B. Bosko	15	Josephine	61034	46257

R-87790

PERMITS TO USE SURFACE WATER:

Leslie & Virginia Chapman	15	Jackson	41558	31000
Mike Winston	2	Lane	50825	38373
Norman L. Larsen	18	Lane	52405	39420
Evert & Richard McDonald	8	Union	52604	39665
Ove & Inga-Lill Gunnarson	16	Douglas	54541	41092
Helen Abell	15	Jackson	54716	41048
City of Newport	18	Lincoln	55178	41605
Henry & Bessie Blair	11	Coos	58478	44048
Philip G. Morgan	2	Lane	59464	44564
James & Shirlee Perkins	6	Wasco	63600	47410
Glanville Farms	10	Malheur	68199	49173
A.K. Ranch	13	Lake	68637	49672

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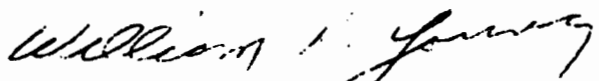
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Proof of appropriation of water under the terms and conditions of the permits listed has not been made to the satisfaction of the WATER RESOURCES DIRECTOR as required under ORS 537.260. It appears that the permits listed should be canceled.

NOW, THEREFORE, it is hereby ORDERED that the said permits are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon this 1st day of May, 1991.


WILLIAM H. YOUNG
Director

R-87790