

Application for a Permit to Use Surface Water



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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

RECEIVED

JUL 23 2012

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the protest period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

WATER RESOURCES DEPT
SALEM OREGON

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

Attachments:

-
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
 - 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.
 - Fees - Amount enclosed: \$ 2,280⁰⁰
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

-
- Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
 - Other:

RECEIVED

JUL 23 2012

WATER RESOURCES DEPT
SALEM, OREGON

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME BO TORENFELDT		PHONE (HM)	
PHONE (WK) 650-333-0594	CELL		FAX
ADDRESS 885 HILLSBOROUGH BLVD.			
CITY HILLSBOROUGH	STATE CA	ZIP 94010	E-MAIL * SUSANTHORENFELDT@GMAIL.COM

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME STEVEN P. APPLGATE CONSULTING		PHONE 503-362-4040	FAX
ADDRESS 3395 HUCKLEBERRY CT S			CELL
CITY SALEM	STATE OR	ZIP 97302	E-MAIL * STEVE.APPLGSP@GMAIL.COM

Note: Attach multiple copies as needed

* 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.)

RECEIVED

JUL 23 2012

By my signature below I confirm that I understand:

**WATER RESOURCES DEPT
SALEM, OREGON**

- 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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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 cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate.

Bo Thorenfeldt
Applicant Signature

Bo Thorenfeldt
Print Name and title if applicable

7/12/12
Date

Applicant Signature

Print Name and title if applicable

Date

Revised

App. No. <u>S-87823</u>	For Department Use	Permit No. _____	Date _____
-------------------------	--------------------	------------------	------------

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

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 irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

None

SECTION 3: SOURCE OF WATER

A. 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: Rock Creek Reservoir

Tributary to: Malheur Lake

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

Do you, or will you, own the reservoir(s) described in item 3A 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.)

RECEIVED

JUL 23 2012

WATER RESOURCES DEPT
SALEM, OREGON

If *all* sources listed in item 3A 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.

SECTION 4: WATER USE

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	USE	PERIOD OF USE	AMOUNT
Rock Creek Res.	Suppl Irrigation	Irrigation Season	1000 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: 1808.9 Acres

List the Permit or Certificate number of the underlying primary water right(s): See Appl # G-17562

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1000

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): Unknown at this time whether they will be needed.

Other means (describe): Gravity flow in pipelines from the reservoir

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water to be released from the reservoir into an enclosed pipeline system, which will be shared with the wells under Appl# G-17562. Well pumps may be needed to boost pressure in some areas.

RECEIVED

JUL 23 2012

WATER RESOURCES DEPT
SALEM, OREGON

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Wheel lines and linears and/or pivots with low pressure drop tubes and spray nozzles.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Efficient, leak-proof PVC buried mainlines with center pivots and low pressure heads. Irrigation scheduling/monitoring.

SECTION 6: RESOURCE PROTECTION

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: Diversion of the stored water to be directly from the existing screened outlet works into the buried irrigation system.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: No redirection from the stream channel is contemplated at this time.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: this activity will not be necessary.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: There will be no in stream activity other than the initial installation of pipelines. No introduction of water into the stream below the reservoir.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Upon approval

Date construction will be completed: Within 5 years from approval.

Date beneficial water use will begin: Within 5 years from approval.

RECEIVED

JUL 23 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

SECTION 8: WITHIN A DISTRICT N/A

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

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

This is a project to develop additional storage in Rock Creek Reservoir (see accompanying application) and to use this storage to supplement the expected development of the groundwater under Appl# G-17562.

At this time, it is expected that the dam height increase will result in somewhere between 500-1000 acre-feet of additional storage in the reservoir. Plans and specifications will be produced and submitted following receipt of the Initial Review of these applications.

RECEIVED

JUL 23 2012

**WATER RESOURCES DEPT
SALEM, OREGON**

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

In Twp. 21 S., R. 33 E., W.M.:

- Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$.
- Sec. 32: W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

In Twp. 22 S., R. 33 E., W.M.:

- Sec. 5: Lots 2, 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$.
- Sec. 6: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.
- Sec. 16: S $\frac{1}{2}$ SW $\frac{1}{4}$.
- Sec. 17: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 20: E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
- Sec. 21: All.
- Sec. 28: W $\frac{1}{2}$.
- Sec. 29: All.
- Sec. 30: E $\frac{1}{2}$, W $\frac{1}{2}$.
- Sec. 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded July 12, 1937, in Book 37, Page 547, Deed Records. ALSO, SAVE & EXCEPT that parcel conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded March 8, 1945, in Book 41, Page 608, Deed Records.
- Sec. 32: All, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 9, 1937, in Book 37, Page 413, Deed Records. ALSO, SAVE & EXCEPT highway right of way conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded February 16, 1937, in Book 37, Page 421, Deed Records.
- Sec. 33: Beginning at the Southwest corner of said Sec. 33;
thence N. 01°35'06" E. along the West line of said Sec. 33, 1328.04 feet;
thence N. 01°35'48" E. and continuing along said West line of Sec. 33,
1428.42 feet to a fence line;
thence S. 56°20'45" E. along said fence line 140.49 feet;
thence S. 00°57'27" W. along said fence line 1143.97 feet to a fence corner
on the North side of State Highway 20 right of way;
thence S. S. 04°01'09" E. 101.01 feet to a fence corner on the South right of
way line of said State Highway 20 right of way;
thence S. 00°44'31" W. along said fence line 1433.28 feet to the South line
of said Sec. 33;
thence N. 89°56" W. 162.88 feet to the Point of Beginning. Save & Except
Highway 20 right of way.

RECEIVED

JUL 23 2012

WATER RESOURCES DEPT
SALEM, OREGON

S-87823

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: Bo Thorenfeldt
First Last

Mailing Address: 885 Hillsborough Blvd.

Hillsborough CA 94010 650-333-0594
City State Zip Daytime Phone

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:
22 S	33 E	20,28, 29,30, 31,32	Misc	900, 1700	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigati on
						<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:

Harney County

RECEIVED

JUL 23 2012

B. Description of Proposed Use

WATER RESOURCES DEPT
 SALEM, OREGON

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) Rock Creek

Estimated quantity of water needed: 1,000
 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:

Water use permit applications are to be filed to authorize an increase in the storage at Rock Creek Reservoir From 630 acre-feet to as much as 1,000 acre-feet and to use that additional storage to supplement the ground-water supplies on about 1800 acres of land.

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.

287823

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): 5.010 (HCU) ~ Expansion of Agricultural Dist.
- 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.

RECEIVED

JUL 23 2012

WATER RESOURCES DEPT
SALEM, OREGON

Name: Brandon McMillan Title: Planning Director
 Signature: [Signature] Phone: 503-573-6653 Date: 7/19/2012
 Government Entity: Henney County Planning Dept.

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: _____

5-87823