

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		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME OPAL CREEK ANCIENT FOREST CENTER CONTACT: KATIE RYAN, EXECUTIVE DIRECTOR		PHONE 503-892-2782	FAX N/A
ADDRESS 721 NW 9TH AVE SUITE 236		CELL 541-350-9110	
CITY PORTLAND	STATE OR	ZIP 97209	E-MAIL * KRYAN@OPALCREEK.ORG

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

AGENT / BUSINESS NAME LYNNE PARETCHAN		PHONE 503-957-3341	FAX
PO BOX 309		503-957-3341	
CITY LAKE OSWEGO	OR	97034	E-MAIL * LYNNE@LPARETCHAN.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.)


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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. **SALEM, OR**
- 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.


Applicant Signature

Katie Ryan Executive Director
Print Name and title if applicable

8/21/12
Date

Applicant Signature

Print Name and title if applicable

Date

Revise	App. No. <u>S-87817</u> <u>S-87823</u>	For Department Use Permit No. _____	Date _____
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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*).

U.S. Department of Agriculture, Forest Service, HC73 Box 320 Mill City, OR 97630

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: <u>Flume Creek</u>	Tributary to: <u>Opal Creek</u>
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

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

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Yes.

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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.)

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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
Surface water	Domestic	Year round	0.23 cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input 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: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

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

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **13 household and 90 boarding house beds**
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): _____

Other means (describe): **live flow**

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

Gravity fed pipe

B. Application Method

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

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.

The water is needed for human consumption; policies are in place regarding proper water use. The water use will be measure. There are no other upstream or down stream water users of Flume Creek.

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: **The diversion will be screened to prevent fish uptake. And there is no evidence of fish in Flume Creek, which drops into Opal Creek from a rock ledge approximately 50 feet above Opal Creek.**
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: **No excavation is necessary.**
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: **No equipment use instream us necessary.**
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: **No erosion or run off of any waste anticipated.**

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: N/A

Date construction will be completed: _____

Date beneficial water use will begin: _____

SECTION 8: 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

SECTION 9: REMARKS

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

Opal Creek Ancient Forest Center is a remote 15 acre inholding that is surrounded by federal lands managed by the U.S. Forest Service. OCAFC is an educational facility with seasonal rental cabins and year-round staff cabins, seasonal rooming houses with 90 beds, that provides environmental opportunities to school groups and adults. The diversion and pipeline are existing. Flume Creek "falls" into Opal Creek over an approximately 50 foot drop. Flume Creek is the proposed source of surface water.

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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: Opal Creek Ancient Forest Center

Mailing Address: 721 NW 9th Ave, Suite 236

Portland OR 97209 Daytime Phone: 503-892-2782
 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:
85	5E	28		700		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	See below
				(085E00 700)		<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:

Marion County. (Water to be diverted and conveyed from/over federal land.)

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) Flume Creek

Estimated quantity of water needed: <1 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation Commercial Industrial
 Domestic for 13 households and two boarding houses
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Opal Creek Ancient Forest Center is a 15 acre environmental education facility that has rental units, staff cabins and boarding houses. See www.opalcreek.org

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.

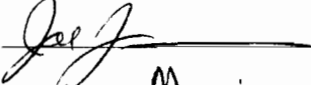
Please check the appropriate box below and provide the requested information

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): 17.114.010

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

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: Joe Fennimore Title: Principal Planner
 Signature:  Phone: (503) 588-5038 Date: 5/16/12
 Government Entity: Marion 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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ORIGINAL

Authorization ID: DET41
Contact ID: FRIENDS OF OPAL CREEK
Expiration Date: 12/31/2011
Use Code: 915

FS-2700-4 (8/99)
OMB 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
SPECIAL USE PERMIT
AUTHORITY:
FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

FRIENDS OF OPAL CREEK of P.O. Box 318, Mill City, Oregon 97360 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Detroit Ranger District of the Willamette National Forest.

This permit covers 0.40 acre and is described as a strip of land ten (10) feet in width and 2172 feet in length located in Section 28 and 33, T.8S., R.4E., WM, as shown on the location map attached to and made a part of this permit, and is issued for the purpose of:

Maintaining a 9" PVC water transmission line and excavated water storage reservoir located on National Forest Land.

The above described or defined area shall be referred to herein as the "permit area".

TERMS AND CONDITIONS

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

- A. **Authority.** This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.
- B. **Authorized Officer.** The authorized officer is the Forest Supervisor or a delegated subordinate officer.
- C. **License.** This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 61f). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.
- D. **Amendment.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.
- E. **Existing Rights.** This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.
- F. **Nonexclusive Use and Public Access.** Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.
- G. **Forest Service Right of Entry and Inspection.** The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

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HISTORY & ECOLOGY

History & Ecology

Cultural History

The Opal Creek Forest was first inhabited by Native Americans. Points and lithic scatter dating back at least 2,000 years have been found across the watershed. The site that is now Jawbone Flats is believed to have been a summer camp for the Santiam Kalapuya Indians. Whetstone Mountain may have been a place where Native Americans retreated for vision quests. The Whetstone Mountain Trail, which crosses the valley, is believed to have been a frequent trade route for area tribes.

Part of the forest has survived two forest fires, estimated to have occurred around 1550 and 1835. Forest fires in old-growth forests are rarely totally devastating. In this forest, many of the big trees survived, particularly those located in cool, wet places along the area's hundreds of streams.

In 1859, miners arrived in the valley and discovered gold. Building on the Jawbone Flats mining camp was began in 1930 by "Grandpa" James P. Hewitt, a relative of the Atiyeh family, who mined lead, zinc, copper and silver. Some of the mining roads and the Gold Creek Bridge were constructed in 1939 under President Roosevelt's New Deal.

Friends of Opal Creek was established in 1989 to secure permanent protection of the Opal Creek ecosystem by increasing public understanding of the natural and cultural resources, scenic beauty, plant and animal diversity and ecological complexity of this extraordinary area. In 1992, mining ceased and the Shiny Rock Mining Company gave Friends of Opal Creek a land gift valued at \$12.6 million. Included were 151 acres of land: Jawbone Flats and a stand of old-growth forest.

This effort culminated in October 1996 with the establishment, through federal legislation, of the 20,827-acre Opal Creek Wilderness, the 13,538-acre Opal Creek Scenic Recreation Area and a 3,066-acre Wild and Scenic River designation for Elkhorn Creek. Except for Jawbone Flats, the Opal Creek Act required that all privately owned lands be returned to public ownership. Friends returned other donated lands and mining claims in the Opal Creek protected area to public ownership, as did other landowners. The Opal Creek forest has received international attention and is enjoyed by around 20,000 visitors each year.

More resources

If you want to learn more about the history of the Opal Creek Ancient Forest Center, look for the book *Showdown at Opal Creek: The Battle for America's Last Wilderness* by David Seideman, current editor of Audubon Magazine and a former reporter for Time. *Showdown* is currently out of print but available at libraries around the country.

Donate

Program fees do not cover 100% of our operating costs. Make a donation to Opal Creek Ancient Forest Center today by clicking on the PayPal link below. All donations are tax deductible.

[Donate Securely Through Paypal](#)

Latest News



[Program Highlight: Opal Creek Expeditions](#)
By Kristina | 09/06/2012

Opal Creek Expeditions are in their 7th year this year and we're rolling out something new. []



[Save on Raptors: Like Western Cascades?](#)
By Kristina | 08/14/2012

Opal Creek has paired up with the Cascade Raptor Center this year to bring an exciting []



[Help a Plant Save to Benefit Opal Creek](#)
By Kristina | 04/17/2012

On Monday, April 30th, you can support Opal Creek by buying a tomato plant! Help us Fizz []

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Trees and other organisms that are adapted to this unique environment compose a distinctive community that together form the botanical bioregion known as Cascadia. This bioregion has the most diverse moss flora of anywhere in the world. Cascadia includes the world's most massive forests in terms of standing biomass, found on Washington's Olympic peninsula. Paleocologists figure that the prehistoric rainforests of Oregon's central Cascades were the most massive the world has ever known. At the time of Lewis and Clark, there were Douglas-firs in Oregon that were more massive than the giant Sequoias of California.

The earth's rainforests are biologically diverse and unbelievably complex places that provide humankind with clean air, soil, and water, and provide a home to many unique plant and animal species. Myriad species of vascular plants, lichens, fungi, mammals, birds, fish, amphibians and reptiles rely on the interrelated web of life that exists here in Opal Creek, and many organisms that are old-growth dependent can be found in this relatively undisturbed watershed.

More resources:

- »
- »
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- »
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Web Design by

by Aislinn Dugan Last week in Jawbone Flats we welcomed the Old Growth Forest Ecology class

[]



Home Again Home Again
By Aislinn Dugan 10/10/11

Far back in the land of cell phone towers and speedy internet connections, I wrote this []

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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 is limited to indoor use for drinking, cooking, and sanitation and is limited to 500 gallons per day. It does not include outdoor uses such as lawn watering, garden watering or other similar 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

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.)

Site is located over hard rock. A test water well was installed but it did not produce water.

- b. Securing stored water from upstream reservoirs.

There are no upstream reservoirs.

- 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.)

Weight limits on bridges to this private inholding surrounded by U.S. Forest Service land makes trucking water impracticable.

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d. Community or municipal water suppliers.

No community or municipal suppliers available.

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

No neighbors within 15 miles.

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

None

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

Ground water was investigated via a test well which showed that was not a viable supply.

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 NotApplicable

If so, please describe how:

Opal Creek Ancient Forest Center is an educational center for the school children, outdoor and medical professionals and the general public. On average there are 3000 people that come to Opal Creek Ancient Forest Center every year. Without water for drinking and sanitation uses Opal Creek Ancient Forest Center would not be able to operate any programs, offer any lodging, or house staff necessary year-round to protect and maintain structures and infrastructure on-site

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

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

Applicant Signature: [Signature]
Applicant Signature: _____

Date: 8/21/12
Date: _____

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Date _____

(For staff use only)



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

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____

Land Use Information Form _____

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 _____

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MAP

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- 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 _____

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