

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 R. BRUCE FLEMING		PHONE (HM) 503-223-9513	
PHONE (WK)	CELL	FAX 503-755-2556	
ADDRESS 129 SW 20TH 7527 SW LaView Dr, Ptld, OR 97219			
CITY PORTLAND	STATE OR	ZIP 97205	E-MAIL RBRUCE11@JUNO.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 DAVID CRAWFORD / MIST-BIRKENFELD RURAL FIRE PROTECTION DISTRICT		PHONE 503-755-2710	FAX 503-755-2556
ADDRESS 12525 HIGHWAY 202			CELL 503-728-8112
CITY MIST	STATE OR	ZIP 97016	E-MAIL CRAWFORD_DF@YAHOO.COM

Note: Attach multiple copies as needed

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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.
- I cannot use water legally until the Water Resources Department issues a permit.
- 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.

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


Applicant Signature

R BRUCE FLEMING
Print Name and title if applicable

3-22-13
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. _____	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*).

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: Un-named stream

Tributary to: Fleming Pond Reservoir

Source 2: Nehalem River

Tributary to: Nehalem Bay

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

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.)

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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
Un-named Stream	Fire protection, stockwater, other constitutally allowed purposes, and wetland enhancement	11/01 - 7/31	.5 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af <i>asking for .5 CFS</i>
Nehalem River	Fire protection, stockwater, other constitutally allowed purposes, and wetland enhancement	11/01 - 7/31	.5 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af <i>Total from both sources</i>
	<i>Maintenance of the Reservoir only</i>		<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: _____

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- 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:

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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): 3 HP

Other means (describe): Flows into the pond naturally from un-named stream

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

Diversion from the un-named stream is accomplished by natural flow into the reservoir. This shall be the primary means of maintaining the reservoir in a substantially full state.

Diversion from the Nehalem River will be accomplished by installation of a 3 hp removable electric pump installed at the POD. Water will be delivered to the reservoir by means of 2" hose and pipe laid from the POD to the reservoir. Use of the POD for supplemental filling will be limited to times when the reservoir is more than 40% below design capacity, and then only when the un-named stream is unable to supply the water needed to maintain the reservoir in a substantially full state. Because of an incision of bedrock the reservoir is holding its design minimum water at at 60% full.

B. Application Method

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

STOCKWATER USE: a single 3hp electric pump moves water through a series of pipes and valves to two watering tanks located strategically to keep livestock out of stream-beds and wetland areas.

OTHER CONSTITUTIONALLY PERMITTED USES: Other known uses include occasional use of water By Oregon Department of Transportation and Columbia County Road Department for state highway and county road maintenance.

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 adverse impact to public uses of affected surface waters.

The primary purpose of the stored water is to suppress hostile fires in the surrounding rural area. The water is planned to stored for that purpose unless and until a hostile fire occurs. In terms of conservation the availability of large amounts of water with which to suppress fires quickly will actually reduce the amount of water needed to extinguish the fire.

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 un-named stream is listed as non-fish-bearing by ODFW, thereby limiting its impact on aquatic life. The pumping system is also screened to prevent uptake of aquatic life. The POD at the Nehalem River will be accomplished with an electric pump with a screened intake.
The un-named stream is listed as non-fish-bearing by ODFW, thereby limiting its impact on aquatic life. The pumping system is also screened to prevent uptake of aquatic life. The POD at the Nehalem River will be accomplished with an electric pump with a screened intake.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Construction of the reservoir itself is complete.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: the pumps are expected to operate in the reservoir and in the pod and they are screened as noted above.

The reservoir is bypassed when required.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Since the reservoir is completed and the surrounding areas are replanted erosion should be at a minimum. Additionally, because any stream flow bypassed is re-introduced into its original streambed, erosion from any source should be contained and controlled.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as possible

Date construction will be completed: As soon as Possible

Date beneficial water use will begin: on or before 11/01/2013

SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

As noted in the permit that allowed construction of the reservoir, the primary purpose of the stored water is to protect the Mist Gas Fields operated by Northwest Natural Gas during a fire emergency. This is a resource of local, state, and national significance. The complex stores nearly 20 billion cubic feet of natural gas in natural

under-ground reservoirs in our fire district. The gas is pumped in through injection wells and is re-acquired through withdrawal wells for use primarily in the Portland Metro Area. The most likely significant risk to that complex is from a fire involving one or more of the gas wells. According to Wild Well Control (Contracted to NW Natural to control such an incident), the amount of water needed on-site before suppression can begin is one to one and one half million gallons. Additional uses for fire suppression include wildfire protection (easily could reach one hundred thousand gallons during a local event) and for structural fire protection for our district's residential, commercial and industrial structures (estimated 50,000 gallons annually).

The original permit for construction of the reservoir allows only a single annual filling of about 11.1 acrefeet (about 4 million gallons) of water. Engineer's estimates of water losses due to seepage from the reservoir and evaporation from the reservoir are anticipated to deplete the stored water by about 50% between May 1 and October 31 each year. Between the permitted usage and the water losses the water levels would have been less than two feet in the reservoir by that time. However, during construction a bedrock incision was discovered that reduced the volume to just under three million gallons. Additionally, the un-named stream goes dry early in June and remains dry through September and part of October on a regular basis. It is apparent that at some point it is likely that when the 1.5 million gallons of required water to protect the Mist Gas Fields is needed it will not be available. It is critical that the reservoir be maintained full throughout the rainy season to counter the loss in reservoir capacity, and that it is never allowed to be less than 60% full. That is the design minimum for the reservoir and is the minimum amount of water needed to provide the required fire protection to the commercial, industrial and residential infrastructure of this rural region.

Reservoir is bypassed during times when flow is needed in Nehalem River. Bypass is accomplished by closing the entry into the reservoir and diverting the water through a screened inlet into an 8" pipe which by-passes the reservoir under-ground and returns the water to it's original stream-bed. Since the stream is dry during June through October by-pass is a backup in case of inclement weather.

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This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: Met. Birkhead RFPD Limited License Number: _____

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights? Yes No

If yes, please explain: REGULATION TO PROTECT ISWR, EVERY YEAR SINCE 1998. REGULATION USUALLY OCCURS BETWEEN MID JULY & MID AUG.

2. Based on your observations, would be there water available in the quantity and at the times needed to supply the use proposed by this application? Yes No


3. Do you observe this stream system during regular fieldwork? Yes No

If yes, what are your observations for the stream? THERE IS WATER AVAILABLE DURING THE WINTER MONTHS FOR STORAGE THAT COULD BE USED FOR THIS PROJECT

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights? Yes No N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

5. Any other recommendations you would like to make?

Signature:  WM District #: 1 Date: 10-10-12

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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: Bruce Fleming
First Last

Mailing Address: 1129 SW 20TH
Portland OR 97205 Daytime Phone: 503-223-9513
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:
6N	5W	9	SE SW	500		<input checked="" 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	
						<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.

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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) unnamed stream

Estimated quantity of water needed: 17 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 fire suppression and cattle watering as noted below

Briefly describe:

Storage for use by fire District to fight fire within the District, to provide water for cattle excluded from stream bed, and other exempt uses. Major fire risk is protection of Mist Gas Fields (1.5 million gallons).

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.

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): Section 500 of The County Zoning Ordinance
- 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.



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Name: Deborah S. Jacob Title: Planner II
 Signature: [Signature] Phone: 503-397-7260 Date: 4/1/13
 Government Entity: W. Linn 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: _____



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: remarks

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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: \$ ¹⁵1600
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:



Water Resources Department

Apply for a Permit to Appropriate Surface Water

Today's Date: Friday, March 22, 2013

Base Application Fee for use of Surface and optionally Stored Water.		\$700.00	/
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.5	\$250.00	/
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1		
Number of proposed Surface Water points of diversions. **	2	\$250.00	/
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0		
Permit Recording Fee. ***		\$400.00	/
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	[Recalculate]		
Estimated cost of Permit Application		\$1,600.00	/

[Return to Fee Calculator Options page](#)

[OWRD Fee Schedule](#)

Fee Calculator Version: B20090701

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