



UPPER DESCHUTES
WATERSHED COUNCIL

July 31st, 2013

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

**RE: Certificate 68374 Transfer – POD, POU and Character of Use
Alternate Reservoir Application**

SALEM, OR

Dear Mrs. Pederson,

AUG 05 2013

Please find attached to this letter multiple applications. The first, a water right transfer, proposes changes in point of diversion, place of use and character of use. This application is being submitted in conjunction with an application to store water (alternate process) in an existing pond.

Water Right Transfer Application Certificate 68374:

- This application proposes to move the POD to a downstream location closer to the place of use and install a pump in the creek. This will improve distribution network efficiency and benefit fish and wildlife by providing a fish screen on the pump inlet while better conserving water thereby leaving more water in the creek.
- The transfer proposes to transfer the irrigation portion on water right certificate 68374 to pond maintenance for multiple purposes from May 1st to September 15th.
- The transfer proposes to transfer the place of use to the pond (see attached maps).
- The transfer proposes to transfer the domestic portion on water right certificate 68374 to pond maintenance for multiple purposes from September 16th to April 30th. Rate requested for this period is 0.13 gpm (1 residence x 2.49 persons per residence x 75 gallons per day ÷ 24 hr/day ÷ 60 min/hr = 0.13 gallons per minute). Total volume for this domestic portion would not exceed 0.22 ac-ft per year (0.0003 cfs x 1.98 acre feet/day x 365).

Application for a Permit to Store Water in a Reservoir (Alternate Review):

- Application to store 0.96 acre-feet in an existing reservoir for multipurpose use.

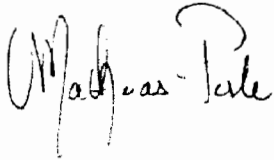
The Upper Deschutes Watershed Council (UDWC) is partnering with the water right holder (Barton Family), the Deschutes National Forest and Oregon Department of Fish and Wildlife to

implement the project that will benefit fish and wildlife while improving water use efficiency. The application is in the name of the Barton Family as they are the water right holder.

You will also find attached a check for \$2,130 to cover the application fees and permit recording fee. As the project is intended to benefit fish and wildlife and is supported by ODFW (see attached letter), we have applied a 50% fee waiver on the transfer fees based on OAR 690-380-3400.

Please do not hesitate to contact me should you have any questions concerning the applications.

Sincerely,

A handwritten signature in black ink that reads "Mathias Perle". The signature is written in a cursive style with a large, prominent initial "M".

Mathias Perle
Project Manager
Upper Deschutes Watershed Council

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SALEM, OR



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

**Application for a Permit to
 Store Water
 in a Reservoir
 (Alternate Review)**

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet *or* with a dam less than 10 feet high.

Use a separate application for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Hank _____ Barton _____
First Last

Mailing Address: 3838 S.W. 52ND PLACE _____
PORTLAND _____ OR _____ 97721 _____
City State Zip

Phone: _____ 503-709-7709 _____
Home Work Other

*Fax: _____ *E-Mail Address: HBARTON@FORESTMED.COM _____
**optional information*

2. AGENT INFORMATION

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

Agent: Mathias _____ Perle _____
First Last

Mailing Address: P.O. Box 1812 _____

Bend _____ OR _____ 97709 _____
City State Zip

Phone: _____ 541-382-6103 ext 37 _____
Home Work Other

*Fax: 541-382-4078 _____ *E-Mail Address: mperle@restorethedeschutes.org _____
**optional information*

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3. LOCATION AND SOURCE

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A. Reservoir Name: Barton 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: Lake Creek _____ Tributary to: Metolius River, Deschutes river _____

C. County in which diversion occurs: Jefferson _____

App. No. <u>R-87924</u>	For Department Use Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
13 S	9 E	16	NW SE	300

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

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 0.96

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? Yes No
- B. Wetland:** Is the project in a wetland? Yes No Don't know
- C. Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? 24 years.

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D. Fish Habitat: Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.

E. Partnerships: Have you been working with other agencies? Yes No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. DESCRIPTION

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

This project is a collaboration between the water right holder, the Upper Deschutes Watershed Council, Oregon Department of Fish and Wildlife, Oregon Water Resources Department, and grant funders. The goal of the project is to modify the existing water rights to continue beneficial use, reflect intended beneficial use and to upgrade the diversion method to increase water delivery efficiency while providing fish screening at the diversion.

The comprehensive project has multiple components.

1) Reservoir Storage Application: This reservoir application will allow storage of water for multipurpose use in the existing excavated Barton Pond. The existing Barton pond is off channel on property owned by the Barton Family. A pump equipped with a fish screen and flow meter will bring water to the pond from the South Fork Lake Creek via a newly installed piping system.

2) Type of Use Transfer: The water rights are currently used for irrigation purposes whereby water is diverted via gravity through an approximately 4,000 ft ditch into the pond and then pumped out of the pond using a 4 hp pump for application on the existing place of use. A transfer application being filed concurrently is changing the type of use from irrigation to pond maintenance for multiple purposes. The pond has been in existence for 24 years and no additional pond construction will be needed.

3) Point of Diversion Transfer: The transfer being filed concurrently will move the existing point of diversion (POD) to a downstream location closer to the place of use. The new POD will have a new pump, fish screen and flow meter. This will improve distribution network efficiency and benefit fish and wildlife by providing a fish screen on the pump inlet while better conserving water thereby leaving more water in the creek.

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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).

[Empty box for sketches]

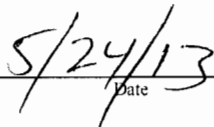
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8. SIGNATURE

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



Landowner Signature



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: *Hank Barton*

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

Explain: *AS long as water is Appropriated when ISWR Certificate 59797, 76416, 73221 & 73220 Are met in Full.*

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

If YES, which conditions are recommended: *Flowmeter installed on new Pump POD.*

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

Who: *Mike Harrington* Agency: *ODFW* Date: *?*
Who: Agency: Date:

Watermaster signature: *[Signature]* Date: *7-18-13*
WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

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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: _____ _____		
Reservoir Name: _____	Source: _____	Volume (AF): _____
Twp Rng Sec QQ: _____	Basin Name: _____	<input type="checkbox"/> in-channel <input type="checkbox"/> 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.
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- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

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

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

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

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635.412.0005 (32)

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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)

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ODFW Signature: Brett Hodges Print Name: Brett Hodges
ODFW Title: Deschutes District Fish Biologist Date: 7/31/13

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

Revised 8/2/11

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Land Use Information Form

SEE ACCOMPANYING
TRANSFER FOR
ORIGINAL WET
SIGNATURE.



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

Applicant: Hank Barton
First Last

Mailing Address: 3838 S.W. 52nd Place

Portland OR 97721 Daytime Phone: 503-709-7709
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:
13S	9E	16	NW SE	300	CSRR3	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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:

Jefferson County, Camp Sherman

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B. Description of Proposed Use

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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) South Fork Lake Creek

Estimated quantity of water needed: 0.96 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 1 household(s)
 Municipal Quasi-Municipal Instream Other Pond Maintenance

Briefly describe:

The project involves moving an existing point of diversion on the South Fork Lake Creek downstream and installing a pump and fish screen to divert water into an existing pond on the property.

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): 343 of J.C.Z.O.
- 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: BILL ADAMS Title: PLANNING DIRECTOR
 Signature: [Handwritten Signature] Phone: 541-475-4462 Date: 7-3-13
 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: _____