

Application No. R 84506 alt les.

Permit No. ~~DENIED~~ R 13104

Certificate No. _____

Stream Index, Page No. _____

DENIED

FILE#: R 84506

JOHN G ELLIS
ELLIS, HELEN MARY
PO BOX 105
ENTERPRISE, OR 97828

Date filed _____

Priority _____

Action suspended until C 06

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 11/19/02

Date for completion _____

Extended to _____

Date for application of water 10/1/06

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

FEES PAID

Date	Amount	Receipt No.
8/16/00	30.00	39697

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

~~DENIED~~ - 7/20/01

Mailing List for Protest Permit

Application #R-84506

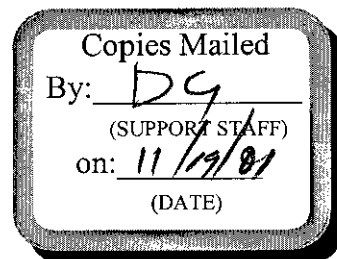
Print Date : November 15, 2001

Original mailed to Applicant:

JOHN G ELLIS AND ELLIS, HELEN MARY, PO BOX 105, ENTERPRISE, OREGON 97828

Copies sent to:

1. WRD - File # R-84506
2. WRD - Water Availability: Ken Stahr (WAB= 8-30810512)
3. WRD - Data Center
4. WRD - NWR



FO, Map, and Fact Sheet Copies sent to:

5. WRD - Watermaster; DISTRICT 6
6. ODFW District Biologist: (WALLOWA County)BRAD SMITH

Copies sent to Other Interested Persons (*CWRE, Agent, Commenter, etc.*)

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for
copies

1. _____
2. _____
3. _____

CASEWORKER : AMH

STATE OF OREGON

COUNTY OF WALLOWA

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN G ELLIS AND HELEN MARY ELLIS
PO BOX 105
ENTERPRISE, OREGON 97828

(541) 426-3227

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-84506

SOURCE OF WATER: TROUT CREEK, A TRIBUTARY OF WALLOWA RIVER

STORAGE FACILITY: RAINBOW RESERVOIR

PURPOSE OR USE OF THE STORED WATER: AESTHETICS, WILDLIFE AND LIVESTOCK

MAXIMUM STORAGE VOLUME: 3.0 ACRE-FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MAY 1
THROUGH MAY 31 ONLY OF EACH YEAR

DATE OF PRIORITY: AUGUST 16, 2000

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 8.00 FEET.

DAM LOCATION: SE 1/4 NW 1/4, SECTION 1, T 1N, R44E, W.M.;

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4
SECTION 1
TOWNSHIP 1 NORTH, RANGE 44 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period.

Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2006.

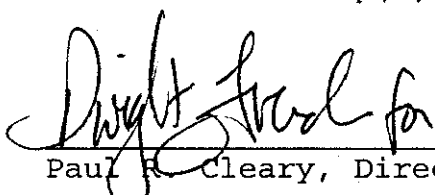
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

If no secondary permit for the use of water stored under this permit exists, the claim of beneficial use shall include the following

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resources Department standards. The map does not need to be prepared by a Certified Water Right Examiner (CWRE).

A claim of beneficial use shall be prepared by a CWRE in conformance with the requirements of OAR 690-014 if: an associated secondary permit exists for the use of stored water under this permit; live flow is used to maintain the reservoir; or the reservoir stores 9.2 or more acre-feet of water.

Issued November 19, 2001


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an

offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application R-84506	)	FINAL ORDER APPROVING
In the Name of John and Helen Ellis	)	APPLICATION
<i>Applicant and Protestant</i>	)	

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in OR 536.075, this order is subject to judicial review under OR 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by OR 183.484(2).

Application History

On August 16, 2000, the Oregon Water Resources Department (Department) received an application submitted by John and Helen Ellis (Applicant) for a water use permit.

Applicant seeks 3 acre-feet of water for aesthetics, wildlife, and stock water in Wallowa County. The source of water is Trout Creek, tributary to the Wallowa River.

On August 29, 2000, pursuant to ORS 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

The Department received comments from the Oregon Department of Fish and Wildlife (ODFW). ODFW's comments provide that the proposed use would affect amphibians, waterfowl, and some birds in a positive manner and would not result in loss of habitat for sensitive, threatened, or endangered fish species.

The Department initially determined that Oregon Administrative Rule (OAR) chapter 690, division 33 was applicable to this application, which resulted in the denial of the application. OAR 690-033-0120(2)(a) provides that direct diversions in the Upper Columbia River Basin are limited to October 1 through April 14 of each year. Because water is only available in May, Application R-84506 was denied by Final Order dated July 20, 2001.

Findings of Fact

The Department's water availability analysis indicates that water is available in May.

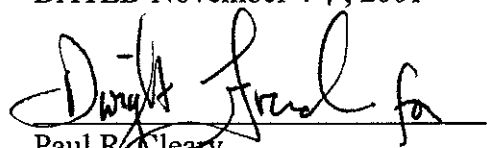
Conclusions of Law

The Department concludes that OAR Chapter 690, Division 33, is inapplicable to this application. As a result, water may be stored and used during May.

The proposed use described in Application R-84506 does not injure any existing water right and does not pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by ODFW. ORS 537.409.

Application R-84506 is hereby approved with water available for use in May only, and a permit shall issue.

DATED November 19, 2001

A handwritten signature in black ink, appearing to read "Paul R. Cleary", is written over a horizontal line.

Paul R. Cleary
Director

Water Resources Department

Helen Ellis
PO Box 105
Enterprise, Or 97828

Enlarged

WALLAWA COUNTY

SEE MAP 2N 44 1" = 2000'

5 1/16 mile

Please Check

IN 44

IN 44

CANCELLED NO.

900
2002
3000
3501
3502
5801

SE 1/4 NW 1/4

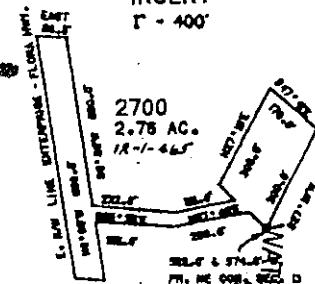
Application No. 84506
Permit No.

RECEIVED

AUG 16 2000

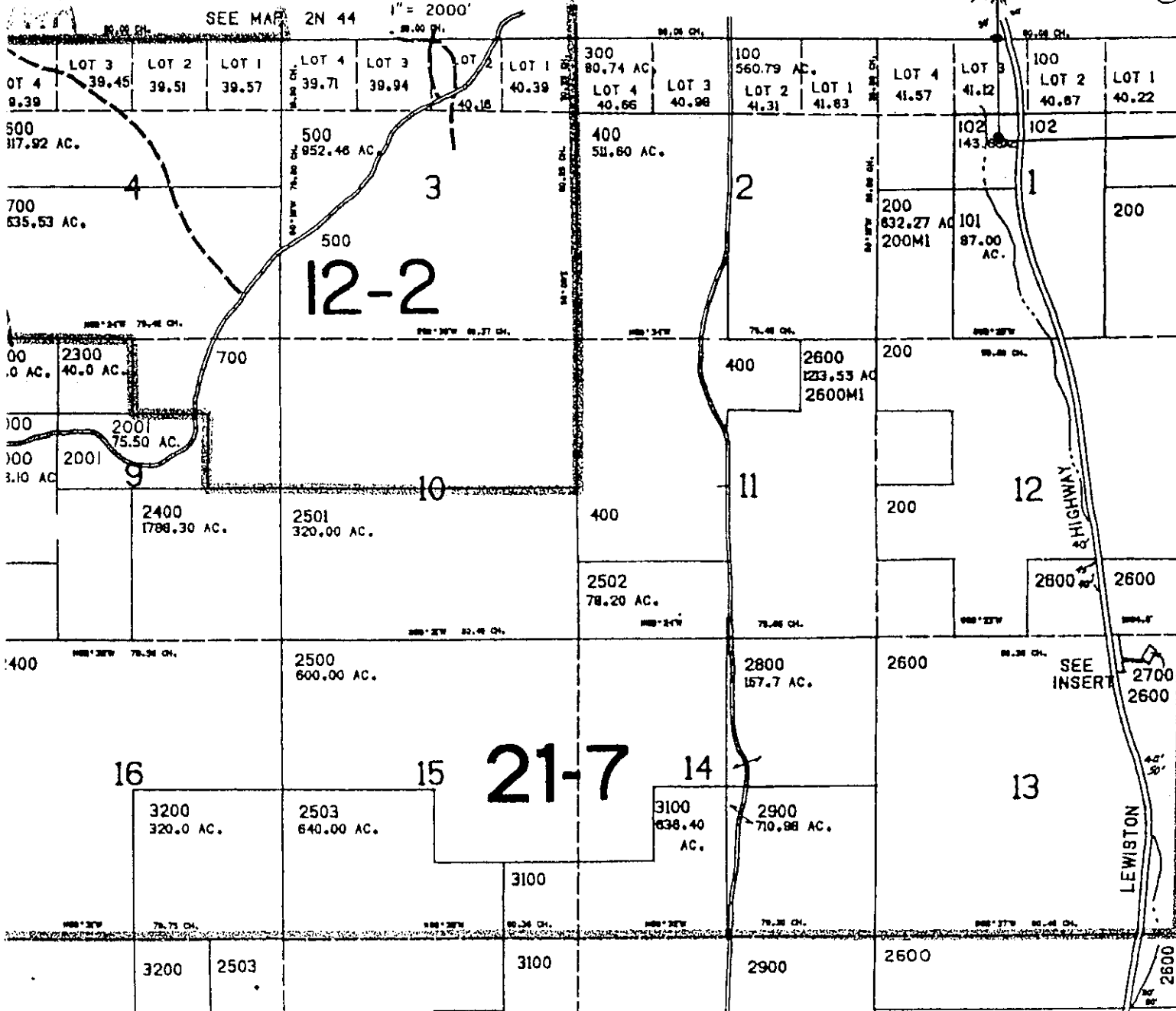
WATER RESOURCES DEPT.
SALEM, OREGON

INSERT
1 - 400'



INSERT
1 - 200'

SEE MAP IN 44



Helen Ellis
PO Box 105
Enterprise, Or 97828

Enlarged

WALLUWA COUNTY

SEE MAP 2N 44 1" = 2000'

5/16 mile

Please Check

IN 44

IN 44

CANCELLED NO.

900
2002
3000
3501
3502
5801

SE 1/4 NW 1/4

Application No. 84506
Permit No.

RECEIVED

AUG 16 2000

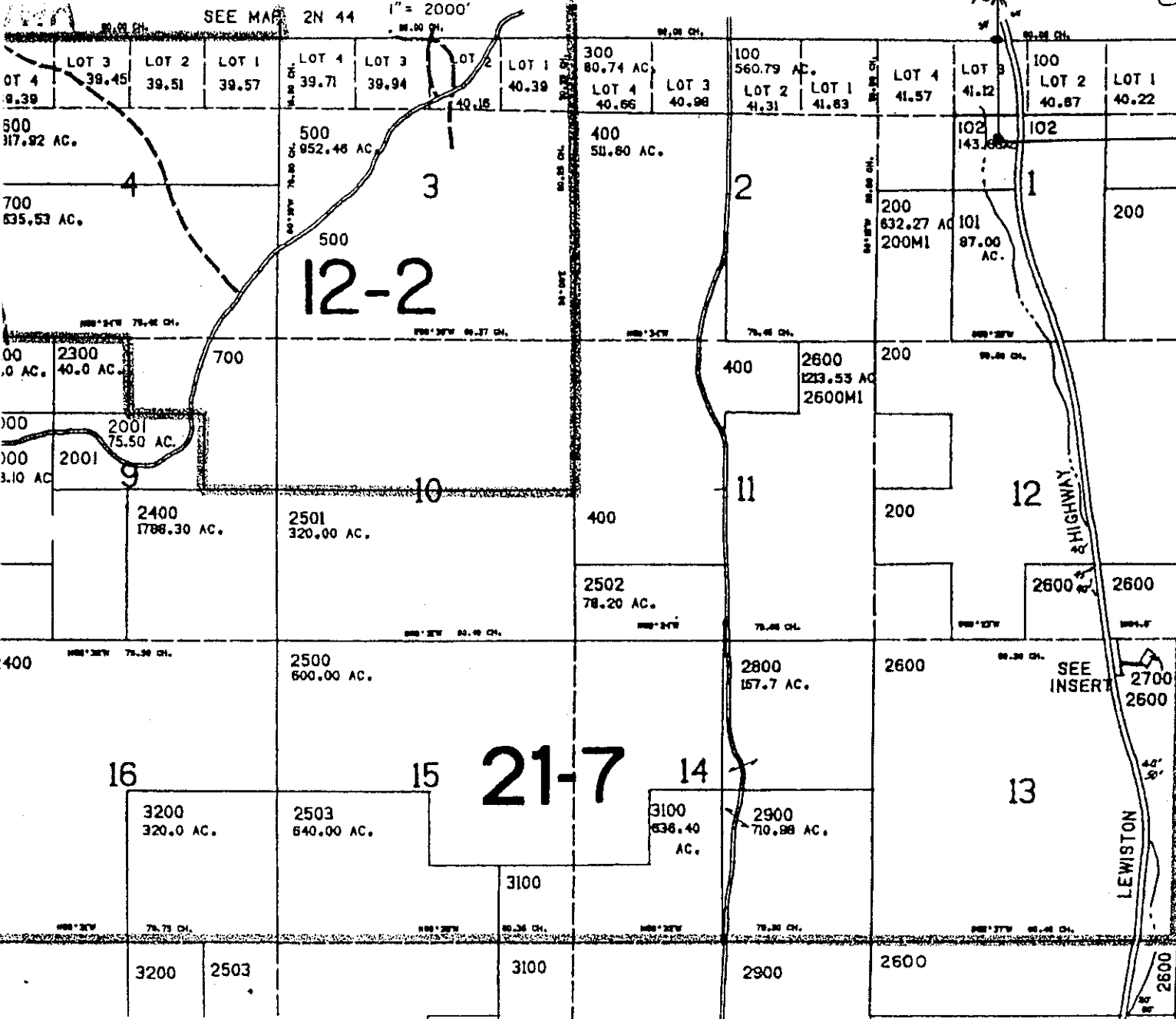
WATER RESOURCES DEPT.
SALEM, OREGON

INSERT
1" = 400'

2700
2.78 AC.
11'-1" x 46.5'

INSERT
1" = 200'

SEE MAP IN 45



Helen Ellis
PO Box 105
Enterprise, Or 97828

Enlarged

WALLUWA COUNTY

SEE MAP 2N 44 1" = 2000'

5/16 mile

Please Check

IN 44

IN 44

CANCELLED NO.

900
2002
3000
3501
3502
5801

SE 1/4 NW 1/4

Application No. 884506
Permit No.

RECEIVED

AUG 16 2000

WATER RESOURCES DEPT
SALEM, OREGON

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2.76 AC.
1A-1-465

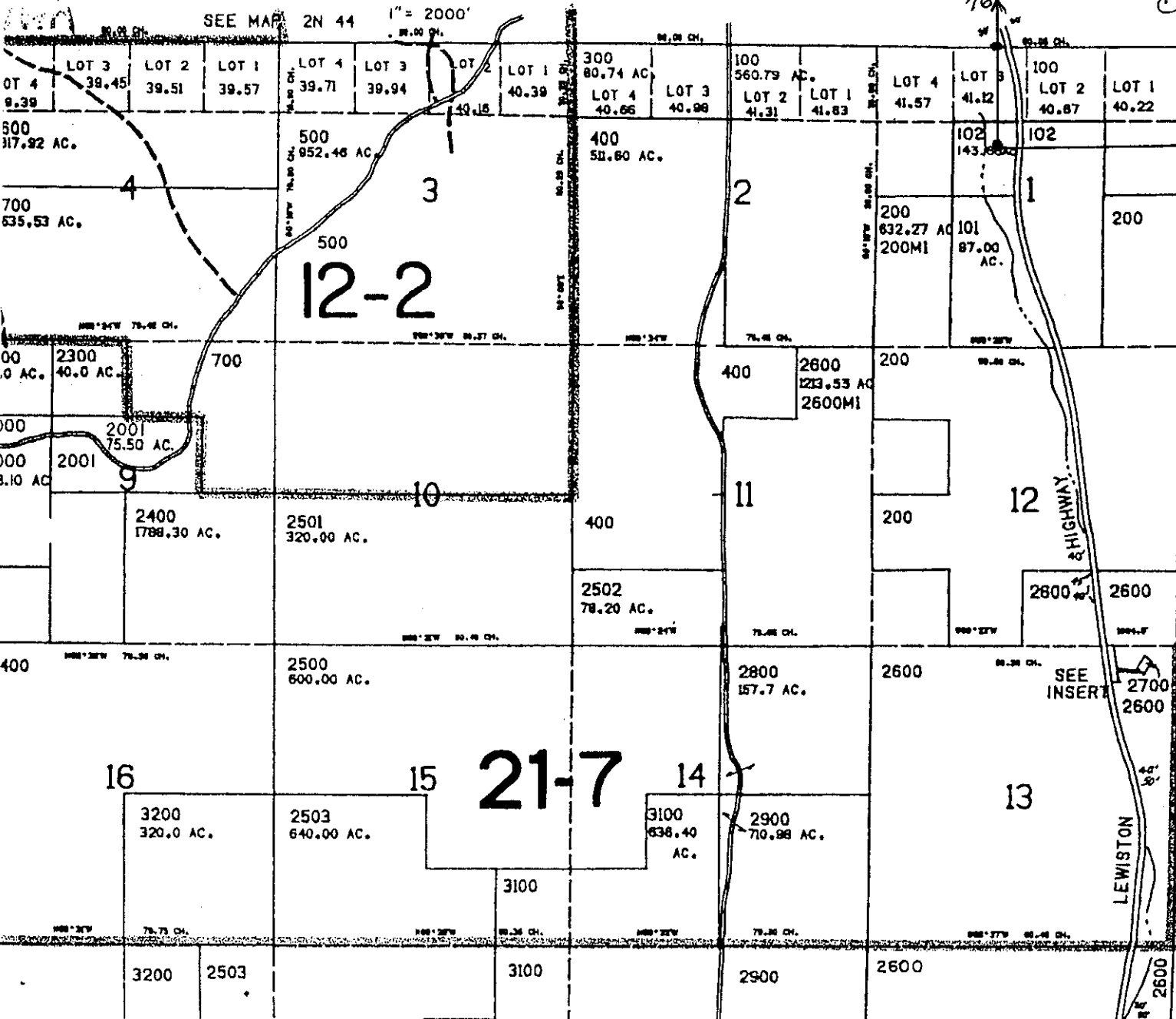
INSERT
1" = 200'

SEE MAP IN 45

LEWISTON

SEE INSERT

HIGHWAY



Mailing List for FO Copies

Application #R-84506

FO Date : July 18, 2001

Original mailed to:

Applicant:

Copies sent to:

1. WRD - File # R-84506
2. WRD - Water Availability: Ken Stahr

FO, Map, and Fact Sheet Copies sent to:

3. WRD - SHAD HATTAN, Watermaster # DISTRICT 6
4. WRD - JERRY RODGERS- EASTERN REGION
5. ODFW District Biologist: (WALLOWA County)BRAD SMITH

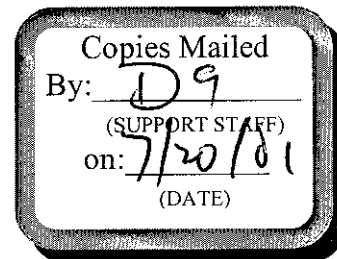
Copies sent to Other Interested Persons (*CWRE, Agent, Commenter, etc.*)

6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____
2. _____
3. _____

CASEWORKER : AMH



ORS 537.409 ALTERNATE RESERVOIR WORKSHEET

FILE # R- 84506

COMPLETENESS:

Completed by ALT Date 1/18/01

☐ Application form is complete?

WM DIST 6

☐ Land Use form has been signed by planning.

REGION ER

☐ Fees (\$10 per acre-foot with maximum fee of \$100)

☐ Appropriate map has been received? Map meets OAR 690-310-050 requirements?

☐ Secondary application filed if appropriate? File number for secondary S _____

PRE-FINAL ORDER PROCESSING (to be done by caseworker):

☒ Conflict check

☐ Water Availability completed at 50% exceedence. If no WID number, fax copy of application and map to Watermaster for Watermaster Water Availability analysis.
WID # _____

☒ Check Basin Plan and note limitations. Basin 690-08-001 no limitations except DIV 53

☒ Check for Division 33 requirements and mail forms to appropriate Interagency Review Team members. ODFW Contact: Brian Smith
DEQ Contact: _____

☒ Notify applicant via Certified Mail of any deficiencies (map corrections, land use approval, fees, etc.) Allow up to 60 days for corrections.

BEFORE PREPARING FO OR PERMIT, YOU MUST CHECK THE FOLLOWING:

☒ Water Availability table or Watermaster Water Availability Form in file?

☒ Division 33 worksheets **completed** by Interagency Team members (ODFW, DEQ, Watermaster, NMFS, etc) in the file?

☒ Is the land use *approved* by the local planning department? If not, cannot issue permit.

2/18 ☐ Comments received from anyone other than Interagency Team members? If so, list name and mailing address to receive \$10 letter.

NO ☐ Scenic waterway restrictions? Check map and add appropriate conditions.

FISHERY IMPACTS

2/18 ☐ Within the Lower Columbia Basin (Including Willamette and Sandy Basins?) If yes, Include permit condition PISPC.

✓ Within the Upper Columbia/Snake Basin within any of the following basins:

- | | |
|------------------|------------------------|
| (4) Hood | (9) Powder |
| (5) Deschutes | (10) Malheur |
| (6) John Day | (11) Owyhee |
| (7) Umatilla | (19) Mainstem Columbia |
| (8) Grande Ronde | (20) Mainstem Snake |

If yes, seasonal Division 33 limitations apply. No direct flow from April 15 through September 30 is allowed unless the applicant has provided sufficient information that the proposed use is exempt as provided in OAR 690-33-140. Include permit condition PISPC on permit.

EXEMPT USES ALLOWED UNDER OAR 690-33-140. Circle appropriate answer:

- (1) Domestic Water Use;
- (2) Projects that provide net benefits for native resident and native anadromous fish recovery. Examples include, but are not limited to livestock watering away from water courses;
- (3) Emergency use necessary for public health and safety;
- (4) Multipurpose storage projects, or projects with measurable public benefit.

Water available for all areas **outside** Upper Columbia/Snake Basins: (Circle all that apply)

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Allowed season JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Water available for all areas **within** Upper Columbia/Snake Basins:

JAN FEB MAR APR 14 APR 15 MAY JUN JUL AUG SEP OCT NOV DEC

YES YES YES YES N/A N/A N/A N/A N/A N/A YES YES YES

W/A limiting factor is due to snow flows.

Specific conditions PISPC

✓ Description of POD and POU location 1/4 1/4 SENW T.R.S. IN 44E 1

Assign permit number. R- 13052

Save in S:\GROUPS\WR\FO\WEEK 296 Delete duplicates.

Print final draft and submit for peer review.

Route to Management for signature with weekly batch of Final Orders.

Save final FO and Permit in S:\GROUPS\WR\FO\DONE\ Delete duplicates

Update permit database (in Paradox) with issue date.

Route file to support services for copying and mailing.

OWRD Memorandum

To: File
From: Mike Reynolds, Adjudications Specialist
Re: Ellis Pond Application R-84506; site inspection by Shad Hattan, WM
Date: October 26, 2001

The attached four pictures were taken by Shad Hattan in October, 2001 using a digital camera. Color versions of these photos are available on Mike's computer as attachments to an e-mail from Shad Hattan dated 10-25-01. These pictures are of the upper reaches of Trout Creek, the area where the Ellis application seeks to build a reservoir.









Memo to File

To: File
From: Mike Reynolds. Adjudication Specialist
Re: Ellis Pond Application R-84506; site inspection by Shad Hattan
Date: October 25, 2001

Today I had a conversation with Shad Hattan, the Watermaster from La Grande. Shad told me that the pond has not been built yet. The probable location is on top of the low elevation drainage area, along the Lewiston highway. There are ponds down below. There are old grassy channels on top of the drainage area. This is a flashy system which gets water from snow melt.

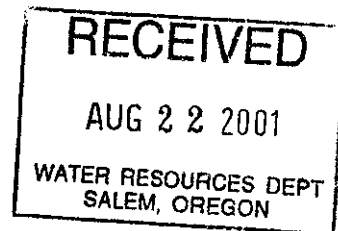
In spring, water would feed the pond from surface water snow melt, and would likely get back to Trout Creek. Shad felt the pond would not affect water rights. The water would be running fast because of the snow melt. The only time that area would get water is when there's "lots of water and no one wants it." Shad felt the pond would keep the area wet for a longer period of time and could improve water quality.

Shad indicated that the pond would need an evacuation pipe in the bottom of it as well as an emergency overflow system. Shad took pictures and will e-mail them today to my e-mail address in JPEG format.

Shad must have been confused on this point.

Mailed:
August 20, 2001

Oregon Water Resources Dept.
Water Rights Division
Water Rights Application # R-84506
For: John & Helen Mary Ellis
PO Box 105
Enterprise, Or 97828
Phone: 541-426-3227



I would like to request a hearing for the water rights application # R 84506 in regard to the final order denial. The final order has three application number discrepancies. My original request was accepted 8-16-2000 with a final order to be issued in 180 days which would have been issued 2-16-2001. Feb. 16, 2001 nothing by with no response along with March, April, May and into June when I called your department June 19, 2001 for a response, they were unable to locate my file and would look for it. I had to make a 2nd call July 16, 2001 this time someone was able to find my application, they explained they were short handed, but the application looked good and should go through but two more people needed to look at it. I got your Final order response mailed 7-20-2001 and I received it 7-23-2001 that is 11 months. Please consider that 30 days is inadequate for a complete hearing request.

RECEIVED

AUG 22 2001

WATER RESOURCES DEPT
SALEM, OREGON

August 20, 2001

Water Rights Application # R84506 cont:

I have spoken to Brad Smith of the Oregon Fish & Wildlife department. He has given me several added suggestions and clarification for my application.

There are two existing ponds on the 40 acre parcel; I call them "ponds" not reservoirs. Current ponds don't have any water control facilities. The new pond would be constructed with appropriate devices to facilitate overflow and passage of water through a spillway reservoir embankment. It will help to reduce the sediment problems already identified on Trout Creek with the use of multiple ponds, "reservoirs", as several of the properties along Trout Creek have improved ponds.

This pond, "reservoir", will enhance, wildlife, aquatic life, wetland enhancement, pollution abatement, stockwater, birds, ducks & geese.

In addition to this; I have a US D.A. approved grant to build this pond and to plant trees for the perimeter of this property. I will apply for a riparian grant for Trout creek as time is available. The US D.A. grant was to have the pond built in 2000 and got an extension for 2001 to get water resource permit.

Sincerely
Helen Mary Ellis

Dear Applicant:

The Water Rights Section has received your application for a Permit to Store Water filed under the Alternate Review Process. Your application has been assigned file number R- 84506. Please refer to this number when contacting the Department.

Your application will be reviewed by the Department and will be subject to review and comment from other agencies and interested parties. You should receive a Final Order for this application in approximately 180 days from the date of acceptance.

Amor need response in Feb. 2001

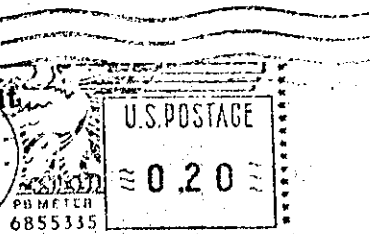
The filing of an application for a Permit to Store Water does not allow the right to use stored water outside the reservoir; you may need to file a secondary application to use water. For more information, please contact the Department at:

(503)378-8455 extension 201, or toll-free at (800)624-3199 extension 201.

*call 6-19-2001
7-16-2001*

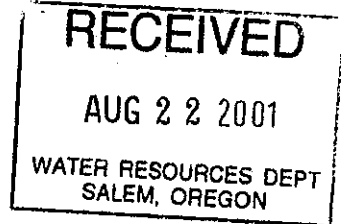
Accepted date 8/16/00

Oregon Water Resources Department
158 - 12th Street NE
Salem OR 97301-4172
home page: www.wrd.state.or.us



8-21-2000

*John & Helen Elldo
PO Box 105
Enterprise, OR 97828*



Copy

*Mailed 7-20-2001
Rec 7-23-01*

Oregon Water Resources Department
Water Rights Division

RECEIVED

AUG 22 2001

WATER RESOURCES DEPT
SALEM, OREGON

Water Rights Application
Number R-84506

Final Order

Application History

On AUGUST 15, 2000, JOHN G AND HELEN MARY ELLIS submitted an application to the Department for a water use permit. Pursuant to 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

The Department **has not** received adverse comments related to the possible approval of Application R-84465.

The Department **has** received comments from Oregon Department of Fish and Wildlife related to the possible approval of Application R-84465.

However, the Department has *The circled numbers are not the correct case number. The correct number is R-84506* sed use is within are limited to a each year. Based s determined that e season.

Therefore, the proposed use, *included in Application R-84465*, would injure existing water rights and poses potential detrimental impacts to existing fishery resources. ORS 537.409(6).

Application R-84506, therefore, **is denied**.

Notice of a Right to a Hearing

Pursuant to ORS 537.409(8) you have the right to a hearing before the Oregon Water Resources Department to contest this order. The hearing, if requested, will be conducted according to ORS chapter 183 and the applicable administrative rules. If you want a hearing you must submit a request in writing to the Department within 30 days of the date of this proposed order. To be timely a request must be received by the Department within the 30 day request period. If a request for a hearing is not received by the Department within the time allowed, you will have waived the right to a contested case hearing.

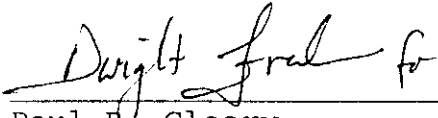
A request for a hearing shall include:
Your name, address, and telephone number;

A statement that you are requesting a hearing;
A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency.

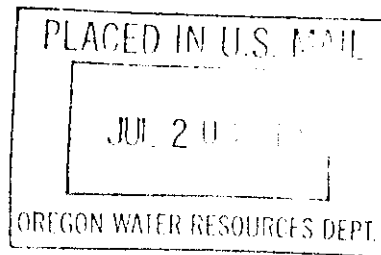
If you request a hearing, the Department will notify you of the time and place of the hearing. The Department will give you information on the procedures and other rights of parties relating to the conduct of the hearing before the hearing. You may be represented by counsel at the hearing.

If you do not request a hearing within 30 days of the date of this order or if you withdraw a request for a hearing, or request a hearing and then notify the Department that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order by default denying your application. If the Director issues a final order by default, the Department designates its file on this matter as the record.

DATED July 20 , 2001



Paul R. Cleary
Director
Water Resources Department



This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 1-503-378-8455, extension 229.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

CCC-1200
(04-15-97)
FORM APPROVED
OMB NO. 0560-0174

U.S. DEPARTMENT OF AGRICULTURE
COMMODITY CREDIT CORPORATION

1. State & County Code: 41 063
2. Signup Number
3a. Farm Number 1455
b. Tract Number(s) 1568
4. Contract Number 19990130
5. Fund Code 4199/1999
6. HUA Number

CONSERVATION PROGRAM CONTRACT

7. PROGRAM (Check One)

a. Conservation Farm Option (CFO)	b. Conservation Reserve Program (CRP)	c. Environmental Quality Incentives Program (EQIP)	X
d. Farmland Protection Program (FPP)	e. Wildlife Habitat Incentives Program (WHIP)		

8. CONTRACT LANGUAGE

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (referred to as "Owner", "Operator" & "Tenant", respectively) on the farm identified above. The undersigned person or persons shall hereafter be referred to as "the Participant". The Participant agrees to participate in the program designated in Section 7 during the stipulated contract period identified in Section 9 from the date the Contract is executed by the CCC. The Participant also agrees to implement the Conservation Plan developed and approved by the Participant and CCC. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the appendix to this Contract, entitled "Appendix to Form CCC-1200" for the applicable program (referred to as "Appendix"), and any addendum thereto. The Participant also agrees to pay such applicable liquidated damages in an amount specified in the Appendix for the applicable program if the Participant withdraws prior to CCC acceptance or rejection. BY SIGNING THIS CONTRACT, PARTICIPANTS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS CCC-1200, APPENDIX, AND ANY ADDENDUM THERETO.

9a. PERFORMANCE/PAYMENT SCHEDULED FOR CONTRACT

Technical Code	Technical Code Name	Units	Cost-Share Incentive Level	Offered Level	Total Cost-Share Incentive	Year Scheduled
A	B	C	D	E	F	G
380	Windbrk shelterbrk establishment (Ft)	380.0	75	75	450	2001
380	Windbrk shelterbrk establishment (Ft)	1040.0	75	75	450	2002
380	Windbrk shelterbrk establishment (Ft)	1040.0	75	75	450	2003
380	Windbrk shelterbrk establishment (Ft)	1040.0	75	75	450	2004
380	Windbrk shelterbrk establishment (Ft)	1040.0	75	75	450	2005

RECEIVED

AUG 22 2001

WATER RESOURCES DEPT
SALEM, OREGON

9b. AGREEMENT PERIOD From:

To:

9c. CONTRACT OBLIGATIONS

\$ 8250⁰⁰

10. CONTRACT PARTICIPANTS

NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES	ID NUMBER: 1/	DATE
HELEN ELLIS PO BOX 105 ENTERPRISE, OR 97828-0105 503-426-3227	X		X	540 44 2180 S	SIGNATURE: _____
JOHN ELLIS PO BOX 105 ENTERPRISE, OR 97828-0105 503-426-3227		X	X	525 78 5673 S	SIGNATURE: _____

11. CCC USE ONLY - Payments according to the shares approved.

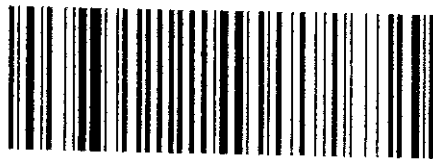
SIGNATURE OF CCC REPRESENTATIVE

DATE

John M. Ellis 09/22/99

Helen Mary Ellis
PO Box 105
Enterprise, OR
97828

CERTIFIED MAIL



7099 3400 0019 5507 1176



0000

U.S. POSTAGE
PAID
ENTERPRISE, OR
97828
AUG 20, '01
AMOUNT

\$3.94
00049510-01

Water Rights Section
Oregon Water Resources Dept
158 12th St NE
Salem, OR

97301-4172

Renee Moulton



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for a Permit to Store Water

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.

RECEIVED

AUG 16 2000

Use a separate form for each reservoir.

WATER RESOURCES DEPT.
 SALEM, OREGON

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 to your application, insert "n/a."

1. APPLICANT INFORMATION

Landowner: John G Ellis
First Last

Authorizing Agent: Helen Mary Ellis
First Last

Mailing address: P.O. Box 105
Enterprise Or 97828
City State Zip

Phone: 541-426-3227 same
Home Work Other

*Fax: _____ *E-Mail address: _____

*Optional information

2. LOCATION AND SOURCE

A. Reservoir name: Rainbow 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 the source is run-off, seepage, or an unnamed spring or stream.

Source: Trout Creek Tributary to: Wallowa River

C. Reservoir Location

township	range	section	quarter/quarter	tax lot no.
1N	44E	1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	102

D. Dam

Maximum height of the dam: 8 feet.

For Department Use

App. No. R81506 Permit No. _____ Date 8/16/00

Application No. R-81506

Permit No.

Storage—Alternate Review Process/1

*note
 8/16/00
 approved*

How do you plan to use the stored water?

- Irrigation
- Stockwater
- Aquatic Life
- Nursery Operations
- Cranberry
- Temperature Control
- Forest and Range Management
- Industrial
- Commercial
- Fire Protection
- Mining
- Power Development
- Domestic
- Human Consumption
- Domestic Expanded
- Municipal
- Stormwater
- Quasi-municipal
- Group Domestic
- Recreation
- Wildlife
- Pollution Abatement
- Wetland Enhancement
- Multipurpose

What is an acre foot?

One acre-foot is the volume of water that would cover one acre of land to the depth of one foot. To find out how much water your pond stores, multiply the surface area (in feet) by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. To be eligible for the alternate process your reservoir must store less than 400,752 cubic feet (43,560 X 9.2).

Application fee

Your application fee is based on the number of acre-feet of your proposed reservoir.

\$10 per acre-foot.

Example:

6.5 acre-feet X \$10=\$65 total.

3. WATER USE

A. Quantity: Amount of water to be stored in the reservoir at maximum capacity: 3 Acre-feet

B. Use: Indicate the proposed use(s) of the stored water (see list to the left). In Reservoir Uses (Aesthetics, wildlife, stockwater)

Note: If you intend to use this stored water outside of the reservoir you must also file an application to use surface water.

C. Water Rights: What water rights, if any, have been issued for this reservoir? (Indicate permit or certificate number.)

4. 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? _____ years

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? ☐ Yes ☐ No ☒ Don't Know

If yes, how much? _____ miles

E. Partnerships: Have you been working with other agencies?

☒ Yes ☐ No

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

U.S.D.A. - EQIP Plan - Cost Share.
Tom Smith 541-426-4521

5. SIGNATURE

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

Nelson Mary Ellis
Landowner

8-11-2000
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-84506

Final Order

Application History

On AUGUST 15, 2000, JOHN G AND HELEN MARY ELLIS submitted an application to the Department for a water use permit. Pursuant to 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

The Department **has not** received adverse comments related to the possible approval of Application R-84465.

The Department **has** received comments from Oregon Department of Fish and Wildlife related to the possible approval of Application R-84465.

However, the Department has determined the proposed use is within the Upper Columbia River Basin and is therefore limited to a storage season of October through April 14 of each year. Based upon water availability models, the Department has determined that water **is not available** during the allowed storage season.

Therefore, the proposed use, as described in Application R-84465, would injure existing water rights and poses potential detrimental impacts to existing fishery resources. ORS 537.409(6).

Application R-84506, therefore, **is denied**.

Notice of a Right to a Hearing

Pursuant to ORS 537.409(8) you have the right to a hearing before the Oregon Water Resources Department to contest this order. The hearing, if requested, will be conducted according to ORS chapter 183 and the applicable administrative rules. If you want a hearing you must submit a request in writing to the Department within 30 days of the date of this proposed order. To be timely a request must be received by the Department within the 30 day request period. If a request for a hearing is not received by the Department within the time allowed, you will have waived the right to a contested case hearing.

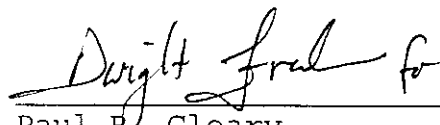
A request for a hearing shall include:
Your name, address, and telephone number;

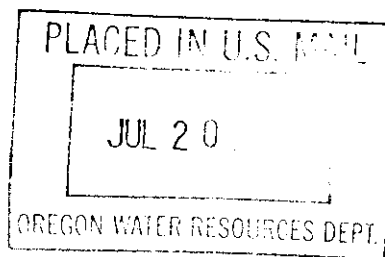
A statement that you are requesting a hearing;
A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency.

If you request a hearing, the Department will notify you of the time and place of the hearing. The Department will give you information on the procedures and other rights of parties relating to the conduct of the hearing before the hearing. You may be represented by counsel at the hearing.

If you do not request a hearing within 30 days of the date of this order or if you withdraw a request for a hearing, or request a hearing and then notify the Department that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order by default denying your application. If the Director issues a final order by default, the Department designates its file on this matter as the record.

DATED July 20 , 2001


Paul R. Cleary
Director
Water Resources Department



This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 1-503-378-8455, extension 229.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

Analysis for Application: R84506

Location: 1.00 N-44.00 E-1-senw

Uses: AS 0.000 (P) , LW 0.000 (P)

Basins

BASIN_NUM	BASIN_NAME
8	Grande Ronde

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
6	E

Records Found: 1

WAB

BASIN	WID	LINK_1
8	30810512	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Wallowa	41063

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0



Water Availability for WID 30810512

jump to:

- [home](#)
- [commission](#)
- [water law](#)
- [water rights](#)
- [surface water](#)
- [ground water](#)
- [maps](#)
- [programs](#)
- [publications](#)
- [links](#)
- [staff](#)
- [file pickup](#)
- [intranet](#)

- [about](#)
- [search](#)
- [oregon online](#)
- [comments](#)

WATER AVAILABILITY TABLE

Stream: TROUT CR > WALLOWA R - AT MOUTH
Basin: GRANDE RONDE
Watershed ID Number: 30810512 (and Nested Subbasins)
Time: 13:57
Exceedance Level: 50
Date: 07/13/2001

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	227	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES
2	228	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES
3	72036	YES	YES	YES	NO	YES	YES	NO	NO	NO	YES	NO	YES	YES
4	30810509	YES	YES	YES	NO	YES	YES	NO	NO	NO	YES	NO	YES	YES
5	72034	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO	NO	NO	YES
6	30810512	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Basin: GRANDE RONDE
Watershed ID Number: 30810512 (and Nested Subbasins)
Time: 13:57
Date: 07/13/2001

Select an Item Number for More Details

Item	Watershed ID	Stream Name
1	227	GRANDE RONDE R > SNAKE R - AT MOUTH
2	228	GRANDE RONDE R > SNAKE R - AB SHEEP CR
3	72036	WALLOWA R > GRANDE RONDE R - AT MOUTH
4	30810509	WALLOWA R > GRANDE RONDE R - AB BEAR CR
5	72034	WALLOWA R > GRANDE RONDE R - AB LOSTINE R
6	30810512	TROUT CR > WALLOWA R - AT MOUTH

LIMITING WATERSHEDS

Stream: TROUT CR > WALLOWA R - AT MOUTH
Watershed ID Number: 30810512
Basin: GRANDE RONDE
Time: 13:57
Exceedance Level: 50
Date: 07/13/2001

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	72034	WALLOWA R > GRANDE RONDE R - AB LOSTINE R	NO	-121.0
2	72034	WALLOWA R > GRANDE RONDE R - AB LOSTINE R	NO	-113.0
3	72034	WALLOWA R > GRANDE RONDE R - AB LOSTINE R	NO	-164.0
4	72036	WALLOWA R > GRANDE RONDE R - AT MOUTH	NO	-272.0
5	30810512	TROUT CR > WALLOWA R - AT MOUTH	YES	1.9
6	30810512	TROUT CR > WALLOWA R - AT MOUTH	NO	-0.6
7	72036	WALLOWA R > GRANDE RONDE R - AT MOUTH	NO	-212.0
8	72036	WALLOWA R > GRANDE RONDE R - AT MOUTH	NO	-359.0
9	72036	WALLOWA R > GRANDE RONDE R - AT MOUTH	NO	-204.0
10	72034	WALLOWA R > GRANDE RONDE R - AB LOSTINE R	NO	-105.0
11	227	GRANDE RONDE R > SNAKE R - AT MOUTH	NO	-168.0
12	72034	WALLOWA R > GRANDE RONDE R - AB LOSTINE R	NO	-105.0
Stor	30810512	TROUT CR > WALLOWA R - AT MOUTH	YES	115.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: GRANDE RONDE R > SNAKE R - AT MOUTH

Basin: GRANDE RONDE

Exceedance Level: 50

Watershed ID Number: 227

Time: 13:57

Date: 07/13/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1520.00	37.80	1.06	1480.00	0.00	800.00	681.00
2	2490.00	42.00	2.40	2450.00	0.00	800.00	1650.00
3	3370.00	44.50	2.32	3320.00	0.00	2000.00	1320.00
4	5570.00	185.00	4.41	5380.00	0.00	5000.00	381.00
5	6870.00	553.00	2.04	6310.00	0.00	5000.00	1310.00
6	6130.00	812.00	2.06	5320.00	0.00	5000.00	316.00
7	2150.00	540.00	2.42	1610.00	0.00	1500.00	108.00
8	1030.00	375.00	2.00	653.00	0.00	800.00	-147.00
9	947.00	163.00	1.18	783.00	0.00	800.00	-16.80
10	894.00	37.80	0.44	856.00	0.00	800.00	55.70
11	1070.00	37.40	0.12	1030.00	0.00	1200.00	-168.00
12	1340.00	34.00	0.85	1310.00	0.00	800.00	505.00
Stor	2010000	173000	1280	1840000	0	1480000	379000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: GRANDE RONDE R > SNAKE R - AT MOUTH
Basin: GRANDE RONDE
Watershed ID Number: 227
Time: 13:57
Date: 07/13/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	12.55	0.00	15.12	8.31	0.06	2.04	0.75	0.00	38.80
2	18.07	0.00	15.12	8.31	0.06	2.04	0.75	0.00	44.40
3	20.49	0.04	15.12	8.31	0.06	2.04	0.75	0.00	46.80
4	43.35	119.71	15.12	8.31	0.06	2.03	0.75	0.00	189.00
5	39.68	489.56	15.12	8.31	0.06	2.04	0.75	0.00	556.00
6	24.28	748.00	30.24	8.31	0.06	2.04	0.75	0.00	814.00
7	8.41	492.19	30.24	8.31	0.06	2.03	0.75	0.00	542.00
8	4.02	331.89	30.24	8.31	0.06	2.03	0.75	0.00	377.00
9	3.70	118.77	30.12	8.31	0.06	2.07	0.75	0.00	164.00
10	3.50	8.49	15.12	8.31	0.06	2.03	0.75	0.00	38.30
11	11.28	0.00	15.06	8.31	0.06	2.07	0.75	0.00	37.50
12	8.54	0.00	15.12	8.31	0.06	2.04	0.75	0.00	34.80

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: GRANDE RONDE R > SNAKE R - AT MOUTH
Basin: GRANDE RONDE
Watershed ID Number: 227
Time: 13:57
Date: 07/13/2001

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF ISWRs								
Stream: GRANDE RONDE R > SNAKE R - AT MOUTH								
Basin: GRANDE RONDE								
Watershed ID Number: 227								
Time: 13:57								
Date: 07/13/2001								
-----ISWRs-----								
APP #	-90803A	227A	0	0	0	0	0	MAXIMUM
Status	SWW	Cert.						
1	800.00	420.00	0.00	0.00	0.00	0.00	0.00	800.00
2	800.00	420.00	0.00	0.00	0.00	0.00	0.00	800.00
3	2000.00	420.00	0.00	0.00	0.00	0.00	0.00	2000.00
4	5000.00	420.00	0.00	0.00	0.00	0.00	0.00	5000.00
5	5000.00	420.00	0.00	0.00	0.00	0.00	0.00	5000.00
6	5000.00	420.00	0.00	0.00	0.00	0.00	0.00	5000.00
7	1500.00	420.00	0.00	0.00	0.00	0.00	0.00	1500.00
8	800.00	420.00	0.00	0.00	0.00	0.00	0.00	800.00
9	800.00	420.00	0.00	0.00	0.00	0.00	0.00	800.00
10	800.00	420.00	0.00	0.00	0.00	0.00	0.00	800.00
11	1200.00	420.00	0.00	0.00	0.00	0.00	0.00	1200.00
12	800.00	420.00	0.00	0.00	0.00	0.00	0.00	800.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION							
Stream: GRANDE RONDE R > SNAKE R - AB SHEEP CR							
Basin: GRANDE RONDE							
Watershed ID Number: 228							
Time: 13:57							
Exceedance Level: 50							
Date: 07/13/2001							
Month	Natural	CU + Stor	CU + Stor	Expected	Reserved	Instream	Net
	Stream	Prior to	After	Stream	Stream	Water	Water
	Flow	1/1/93	1/1/93	Flow	Flow	Rights	Available

1	1060.00	37.10	1.04	1020.00	0.00	300.00	722.00
2	1700.00	40.80	2.35	1660.00	0.00	300.00	1360.00
3	2290.00	42.80	2.28	2240.00	0.00	300.00	1940.00
4	3790.00	182.00	4.40	3600.00	0.00	300.00	3300.00
5	5450.00	553.00	2.04	4890.00	0.00	300.00	4590.00
6	5360.00	813.00	2.05	4540.00	0.00	300.00	4240.00
7	1810.00	538.00	2.42	1270.00	0.00	300.00	970.00
8	790.00	373.00	2.00	415.00	0.00	300.00	115.00
9	718.00	161.00	1.18	555.00	0.00	300.00	255.00
10	668.00	37.60	0.44	630.00	0.00	300.00	330.00
11	786.00	37.10	0.12	749.00	0.00	300.00	449.00
12	889.00	33.20	0.84	855.00	0.00	300.00	555.00
Stor	1530000	173000	1270	1350000	0	217000	1130000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: GRANDE RONDE R > SNAKE R - AB SHEEP CR

Basin: GRANDE RONDE

Watershed ID Number: 228

Time: 13:57

Date: 07/13/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	11.90	0.00	15.10	8.31	0.06	2.00	0.72	0.00	38.10
2	16.90	0.00	15.12	8.31	0.06	2.00	0.72	0.00	43.10
3	18.87	0.04	15.12	8.31	0.06	2.01	0.72	0.00	45.10
4	40.74	118.98	15.12	8.31	0.06	2.00	0.71	0.00	186.00
5	40.39	488.49	15.12	8.31	0.06	2.00	0.71	0.00	555.00
6	27.43	746.60	30.24	8.31	0.06	2.00	0.71	0.00	815.00
7	9.16	489.83	30.24	8.31	0.06	2.00	0.71	0.00	540.00
8	3.99	329.97	30.24	8.31	0.06	2.00	0.71	0.00	375.00
9	3.63	117.66	30.12	8.31	0.06	2.04	0.71	0.00	163.00
10	3.39	8.49	15.12	8.31	0.06	2.00	0.71	0.00	38.10
11	11.07	0.00	15.06	8.31	0.06	2.04	0.71	0.00	37.30
12	7.78	0.00	15.12	8.31	0.06	2.00	0.72	0.00	34.00

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: GRANDE RONDE R > SNAKE R - AB SHEEP CR

Basin: GRANDE RONDE

Watershed ID Number: 228

Time: 13:57

Date: 07/13/2001

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF ISWRs

Stream: GRANDE RONDE R > SNAKE R - AB SHEEP CR

Basin: GRANDE RONDE

Watershed ID Number: 228

Time: 13:57

Date: 07/13/2001

ISWRs								
APP #	228A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
2	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
3	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
4	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
5	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
6	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
7	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
8	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
9	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
10	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00

11	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
12	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WALLOWA R > GRANDE RONDE R - AT MOUTH

Basin: GRANDE RONDE

Watershed ID Number: 72036

Time: 13:57

Exceedance Level: 50

Date: 07/13/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	590.00	24.00	0.17	566.00	0.00	425.00	141.00
2	702.00	25.30	0.55	676.00	0.00	425.00	251.00
3	820.00	25.20	0.26	794.00	0.00	500.00	294.00
4	1270.00	41.40	0.13	1230.00	0.00	1500.00	-272.00
5	2780.00	188.00	0.64	2590.00	0.00	1800.00	792.00
6	3890.00	420.00	0.61	3470.00	0.00	3000.00	469.00
7	1360.00	372.00	0.25	988.00	0.00	1200.00	-212.00
8	489.00	248.00	0.25	241.00	0.00	600.00	-359.00
9	487.00	91.20	0.17	396.00	0.00	600.00	-204.00
10	465.00	17.40	0.13	447.00	0.00	425.00	22.50
11	555.00	25.20	0.11	530.00	0.00	425.00	105.00
12	531.00	20.50	0.14	510.00	0.00	425.00	85.40
Stor	841000	90800	204	750000	0	683000	130000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WALLOWA R > GRANDE RONDE R - AT MOUTH

Basin: GRANDE RONDE

Watershed ID Number: 72036

Time: 13:57

Date: 07/13/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	10.10	0.00	11.80	0.99	0.00	1.19	0.07	0.00	24.10
2	11.75	0.00	11.82	0.99	0.00	1.19	0.07	0.00	25.80
3	11.44	0.00	11.82	0.99	0.00	1.19	0.07	0.00	25.50

4	27.45	0.00	11.82	0.99	0.00	1.19	0.07	0.00	41.50
5	33.14	141.02	11.82	0.99	0.00	1.19	0.07	0.00	188.00
6	29.15	366.01	23.64	0.99	0.00	1.19	0.07	0.00	421.00
7	10.13	336.28	23.64	0.99	0.00	1.19	0.07	0.00	372.00
8	3.64	218.64	23.64	0.99	0.00	1.19	0.07	0.00	248.00
9	3.63	61.93	23.52	0.99	0.00	1.23	0.07	0.00	91.40
10	3.46	0.00	11.82	0.99	0.00	1.19	0.07	0.00	17.50
11	11.23	0.00	11.76	0.99	0.00	1.23	0.07	0.00	25.30
12	6.56	0.00	11.82	0.99	0.00	1.19	0.07	0.00	20.60

DETAILED REPORT OF RESERVATIONS FOR CU									
Stream: WALLOWA R > GRANDE RONDE R - AT MOUTH									
Basin: GRANDE RONDE									
Watershed ID Number: 72036									
Time: 13:57						Date: 07/13/2001			
-----Reservations-----									
APP #	0	0	0	0	0	0	0	0	TOTAL
Status									
Use									
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF ISWRs									
Stream: WALLOWA R > GRANDE RONDE R - AT MOUTH									
Basin: GRANDE RONDE									
Watershed ID Number: 72036									
Time: 13:57						Date: 07/13/2001			

-----ISWRs-----								
APP #	-90802A	72036A	0	0	0	0	0	MAXIMUM
Status	SWW	Cert.						
1	425.00	425.00	0.00	0.00	0.00	0.00	0.00	425.00
2	425.00	425.00	0.00	0.00	0.00	0.00	0.00	425.00
3	500.00	425.00	0.00	0.00	0.00	0.00	0.00	500.00
4	1500.00	425.00	0.00	0.00	0.00	0.00	0.00	1500.00
5	1800.00	425.00	0.00	0.00	0.00	0.00	0.00	1800.00
6	3000.00	425.00	0.00	0.00	0.00	0.00	0.00	3000.00
7	1200.00	425.00	0.00	0.00	0.00	0.00	0.00	1200.00
8	600.00	470.00	0.00	0.00	0.00	0.00	0.00	600.00
9	600.00	407.00	0.00	0.00	0.00	0.00	0.00	600.00
10	425.00	407.00	0.00	0.00	0.00	0.00	0.00	425.00
11	425.00	425.00	0.00	0.00	0.00	0.00	0.00	425.00
12	425.00	425.00	0.00	0.00	0.00	0.00	0.00	425.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WALLOWA R > GRANDE RONDE R - AB BEAR CR

Basin: GRANDE RONDE

Watershed ID Number: 30810509

Time: 13:57

Exceedance Level: 50

Date: 07/13/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	144.00	22.00	0.15	122.00	0.00	0.00	122.00
2	179.00	22.90	0.49	156.00	0.00	0.00	156.00
3	247.00	23.20	0.19	224.00	0.00	0.00	224.00
4	422.00	38.80	0.13	383.00	0.00	0.00	383.00
5	1020.00	160.00	0.60	859.00	0.00	0.00	859.00
6	1680.00	358.00	0.60	1320.00	0.00	0.00	1320.00
7	798.00	319.00	0.25	479.00	0.00	0.00	479.00
8	249.00	212.00	0.25	36.80	0.00	0.00	36.80
9	149.00	79.70	0.17	69.20	0.00	0.00	69.20
10	132.00	16.10	0.13	116.00	0.00	0.00	116.00
11	141.00	23.30	0.11	118.00	0.00	0.00	118.00
12	134.00	18.70	0.14	115.00	0.00	0.00	115.00
Stor	320000	78400	191	241000	0	0	241000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WALLOWA R > GRANDE RONDE R - AB BEAR CR
Basin: GRANDE RONDE
Watershed ID Number: 30810509
Time: 13:57
Date: 07/13/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	8.09	0.00	11.80	0.99	0.00	1.16	0.05	0.00	22.10
2	9.40	0.00	11.82	0.99	0.00	1.16	0.05	0.00	23.40
3	9.32	0.00	11.82	0.99	0.00	1.16	0.05	0.00	23.30
4	24.94	0.00	11.82	0.99	0.00	1.16	0.05	0.00	39.00
5	29.18	117.56	11.82	0.99	0.00	1.16	0.05	0.00	161.00
6	27.80	305.13	23.64	0.99	0.00	1.16	0.05	0.00	359.00
7	13.12	280.32	23.64	0.99	0.00	1.16	0.05	0.00	319.00
8	4.09	182.25	23.64	0.99	0.00	1.16	0.05	0.00	212.00
9	2.45	51.62	23.52	0.99	0.00	1.20	0.05	0.00	79.80
10	2.17	0.00	11.82	0.99	0.00	1.16	0.05	0.00	16.20
11	9.42	0.00	11.76	0.99	0.00	1.20	0.05	0.00	23.40
12	4.82	0.00	11.82	0.99	0.00	1.16	0.05	0.00	18.80

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: WALLOWA R > GRANDE RONDE R - AB BEAR CR
Basin: GRANDE RONDE
Watershed ID Number: 30810509
Time: 13:57
Date: 07/13/2001

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF ISWRs								
Stream: WALLOWA R > GRANDE RONDE R - AB BEAR CR								
Basin: GRANDE RONDE								
Watershed ID Number: 30810509								
Time: 13:57								
Date: 07/13/2001								
-----ISWRs-----								
APP #	0	0	0	0	0	0	0	MAXIMUM
Status								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION							
Stream: WALLOWA R > GRANDE RONDE R - AB LOSTINE R							
Basin: GRANDE RONDE							
Watershed ID Number: 72034							
Time: 13:57							
Exceedance Level: 50							
Date: 07/13/2001							
Month	Natural	CU + Stor	CU + Stor	Expected	Reserved	Instream	Net
	Stream	Prior to	After	Stream	Stream	Water	Water
	Flow	1/1/93	1/1/93	Flow	Flow	Rights	Available

1	86.80	20.50	0.14	66.20	0.00	187.00	-121.00
2	109.00	21.60	0.47	87.00	0.00	200.00	-113.00
3	155.00	22.00	0.16	133.00	0.00	297.00	-164.00
4	252.00	37.70	0.13	214.00	0.00	300.00	-85.80
5	553.00	129.00	0.60	424.00	0.00	300.00	124.00
6	847.00	276.00	0.60	570.00	0.00	300.00	270.00
7	451.00	246.00	0.25	204.00	0.00	200.00	4.48
8	161.00	164.00	0.25	-3.34	0.00	205.00	-208.00
9	96.10	64.10	0.17	31.90	0.00	191.00	-159.00
10	86.10	14.80	0.13	71.20	0.00	176.00	-105.00
11	85.50	21.90	0.11	63.50	0.00	200.00	-136.00
12	82.00	17.30	0.13	64.60	0.00	170.00	-105.00
Stor	179000	62700	187	116000	0	165000	23900

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WALLOWA R > GRANDE RONDE R - AB LOSTINE R

Basin: GRANDE RONDE

Watershed ID Number: 72034

Time: 13:57

Date: 07/13/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	8.25	0.00	10.30	0.99	0.00	1.05	0.03	0.00	20.60
2	9.64	0.00	10.32	0.99	0.00	1.05	0.03	0.00	22.00
3	9.78	0.00	10.32	0.99	0.00	1.05	0.03	0.00	22.20
4	25.40	0.00	10.32	0.99	0.00	1.05	0.03	0.00	37.80
5	28.64	88.33	10.32	0.99	0.00	1.05	0.03	0.00	129.00
6	25.04	229.26	20.64	0.99	0.00	1.05	0.03	0.00	277.00
7	13.24	210.57	20.64	0.99	0.00	1.05	0.03	0.00	247.00
8	4.73	136.91	20.64	0.99	0.00	1.05	0.03	0.00	164.00
9	2.82	38.78	20.52	0.99	0.00	1.09	0.03	0.00	64.20
10	2.53	0.00	10.32	0.99	0.00	1.05	0.03	0.00	14.90
11	9.61	0.00	10.26	0.99	0.00	1.09	0.03	0.00	22.00
12	5.01	0.00	10.32	0.99	0.00	1.05	0.03	0.00	17.40

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: WALLOWA R > GRANDE RONDE R - AB LOSTINE R

Basin: GRANDE RONDE

Watershed ID Number: 72034

Time: 13:57

Date: 07/13/2001

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF ISWRs

Stream: WALLOWA R > GRANDE RONDE R - AB LOSTINE R

Basin: GRANDE RONDE

Watershed ID Number: 72034

Time: 13:57

Date: 07/13/2001

-----ISWRs-----								
APP #	72034A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	187.00	0.00	0.00	0.00	0.00	0.00	0.00	187.00
2	200.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00
3	297.00	0.00	0.00	0.00	0.00	0.00	0.00	297.00
4	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
5	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
6	300.00	0.00	0.00	0.00	0.00	0.00	0.00	300.00
7	200.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00
8	205.00	0.00	0.00	0.00	0.00	0.00	0.00	205.00
9	191.00	0.00	0.00	0.00	0.00	0.00	0.00	191.00
10	176.00	0.00	0.00	0.00	0.00	0.00	0.00	176.00

11	200.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00
12	170.00	0.00	0.00	0.00	0.00	0.00	0.00	170.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: TROUT CR > WALLOWA R - AT MOUTH

Basin: GRANDE RONDE

Watershed ID Number: 30810512

Time: 13:57

Exceedance Level: 50

Date: 07/13/2001

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1.78	0.01	0.00	1.77	0.00	0.00	1.77
2	5.25	0.01	0.01	5.23	0.00	0.00	5.23
3	11.00	0.01	0.03	11.00	0.00	0.00	11.00
4	8.73	0.01	0.00	8.72	0.00	0.00	8.72
5	2.34	0.47	0.00	1.87	0.00	0.00	1.87
6	0.58	1.20	0.00	-0.62	0.00	0.00	-0.62
7	0.11	1.11	0.00	-1.00	0.00	0.00	-1.00
8	0.05	0.72	0.00	-0.67	0.00	0.00	-0.67
9	0.03	0.21	0.00	-0.18	0.00	0.00	-0.18
10	0.05	0.01	0.00	0.04	0.00	0.00	0.04
11	0.24	0.01	0.00	0.23	0.00	0.00	0.23
12	0.81	0.01	0.00	0.80	0.00	0.00	0.80
Stor	1860	228	3	1780	0	0	1780

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: TROUT CR > WALLOWA R - AT MOUTH

Basin: GRANDE RONDE

Watershed ID Number: 30810512

Time: 13:57

Date: 07/13/2001

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
2	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02
3	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.04

4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
5	0.00	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.47
6	0.00	1.20	0.00	0.00	0.00	0.00	0.00	0.00	1.20
7	0.00	1.10	0.00	0.00	0.00	0.00	0.00	0.00	1.11
8	0.00	0.71	0.00	0.00	0.00	0.00	0.00	0.00	0.72
9	0.00	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.21
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01

DETAILED REPORT OF RESERVATIONS FOR CU

Stream: TROUT CR > WALLOWA R - AT MOUTH

Basin: GRANDE RONDE

Watershed ID Number: 30810512

Time: 13:57

Date: 07/13/2001

Reservations									
APP #	0	0	0	0	0	0	0	0	TOTAL
Status									
Use									
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF ISWRs

Stream: TROUT CR > WALLOWA R - AT MOUTH

Basin: GRANDE RONDE

Watershed ID Number: 30810512

Time: 13:57

Date: 07/13/2001

APP #	ISWRs							MAXIMUM
	0	0	0	0	0	0	0	
Status								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

1

Paul R. Cleary, Director

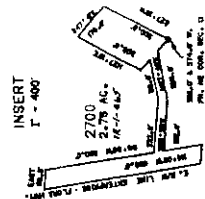
Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

IN 44

CANCELLED NO.

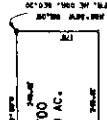
2002
3000
3501
3502
5801

Helen Ellis
P.O. Box 105
Enterprise
97828



SEE MAP IN 45

INSERT

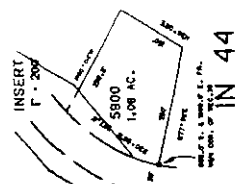


RECEIVED

AUG 16 2000

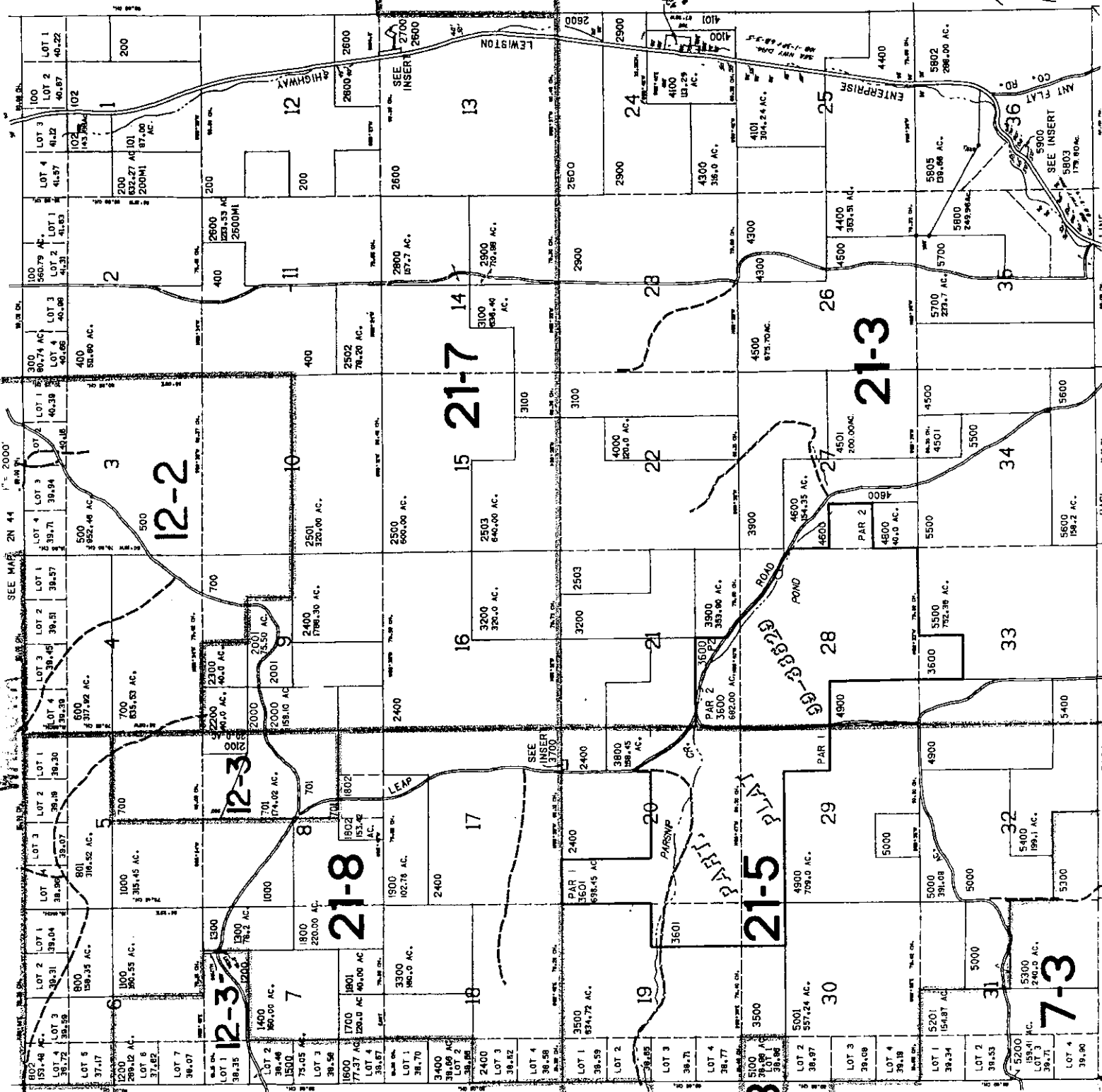
WATER RESOURCES DEPT.
SALEM, OREGON

INSERT



IN 44

WALLUWA COUNTY



SEE MAP IN 43

Application No.

Permit No.

7-3

R-84506

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY ODFW

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 9/27/00 21 day Deadline Date: 10/20/00 Application # R84506

Applicant's Name: Ellis

A) Will the proposed use occur in an area that may affect the essential habitat of a SENSITIVE fish species?
NO / YES IF ANSWER TO QUESTION (A) IS YES, FILL OUT SECTION I.

B) Will the proposed use occur in an area that may affect the essential habitat of a THREATENED OR ENDANGERED fish species? [690-33-330(1)] NO / YES Species: Status: Threatened, Endangered
IF ANSWER TO QUESTION (B) IS YES, FILL OUT SECTION II.

C) What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value
IF ANSWER IS NO TO BOTH QUESTIONS, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

SECTION I:

1) Will the proposed use result in a NET LOSS in the habitat of a SENSITIVE SPECIES? [690-33-330(2)(a)]

2) Can conditions be applied to mitigate the impact to the essential habitat of a SENSITIVE species?
NO / YES [690-33-330(3)]

Which conditions are recommended?

(Try to select conditions from the Menu of Conditions)

3) If conditions cannot be identified to offset impacts to the essential habitat of SENSITIVE species, would the proposed use harm the species?
NO / YES [690-33-330(4)]

If YES, please explain:

SECTION II:

1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?
NO / YES [690-33-120(1)]

If NO, please explain:

2) If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?
NO / YES [690-33-120(1)]

If YES, please explain:

ODFW RECOMMENDATION:

- Approval with fishery conditions.
Approval without fishery conditions.
Denial.

ODFW Representative: Name:

WRD Contact: Brendalee S. Wilson, Interagency Coordinator/Policy Analyst, Water Rights Division
1-800-624-3199 ext. 276 / Fax: 503-378-6203 / e-mail: brendalee.s.wilson@wrds.state.or.us

Date:

PUBLIC INTEREST REVIEW SHEET FOR USE BY ODFW

Page 2

Application # L84506 Applicant's Name: Helen Ellis

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO ☒ YES Species: Will affect amphibians, waterfowl and shore birds in
Other: a positive manner

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a loss of habitat? ☒ NO / YES

3) Can conditions be applied to mitigate the impact to the loss of habitat? NO / YES

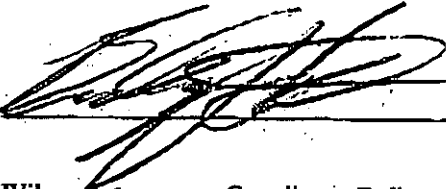
Which conditions are recommended?

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?
NO / YES

If YES, please explain:

ODFW RECOMMENDATION:

☐ Approval with conditions.☒ Approval without conditions.☐ Denial.ODFW Representative: Name: Date: 10/18/00WRD Contact: Brenda Lee S. Wilson, Interagency Coordinator/Policy Analyst, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: brendalee.s.wilson@wr.d.state.or.us

ALTERNATE RESERVOIR PROCESSING

Background

Alternate Reservoir applications are not subject to the same processing rules (690-310-040) as regular reservoirs, nor are they processed within the same time lines. ORS 537.409 allows the Department up to 180 days to issue a final order approving or denying the application.

There are no Administrative Rules written for the Alternate Review process, however there are references to “other information as required.” The policy has been to require land use information and a map meeting the criteria of OAR 690-310-050. Current policy does not require ownership of land or easement information.

Alternate Reservoir applications may be approved with conditions set forth by ODFW, or denied based on information provided by or recommended by ODFW. The only public interest review associated with Alternate Reservoirs is the potential for injury to *existing* fishery resources or existing water rights. (ORS 537.409) There is no opportunity for protest prior to the issuance of the Final Order, any application denied is subject to petition for reconsideration by the Director or for judicial review only.

Application Information

Applications are submitted to the Department, the completeness check is performed by WRIG, the file assigned and routed to receipting and Data Center. The file is then routed back to the caseworker for the initial processing.

Complete applications include an application form completely filled out and signed in ink; a completed land use form signed by the planning department officials; a map meeting the requirements of OAR 690-310-050; and appropriate fees. Fees are \$10 per acre foot (Afx10) with a \$100 maximum fee. There have literally been applications with fees of one cent.

If there is a secondary use associated with the application, such as for irrigation, a secondary application *must* be submitted concurrently. The secondary application cannot exceed the maximum amount of water to be stored in the reservoir.

The dam height may exceed 10 feet *if* the storage capacity is less than 9.2 acre-feet. However, if the storage is greater than 9.2 AF, the Alternate Reservoir program cannot be used; the applicant must file under the standard reservoir process. If the dam height is less than 10 feet, there is no limitation to the quantity stored. Alternate Reservoir applications are not review by dam safety.

Only applications to use *surface* water can be filed under the Alternate Review process. The use of groundwater requires a different review and must be filed under the standard process.

Processing

Once the application is routed to the caseworker, an “initial review” is completed. The Alternate Reservoir initial review consists of completing a water availability report; checking the basin plan for allowed season of use and restrictions, if any; a check of the withdrawals; check of the scenic waterway map; and a conflict check.

Watermaster Water Availability form:

M:\groups\wr\fo\altponds\wmwab

Permit Conditions/Language not found in macro:

NOTE:

The seasonal limitation for the Upper Columbia Division 33 applies to all reservoirs filed within the areas shown on the STE map within the Upper Columbia delineation. Even if water is available past April 14, storage is not allowed beyond that date.

Add the following language as a permit condition (until the macro is fixed):

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The language is in M:\groups\wr\fo

M:\groups\wr\div 33 & he review \div 33 reviews

Once the initial review is complete, fill out the appropriate Division 33 forms and route to the Watermaster, ODFW and DEQ. If the application is within a scenic water way, notify Parks. Support staff will mail the copies as appropriate.

ORS 537.409 allows 60 days for comments, however our own internal Division 33 processing allows 21 days for the comments. The final order is based upon the comments received from ODFW. Any comments from other parties may conclude with additional conditions, however unless other commentors have information that the proposed use will be detrimental to existing fishery resources, we will issue a permit for the proposed use. There is no short season letter that is supplied with Alternate Reservoirs; if the season is short based on water availability, a permit is issued with the short season, even if it is only for 2 weeks.

Complete a worksheet and begin writing the Final Order. Get a permit number from the Paradox database (M:\groups\wr\fo\issue.db). Take the last R number, there is no designation on permit numbers from standard or alternate.

The macro to run is located in M:\groups\wr\macro7\nested macros\b62.wcm. Open macro7, then open nested macros and run the b62 macro. The macro will automatically insert the permit and the mailing list. Edit them as needed. You will need to format the permit pages to print to permit paper.

If you are issuing a Final Order to Deny, the macro does not currently work properly. You will need to open an existing Denial Final Order and edit it appropriately, making sure you SAVE AS the new file number. Do not save the original as your new file.

Once complete, save the file in the current week, as you would any FO, and route as appropriate.

Delete the extra files....you'll find a copy in M:\groups\wr\fo\docs and M:\groups\wr\fo\expedite.

When the orders/permits are signed, save the file in the appropriate done directory.

Where To Find Documents

WORK LIST: in WaterApps. Go to Reports, Awaiting FO Alternate Reservoir for the list.

ALT POND CHECKLIST:
M:\groups\wr\fo\tools2376list.wpd

DIVISION 33 SHEET (found in M:\groups\wr\div 33 & hc review...:

Send to ODFW odfwform
 odfwpiform

Send to DEQ deq form
Send to Watermaster wmform
cc route slips altres cc list

Application No. R-84506

Permit No.

RECEIVED

AUG 16 2000

Oregon Water Resources Department
Land Use Information FormWATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. ApplicantName: John & Helen Mary EllisAddress: P.O. Box 105City: Enterprise State: Or Zip: 97828 Day Phone: 541-426-3227**B. Land and Location**

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>102</u>		☒ Diverted	☐ Conveyed	☒ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Wallowa Co

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Aesthetics, wildlife, stockwaterBriefly describe: In Reservoir usesBuild a pond - 3 acre feetMaximum height 8 feet**D. Source**

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water Trout Creek
(source)**E. Quantity**

Indicate the estimated quantity of water the use will require:

3 ☐ CFS ☐ GPM ☒ Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); Consistent with Article 36 "Salmon Plan" Habitat Recovery. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: William H. Oliver Date: 8-11-2000
Title: Planning Director Phone: 541-426-4543 x24
Signature: William H. Oliver

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

8/16/02

MONEY SLIP**WATER RESOURCES DEPARTMENT**

MONEY SLIP #

158 12TH ST. N.E.

INVOICE # _____

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIVED FROM: _____

BY: _____

APPLICATION 284506

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # ☐ OTHER: (IDENTIFY) ☐TOTAL REC'D \$ 30.00**0417 WRD MISC CASH ACCT**

ADJUDICATIONS

\$ _____

PUBLICATIONS / MAPS

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

REDUCTION OF EXPENSE

CASH ACCT. _____

\$ _____

PCA AND OBJECT CLASS _____

VOUCHER # _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

\$ _____

0407 COPY & TAPE FEES

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: PUB. NOTICE, PFO, ASSIGN _____

\$ _____

(New) TC165 DEPOSIT LIAB. CUST. ACC. _____

\$ _____

(Existing) TC168

WATER RIGHTS:

EXAM FEE**RECORD FEE**0201 SURFACE WATER, RES, ALT. 30\$ 30

0202

\$ _____

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

\$ _____

0206

\$ _____

WELL CONSTRUCTION**EXAM FEE****LICENSE FEE**

0218 WELL DRILL CONSTRUCTOR

\$ _____

0219

\$ _____

LANDOWNER'S PERMIT

0220

\$ _____

OTHER **PROTEST FEE****EXTENSION****SPECIAL INSTRUCTIONS:**

TO: ANITA

0467 HYDRO ACTIVITY**LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD)

\$ _____

0231 HYDRO LICENSE FEE (FWWRD)

\$ _____

HYDRO APPLICATION _____

\$ _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **39697**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Helen Ellis
BY: _____

APPLICATION	<u>2841500</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 916-1030 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 20.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE
\$ 30.00

0202

RECORD FEE
\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$

0219

LICENSE FEE
\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

\$

HRDRO APPLICATION

\$

RECEIPT # **39697**

DATED: 8/16/00 BY: Emenda Pineda

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal