

# Mailing List for FO Copies

Application # R-74211

Mailing List Print Date: March 23, 2005

**Original mailed to (when permit issued, include copy of permit map):**

Applicant: JOSEPH P & JERI D MCELLIGOTT, PO BOX 4, IONE OREGON 97843

**For FO w/Permit - Copies sent to:**

1. WRD - File # R-74211
2. WRD - Ken Stahr
3. WRD - John Falk (for reservoir applications only)

|                   |                 |
|-------------------|-----------------|
| Copies Mailed     |                 |
| By: <u>DP</u>     | (SUPPORT STAFF) |
| on: <u>3/8/05</u> |                 |

**For FO w/ Permit - FO and Map Copies sent to**  
**(Remember to reduce copy margins):**

4. WRD - Watermaster District #: District 21
5. WRD - Regional Manager: NCR

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. \_\_\_\_\_

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. \_\_\_\_\_

2. \_\_\_\_\_

CASEWORKER: gaineyjw

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-74211

**Final Order**

*Application History*

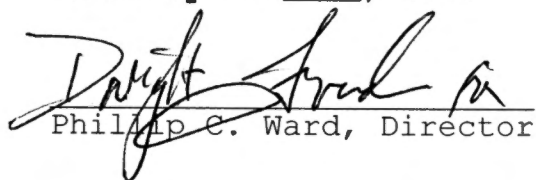
On June 16, 1994, JOSEPH P AND JERI D MCELLIGOTT submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 11, 1997. The protest period closed December 26, 1997, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to describe the location of the nine reservoirs. The location of the reservoirs, as referenced to a recognized public land survey corner, have been approximated based on the application map.

**Order**

Application R-74211 therefore is approved as proposed by the Proposed Final Order, and Permit R-14150 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED April 7, 2005

  
Phillip C. Ward, Director

*Appeal Rights*

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

*This document was prepared by Jerry Gainey. 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 503-986-0812.*

*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 Mike Reynolds at 503-986-0820.*

*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.*

*Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.*

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOSEPH P AND JERI D McELLIGOTT  
HC 74  
IONE, OREGON 97843

(541) 422-7257

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

APPLICATION FILE NUMBER: R-74211

SOURCE OF WATER: RUN-OFF FROM MISCELLANEOUS CANYONS, TRIBUTARIES OF BALM CREEK, HOLLOW CREEK, McKINNEY CREEK, CANYON CREEK, AND WILLOW SPRING CREEK

STORAGE FACILITY: 9 RESERVOIRS IN CHANNEL WITH EARTHFILL DAMS

PURPOSE OR USE OF THE STORAGE: LIVESTOCK AND WILDLIFE USE

MAXIMUM STORAGE VOLUME: 27.0 ACRE-FEET (AF) PER YEAR, BEING NINE PONDS OF 3.0 AF EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH APRIL 15

DATE OF PRIORITY: JUNE 17, 1994

The area submerged by each reservoir, when full, will be 0.5 acre and the maximum depth of water for each reservoir will be 12 feet. The maximum height of each dam shall not exceed 10 feet.

DAM LOCATIONS:

SE 1/4 SW 1/4, SECTION 5, T5S, R26E, W.M.; 1056 FEET NORTH AND 264 FEET WEST FROM S 1/4 CORNER, SECTION 5  
SE 1/4 NW 1/4, SECTION 7, T5S, R26E, W.M.; 792 FEET NORTH AND 792 FEET WEST FROM C 1/4 CORNER, SECTION 7  
SE 1/4 SE 1/4, SECTION 7, T5S, R26E, W.M.; 792 FEET NORTH AND 1056 FEET WEST FROM SE CORNER, SECTION 7  
SW 1/4 NE 1/4, SECTION 8, T5S, R26E, W.M.; 528 FEET NORTH AND 528 FEET EAST FROM C 1/4 CORNER, SECTION 8  
SW 1/4 SE 1/4, SECTION 8, T5S, R26E, W.M.; 1056 FEET NORTH FROM S 1/4 CORNER, SECTION 8  
SW 1/4 NW 1/4 SECTION 9, T5S, R26E, W.M.; 346 FEET EAST FROM W 1/4 CORNER, SECTION 9



SW 1/4 NW 1/4, SECTION 16, T5S, R26E, W.M.; 246 FEET NORTH AND 246 FEET EAST FROM W 1/4 CORNER, SECTION 16  
SW 1/4 NW 1/4, SECTION 17, T5S, R26E, W.M.; 246 FEET NORTH AND 1056 FEET EAST FROM W 1/4 CORNER, SECTION 17  
SE 1/4 SW 1/4, SECTION 17, T5S, R26E, W.M.; 528 FEET NORTH AND 528 FEET WEST FROM S 1/4 CORNER, SECTION 17

THE AREA TO BE SUBMERGED BY THE RESERVOIRS ARE LOCATED AS FOLLOWS:

SE 1/4 SW 1/4  
SECTION 5

SE 1/4 NW 1/4  
SE 1/4 SE 1/4  
SECTION 7

SW 1/4 NE 1/4  
SE 1/4 SW 1/4  
SW 1/4 SE 1/4  
SECTION 8

NW 1/4 SW 1/4  
SECTION 9

SW 1/4 NW 1/4  
SECTION 16

SW 1/4 NW 1/4  
SE 1/4 SW 1/4  
SECTION 17

TOWNSHIP 5 SOUTH, RANGE 26 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user 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 water user 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 water user to submit alternative measuring procedures for review and approval.

- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user 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 water user to submit alternative reporting procedures for review and approval.

If the riparian area is disturbed in the process of developing a point of diversion, the water user 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 Chapter 635, Division 415, Section 030 adopted November 13, 1991 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.

#### STANDARD CONDITIONS

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.

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.

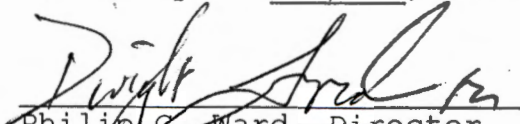
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

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, 2009.

Issued April 7, 2005

  
Philip E. Ward, Director  
Water Resources Department

**ASSIGNMENT OF PERMIT:** Pursuant to ORS 537.220, this permit may be assigned to a party other than the water user named hereon, if the land the permit is associated with changes ownership, or if the water user is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

**MAILING ADDRESS CHANGES:** If the mailing address of the water user named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the water user's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

**REAL ESTATE TRANSACTIONS:** 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.

**CULTURAL RESOURCES PROTECTION LAWS:** Water users involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



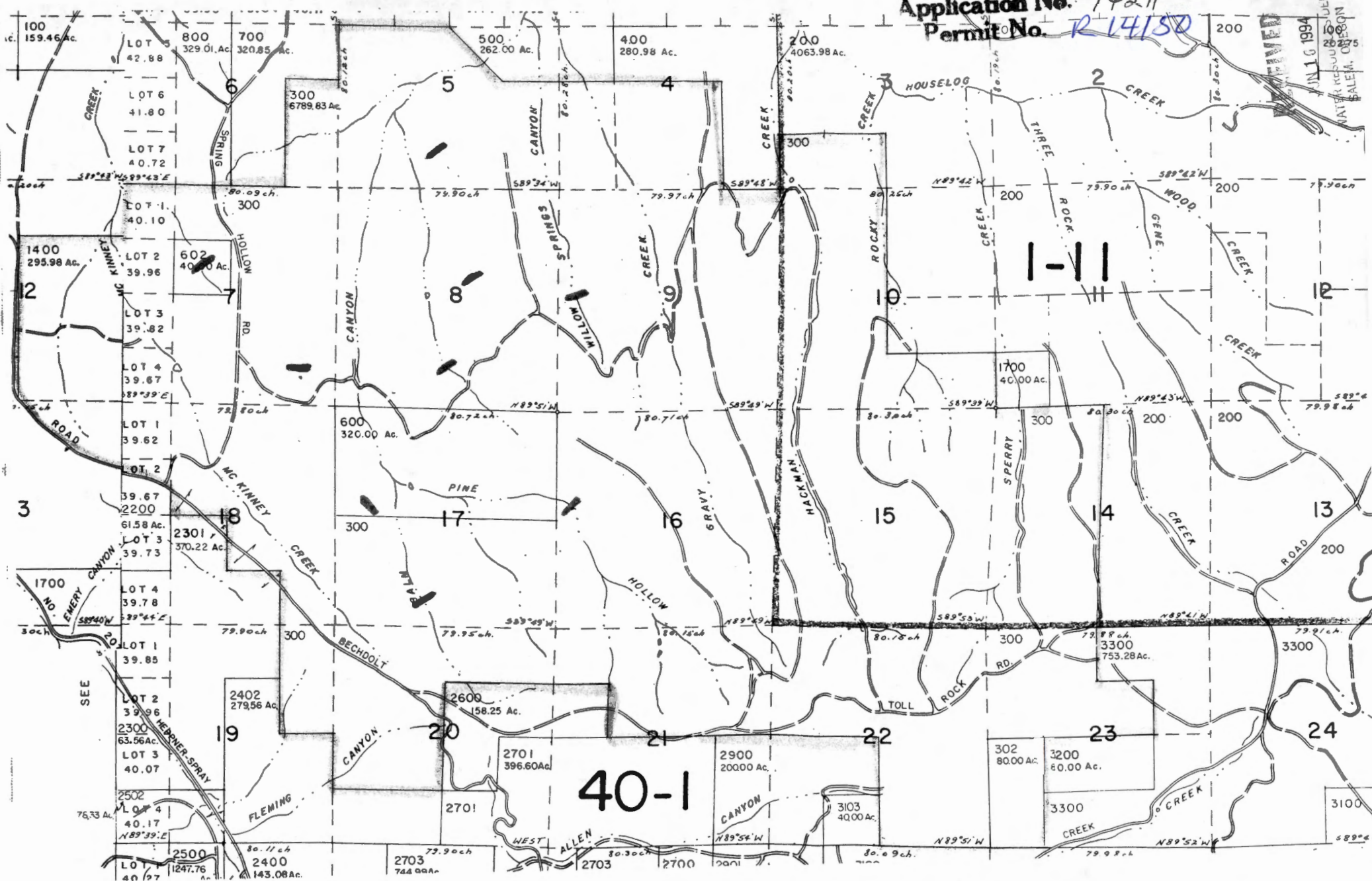
WORK COPY

PAID  
JUN 16 1994  
2025  
10 JUL  
NAT'L KIDNEY FOUND  
PALEM, OREGON



Distances are rough  
Completed per instructions  
from Dwight, 3/22/05.  
JW8

FILED  
JUN 16 1994  
U.S. DEPT.  
OF JUSTICE  
NATIONAL ARCHIVES  
WASHINGTON, D.C. 20540



# PFO CHECKLIST

Application #: R 74211

Basin: 7 Umatilla

WAB: 010220

County Morrow

Township SS

Range 26E

Section 17

1/4 1/4 et al

- ☒ 1. Is the file complete by the Completeness Checklist? Y/N
- ☒ 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N better map
- ☒ 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- ☒ 4. Groundwater Review **A B C D** River/Stream Name \_\_\_\_\_ Conditions \_\_\_\_\_
  - a. Groundwater Availability **A B C**
  - b. Is second groundwater review necessary? (comments) Y/N
  - c. Is HB 1033 review complete? Y/N
- ☒ 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y/N
- ☒ 6. Is use from a B.O.R. project? Y/N Contract in file? Y/N Contract # \_\_\_\_\_
- ☒ 7. Is the use allowed by the Basin Program? Y/N Limited? Y/N Storage
- ☒ 8. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y/N
- ☒ 10. Is the Proposed Use located in or above a Scenic Waterway? Y/N
- ☒ 11. Division 33:
 

|                                                                       |               |
|-----------------------------------------------------------------------|---------------|
| Above Bonn (after July 17, 1992)                                      | <u>Y/N/NA</u> |
| Below Bonn (after April 8, 1994; June 3, 1994)                        | <u>Y/N/NA</u> |
| Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) | <u>Y/N/NA</u> |

} stock water  
away
- ☒ 12. Have conflicts been identified, verified and/or addressed? Y/N NCR
- ☒ 13. Rate \_\_\_\_\_ Duty \_\_\_\_\_ Irrigation Season Storage
- ☒ 14. Period of Allowed Use when W.A.
- ☒ 15. Allowed Rate of Use \_\_\_\_\_
- ☒ 16. Is the use **Small** ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), **Medium** ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or **Large** ( $\geq 1.5$  cfs,  $\geq 100$  AF)?
- ☒ 17. Conditions DISPC
- ☒ 18. IR Public Notice Date REGISTRATION
- ☒ 19. Documents used in determination are attached and highlighted
- ☒ 20. Spell Check
- ☒ 21. Check for Accuracy
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #
- ☒ 24. Fill out PFO CC List (don't forget to check for other property owners)
  - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y/N

Name: Dallas Miller

Date: 11-7-97

TMDL LISTED  
 DIV 33 NO USE 4/15-9/30



## WATER AVAILABILITY TABLE

Basin: UMATILLA Exceedance Level: 50  
 Water Availability Subbasin: 0102200000000000 (and Nested Subbasins)  
 Time: 09:35 Date: 11/03/1997

| Item # | W.A. Subbasin    | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Sto |
|--------|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1      | 0100000000000000 | YES | YES | YES | YES | YES | NO  | NO  | NO  | NO  | NO  | YES | YES | YES |
| 2      | 0102000000000000 | YES | YES | YES | YES | YES | NO  | NO  | NO  | NO  | NO  | YES | YES | YES |
| 3      | 0102200000000000 | YES | YES | YES | YES | YES | NO  | NO  | NO  | NO  | NO  | YES | YES | YES |

## STREAM NAMES

Basin: UMATILLA  
 Water Availability Subbasin: 0102200000000000 (and Nested Subbasins)  
 Time: 09:35 Date: 11/03/1997

| WAB #            | Stream Name          | Tributary to |
|------------------|----------------------|--------------|
| 0100000000000000 | WILLOW CR @ 14036000 | COLUMBIA R   |
| 0102000000000000 | RHEA CR @ 14034900   | WILLOW CR    |
| 0102200000000000 | RHEA CR @ 14034800   | WILLOW CR    |

## LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0102200000000000

Basin: UMATILLA

Exceedance Level: 50

Time: 09:35

Date: 11/03/1997

| Month | Limiting Subbasin | Stream Name          | Water Available? | Net Water Available |
|-------|-------------------|----------------------|------------------|---------------------|
| 1     | 0100000000000000  | WILLOW CR @ 14036000 | YES              | 12.1                |
| 2     | 0102200000000000  | RHEA CR @ 14034800   | YES              | 27.5                |
| 3     | 0100000000000000  | WILLOW CR @ 14036000 | YES              | 26.9                |
| 4     | 0100000000000000  | WILLOW CR @ 14036000 | YES              | 20.7                |
| 5     | 0100000000000000  | WILLOW CR @ 14036000 | YES              | 16.2                |
| 6     | 0100000000000000  | WILLOW CR @ 14036000 | NO               | 0.0                 |
| 7     | 0102000000000000  | RHEA CR @ 14034900   | NO               | -5.9                |
| 8     | 0102000000000000  | RHEA CR @ 14034900   | NO               | -6.6                |
| 9     | 0102000000000000  | RHEA CR @ 14034900   | NO               | -3.1                |
| 10    | 0100000000000000  | WILLOW CR @ 14036000 | NO               | -0.2                |
| 11    | 0100000000000000  | WILLOW CR @ 14036000 | YES              | 0.6                 |
| 12    | 0100000000000000  | WILLOW CR @ 14036000 | YES              | 4.6                 |
| Stor  | 0102200000000000  | RHEA CR @ 14034800   | YES              | 6510.0              |



## DETAILED REPORT ON WATER AVAILABILITY

Basin: UMATILLA

Stream: RHEA CR @ 14034900

Water Availability Subbasin: 0102000000000000

ID Number: 14034900

Exceedance Level: 50

Time: 09:35

Date: 11/03/1997

| Month | Natural<br>Stream<br>Flow | CU + Stor<br>Prior to<br>1/1/93 | Net Min.<br>Flow<br>1/1/93 | CU + Stor<br>After<br>1/1/93 | Net Min.<br>Flow<br>Now | Instream<br>Water<br>Rights | Net<br>Water<br>Available |
|-------|---------------------------|---------------------------------|----------------------------|------------------------------|-------------------------|-----------------------------|---------------------------|
| 1     | 28.10                     | 0.10                            | 28.00                      | 0.25                         | 27.80                   | 0.00                        | 27.80                     |
| 2     | 45.10                     | 0.10                            | 45.00                      | 0.61                         | 44.40                   | 0.00                        | 44.40                     |
| 3     | 67.40                     | 0.80                            | 66.60                      | 0.55                         | 66.10                   | 0.00                        | 66.10                     |
| 4     | 56.70                     | 6.00                            | 50.70                      | 0.44                         | 50.30                   | 0.00                        | 50.30                     |
| 5     | 34.10                     | 10.10                           | 24.00                      | 0.08                         | 23.90                   | 0.00                        | 23.90                     |
| 6     | 16.50                     | 12.70                           | 3.83                       | 0.00                         | 3.83                    | 0.00                        | 3.83                      |
| 7     | 11.40                     | 17.30                           | -5.87                      | 0.00                         | -5.87                   | 0.00                        | -5.87                     |
| 8     | 7.80                      | 14.40                           | -6.61                      | 0.00                         | -6.61                   | 0.00                        | -6.61                     |
| 9     | 5.86                      | 8.98                            | -3.12                      | 0.00                         | -3.12                   | 0.00                        | -3.12                     |
| 10    | 6.09                      | 0.11                            | 5.98                       | 0.00                         | 5.98                    | 0.00                        | 5.98                      |
| 11    | 7.60                      | 0.11                            | 7.49                       | 0.01                         | 7.48                    | 0.00                        | 7.48                      |
| 12    | 19.00                     | 0.10                            | 18.90                      | 0.10                         | 18.80                   | 0.00                        | 18.80                     |
| Stor  | 18300                     | 4240                            | 15000                      | 122                          | 14900                   | 0                           | 14900                     |

## DETAILED REPORT OF ISWRS

Basin: UMATILLA

Stream: RHEA CR @ 14034900

Water Availability Subbasin: 0102000000000000

Time: 09:35

Date: 11/03/1997

| APP # : | 0    | 0    | 0    | 0    | 0    | RESULTANT |
|---------|------|------|------|------|------|-----------|
| STATUS: |      |      |      |      |      |           |
| 1       | 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      |
| 3       | 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      |
| 5       | 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      |
| 7       | 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      |
| 9       | 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      |
| 11      | 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      |



Basin: UMATILLA

Water Availability Subbasin: 0102200000000000

ID Number: 14034800

Exceedance Level: 50

Time: 09:35

Date: 11/03/1997

| Month | Natural<br>Stream<br>Flow | CU + Stor<br>Prior to<br>1/1/93 | Net Min.<br>Flow<br>1/1/93 | CU + Stor<br>After<br>1/1/93 | Net Min.<br>Flow<br>Now | Instream<br>Water<br>Rights | Net<br>Water<br>Available |
|-------|---------------------------|---------------------------------|----------------------------|------------------------------|-------------------------|-----------------------------|---------------------------|
| 1     | 17.60                     | 0.10                            | 17.50                      | 0.19                         | 17.30                   | 0.00                        | 17.30                     |
| 2     | 28.10                     | 0.10                            | 28.00                      | 0.49                         | 27.50                   | 0.00                        | 27.50                     |
| 3     | 40.90                     | 0.20                            | 40.70                      | 0.43                         | 40.30                   | 0.00                        | 40.30                     |
| 4     | 38.40                     | 1.30                            | 37.10                      | 0.34                         | 36.80                   | 0.00                        | 36.80                     |
| 5     | 22.30                     | 2.10                            | 20.20                      | 0.01                         | 20.20                   | 0.00                        | 20.20                     |
| 6     | 10.00                     | 2.60                            | 7.40                       | 0.00                         | 7.40                    | 0.00                        | 7.40                      |
| 7     | 6.10                      | 3.70                            | 2.40                       | 0.00                         | 2.40                    | 0.00                        | 2.40                      |
| 8     | 4.10                      | 3.00                            | 1.10                       | 0.00                         | 1.10                    | 0.00                        | 1.10                      |
| 9     | 3.30                      | 1.80                            | 1.50                       | 0.00                         | 1.50                    | 0.00                        | 1.50                      |
| 10    | 3.50                      | 0.80                            | 2.70                       | 0.00                         | 2.70                    | 0.00                        | 2.70                      |
| 11    | 5.00                      | 0.10                            | 4.90                       | 0.01                         | 4.89                    | 0.00                        | 4.89                      |
| 12    | 10.90                     | 0.10                            | 10.80                      | 0.07                         | 10.70                   | 0.00                        | 10.70                     |
| Stor  | 11400                     | 952                             | 10400                      | 93                           | 10300                   | 0                           | 10300                     |

Basin: UMATILLA

Water Availability Subbasin: 0102200000000000

Time: 09:35

Date: 11/03/1997

| APP # : |  | 0    | 0    | 0    | 0    | 0    | RESULTANT |
|---------|--|------|------|------|------|------|-----------|
| STATUS: |  |      |      |      |      |      |           |
| 1       |  | 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      |
| 3       |  | 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      |
| 5       |  | 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      |
| 7       |  | 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      |
| 9       |  | 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      |
| 11      |  | 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      |

# WATER AVAILABILITY

Appendix E; Table 5. (Contd.)

Mckay Cr. above Mckay Res.

|                      | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Modeled 80% Ex. Flow | 38  | 51  | 65  | 78  | 38  | 11  | 3   | 2   | 1   | 3   | 10  | 24  |
| Gaged 80% Ex. Flow   | 66  | 93  | 130 | 146 | 48  | 8   | 1   | 0   | 1   | 2   | 10  | 42  |
| Modeled 50% Ex. Flow | 91  | 113 | 118 | 143 | 86  | 25  | 7   | 3   | 3   | 6   | 19  | 56  |
| Gaged 50% Ex. Flow   | 170 | 208 | 219 | 246 | 109 | 18  | 3   | 1   | 2   | 5   | 28  | 115 |

E. Fk. Birch Cr. near mouth

|                      | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Modeled 80% Ex. Flow | 23  | 30  | 39  | 47  | 27  | 8   | 2   | 2   | 2   | 3   | 7   | 15  |
| Gaged 80% Ex. Flow   | 22  | 27  | 31  | 34  | 18  | 6   | 2   | 1   | 1   | 2   | 7   | 16  |
| Modeled 50% Ex. Flow | 56  | 68  | 72  | 89  | 59  | 17  | 5   | 3   | 3   | 5   | 13  | 35  |
| Gaged 50% Ex. Flow   | 44  | 51  | 51  | 56  | 34  | 10  | 3   | 2   | 3   | 5   | 14  | 35  |

Umatilla R. near Yoakum

|                      | Jan | Feb  | Mar  | Apr  | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------------------|-----|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|
| Modeled 80% Ex. Flow | 468 | 602  | 742  | 986  | 522 | 248 | 157 | 112 | 65  | 66  | 137 | 333 |
| Gaged 80% Ex. Flow   | 387 | 530  | 659  | 946  | 590 | 329 | 306 | 244 | 103 | 69  | 119 | 278 |
| Modeled 50% Ex. Flow | 932 | 1139 | 1144 | 1507 | 950 | 370 | 219 | 158 | 109 | 97  | 228 | 658 |
| Gaged 50% Ex. Flow   | 807 | 1050 | 1068 | 1500 | 997 | 425 | 362 | 320 | 167 | 87  | 194 | 564 |

Willow Cr. above Willow Cr. Lake

|                      | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Modeled 80% Ex. Flow | 9   | 12  | 16  | 18  | 8   | 2   | 0   | 0   | 0   | 1   | 2   | 5   |
| Gaged 80% Ex. Flow   | 6   | 8   | 10  | 9   | 4   | 1   | 0   | 0   | 0   | 0   | 1   | 3   |
| Modeled 50% Ex. Flow | 26  | 34  | 37  | 43  | 23  | 5   | 1   | 1   | 1   | 1   | 4   | 15  |
| Gaged 50% Ex. Flow   | 19  | 25  | 28  | 27  | 14  | 4   | 1   | 0   | 0   | 1   | 3   | 9   |

Rhea Cr. near Heppner

|                      | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Modeled 80% Ex. Flow | 10  | 15  | 19  | 22  | 8   | 2   | 0   | 0   | 0   | 0   | 2   | 6   |
| Gaged 80% Ex. Flow   | 13  | 16  | 20  | 19  | 10  | 3   | 1   | 1   | 1   | 2   | 4   | 7   |
| Modeled 50% Ex. Flow | 31  | 40  | 43  | 48  | 25  | 5   | 1   | 0   | 0   | 1   | 4   | 17  |
| Gaged 50% Ex. Flow   | 31  | 39  | 42  | 41  | 25  | 8   | 2   | 1   | 2   | 3   | 6   | 17  |

[adopted 2-13-64; amended 4-4-81; 8-2-85; 12-2-85; 6-24-88]

## **Willow Creek Subbasin**

690-507-090

(1) Objectives: in developing a program for the management, use and control of the surface and ground water resources of the Willow Creek subbasin, the Commission has the following objectives:

- (a) Protect instream values by limiting future appropriations to selected nonirrigation or nonconsumptive uses.
- (b) Preserve the opportunity for future upstream storage for all beneficial uses.
- (c) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses.
- (d) Achieve a balance between ground water pumpage and natural recharge in designated critical ground water areas and ground water study areas.
- (e) Protect municipal ground water supplies.
- (f) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: appropriation and use of surface water in the Willow Creek subbasin shall comply with the following provisions:

(a) **Classification:** permits to use surface water may be issued only for the following classified uses:

- (A) The surface waters of Willow Creek and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51), mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge and public instream uses; and
- (B) Subject to the rights and priorities existing on June 24, 1988, Willow Creek and tributaries are further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on Willow Creek and tributaries after this date shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(b) **Storage:** water legally stored and legally released, may be used for any beneficial purpose.

(c) **Artificial ground water recharge:** use of surface water for ground water recharge shall be subject to the following conditions:

- (A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;
- (B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and
- (C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(3) Ground Water: appropriation and use of ground water in the Willow Creek subbasin shall comply with the following provisions:



**Oregon Water Resources Department  
Water Rights Division**

Water Rights Application  
Number R-74211

**Proposed Final Order**

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Additional Information Required:* Map locating dams from a public survey corner by distance and/or bearings, with a scale not larger than 4"= 1 mile. An assessors map is allowed. The area and capacity of each pond.  
*Application History*

On June 16, 1994, JOSEPH P AND JERI D McELLIGOTT submitted an application to the Department for the following water use permit:

- Amount of Water: 27.0 ACRE-FEET, BEING 9 PONDS OF 3.0 AF EACH
- Use of Water: STORE RUN-OFF WATER FOR STOCK AND WILDLIFE
- Source of Water: MISCELLANEOUS CANYONS, TRIBUTARIES OF BALM CREEK, MCKINNEY CR, CANYON CR, HOLLOW CR, WILLOW SPRING CR
- Area of Proposed Use: MORROW County within
  - SE 1/4 SW 1/4
  - SECTION 5
  - SE 1/4 NW 1/4
  - NW 1/4 SW 1/4
  - SECTION 7
  - SW 1/4 NE 1/4
  - SW 1/4 SE 1/4
  - SECTION 8
  - NW 1/4 SW 1/4
  - SECTION 9
  - SW 1/4 NW 1/4
  - SECTION 16
  - SW 1/4 NW 1/4
  - SE 1/4 SW 1/4
  - SECTION 17
- TOWNSHIP 5 SOUTH, RANGE 26 EAST, W.M.
- Water Delivery System: NINE RESERVOIRS WITH EARTHFILL DAMS CONTAINING SPILLWAYS IN CHANNEL FOR STOCK AND WILDLIFE USE

Under ORS 537.025, the Department consulted with the Oregon Department of

Fish and Wildlife, Oregon Department of Environmental Quality, Oregon Department of Agriculture, Oregon Department of State Lands, and Oregon Economic Development Department to determine whether the proposed development qualified for a Water Use Registration.

On October 4, 1994, the Department mailed the applicant notice of its Water Use Registration, determining that the appropriation of 27.0 acre-feet water for storage in NINE PONDS FOR STOCK AND WILDLIFE USE from NOVEMBER 1 through APRIL 30. On December 13, 1994, the 60 day objection period closed. Within the 60 day period, objections were received from Waterwatch.

The Department has determined that the objections received warrant further review of the use of water. Under ORS 537.027 "if written comments are received that the director determines warrant further review, the director shall rescind the registration and the permit application process shall continue as for a water right permit submitted under ORS 537.130." The Water Use Registration, therefore, is rescinded and review of the use shall continue under the Departments permit application process.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

#### *Findings of Fact*

The Umatilla Basin Program allows the following uses: APPROPRIATION OF WATER FOR STORAGE

Senior water rights exist on MISCELLANEOUS CANYONS, TRIBUTARIES OF RHEA CREEK or on downstream waters.

MISCELLANEOUS CANYONS, TRIBUTARIES OF RHEA CREEK is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at a 50 percent exceedance probability) for the period NOVEMBER 1 THROUGH APRIL 15.

The Department finds that no more than 27.0 ACRE-FEET would be necessary for the proposed use. The amount of water requested, 27.0 ACRE-FEET, is

allowable.

The Oregon Department of Fish and Wildlife has advised that the subject diversion has a low probability for negative impact to fish or other aquatic life in the source stream and in its downstream reaches.

Notification has been received from the Department of Environmental Quality (DEQ) that the WILLOW CREEK River is Water Quality Limited Stream for which Total Maximum Daily Loads have been established. The DEQ requests that no new water rights be issued for the period May 1 through October 31.

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.

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

#### *Conclusions of Law*

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Umatilla Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or



- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
- (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

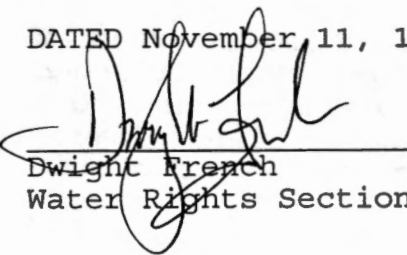
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

#### Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED November 11, 1997

  
Dwight French  
Water Rights Section Manager

#### Protest Rights

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.

■ If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.

■ If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than December 26, 1997.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

millersds- WEEK 120

DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF MORROW

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS  
THIS DRAFT PERMIT IS HEREBY ISSUED TO

JOSEPH P AND JERI D McELLIGOTT  
PO BOX 4  
IONE, OREGON 97843

( 503)422-7257

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

APPLICATION FILE NUMBER: R-74211

SOURCE OF WATER: RUN-OFF FROM MISCELLANEOUS CANYONS, TRIBUTARIES OF BALM CREEK, HOLLOW CR, MCKINNEY CR, CANYON CR, WILLOW SPRING CR, within the basin

STORAGE FACILITY: 9 RESERVOIRS IN CHANNEL WITH EARTHFILL DAMS

PURPOSE OR USE OF THE STORAGE IS STOCK AND WILDLIFE USE

MAXIMUM VOLUME: 27.0 ACRE-FEET PER YEAR, BEING NINE PONDS OF 3.0 AF EACH YEAR

PERIOD OF ALLOWED USE: NOVEMBER 1 THROUGH APRIL 15

DATE OF PRIORITY: June 17, 1994

The area submerged by the reservoir, when full, will be 0.5 acre and the maximum depth of water will be 12 feet. The maximum height of the dam shall not exceed 10 feet.

DAM LOCATION: SE 1/4 SE 1/4, SECTION 5, SE 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 7, SW 1/4 NE 1/4, SW 1/4 SE 1/4, SECTION 8, NW 1/4 SW 1/4 SECTION 9, SW 1/4 NW 1/4, SECTION 16, SW 1/4 SW 1/4, SE 1/4 SW 1/4 SECTION 17, T 5S, R25E, W.M.;

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

SE 1/4 SW 1/4

SECTION 5

SE 1/4 NW 1/4

NW 1/4 SW 1/4

SECTION 7

SW 1/4 NE 1/4

SW 1/4 SE 1/4

SECTION 8

NW 1/4 SW 1/4

SECTION 9

SW 1/4 NW 1/4



SECTION 16  
SW 1/4 SW 1/4  
SE 1/4 SW 1/4

SECTION 17  
TOWNSHIP 5 SOUTH, RANGE 26 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.

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.

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

**STANDARD CONDITIONS**

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.

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  
Application R-74211      Water Resources Department      PERMIT DRAFT

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.

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, 2001.

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS **NOT** A PERMIT

Water Resources Department  
Director

# Mailing List for PFO Copies

Application #R-74211

PFO Date: November 11, 1997

**Original mailed to:**

Applicant: JOSEPH P AND JERI D McELLIGOTT, PO BOX 4, IONE, OREGON 97843

Copies sent to:

1. WRD - File # R-74211
2. WRD - Water Availability: Ken Stahr

|                     |  |
|---------------------|--|
| Copies Mailed       |  |
| By: <u>CAK</u>      |  |
| (SUPPORT STAFF)     |  |
| on: <u>11/17/97</u> |  |
| (DATE)              |  |

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 5
4. WRD - North Central Regional Manager
5. ODFW District Biologist: (MORROW County)

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

6. Waterwatch
7. Columbia River Intertribal Fish Commission
8. US Fish and Wildlife
9. Northwest Planning Council
10. NMFS
11. DEQ Headquarters-Deb Strurdevant

12. \_\_\_\_\_

13. \_\_\_\_\_

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

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

CASEWORKER: millerds - WEEK 120



October 4, 1994

WATER  
RESOURCES  
DEPARTMENT

Joseph P. and Jeri D McElligott  
P.O. Box 4  
Ione, OR 97843

Reference: Water Use Registration, File #R74211

Dear Mr. and Mrs. McElligott,

The Water Resources Department has finished the first stage of its analysis of your application for a water right filed under Water Use Registrations for Wetland, Stream or Riparian Area Enhancement or Storm Water Management (HB 2107, 1993). Enclosed is a copy of the resulting Water Use Registration, which authorizes you to begin water use, as conditioned, for your project.

The first stage is a review of the Department's legal and scientific analysis of the application, including a calculation of the expected availability of water for your proposed use, an analysis of whether the use would conflict with other existing water rights, and if the use is compatible with local land use plans and the Department's river basin programs.

In the case of your application, the first stage review was satisfactory, and it concluded that water would be reliably available for this use for the time period described in the attached report. The analysis also included other conditions which may be placed in the water right permit to protect other water users, the public or fish and wildlife habitat.

Your application is currently in the second stage of review. In this review, State regulations require that other water users and the general public be given an opportunity to object to the Registration of your proposed water use. You also may object to any of the Department's findings or proposed permit conditions contained in the Registration. If you wish to object, you must file your objection with the Department in writing by 5 p.m. on December 13, 1994. Interested parties must also submit their objections before the same deadline.

Satisfactory reviews up to this point do not represent any commitment by the Department ultimately to approve your application. If objections to the Registration warrant further review, the Registration will be rescinded and your application will be placed in line with all other applications.



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

If you have questions, please telephone me or any of the Department's Water Rights Division staff members. My telephone number is 378-3739 in Salem, or please call toll-free from within the state, 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Carol Lewis Spence". The signature is written in dark ink and is positioned above the typed name.

Carol Lewis Spence  
Senior Water Rights Specialist

Enclosure

(t:\2107cov.tr)

Report Date: 10/4/94

**WATER USE REGISTRATION FOR WETLAND,  
STREAM RESTORATION OR STORM WATER MANAGEMENT PROJECTS**

**OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN  
WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM,  
OREGON 97310, BY 5 P.M. ON OR BEFORE: DECEMBER 13, 1994.**

1. APPLICATION FILE NUMBER - R74211
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

JOSEPH P AND JERI D MCELLIGOTT  
PO BOX 4  
IONE, OR 97834  
MORROW COUNTY 503-422-7257

Date application received for filing and/or tentative date  
of priority: 6/17/94

SOURCE: STORM RUN-OFF TRIBUTARY TO: RHEA CREEK BASIN

Purpose and/or use: STORAGE OF WATER IN 9 PONDS FOR  
LIVESTOCK WATERING

Volume: less than 3.0 acre-feet each pond

Point of Diversion Location: SWNW AND SESW, SECTION 17;  
SWNW, SECTION 16; SWNW SECTION 9; SWNE AND SWSE, SECTION 8;  
SENW AND SESE, SECTION 7; AND SESW, SECTION 5, ALL IN  
TOWNSHIP 5 SOUTH, RANGE 26 EAST, W.M.

Place of use:

SWNW AND SESW  
SECTION 17

SWNW  
SECTION 16

SWNW  
SECTION 9

SWNE AND SWSE  
SECTION 8

SENW AND SESE  
SECTION 7  
SESW  
SECTION 5

ALL IN TOWNSHIP 5 SOUTH, RANGE 26 EAST, W.M.



REPORT CONCLUSIONS:

The Director has determined that your proposed project meets the following criteria for a registration under its administrative rules (OAR Chapter 690, Division 11):

- a) The proposed water use will not result in injury to existing water right holders or the public interest [OAR 690-11-049 (4) and (6)].
- b) The project is reasonably expected to result in wetland, stream or riparian area enhancement or storm water management benefits. [Based on consultations with the agencies listed in OAR 690-11-049 (7).]
- c) No issues were identified during the Director's technical review of the proposed water use that warrant further review.
- d) No written comments were received that warrant further review.

## PROPOSED PERMIT CONDITIONS

Application: R74211

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: water may be appropriated for storage from November 1 through April 30 of each year.
3. Volume of use: less than 3.0 acre-feet in each of 9 ponds
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The area proposed to be submerged by the reservoirs, when full, is less than 0.5 acres for each pond; the proposed maximum depth of water in feet is 12 feet in each pond; the maximum height of the dams are less than 10 feet for each pond.
10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. 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.



# WaterWatch

RECEIVED

DEC - 6 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

**Delivered via Regular Mail**

December 2, 1994

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310

Re: Objection to Technical Report for Water Use Registration :  
R74211, McElligott, Storage for Livestock, Rhea Creek Basin, Umatilla

The Registration process allows applicants to circumvent the normal procedure for processing applications only if the proposed projects enhance wetlands, streams and riparian areas or provide storm water benefits. It should not be used as a vehicle to expedite uses such as stockponds when the benefits listed under HB2107 are not met. In this instance, it seems that there is some question as to the project's effect on water quality. See DEQ letter to WRD, 9/28/94. The DEQ even went so far as to say that they "would prefer that no exempt pond applications be allowed for this basin." Thus, this use should not be allowed, and certainly should not be expedited under the Water Use Registration process, if it will further exacerbate water quantity and quality by reducing the already critical streamflow.

Thus, for the reasons outlined below WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

◆ **The Water Availability Analysis in the Technical Report is Defective**

● The analysis failed to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.



RECEIVED

DEC - 6 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

- The technical report fails to contain any analysis of water availability, contrary to OAR 690-11.

- There was no analysis of this application in light of other pending applications and existing public uses of the resource.

◆ **The Use As Proposed is Not in the Public Interest**

1. **The proposed use is not in the public interest because it will interfere with flows needed to support public instream uses of water.**

The Reah Creek Basin drains into Willow Creek which, which in turn is a tributary to the Columbia River.

The Department has a duty to ensure that this proposed use does not interfere with existing instream water rights in the Umatilla River Basin. Moreover, it must ensure that the use does not deplete flows needed for endangered fish in the Columbia River mainstem. Attempts by the Department to estimate water availability confirm that the Columbia system is already overallocated. Using 80% exceedence flow figures and fish flow proposed by the Columbia Basin Fish and Wildlife Authority, fish needs are not met in the Columbia River from at least April to August.

The Northwest Power Planning Council has directed the states of Oregon and Idaho to secure one million acre feet of **additional** water from the Upper Snake River Basin for mainstem fish flows. The Council, in its Strategy for Salmon, Volume II, has called on the State of Oregon to establish instream flow protection levels and "deny new water rights if water is not available **consistent** with salmon and steelhead needs." Strategy, pg. 74. The Bureau of Reclamation is in the process of purchasing storage in upriver reservoirs for releases to assist migrating salmon. Finally, the Snake River Salmon Recovery Team, in its draft recovery plan recommendations, has recommended a "**moratoria** on new water diversion permits in the Snake River Basin and lower Columbia river until the water needs for flow augmentation have been established." See Snake River Salmon Recovery Team, Draft Recovery Plan Recommendations for Peer Review, October 1993, at VIII-9 (emphasis).

If there is in fact substantial interference with surface water resource, the proposed use will decrease the amount of water flowing downstream to the Columbia mainstem. The state and federal Endangered Species Acts place a burden on the Commission. Under the state act, the Department has a duty to consult with the ODFW to ensure that the Department's actions do not adversely affect listed species. The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking, as defined in Section



DEC - 6 1994

WATER RESOURCES DEPT.  
SALEM, OREGONApplication R74211  
Page 3

(3)(18), includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988) (habitat alteration rises to the level of a take) . Significantly, the Palilia case involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

As stated in WaterWatch's January, 1994 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to protect the public's interest in the resource, and the threatened and endangered fish species which rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined above, and in WaterWatch's January Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

## **2. Screening and Passage**

Given the critical status of fish populations in this river system and the adverse effects this diversion will fish habitat, screening and passage must be mandatory and clearly be required to be in place **before** any storage or diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

## **3. The proposed use is contrary to Oregon policy**

The proposed use in contrary to other Oregon policies including the Statewide Allocation Policy which requires use within the capacity of the resource and requires that instream flow needs be considered when reviewing applications for new uses. OAR 690-410-070. The proposed use is contrary to other statewide policies including those that require protection of native fish, water quality, and other public uses of water and call for conservation of water and water use efficiency. ORS 496.435, OAR 690-410-030, OAR 690-410-070, OAR 690-410-060, ORS 536.220(1), (2) and statutes and rules cited above.

## **4. Conservation Conditions Inadequate**

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. Given the presence of fishery resources, water quality problems and the fact that the proposed use is these type of uses are known to cause these existing problems it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place **prior to** any approval of this proposed used.

### **5. Measuring and Reporting**

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

The surface waters of the John Day basin are overallocated. The information generated by these proposed conditions are essential to the management and control of the water resource. **If** these uses were to be permitted, water use measurement and reporting would be essential for protection of the public interest in the resource and must be a condition of use. However, we question the Department's ability to control these uses, even with these requirements.

### **6. Water Quality**

The DEQ has identified the drainage basin in which this application is located as water quality limited. The DEQ would prefer that no exempt pond applications be allowed for this basin. See DEQ letter to WRD 9/28/94. This application proposes an additional out-of-stream use of water which could reduce available instream flows during the seasonal low flow period, thus increasing the likelihood of exacerbating identified water quality problems in this drainage basin. Id.

When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c).

### **7. Resource Protective Conditions are inadequate**

The Department of Environmental Quality, one of the consulting agencies, specifically requested that certain conditions be required if this application were to be processed as a registration permit. These conditions were: 1) that there be fencing of the streamside area to prevent wading by stock and 2) that the permit require a SCS farm management plan that addresses potential use of herbicides, pesticides, erosion and turbidity from overland runoff, potential groundwater contamination, flooding of the pond if located in the floodplain, and re-planting of the streamside riparian zone. Neither of these were contained in the proposed permit conditions.

Under the rules, the Department is to consult with various state agencies. In consultation with these agencies, the Department is to determine if the proposed project is reasonably expected to result in wetland, stream or riparian area enhancement or storm water management agencies. OAR 690-11-049(7)(a). Given the emphasis placed on this consultation, the Department should heed the advice of the DEQ. The consultation process should not be denigrated to merely a hoop-jumping exercise. Thus, the advice of the DEQ should be heeded.

Sincerely,



Kimberley Priestley  
Legal/Policy Analyst



# STATUS

## MEMO TO FILE

FROM: CAROL S. LEWIS

DATE: AS OF 5/1, 1995

FILE # R 74211, NAME McElligott

This application has been reviewed under HB 2107. Agency consultation forms were sent 8/15/94. Due back (30 days) \_\_\_\_\_.

A registration was sent 10/4/94. 60-Day deadline for objections is/was 12/13/94.

WRD staff and DEQ staff are holding meetings to work out discrepancies between agency permitting conditions. Next meeting is scheduled for May 9, 1995.

Until agreement is reached, almost all of the registrations will not be issued permits; some may be rescinded.

*Carol*  
Carol

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WATER RESOURCES DEPT.  
SALEM, OREGON

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

September 28, 1994

Steve Brown, Manager  
Water Rights Division  
Water Resources Department  
158 12th Street, Northeast  
Salem, Oregon 97310

Re: Response to Technical Evaluation of Water Right Application

File Number: R74211  
Source: Runoff from Rhea Creek  
Tributary To: Umatilla Basin  
Proposed Flow: Less than 3.0 AF per pond  
Use: 9 Stockponds

Dear Mr. Brown:

The Department has completed its review of the above referenced technical review of a water right (wetland enhancement) application. The drainage basin in which this application is located has been identified as water quality limited by the Department. The Department would prefer that no exempt pond applications be allowed for this basin. However, the project is expected to result in a wetland, stream or riparian area enhancement or storm water management benefits.

The estimated low flows normally occur during the summer period of May 1st to October 31st each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exist. On August 5, 1993, the Department submitted application for instream water rights to protect the public's interest to provide pollution abatement flows in the above reference basin.

Application Number P74211 proposes additional out of stream use of water which could reduce available instream flows during the seasonal low flow period, thus, increasing the likelihood of exacerbating identified water quality problems in this drainage basin. The Department does not believe that it is in the public's best interest to further reduce the instream flows during the seasonal low flow period in this drainage basin.



811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
TDD (503) 229-6993

DEQ-1



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WATER RESOURCES DEPT.  
SALEM, OREGON

Page 2

The Department requests that exempt ponds occurring in water quality limited basins be limited to high flow waters which should be verified with a meter on ponds of 2.0 acre feet or more.

The Department would like permit requirements to include: 1) fencing the streamside area to prevent wading by stock; and 2) a SCS farm management plan that addresses potential use of herbicides, pesticides, erosion and turbidity from overland runoff, potential groundwater contamination, flooding of the pond if located in the floodplain, and re-planting of the streamside riparian zone.

If you have questions or wish to further discuss this issue please feel free to contact either Bob Baumgartner (503-229-5877) or Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs  
Administrator  
Water Quality Division

MD:bjp:crw  
SA\WC12\WC12958.5



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OCT 10 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

## WATER RESOURCES DEPARTMENT CONSULTATION FORM

RE: Application # R 74211 Name McELLYGOTT, JOSEPH P AND  
TERE D.

The above application was submitted for consideration under the

WATER USE REGISTRATIONS FOR WETLAND, STREAM OR  
RIPARIAN AREA ENHANCEMENT OR STORM WATER MANAGEMENT  
(HB 2107, 1993; ORS 537.015 - 032)

As required in ORS 537.025, the agency identified below:

☒ ODFW ☐ DEQ ☐ ODA ☐ ODSL ☐ OEDD

OTHER AGENCY: \_\_\_\_\_

determines the project is reasonably expected to result in one or more of the wetland, stream or riparian area enhancement or stormwater management benefits, as follows (please circle letter):

- (A) Decreased pollutant loads to streams;
- (B) Reduced soil or bank erosion;
- (C) Reduced summer stream temperatures;
- (D) Improved riparian conditions;
- (E) Improved habitat conditions for ~~aquatic~~ or terrestrial species;
- (F) Decreased peak or storm flows;
- (G) Increased storage capacity in the watershed;
- (H) Increased streamflows during the low-flow season; or
- (I) Other (please describe): \_\_\_\_\_

-Deer, Elk +  
LIVESTOCKSignature Jonathan Gorman (printed)Title R+W Bro 2 Date 10-6-94

Please sign, date and return this form within 30 days to:

Water Resources Department - HB 2107  
Water Rights/Adjudications Division  
Commerce Building  
158 12th Street NE  
Salem, OR 97310

Thank you for a timely response. If questions, call 378-3739.

Date WRD sent 9/15/94 Reply received \_\_\_\_\_ (consult.8-4)

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WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon

October 6, 1994

Joe McElligott  
P.O. Box 4  
Ione, OR 97834



DEPARTMENT OF  
FISH AND  
WILDLIFE

Pendleton District Office

RE: Water Right Registration Application R-74211

Dear Joe,

Thank you for taking the time to show me your property in the upper Rhea Creek area last week. You helped me to make informed comments to the Oregon Department of Water Resources on your pending water right registration application. You also showed me one of the last remaining areas within the boundaries of this fisheries district I had not seen before.

Enclosed is a copy of the form I filled out for OWRD regarding your water right registration application. As mentioned before, the Oregon Department of Fish and Wildlife does not think this proposed water right will negatively impact fisheries resources downstream.

We visited several proposed pond locations which were not included in this water right registration application. One of the last proposed sites we visited (I think it was on Sperry Creek) has me concerned. You stated that water does flow all year long in that drainage. We saw water, and walked a little ways downstream looking for fish and other aquatic organisms. Since water does flow annually in this drainage, construction of a catch basin/stock water pond could negatively impact fisheries resources downstream in the following ways:

Impounded water collects heat from the sun, particularly from late spring through the fall each year. Any increase in water temperature high in the watershed will compound summer temperature problems lower down. Impounded water also increases the potential for evaporation, thus reducing the volume of water ultimately available for fish and other aquatic organisms downstream.



Route 1, Box 18  
Mission Road  
Pendleton, OR 97801  
(503) 276-2344  
FAX (503) 276-4414

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WATER RESOURCES DEPT.  
SALEM, OREGON

Joe McElligott  
Page 2

The Sperry Creek site was not included in this water right registration application, but you claimed it was included in another. When that application comes across my desk, the ODFW will likely recommend against pond construction in Sperry Creek for the reasons stated above. However, Bob Krein has offered to supply you with a watering trough (or troughs) for spring development in the Sperry Creek drainage. You agreed this afternoon that this would be an acceptable alternative to pond construction. All the rest of the sites we visited should not impact fish resources, and will probably benefit wildlife in the area.

Again, thanks for the tour. If you have any questions regarding these issues, please feel free to contact me in Pendleton at 503-276-2344.

Sincerely,



Jonathan Germond  
Assistant District Fish Biologist  
Umatilla Fish District

encl

c: Bruce Eddy - La Grande  
Bob Krein - Heppner  
Habitat Conservation Division  
Carol Lewis Spence - OWRD



Carol's copy

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Oregon

AUG 31 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

August 21, 1994

Carol L. Spence  
Water Rights Division  
Water Resources Department  
158 12th Street, Northeast  
Salem, Oregon 97310-0210

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

Re: Wetlands Applications (R73965, R74081, R73814, R74268,  
R74211, S73764, R72939, S74281, R74167),

Dear Ms. Spence:

The Department would like additional data on each proposed wetland site to assist in making environmentally sound decisions. Please include a site map, list adjacent land uses, use of existing surrounding land, proposed use, existing site management plans and past site use (ie. DEQ clean up list or a history of flooding) particularly for urban lands. For example the level of data provided in R73965 (the first wetland applicant) was appropriate.

If springs are to be used they need to be listed on the application along with the name of the stream (ie. this was not done on application R74081). If a site is up for other permits, such as a 401/404 permit the Department would like notification from the applicant. This will speed up DEQ's response, since additional data have already been provided to the agency for review.

In a TMDL or water quality limited basins any application proposing out of stream use of water reducing the available instream flows during the seasonal low flow period (May 1st to October 31st), could increase the likelihood of exacerbating identified water quality problems. The Department does not believe that it is in the public's interest to further reduce the instream flows during the seasonal low flow period in these basins. The applicants must be limited to use of water from the high flow (November to April) period for the Department consider their request.

In general the Department would like to see meters required in all TMDL basins or water quality limited waters and for sites requesting water for ponds or wetlands of 2.0 Acre Feet or more. If you have questions or wish to further discuss this issue please feel free to contact either Bob Baumgartner (503-229-5877) or Barbara Priest (503-229-5945) of my staff.

Sincerely,

Michael Downs

Michael Downs  
Administrator  
Water Quality Division

cc: Baumgartner, S&A

MD:bjp:SA



811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
TDD (503) 229-6993  
D1 Q-1



SEP 13 1994

RM WATER RESOURCES DEPT.  
SALEM, OREGON

RM WATER RESOURCES DEPT.  
SALEM, OREGON

RE: Application # B74211 Name McELlIGOTT, JOSEPH P AND  
TERE D.

The above application was submitted for consideration under the

**WATER USE REGISTRATIONS FOR WETLAND, STREAM OR  
RIPARIAN AREA ENHANCEMENT OR STORM WATER MANAGEMENT  
(HB 2107, 1993; ORS 537.015 - 032)**

As required in ORS 537.025, the agency identified below:

ODFW                      DEQ                      ODA                             ODSL                             OEDD

OTHER AGENCY: \_\_\_\_\_

determines the project is reasonably expected to result in one or more of the wetland, stream or riparian area enhancement or stormwater management benefits, as follows (please circle letter):

- (A) Decreased pollutant loads to streams;
- (B) Reduced soil or bank erosion;
- (C) Reduced summer stream temperatures;
- (D) Improved riparian conditions;
- (E) Improved habitat conditions for aquatic or terrestrial species;
- (F) Decreased peak or storm flows;
- (G) Increased storage capacity in the watershed;
- (H) Increased streamflows during the low-flow season; or
- (I) Other (please describe): \_\_\_\_\_

Signature Perry E. Humble (printed) Perry E. Humble

Title Resource Coordinator - Eastern Region Date 6 Jan. 94

Please sign, date and return this form within 30 days to:

Water Resources Department - HB 2107  
Water Rights/Adjudications Division  
Commerce Building  
158 12th Street NE  
Salem, OR 97310

Thank you for a timely response. If questions, call 378-3739.

Date WRD sent 8/15/94 Reply received 9/13/94 (consult.8-4)

RECEIVED

AUG 24 1994

WATER RESOURCES DEPARTMENT CONSULTATION FORM

RE: Application # B 74211 Name McELLYGOTT, JOSEPH P AND TERRY D.

The above application was submitted for consideration under the

WATER USE REGISTRATIONS FOR WETLAND, STREAM OR  
RIPARIAN AREA ENHANCEMENT OR STORM WATER MANAGEMENT  
(HB 2107, 1993; ORS 537.015 - 032)

As required in ORS 537.025, the agency identified below:

☐ ODFW ☐ DEQ ☐ ODA ☐ ODSL ☒ OEDD

OTHER AGENCY: \_\_\_\_\_

determines the project is reasonably expected to result in one or more of the wetland, stream or riparian area enhancement or stormwater management benefits, as follows (please circle letter):

- (A) Decreased pollutant loads to streams;
- (B) Reduced soil or bank erosion;
- (C) Reduced summer stream temperatures;
- (D) Improved riparian conditions;
- (E) Improved habitat conditions for aquatic or terrestrial species;
- (F) Decreased peak or storm flows;
- (G) Increased storage capacity in the watershed;
- (H) Increased streamflows during the low-flow season; or
- (I) Other (please describe): NO COMMENT

Signature [Signature] (printed) GABRIELLA LANG

Title OEDD Date 8/22/94

Please sign, date and return this form within 30 days to:

Water Resources Department - HB 2107  
Water Rights/Adjudications Division  
Commerce Building  
158 12th Street NE  
Salem, OR 97310

Thank you for a timely response. If questions, call 378-3739.  
Date WRD sent 8/15/94 Reply received 8/24/94 (consult.8-4)



August 15, 1994

GABRIELLA LANG  
SR. BUSINESS DEV'T OFFICER  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
775 SUMMER STREET  
SALEM, OR 97310

RE: Water Right Registration Application, # R74211

Dear GABRIELLA LANG,

As you will recall, the 1993 Legislative Assembly enacted House Bill 2107 to provide an expedited process for review of applications for water use associated with wetland enhancement, stream and riparian restoration, and storm water management projects. HB 2107 has been codified as ORS 537.015 through 030. The Water Resources Department has adopted administrative rules (OAR 690-11-049) to implement the water use registration and permitting process for these projects.

The following documents are enclosed for your review:

1. Acknowledgment letter which has been transmitted to the applicant;
2. Agency Consultation Form; and
3. DRAFT Water Use Registration for the above-reference application.

Please review this material and submit any comments you have to this office within 30 days from the date of this letter. Direct any correspondence to my attention.

Your cooperation in completing the enclosed Consultation Form will allow us to expedite processing of this application. If you have further comments, attach extra sheets to the Consultation Form.



---

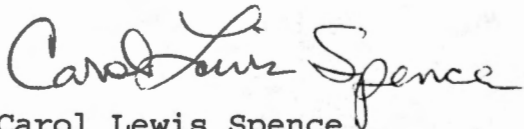
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

DEPARTMENT OF ECONOMIC DEVELOPMENT  
August 15, 1994  
Page Two

Please indicate on the Consultation Form if you feel a consultation session should be scheduled to review the proposed project. If a consultation session is held, a representative of the Water Resources Department will facilitate the discussion.

If you have any questions regarding the information included with this letter or the HB 2107 Water Use Registration process, you may call me at (503) 378-3739. If I am not available, leave a message and I will return your call.

Sincerely,

A handwritten signature in cursive script that reads "Carol Lewis Spence". The signature is written in dark ink and is positioned above the typed name.

Carol Lewis Spence  
Water Rights Specialist

Enclosures

DRAFT

DRAFT

**WATER USE REGISTRATION FOR WETLAND,  
STREAM RESTORATION OR STORM WATER MANAGEMENT PROJECTS**

**OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN  
WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM,  
OREGON 97310, BY 5 P.M. ON OR BEFORE: (60+ DAYS)**

1. APPLICATION FILE NUMBER - R74211
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

JOSEPH P AND JERI D MCELLIGOTT  
PO BOX 4  
IONE, OR 97834  
MORROW COUNTY 503-422-7257

Date application received for filing and/or tentative date  
of priority: 6/17/94

SOURCE: STORM RUN-OFF TRIBUTARY TO: RHEA CREEK BASIN

Purpose and/or use: STORAGE OF WATER IN 9 PONDS FOR  
LIVESTOCK WATERING

Volume: less than 3.0 acre-feet each pond

Point of Diversion Location: SWNW AND SESW, SECTION 17;  
SWNW, SECTION 16; SWNW SECTION 9; SWNE AND SWSE, SECTION 8;  
SENW AND SESE, SECTION 7; AND SESW, SECTION 5, ALL IN  
TOWNSHIP 5 SOUTH, RANGE 26 EAST, W.M.

Place of use:

SWNW AND SESW  
SECTION 17

SWNW  
SECTION 16

SWNW  
SECTION 9

SWNE AND SWSE  
SECTION 8

SENW AND SESE  
SECTION 7  
SESW  
SECTION 5

ALL IN TOWNSHIP 5 SOUTH, RANGE 26 EAST, W.M.



REPORT CONCLUSIONS:

The Director has determined that your proposed project meets the following criteria for a registration under its administrative rules (OAR Chapter 690, Division 11):

- a) The proposed water use will not result in injury to existing water right holders or the public interest [OAR 690-11-049 (4) and (6)].
- b) The project is reasonably expected to result in wetland, stream or riparian area enhancement or storm water management benefits. [Based on consultations with the agencies listed in OAR 690-11-049 (7).]
- c) No issues were identified during the Director's technical review of the proposed water use that warrant further review.
- d) No written comments were received that warrant further review.

## PROPOSED PERMIT CONDITIONS

Application: R74211

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: water may be appropriated for storage from November 1 through April 30 of each year.
3. Volume of use: less than 3.0 acre-feet in each of 9 ponds
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. 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.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The area proposed to be submerged by the reservoirs, when full, is less than 0.5 acres for each pond; the proposed maximum depth of water in feet is 12 feet in each pond; the maximum height of the dams are less than 10 feet for each pond.
10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. 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.



RECEIVED  
JUN 16 1994  
WATER RESOURCES DEPT.  
SALEM, OREGON



DEPARTMENT OF  
FISH AND  
WILDLIFE

June 10, 1994

Heppner District Office

Water Resources Department  
158 12th Street NE  
Salem, OR 97310

Re: Joseph McElligott - proposed pond construction

To Whom It May Concern:

I have been asked by Joseph McElligott to provide this letter to support a proposed pond construction project on his property (T5S, R26E, Tax Lots 300, 302, 600) in Morrow County.

Typically, rangeland ponds can add to the habitat diversity of rangeland areas and provide a variety of benefits to several wildlife species. Past observations of ponds in similar situations have shown wildlife use by several species of waterfowl, song birds, shorebirds, big game, nongame mammals and amphibians.

It is my opinion, if managed properly, rangeland ponds can be a valuable wildlife habitat component.

If you have any questions regarding the contents of this letter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bob Krein".

Bob Krein  
District Wildlife Biologist



PO Box 363  
Heppner, OR 97836  
(503) 676-5230  
FAX (503) 676-9075

United States  
Department of  
Agriculture

Soil  
Conservation  
Service

P. O. Box 127  
Heppner, Oregon  
97836 676-5021

June 9, 1994

Joe McElligott  
P.O. Box 4  
Ione, OR 97843

Dear Joe,

This is a letter of support for your proposed application for permits to store water for storm water management and riparian enhancement on your property east of Hardman. The projects we have discussed are on the property described by:

Township 5S 25E tax lot 1400  
Township 5S 26E tax lot 300,302, 600

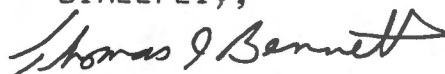
Your conservation plan on this property includes the ponds for the multiple benefits they can provide. The ponds that are built on the upper watersheds will capture storm and snowmelt runoff. Sediment will settle out and water quality downstream will be improved for aquatic habitat and other uses. This water storage will reduce peak flows during runoff events thus reducing potential for streambank erosion and other flood damage. The stored water will also seep out slowly through the season adding to stream flow during low summer flows.

Additional ponds in this area will enhance wildlife habitat. Species that must have water near their nest sites will have an increase in potential nesting sites. Non resident water fowl use these small ponds as stopping places if they have water in them.

Those ponds that still have water during the grazing season will relieve grazing pressure from the riparian areas by providing numerous alternate watering places. Improved range condition from better cattle distribution will reduce soil erosion.

Call me if I can be of any further assistance. Thank you

Sincerely,



Thomas J. Bennett  
Soil Conservationist  
(503) 676-5021

USDA Soil Conservation Service programs are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

Application No. 7424  
Permit No.

RECEIVED

JUN 16 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

MEMORANDUM OF CONTRACT

DUPLICATE

DATED: December 4, 1992  
BETWEEN: Harold A. Wright and Kenneth C. Wright, SELLERS  
AND: Joseph P. McElligott and Jeri D. McElligott,  
tenants in common, BUYERS

Pursuant to a Real Estate Contract dated as of December 4,  
1992, Sellers sold to Buyers the following-described real  
property located in Morrow County, Oregon:

See Exhibit "A" attached.

The true and actual consideration for this conveyance stated  
in dollars is the sum of \$1,050,000.00.

SELLERS

Harold A. Wright

Kenneth C. Wright

BUYERS

Joseph P. McElligott

Jeri D. McElligott

Until a change is requested, all  
tax statements shall be sent to:

Joseph P. McElligott  
P. O. Box 4  
Ione, Oregon 97843

RECEIVED

JUN 16 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON       )  
                              ) ss.  
County of Umatilla )

this 4<sup>th</sup> The foregoing instrument was acknowledged before me  
day of December, 1992, by HAROLD A. WRIGHT.

[Signature]  
Notary Public for Oregon

My commission expires: 1/28/94

STATE OF OREGON       )  
                              ) ss.  
County of Umatilla )

this 4<sup>th</sup> The foregoing instrument was acknowledged before me  
day of December, 1992, by KENNETH C. WRIGHT.

[Signature]  
Notary Public for Oregon

My commission expires: 1/28/94

STATE OF OREGON       )  
                              ) ss.  
County of Umatilla )

this 4<sup>th</sup> The foregoing instrument was acknowledged before me  
day of December, 1992, by JOSEPH P. McELLIGOTT and JERI  
D. McELLIGOTT.

[Signature]  
Notary Public for Oregon

My commission expires: 1/28/94



Preliminary Report No. 7592  
Page Four  
October 14, 1992

RECEIVED

JUN 16 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

EXHIBIT "A"

PARCEL I:

Township 5 South, Range 26, East of the Willamette Meridian, Morrow County, Oregon.

Section 7: The Southeast Quarter of the Northwest Quarter.

PARCEL II:

Township 5 South, Range 25, East of the Willamette Meridian, Morrow County, Oregon.

Section 12: The South Half of the Northeast Quarter; The Southeast Quarter.

Section 13: Beginning at the Northeast corner of Section 13; Thence West 39.38 chains; Thence South 49° East 31.00 chains; Thence South 74° East 16.40 chains to the Range line between Ranges 25 and 26; Thence North on the Range line 24.00 chains to the place of beginning.

EXCEPTING THEREFROM all roads and road rights of way.

Township 5 South, Range 26, East of the Willamette Meridian, Morrow County, Oregon.

Section 3: The South Half of the Southwest Quarter.

Section 4: The Southwest Quarter; The West Half of the Southeast Quarter.

Section 5: The South Half; The South Half of the Northwest Quarter; A portion of the Southwest Quarter of the Northeast Quarter described as follows: Beginning at the Southwest Corner of the Southeast Quarter of the Northeast Quarter; Thence West to the Southwest Corner of the Northeast Quarter; Thence North to the Southwest Corner of the Northwest Quarter of the Northeast Quarter; Thence Southeasterly to the point of beginning.

Section 6: The East Half of the Southeast Quarter.

Section 7: Government Lots 1, 2, 3 and 4, also known as the West Half of the West Half; The East Half of the Southwest Quarter; The Northeast Quarter of the Northwest Quarter; The East Half.

eliminary Report No. 7592  
age Five  
October 14, 1992

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JUN 16 1994  
WATER RESOURCES DEPT.  
SALEM, OREGON

Legal Description Continued:

Section 8: All.

Section 9: All.

Section 10: The West Half; The South Half of the Southeast Quarter.

Section 14: The West Half.

Section 15: All.

Section 16: All.

Section 17: All.

Section 18: Government Lot 1, also known as the Northwest Quarter of the Northwest Quarter; All of that portion of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter lying North of the County Road; The East Half of the Northwest Quarter; The Northeast Quarter; The North Half of the Southeast Quarter; The Southeast Quarter of the Southeast Quarter.

Section 19: The East Half of the Northeast Quarter.

Section 20: The North Half of the Southwest Quarter; The Northwest Quarter; The North Half of the Northeast Quarter.

Section 21: The Northeast Quarter; The East Half of the Northwest Quarter; The Northwest Quarter of the Northwest Quarter.

Section 22: The North Half; The Southeast Quarter.

Section 23: The Northwest Quarter; The West Half of the Southwest Quarter; The Southwest Quarter of the Northeast Quarter.

EXCEPTING THEREFROM all roads and road rights of way.

PARCEL III:

The following described property in Section 34, Township 5 South, Range 25 East of the Willamette Meridian, Morrow County, Oregon.

Lots 1, 2, 3, 4 and 5, Block A, Adams First Addition to Hardman, Oregon.

Lots 1, 2, 3, 4, 5, 6 and 7, Block B, Adams First Addition to Hardman, Oregon.



**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in  
Addition to Classified Uses**

74211

**RECEIVED**  
JUN 16 1994  
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, and/or used only on federal lands.**

Applicant's Name: Joseph P. + Teri D. McEligott  
Address: Box 4  
City: JANE State: OR Zip: 97143 Day Phone: 422-7257

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (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.

55 R25E  
T5S R26E  
26E

| Tax Lot or Local I.D.# | Plan Designation/Zoning (e.g. Rural Residential/RR-5) | Check All That Apply |                |           |
|------------------------|-------------------------------------------------------|----------------------|----------------|-----------|
|                        |                                                       | Water Diverted       | Water Conveyed | Water Use |
| 1400                   | EFU                                                   |                      |                | x         |
| 300                    | EFU                                                   |                      |                | x         |
| 302                    | EFU                                                   |                      |                | x         |
| 600                    | EFU                                                   |                      |                | x         |

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

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

**For Local Government Use Only**

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) 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): \_\_\_\_\_ . Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

| Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Please check the box that applies: |                |                              |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------|----------------|------------------------------|
|                                                                                                   |                                                                                | Already Obtained                   | Already Denied | Being Pursued Satisfactorily |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |
|                                                                                                   |                                                                                |                                    |                |                              |

(over)

RECEIVED

JUN 16 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: DEANE SEEGER,

Title: Planning Director

Signature: Leah Seeger

Date: 6-6-94  
Phone: 927-4624

*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.*

Additional Comments:



## Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: JOSEPH P. + Jeri D McEligott  
 Address: Box 4  
Ponc OR 97843  
 Phone: 422-7257

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☐ Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_
- ☒ Livestock (type of livestock, feedlot, slaughterhouse): Range livestock water ponds  
Spring boxes and trough
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- ☐ Institutional (i.e., school, library, etc.): \_\_\_\_\_
- ☐ Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- ☐ Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- ☐ Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- ☐ Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:

Indicate the estimated quantity of water the use will require.

- ☒ Surface Water  
 Name sources: McKinney Creek other  
tributaries to Rhen Creek

- ☐ Reservoir or pond
- ☐ Ground Water

\_\_\_\_\_ Cubic feet per second.  
 \_\_\_\_\_ Gallons per minute.  
30 Acre-Feet

approx 30 ponds  
and spring box  
with trough

RECEIVED  
 JUN 16 1994  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

July 6, 1994

JOSEPH P MCELLIGOTT  
PO BOX 4  
IONE OR 97843

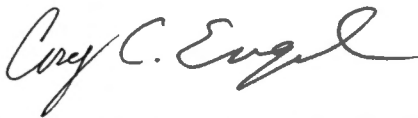
RE: file R-74211

Mr. McElligott,

As per your request by telephone, this is to confirm that I have included in the above referenced file a memo indicating your wish that the application be processed under the provisions of HB 2107. A photocopy of that memo is enclosed.

If you have any questions or need further assistance, please do not hesitate to call me at 378-8455, extension 228.

Sincerely,



Mr. Cory C. Engel  
Water Rights Research Assistant

cc: Carol Spence  
File R-74211



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

# WaterWatch

O F O R E G O N

RECEIVED

JUL 12 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Department  
158 12th St. N. E.  
Salem, OR 97310

July 10, 1994

RE: Application for Permit #R74211, Joseph McElligott  
Rhea Cr Trib., Morrow Co., Stockwater

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and report water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the Department's technical review of this application.

Sincerely,

WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039  
bc: Jim Myron



MEMO

WATER  
RESOURCES  
DEPARTMENT

July 6, 1994

To: File R-74211  
From: Cory Engel

*Cory*

The applicant called today and requested that we process his application R-74211 under the provisions of HB 2107.

Please do so.

cc: Carol Spence  
Applicant (Joseph P. McElligott)



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

June 28, 1994

JOSEPH P MCELLIGOTT  
MCELLIGOTT, JERI D  
PO BOX 4  
IONE, OR 97843

REFERENCE: File(s) R-74211

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - R-74211

The Water Resources Commission is considering the adoption of rules for the protection of stream flows in the Columbia River Basin above Bonneville Dam. These rules would place additional restrictions on the issuance of new permits for the use of water. Applications for the use of water in these basins which are received after July 17, 1992, may be subject to the new restrictions if and when the rules are adopted by the Commission.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

cc:CWRE



# PUBLIC INTEREST REVIEW

The proposed water use described in Application # R 74211 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of <3AF in 9 ponds each from the/a RHEA CR. BASIN tributary to/within the WILLOW CR. BASIN for the purpose(s) of LIVESTOCK WATERING. The Technical Review Report limits the proposed use to SAME AS REQUESTED.

The proposed use described in Application # R 74211 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

## TECHNICAL REVIEW

If satisfactory-

Water use Application # R 74211 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

If unsatisfactory-

Water use Application # \_\_\_\_\_ received an Unsatisfactory Report of Technical Review.

The Technical Review conducted according to OAR 690-11-160 on the water use application revealed that the proposed water use:

- a)-is prohibited by statute or scenic waterway criteria;
- b)-is not a classified use under the applicable basin program and an application for the use has not been filed under ORS 536.295 and OAR 690, Division 82;
- c)-cannot be modified to be consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-would conflict with (an) existing water right(s), or
- e)-water is not available from the source to support the proposed water use.

As the result of the above finding based on the Technical Review conducted on this water use Application, the Director concluded that the proposed water use would impair or be detrimental to the public interest.

**PUBLIC INTEREST REVIEW  
CHECKLIST**

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application # R74211, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

**I. Existing claims to water from the same source.**

*CLP*

There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

Comment: \_\_\_\_\_  
\_\_\_\_\_

**II. Land use matters.**

*CLP*

The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.

Comment: \_\_\_\_\_  
\_\_\_\_\_



CLG ~~11/11~~  
Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.

Comment: \_\_\_\_\_  
\_\_\_\_\_

CLG  
There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.

Comment: \_\_\_\_\_  
\_\_\_\_\_

N/A  
If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.

Comment: \_\_\_\_\_  
\_\_\_\_\_

N/A  
An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

Comment: \_\_\_\_\_  
\_\_\_\_\_

### III. Identified environmental concerns.

CLG  
The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

Comment: \_\_\_\_\_  
\_\_\_\_\_

IV. The character and extent of other natural resources which are present in the water source basin.

\_\_\_\_\_ The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.

Comment: in process (HB2107)

\_\_\_\_\_ There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

Comment: In process (HB2107)

V. Riparian characteristics.

CLJ

There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

Comment: \_\_\_\_\_

VI. Recreational use and potential of the water source and its basin area.

CLJ

There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

Comment: \_\_\_\_\_

VII. Agricultural potential of the area.

CLJ

There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

Comment: \_\_\_\_\_

VIII. Designated historic, cultural, or natural resource protection areas.

 There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

Comment: \_\_\_\_\_  
\_\_\_\_\_

IX. Identified health or safety requirements.

 There nothing in the record to indicate any identified health and safety requirements.

Comment: \_\_\_\_\_  
\_\_\_\_\_



the following public interest

at the proposed water use described

**DETRIMENTAL TO THE PUBLIC INTEREST**  
Director hereby proposes rejection  
and shall schedule a contested case

**BE DETRIMENTAL TO THE PUBLIC**  
Therefore, the Director shall issue a  
with appropriate conditions.

\_\_\_\_\_  
A. Reed Marbut, Administrator  
Water Rights/Adjudication Division

\_\_\_\_\_, 19\_\_\_\_, in the

To be signed  
by Reed -

- ① (Complete findings)
- ② and date first
- ③ Do TTIS!

**PUBLIC INTEREST REVIEW  
FINDINGS AND CONCLUSIONS**

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).

The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record

August 5, 1994

JOSEPH P MCELLIGOTT  
MCELLIGOTT, JERI D  
PO BOX 4  
IONE, OR 97843

RE: Water Right Registration Application R-74211

We have received your application to appropriate water for a wetland enhancement project (HB 2107). Unless a receipt was sent to you at the time you filed your application, one is enclosed herewith. Your application has been assigned the above-referenced file number; please refer to this number when contacting our office about your application.

The filing of an application does not create a water right. Water may not be used until a Registration for the proposed use has been issued by the Department.

Applications for projects which are eligible under HB 2107 will receive a processing preference over other water use applications and will be processed as quickly as possible.

Public notice of this application will be published in the Department's weekly notice of new applications. The public and interested agencies will have 30 days to submit written comments on this application. During the public comment period, we will be consulting with other state agencies concerning the wetland, riparian, or storm water management benefits which could be provided by your proposed water use.

Following the comment period, we will determine if your application provides wetland, stream or riparian restoration and/or storm water management benefits. If a favorable determination is made, a water use registration will be issued. Upon receipt of the Registration, you may begin water use for your project as authorized.



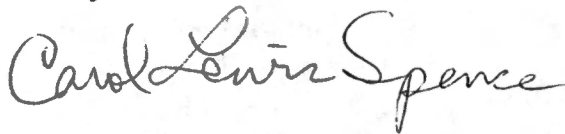


Objections to the proposed water use as described in the Registration may be filed with the Water Resources Department within 60 days of issuance of the Registration. Should objections be filed, the Water Resources Director will determine if the objections warrant further review.

If the Director determines that there are valid public interest issues that must be addressed, the Registration will be rescinded. If your application is rescinded, it will be removed from the HB 2107 program and will be placed in line with other water right applications for routine review.

If you have any questions about the process described above or the status of your application, you may call me at (503) 378-3739. If I am not available, please leave a message and I will return your call.

Sincerely,

A handwritten signature in cursive script that reads "Carol Lewis Spence".

Carol Lewis Spence  
Water Rights Specialist  
Water Rights/Adjudication Division

cc: Watermaster  
CWRE

ACKNOLDG.L-2 (080494)

SECTION 17

TOWNSHIP 55 RANGE 26E W. M.

SECTION 16

TOWNSHIP 55 RANGE 26E W. M.

SECTION 9

TOWNSHIP 55 RANGE 26E W. M.

SECTION 8TOWNSHIP 5S, RANGE 26E, W. M.SECTION 7

TOWNSHIP 55 RANGE 26E W. M.

SECTION 5[illegible]

MINIMUM APPLICATION REQUIREMENTS TO FILE:

**HB 2153 - existing, small, EXEMPT ponds**

\_\_\_\_\_  
(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

\_\_\_\_\_  
Appropriate map (see item 1 on form).

\_\_\_\_\_  
Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

\_\_\_\_\_  
Items 2, 3, 4, 5, and 6 are completed.

\_\_\_\_\_  
Signature (and title, if applicable)

**HB 2153 - non-exempt existing ponds (large, on-channel)**

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

~~CE 6/16/94~~ Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

R 74211 McELLIOTT

**HB 2107 - wetland, stream restoration and storm water management**

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

CE 6/16/94  
\_\_\_\_\_  
within 1/4 mile Name/address of adjacent property owner

\_\_\_\_\_  
Map with scale not less than 2 in.=1 mi.

\_\_\_\_\_  
CWRE map if > 10 feet dam or > 9.2 AF

\_\_\_\_\_  
Description of proposed use

\_\_\_\_\_  
Condition addressed

\_\_\_\_\_  
Resulting benefits

\_\_\_\_\_  
Public notices (circle)

#1

#2

(21072153\cklist.519)

6/28/94

10-12-94



COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # R 74211 (HB 2107)

WATERWATCH

ODF&W - County: MORROW

WATERMASTER #: 5 (JUSTUS)

REGIONAL MANAGER: N. CENTRAL (LADD)

CWRE: N/A (until final proof)

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

CASEWORKER (initials/date) CLG 8/12/94

ORIGINAL TO APPLICANT 6/28/94

T:\HB 2107X DATA.REG\R74211

T:\TRSENT94\R74211 - 10/4/94

CLG

## TECHNICAL REVIEW CHECKLIST

1. Application: R74211 (HB2107)2. Review Date: 8/12/94 CXS

S indicates information was completed or adequately addressed.

U indicates information is needed, or incomplete, or inadequately addressed

N/A indicates Not Applicable

Sent Reg. 10/4/94

## SUMMARY

S

## Land Use

NA/yes/noSubstantial SW interference w/GW  
(if yes, see results of surface  
water availability analysis)S

## Conflicts

NCR

S

## Water Availability

RHEA CR. BASIN (WILLOW CR. B-15)

S

TSS, R26E

(Water Availability Sub-basin)

The application, map and supporting  
data are complete and free of defects.yes NA(CURE for final proof)  
A TMDL letter has been received for  
this source or tributary. If yes, the  
period of use has been adjusted.3. S The applicant has certified that the information  
provided in the application is an accurate  
representation of the proposed use and is true and  
correct to the best of their knowledge.4. N/A No oath is required because application was filed  
before June 5, 1992.5. S Application fees:

|                                           |       |
|-------------------------------------------|-------|
| Examination fee:                          | \$ 40 |
| Recording fee:                            | \$ 10 |
| TOTAL REQUIRED                            | \$ 50 |
| TOTAL SUBMITTED                           | \$ 50 |
| AMOUNT DUE prior to<br>issuance of permit | \$ -  |
| AMOUNT OVERPAID<br>refund due applicant   | \$ -  |



6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.) N/A until final proof
8. S A written copy of the legal description of the property on which the water is to be used.
9. N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. N/A No statement of ownership was required for applications filed before August, 1990.
11. S The proposed use is not restricted or prohibited by statute.
12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
13. S STOCK WATERING use(s) is/are classified uses(s) under the UMATILLA Basin Program, OAR 690 - 507-090(2)(b)

**Land Use Compatibility:**

14. As expressed by the Planning Department of MORROW Co:
15. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section NONE CITED).
16. N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

**For reservoir applications:**

18. S Plans, specifications and supporting information for the dam and impoundment area.



2107

**COMPLETED****COMPLETENESS DETERMINATION CHECKLIST**

| Application # | Review Date | Reviewer |
|---------------|-------------|----------|
| 12 - 74211    | 11/18/95    | JERRY    |

EXAM 40  
 RECORD 10  
 OTHER 50  
 TOTAL 50  
 DUE: 8

A checkmark (✓) indicates that the item is Incomplete or defective.

- ☒ 1. Examination fees (and recording fees, if for PFO/FO).
- ☒ 2. Name and address of the applicant, and title if applicable.
- ☒ 3. Source of water.
- ☒ 4. Use of water.
- ☒ 5. Amount of water.
- ☒ 6. Description of delivery system.
- ☒ 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- ☒ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- ☒ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- ☒ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- ☒ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- ☒ 12. If for a **reservoir**:
  - ☒ a. The height of the dam.
  - ☒ b. The storage capacity.
  - ☒ c. The area submerged.
  - ☒ d. The maximum depth.
  - ☒ e. The construction method (earthfill, concrete, flashboard, etc.).
  - ☒ f. A description of the outlet conduit.
  - ☒ g. A description of the spillway.
- ☒ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- ☒ 14. If the application was made under **HB 2107**:
  - ☒ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - ☒ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
  - ☒ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- ☒ 15. An oath that the application information is true and correct.
- ☒ 16. The signature of the applicant(s).
- ☒ 17. A satisfactory map of the proposed POD & POU.
- ☒ 18. A Land Use Information Form or receipt.
- ☒ 19. A legal description of the property where water will be used.



Application No. R-74211

HB 2107  
CXS  
- see memos  
JUL 6, '94



State of Oregon  
WATER RESOURCES DEPARTMENT

## Application for a Permit to Construct a Reservoir

Applicant(s) Joseph P and Jeri D McElligott  
(Please print or type - use dark ink)

Mailing Address: P O Box 4  
Ione, Oregon 97843 422-7257  
City State Zip Daytime Phone No.

I (We) make application for a permit to construct [redacted] 9 reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Misc canyons,  
a tributary of Rhea Creek.

If not in channel of a stream, state how it is to be filled: In Channel, to be filled by storm run off

2. **THE DAM:** The maximum height of the structure will be less than 10 feet above stream bed or ground surface at the centerline.

The dam will be (check one) ☒ earthfill, ☐ concrete, ☐ flashboard, ☐ other.

If "other" give description: \_\_\_\_\_

Give the location, description, and dimensions of the outlet conduit: Does not apply

Channel has no flow normally

If required to empty pond plan is to siphon or to use pump

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. **THE USE(s)** of the impounded water will be: Store storm run off



4. **THE AMOUNT OF WATER** to be stored is: less than 3 acre-feet.  
The area submerged by the reservoir, when filled, will be less than .5 acres,  
and the maximum depth of water will be 12 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. Spillway to be located on the end of reservoir, 3 ft lower than top of dam  
12 ft wide, and extends past toe of reservoir.

6. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 9-93

Proposed date construction work will be completed 11-95

Proposed date water use will be completed 11-95

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

x Applicant        CWRE        Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

x Applicant        CWRE        Other (Identify in REMARKS section)



8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec 7 T5S R26E W.M.

NW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec 7 " " "

SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec 17 " " "

SE $\frac{1}{4}$  OF SW $\frac{1}{4}$  Sec 5 " " "

SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec 8 " " "

SW $\frac{1}{4}$  of SE $\frac{1}{4}$  SEC 8 " " "

SE $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec 17 " " "

SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec 20 " " "

SW $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec 16 " " "

NW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec 9 " " "

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Joseph P. McElroy  
Signature of Applicant

6-6-94  
Date

BRIAN D. McElroy  
Signature of Co-Applicant, if any

6/6/94  
Date



-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 16th day of June, 1994, at 8:00 o'clock, A M.

APPLICATION NO: R-74211



MINIMUM APPLICATION REQUIREMENTS TO FILE:

**HB 2153 - existing, small, EXEMPT ponds**

\_\_\_\_\_  
(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter  
if prior to April 8, 1994).

\_\_\_\_\_  
Appropriate map (see item 1 on form).

\_\_\_\_\_  
Evidence that reservoir existed before  
January 1, 1993 (one or more of the following: dated aerial  
photo, NOTARIZED affidavit, dated map from agency, construction  
receipts or other documentation).

\_\_\_\_\_  
Items 2, 3, 4, 5, and 6 are completed.

\_\_\_\_\_  
Signature (and title, if applicable)

**HB 2153 - non-exempt existing ponds (large, on-channel)**

Complete Minimum Requirements to File on reverse, except before  
routing to Data Center, change priority date to 1/1/1993. Also,  
confirm the following:

~~CE 6/16/94~~ Receipt of evidence that reservoir existed  
before January 1, 1993 (one or more of the following: dated  
aerial photo, NOTARIZED affidavit, dated map from agency,  
construction receipts or other documentation)

R 74211

**HB 2107 - wetland, stream restoration and storm water  
management**

Complete Minimum Requirements to File on reverse **EXCEPT DO NOT  
ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL.** Also confirm the  
following:

~~CE 6/16/94~~ Name/address of adjacent property owner  
within 1/4 mile

\_\_\_\_\_  
Map with scale not less than 2 in.=1 mi.  
\_\_\_\_\_  
CWRE map if > 10 feet dam or > 9.2 AF  
\_\_\_\_\_  
Description of proposed use  
\_\_\_\_\_  
Condition addressed  
\_\_\_\_\_  
Resulting benefits

\_\_\_\_\_  
Public notices (circle)

#1

#2

(21072153\cklist.519)

6/28/94

10/12/94



# PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

R- 74211

## MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE  
6/16/94

INITIAL

CE

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved \_\_\_\_\_ pending \_\_\_\_\_

If reservoir < 5 AF \$\_\_\_\_\_, if > 5 AF \$\_\_\_\_\_

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

## DATA CENTER

Stream Code \_\_\_\_\_

Entered into WRIS

## SUPPORT SERVICES

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

## APPLICATION SECTION

Stream Indexed

Basin # 7

Plat Carded and copy made

YES NO

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

## TR CASEWORKER

TR Checklist complete

YES NO

Within Irrigation District

District Notified

District excerpt received

TR Mailed DATE \_\_\_\_\_

Public Interest Checklist complete

Management Codes \_\_\_\_\_

REMARKS:

Application No. ....

R- 70211

Permit No. ....

JOSEPH P MCELLIGOTT

Name ... MCELLIGOTT, JERI D .....

Address PO BOX 4 .....

Assign IONE, OR 97843 .....

Address .....

Beginning construction .....

Completion of construction .....

Extended to .....

Complete application of water .....

Extended to .....

# IMPORTANT MESSAGE

FOR File #R74211  
DATE 9/19/94 TIME 1:25 AM  
M John Germond  
OF ODSW - Bend  
PHONE 276-2344  
AREA CODE NUMBER EXTENSION

|                    |  |                   |  |
|--------------------|--|-------------------|--|
| TELEPHONED         |  | PLEASE CALL       |  |
| CAME TO SEE YOU    |  | WILL CALL AGAIN   |  |
| WANTS TO SEE YOU   |  | RUSH              |  |
| RETURNED YOUR CALL |  | SPECIAL ATTENTION |  |

MESSAGE says he won't get to  
Appl. R74211 (McEligott)  
until the end of next wk -  
has concerns that it appears  
the ponds for stockwater will be  
or have influence on fish-bearing  
streams.  
SIGNED Carol B  
LITHO IN U.S.A.



# NOTES

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **113254**

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

RECEIVED FROM: Snow-McElligott  
BY: \_\_\_\_\_

|             |       |
|-------------|-------|
| APPLICATION | 74211 |
| PERMIT      |       |
| TRANSFER    |       |

CASH: ☐ CHECK: # X 96-353 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 50.

**01-00-0 WRD MISC CASH ACCT**

|         |                           |    |
|---------|---------------------------|----|
| 842.010 | ADJUDICATIONS             | \$ |
| 831.087 | PUBLICATIONS / MAPS       | \$ |
| 830.650 | PARKING FEES Name / month | \$ |
| _____   | OTHER: (IDENTIFY)         | \$ |

**REDUCTION OF EXPENSE**

CASH ACCT. \$  
COST CENTER AND OBJECT CLASS VOUCHER #

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS:**

|         |                          |    |
|---------|--------------------------|----|
| 840.001 | COPY FEES                | \$ |
| 850.200 | RESEARCH FEEDS           | \$ |
| 880.109 | MISC REVENUE: (IDENTIFY) | \$ |
| 520.000 | OTHER (P-6) (IDENTIFY)   | \$ |

**WATER RIGHTS:**

|         |               |    |
|---------|---------------|----|
| 842.001 | SURFACE WATER | \$ |
| 842.003 | GROUND WATER  | \$ |
| 842.005 | TRANSFER      | \$ |

**WELL CONSTRUCTION**

|         |                        |    |
|---------|------------------------|----|
| 842.022 | WELL DRILL CONSTRUCTOR | \$ |
| _____   | LANDOWNER'S PERMIT     | \$ |
| _____   | OTHER (IDENTIFY)       | \$ |

**EXAM FEE**

\$ 40.

\$

\$

**EXAM FEE**

\$

**RECORD FEE**

\$ 10.

\$

\$

**LICENSE FEE**

\$

\$

**06-00-0 WELL CONST START FEE**

|         |                      |    |        |  |
|---------|----------------------|----|--------|--|
| 842.013 | WELL CONST START FEE | \$ | CARD # |  |
| _____   | MONITORING WELLS     | \$ | CARD # |  |

**45-00-0 LOTTERY PROCEEDS**

|         |                  |    |
|---------|------------------|----|
| 864.000 | LOTTERY PROCEEDS | \$ |
|---------|------------------|----|

**07-00-0 HYDRO ACTIVITY**

**LIC NUMBER**

|         |                            |    |
|---------|----------------------------|----|
| 842.011 | POWER LICENSE FEE (FW/WRD) | \$ |
| 842.115 | HYDRO LICENSE FEE (FW/WRD) | \$ |

HYDRO APPLICATION \$

RECEIPT # **113254**

DATED: 6-17-94

BY: D. Bushnell

NUMBER 96784

Check 50- NO            Cash           

-----

           Surface Application

X Reservoir Application 40  
10

           Ground Water Application

           Transfer Application

           Power Claim

           Hydroelectric Examination

           Hydroelectric License

           Copying

           Assignment

           Extension of Time

           Other

           P-6

           Quadrangle

           Basin

           Protest

*Data Center*

           Constructors Examination

           Constructors License

           Adjudication



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 114791

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE #

B-74211

RECEIVED FROM: Snow-McElligott

BY:

|             |         |
|-------------|---------|
| APPLICATION | B-74292 |
| PERMIT      |         |
| TRANSFER    |         |

CASH: ☐ CHECK: # ☒ 11417 OTHER: (IDENTIFY) ☐

TOTAL REC'D 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$  
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER \$ 0202 \$  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ 0219 \$  
LANDOWNER'S PERMIT 0220 \$

0200 OTHER (IDENTIFY) Claims & Beneficio Use \$ 250.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD #  
0210 MONITORING WELLS \$ CARD #  
OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE  
OBJ. CODE VENDOR #  
DESCRIPTION \$

RECEIPT: 114791

DATED: 2/2/15 BY: S. McElligott