



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

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: Six Shooter Ranch LLC
First Last
Mailing Address: 2357 Hillside Road
Richfield WI 53076
City State Zip
Phone: (414) 333-5351
Home Work Other

Fax: _____ E-Mail Address*: jim1967@charter.net

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

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

Agent: _____
First Last
Mailing Address: _____
City State Zip
Phone: _____
Home Work Other

Fax: _____ E-Mail Address*: _____

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: N/A

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: Unnamed spring Tributary to: Horseshoe Creek

C. County in which diversion occurs: Wheeler

App. No. R-98176

For Department Use

Permit No. _____ Date _____

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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
10S	23E	22	NE SW	10-23-00-500

E. **Dam:** Maximum height of dam: 7.0 feet. If excavated, write "zero feet".

F. **Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 6.0

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose (Stock water, Wildlife, Fire protection)

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

☒ **Yes** (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ **No** (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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6. ENVIRONMENTAL IMPACT

- A. Channel:** Is the reservoir: ☐ in-stream or ☒ off channel?
- B. Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know
- C. Existing:** Is this an existing reservoir? ☒ Yes ☐ No
If yes, how long has it been in place? Unknown years.
- D. Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.
- E. Partnerships:** Have you been working with other agencies? ☐ Yes ☒ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

8. DESCRIPTION

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

Earthen dam with adequate spillway. An 8" conduit with lockable gate valve will be installed at the lowest original ground elevation.

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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

See attached Exhibit 'A'

9. SIGNATURE

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

Six Shooter Ranch LLC, James D. Hunt mba
Landowner Signature

2-4-16
Date

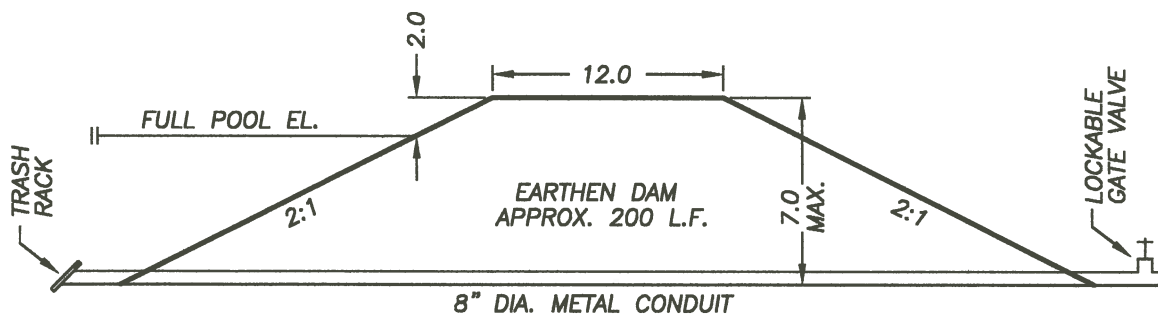
Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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EXHIBIT 'A'



TYPICAL DAM X-SECTION

SCALE 1"=10'

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: SIX SHOOTER RANCH, LLC

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

Explain: I HAVE RECEIVED NO COMPLAINTS FROM DOWNSTREAM USERS FOR THE (E) RESERVOIRS (RES. TRIB TO HORSESHOE CK)

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

If YES, which conditions are recommended: A CAPTURE SEASON LIMITATION OUTSIDE OF THE IRRIGATION SEASON FROM (12/1 - 3/31) EACH YEAR.

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

Who: BRENT SMITH

Agency: ODFW

Date: 1/19/2016

Who:

Agency:

Date:

Watermaster signature:

Kenneth C. Thompson

Date: 1/19/2016

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Six Shooter Ranch, LLC

2357 Hillside Rd. Richfield, WI 53076 (414) 333-5351

Reservoir Name: None Source: Unnamed spring Volume (AF): 7.0

Twp Rng Sec QQ: 10S 23E 22 NE, SW Basin Name: John Day ☐ in-channel
☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO¹ off channel? ☒ YES ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present?..... ☐ YES ☐ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... ☐ YES ☐ NO

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

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... ☐ YES ☒ NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

No detrimental impact locally or downstream, considered a non-fish bearing stream.

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

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
☐ NO (explain) ☐ YES (select from Menu of Conditions on next page)

ODFW Signature: Trevor Watson

Print Name: Trevor Watson

ODFW Title: John Day District Fish Biologist

Date: 01/19/2016

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

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Land Use Information Form



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

Applicant: Six Shooter Ranch, LLC

First

Last

Mailing Address: 2357 Hillside Rd.

Richfield

City

WI

State

53076

Zip

Daytime Phone: (414) 333-5351

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
10S	23E	22	NE SW	500	EFU	☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Wheeler

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Spring

Estimated quantity of water needed: 7.0 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Stock/Wildlife

Briefly describe:

Existing stock pond.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ORS 215.203
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

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 OWRD

Name: Auralea Woods Title: Wheeler County Planning Director

Signature:  Phone: (541) 763-2126 Date: 01/29/2016

Government Entity: Wheeler County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 26TH day of AUGUST, 2014

Thomas G. Atwood

BY:

Thomas G. Atwood
Thomas G. Atwood, Exchangor

STATE OF CALIFORNIA

COUNTY OF SONOMA ^{SS.}

On AUG 26, 2014 before me, SUSAN P. NORTON ^{NOTARY PUBLIC} personally appeared Thomas G. Atwood personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Susan P. Norton



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TRACT II (Cont.)

- Section 24: S1/2SW1/4, SAVE AND EXCEPT a tract described as follows: Beginning at the Northeast corner of said S1/2SW1/4; thence South 55 degrees West a distance of 1436.00 feet, more or less to the centerline of the Richmond County Road No. 4, thence Northwesterly along said centerline to the North line of said S1/2SW1/4; thence East along said North line to the point of beginning.
- Section 25: W1/2W1/2; Those parts of the NE1/4SW1/4 and the SE1/4NW1/4 and of the S1/2S1/2NE1/4NW1/4 lying West of the centerline of the Richmond County Road No. 4; N1/2S1/2NE1/4NW1/4; N1/2NE1/4NW1/4.
- Section 26: All, EXCEPT SE1/4NW1/4.
- Section 27: All.
- Section 28: N1/2; N1/2SW1/4; SW1/4SW1/4; E1/2SE1/4.
- Section 29: S1/2NE1/4; E1/2SE1/4.
- Section 32: NE1/4; E1/2SW1/4; NW1/4SE1/4; SE1/4SE1/4.
- Section 33: SW1/4NW1/4; SE1/4NE1/4; S1/2SW1/4; SW1/4SE1/4.
- Section 34: All.
- Section 35: All.
- Section 36: That part lying West of the centerline of the Richmond County Road No. 4.

Township 11 South, Range 22 East of the Willamette Meridian:

- Section 12: E1/2E1/2.
- Section 13: All.
- Section 24: N1/2.

Township 11 South, Range 23 East of the Willamette Meridian:

- Section 1: That part lying West of the centerline of the Richmond County Road No. 4.
- Section 2: All, (fractional).
- Section 3: All, (fractional).
- Section 4: All, (fractional), EXCEPT SE1/4NE1/4.
- Section 5: Lots 1, 2 and 3: SE1/4NW1/4; SE1/4NE1/4; E1/2SW1/4; SE1/4.
- Section 7: All, (fractional), EXCEPT Lot 4.
- Section 8: All.
- Section 9: N1/2; N1/2S1/2; SW1/4SW1/4.
- Section 10: N1/2; N1/2S1/2.
- Section 11: N1/2; N1/2SE1/4.
- Section 12: That part of the NW1/4NW1/4 lying West of the centerline of the Richmond County Road No. 4.
- Section 17: NW1/4NW1/4; S1/2NW1/4; NE1/4NE1/4; SW1/4NE1/4; N1/2SW1/4; NW1/4SE1/4.
- Section 18: Lots 1, 2, 3 and 4; E1/2NW1/4; NE1/4; E1/2SW1/4; N1/2SE1/4.
- Section 19: NE1/4NW1/4.

TRACT III

Township 10 South, Range 23 East of the Willamette Meridian:

- Section 28: W1/2SE1/4; SE1/4SW1/4.
- Section 32: NE1/4SE1/4.
- Section 33: N1/2N1/2; SW1/4NE1/4; SE1/4NW1/4; N1/2S1/2.

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TRACT IX (Cont.)

Township 11 South, Range 22 East of the Willamette Meridian:

- Section 4: S1/2SW1/4; SW1/4SE1/4.
- Section 8: S1/2SE1/4; and that portion of the S1/2SW1/4 lying Southerly of the right of way of the Service Creek-Mitchell Highway as the same existed prior to June 4, 1948; and all that portion of the N1/2SE1/4 lying South and East of the Service Creek-Mitchell Highway.
- Section 9: All.
- Section 10: S1/2N1/2; S1/2.
- Section 11: S1/2N1/2, EXCEPT the East 660 feet thereof; S1/2, EXCEPT the East 660 feet thereof.
- Section 14: All, EXCEPT SE1/4NE1/4; E1/2SE1/4.
- Section 15: All.
- Section 16: All.
- Section 17: That part lying South of Oregon State Highway No. 207.
- Section 18: That part lying South of Oregon State Highway No. 207.
- Section 19: All, (fractional).
- Section 20: All.
- Section 21: All.
- Section 22: All.
- Section 23: All, EXCEPT the East 660 feet of the N1/2 thereof.
- Section 26: NW1/4NW1/4.
- Section 27: All, EXCEPT the 4 acre tract conveyed by deed recorded November 25, 1919, in Wheeler County Deed Book 14, page 610.
- Section 28: All.
- Section 29: All.
- Section 30: All, (fractional).
- Section 31: All, EXCEPT Lot 4, ALSO EXCEPTING W1/2W1/2W1/2SE1/4SW1/4.
- Section 33: N1/2N1/2.

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