

Application for a Permit to Use Surface Water



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

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Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME LES PERKINS MANAGER FARMERS IRRIGATION DISTRICT		PHONE (HM)	
PHONE (WK) 541-387-5264	CELL 541-490-4062	FAX 541-386-9103	
ADDRESS 1985 COUNTRY CLUB ROAD			
CITY HOOD RIVER	STATE OR	ZIP 97031	E-MAIL * LES@FIDHR.ORG

Organization Information

NAME FARMERS IRRIGATION DISTRICT		PHONE 541-387-5261	FAX 541-386-9103
ADDRESS 1985 COUNTRY CLUB ROAD			CELL
CITY HOOD RIVER	STATE OR	ZIP 97031	E-MAIL * WWW.FIDHR.ORG

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

AGENT / BUSINESS NAME RICK BROCK		PHONE 541-387-5263	FAX 541-386-9103
ADDRESS 1985 COUNTRY CLUB ROAD			CELL
CITY HOOD RIVER	STATE OR	ZIP 97031	E-MAIL * RICK@FIDHR.ORG

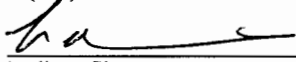
Note: Attach multiple copies as needed

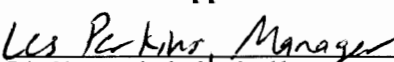
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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


Applicant Signature


Print Name and title if applicable

5-16-2016
Date

Applicant Signature

Print Name and title if applicable

Date

Revise

App. No. <u>5-88232</u>	For Department Use Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

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- Yes
 - There are no encumbrances.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

Hood River County, 601 State Street Hood River OR 97031.
United States of America, 16400 Champion Way Sandy OR 97055.

You must provide the legal description of : 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Water stored in Upper Green Point Reservoir. Diversion for stored water to come from Rainey, Gate, and Cabin Creeks. Diversion would come from existing diversion locations. These are the same PODs as FID's water right certificates of: 48819 (Gate Creek), 75809 (Cabin, etc), and 76230 (Rainy, etc). all tributaries to Green Point Creek Watershed 4-30410506. New diversion requested to be from Rainey, Gate, and Cabin Creek, at 5 cfs maximum from all sources. Tributary to: Hood River

Source 2: Gate (also shown in #1) Tributary to: North Green Point Creek

Source 3: Cabin (also shown in #1) Tributary to: North Green Point Creek

Source 4: Rainy (also shown in #1) Tributary to: North Green Point Creek

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Upper Reservoir	650 acre-feet supplemental irrigation	April 15 th to Sept 30th	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: 1248.15 Acres

List the Permit or Certificate number of the underlying primary water right(s): 74302, 76230, 85974

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1365

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: NA
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): NA

Other means (describe): Existing Infrastructure & Ditch Creek for conveyance.

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

Use existing infrastructure at reservoir, High Line Diversion and Ditch Creek Diversion at Fore bay #3.

B. Application Method

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

Sprinkler

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

To deliver water to 1263.45 acres to customers with piped systems, flow meters or flow regulators. Currently very susceptible to drought conditions leading to rotation and limited to no use for the most junior water right holders.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: Maintain existing fish screens above reservoirs, Gate Cree, Cabin Creek, Rainy Creek and below reservoirs, Ditch Creek High line & Fore bay #3 at Ditch Creek.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: During Reservoir enlargement, measures to prevent erosion, Diversions to the reservoir will be turned off.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Yes, everything that can be done will be done by our contractors and supervisors.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Contractor will be required to maintain a temporary erosion and sediment control plan, including but not limited to, silt fences, swales, and inclement weather work requirements.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: October 1, 2107.

Date construction will be completed: February 25, 2018.

Date beneficial water use will begin: The next irrigation season after reservoir enlargement construction is complete.

SECTION 8: 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 Farmers Irrigation District	Address 1985 Country Club Road	
City Hood River	State OR	Zip 97031

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

Farmers Irrigation District plans to enlarge its existing upper reservoir from 715 acre feet of storage to 1365 acre feet. The lower reservoir will remain at 288 ac-ft of storage. The enlarged upper reservoir is critical to help us deliver supplemental irrigation water during drought years.

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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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

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NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with

your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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

Land Use Information Form

Applicant: Farmers Irrigation District

First

Last

Mailing Address: 1985 Country Club Rd.

Hood River

City

OR

State

97041

Zip

Daytime Phone: 541.387.5264

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.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g., Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (No Change, Reservoir Expansion)

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

Hood River County

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) Rainy, Gate, and Cabin Creeks

Estimated quantity of water needed: 650 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

Briefly describe:

Storage rights to expand Kingsley Reservoir (an existing reservoir within FID's system). No change to number of acres served, diversions, or conveyance. The Irrigation District Boundaries will not change.

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): _____.
- 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:	
Conditional Use Permit	Article 5 Sections 5.02 & 5.05 of HRC Zoning Ordinance	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Acquisition of additional water rights is not regulated by Hood River County, however, the future expansion of a reservoir is subject to a conditional use permit per the above referenced ordinance sections.

Name: ERIC WALKER Title: PRINCIPAL PLANNER
 Signature: [Signature] Phone: 541-387-6840 Date: 4/13/16
 Government Entity: HOOD RIVER 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: _____

See bottom of Page 3. →

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HOOD RIVER COUNTY BOARD OF COMMISSIONERS



DAVID MERIWETHER, COUNTY ADMINISTRATOR

601 State Street • Hood River, OR 97031 • (541) 386-3970 • FAX (541) 386-9392

BOARD OF COMMISSIONERS

RON RIVERS - CHAIR
KAREN JOPLIN - DISTRICT NO. 1
MAUI MEYER - DISTRICT NO. 2
BOB BENTON - DISTRICT NO. 3
LES PERKINS - DISTRICT NO. 4

December 21, 2015

Oregon Water Resources Department
Attention: Jonathan Unger
725 Summer Street NE, Suite A
Salem OR 97301

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Dear Mr. Unger:

Hood River County is aware of Farmers Irrigation Districts (FID) proposal of a reservoir rehabilitation and expansion project at their Kingsley Reservoir facility. The existing reservoir is surrounded by Hood River County forest lands as well as a Hood River County park. The concept for the project includes raising the dam crest at the upper reservoir and decommissioning their lower reservoir to consolidate and improve the reservoir system as well as provide for additional storage.

FID has been coordinating with Hood River County Forestry Department, Parks Department, and Planning Department during the feasibility analysis phase. Any increase in the dam crest and associated water surface elevation will directly affect Hood River County forestry operations as well as the associated park. In the event that the reservoir expansion and rehabilitation project moves forward, FID has stated their willingness to find appropriate ways to make Hood River County whole in the form of land trades and park facilities relocation.

The final form of the land trades and mitigation for the impacts to the park are impossible to determine at this point and therefore Hood River County cannot definitively say that there is a formal agreement between Hood River County and FID. That said, Hood River County (HRC) is in support of this project and stands ready to work with FID to find equitable solutions to the issues around inundation of HRC lands and impacts to the HRC park. FID's reservoir expansion has a direct and positive impact on irrigated agriculture in Hood River County and will provide needed water security for both farmers and fish.

Please don't hesitate to contact us for further clarification.

Sincerely,

Ron Rivers, Chair
Hood River County
Board of Commissioners

A Small County with a big mission:
Providing Quality of Life for all.

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• 1985 Country Club Road, Hood River, OR 97031 Phone (541)-386-3115 Fax (541)-386-9103 www.fidhr.org •

May 19, 2016

To: Oregon Water Resource Department

I would like to provide clarification regarding the enclosed application for a permit to use surface water and application for a permit to store water in a reservoir.

Question #2 on the application for a permit to use surface water and question #9 on the application for a permit to store water in a reservoir asks about property ownership for the point of diversion, conveyance (ditch or pipe), and place of use.

Farmers Irrigation District has written and prescriptive easements dating back to the late 1800's for all associated diversions and conveyance structures related to this project. All diversions have fish screens installed on them. None of the diversion or conveyance structures will be altered for this project. Enclosed maps and property descriptions provide clarity.

Farmers Irrigation District owns the land under the two existing reservoirs. For the reservoir expansion, FID will be trading land with Hood River County to establish ownership of the newly inundated area. Hood River County is committed to working collaboratively with FID during this process. Enclosed maps and property descriptions provide clarity.

The land to be irrigated from the new storage right is currently served by FID and no new land will be irrigated with this water. FID does not own the affected land but the land is within the boundaries of FID's service territory and currently receives water from FID's system. Enclosed maps and property descriptions provide clarity.

Please let me know if you have any questions or concerns.

A handwritten signature in black ink, appearing to read 'Les Perkins', is written over a horizontal line.

Les Perkins
Manager
Farmers Irrigation District

S-88232



• 1985 Country Club Road, Hood River, OR 97031 Phone (541)-386-3115 Fax (541)-386-9103 www.fidhr.org •

3/17/2016

Oregon Water Resources Department
Reservoir & Dam Department
725 Summer Street NE, Suite A
Salem OR 97301

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RE: Farmers Irrigation District Upper Green Point Reservoir Enlargement Project.

Dear Department of Reservoir & Dams,

Farmers Irrigation District (FID) is submitting the included application for additional storage volume for our Upper Green Point Reservoir & Dam Project with supporting documentation. There are no proposed changes to the Lower Green Point Reservoir including its dam and its current storage capacity.

Currently the upper reservoir stores 715 acre feet of water under certificate 48819 which is supplemental irrigation water for 700 acres listed under certificate 74302. The enlarged reservoir would enable FID to store an additional 650 acre-feet bringing total storage up to 1,365 acre-feet. FID is applying for additional storage rights from a portion of the Green Point Creek watershed # 30410506, approximately 1350 acres of the watershed. The additional 650 acre-feet of storage would decrease FID's reliance on live streamflow during irrigation season.

All necessary infrastructure is in place at this time and is able to divert the new storage rights to the upper reservoir including the Rainy Creek Diversion, Gate Creek Diversion and the Cabin Creek diversion and 4.70 miles of PVC and Steel Pipe with a measuring device at the end of the pipeline at the reservoir.

The additional storage would allow us to supply supplemental water to the existing 700 acres of certificate 74302, 147.85 acres of certificate 76230 (also Known as Rainy Creek) and 400.30 acres of certificate 85974 (also known as the High Line Pipe portion of that certificate).

Please contact us with any questions.

Thank you

FID staff.

500232