



**Oregon Water Resources
Department**
725 Summer Street NE, Suite
A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to

**Store Water
in a Reservoir
(Standard Review)**

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. 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: Doug | ^{AS} McKee
First Last

Mailing Address: 11640 Elkins Road

Monmouth Oregon 97361
City State Zip

Phone: 503-932-8326
Home Work Other

Fax: _____ E-Mail Address*: **dmckee99oo@gmail.com**

* 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.)

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is **McKee Lake**.

2. SOURCE OF WATER for the proposed use: **Runoff and unnamed intermittent tributary, a tributary of Cooper Creek.**

Is the proposed use an enlargement of an existing dam/reservoir? Yes **XX No**

If the reservoir is not in channel of a stream, state how it is to be filled: **Precipitation/runoff**

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SALEM, OREGON

12-08239

For Department Use

Permit No. _____

App. No. _____ Storage Water/1 Date _____

Last updated: 3/12/2014

WR

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 27 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area. **Crest width is 10 feet.**

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): **XX Earthfill** Concrete Flash board Other

If "other" give description:

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: **The outlet would be a conduit 8-14 inch in diameter, through the middle of the dam located on the drainage bed. Outlet uses stop boards.**

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel: **Would be located toward one side of the dam and use stop boards.**

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SALEM, OREGON

Storage Water/2

R-08179

THE USE(s) of the impounded water will be: for irrigation, agriculture, livestock, aesthetics
As of 2016, we are in discussions with the Oregon Department of Fish and Wildlife about a fish
passage waiver at the proposed irrigation dam. Stream analysis indicates very poor quality habitat
(muddy streambed) poor quality for fish use.

THE AMOUNT OF WATER to be stored is: 200 acre-feet.

The area submerged by the reservoir, when filled, will be **15 acres.**

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: **Within five years of permit issuance**

Proposed date construction work will be completed: **Within five years of permit issuance**

Proposed date water use will be completed: **Within five years of permit issuance**

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) **NO**

9. PROPERTY OWNERSHIP

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

Yes (Please check appropriate box below then skip to section 10)

XXX There are no encumbrances

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SALEM, OREGON

Irrigation District Name	Address
--------------------------	---------

Storage Water/3

R-88329

City	State	Zip
------	-------	-----

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or an 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).

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.

List the names and mailing addresses of all affected landowners:

11. 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.

11. MAP REQUIREMENTS The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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12. SIGNATURE

By my signature below I confirm that I understand:

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SALEM, OREGON

- 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.
- 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 canceled.
- 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 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:

Applicant: Dayn D. Mcken

Storage Water/4

12-88338

Signature (If more than one applicant, all must sign.)

Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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WATER RESOURCES DEPT
SALEM, OREGON

Storage Water/5

2-08338

Application for a Permit to Oregon Water Resources
Store Water in 725 Salem, Oregon



Department
97301-1266 Summer Street NE, Suite

A
(503) 986-0900

www.wrd.state.or.us a Reservoir

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WATER RESOURCES DEPT
SALISBURY, OREGON

(Standard Review)

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 \$225. 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

R-88338

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.

Revised 3/9/2015

Standard Reservoir/1

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140) **Include this checklist with the application**

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- | | |
|--|---|
| <input type="checkbox"/> XX SECTION 1: applicant information | <input checked="" type="checkbox"/> XX SECTION 7: the amount of water to be stored |
| <input type="checkbox"/> XX SECTION 2: source of water | <input checked="" type="checkbox"/> XX SECTION 8: project schedule |
| <input type="checkbox"/> XX SECTION 3: dam height and composition | <input type="checkbox"/> XX SECTION 9: property ownership |
| <input type="checkbox"/> XX SECTION 4: primary outlet works | <input checked="" type="checkbox"/> XX SECTION 10: within a district |
| <input type="checkbox"/> XX SECTION 5: emergency spillway | <input checked="" type="checkbox"/> XX SECTION 11: map requirements |
| <input type="checkbox"/> XX SECTION 6: the use of the impounded water | <input type="checkbox"/> XX SECTION 12: signature Attachments: |

-
- XXX** Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- XXX** Provide the legal description of: (1) the property on which the water is to be stored, and (2) any property crossed by the proposed ditch, canal or other work
- Fees - Amount enclosed: \$_____ See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- XX** Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir

Provide a map and check that each of the following items is included:

-
- XX** Map must be prepared by Certified Water Rights Examiner
- XX** Permanent quality and drawn in ink
- XX** Even map scale not less than 4" = 1 mile (examples: 1" = 400 ft, 1" = 1320 ft.)
- XX** North Directional Symbol
- XX** Township, Range, Section, Quarter/Quarter, Tax Lots
- XX** Reference public-land survey corner on map
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SALEM, OREGON

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XX Location of each dam if applicable, by reference to a recognized public-land survey corner (distances north/south and east/west)

XX Indicate the area of use by Quarter/Quarter and tax lot identified clearly

XX Number of acres per Quarter/Quarter and hachuring to indicate area of use if for primary irrigation, supplemental irrigation, or nursery

XX Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Other _____

***Please note a secondary application is necessary if there will be out-of-reservoir uses associated with this application.**

Revised 3/9/2015

Standard Reservoir/2

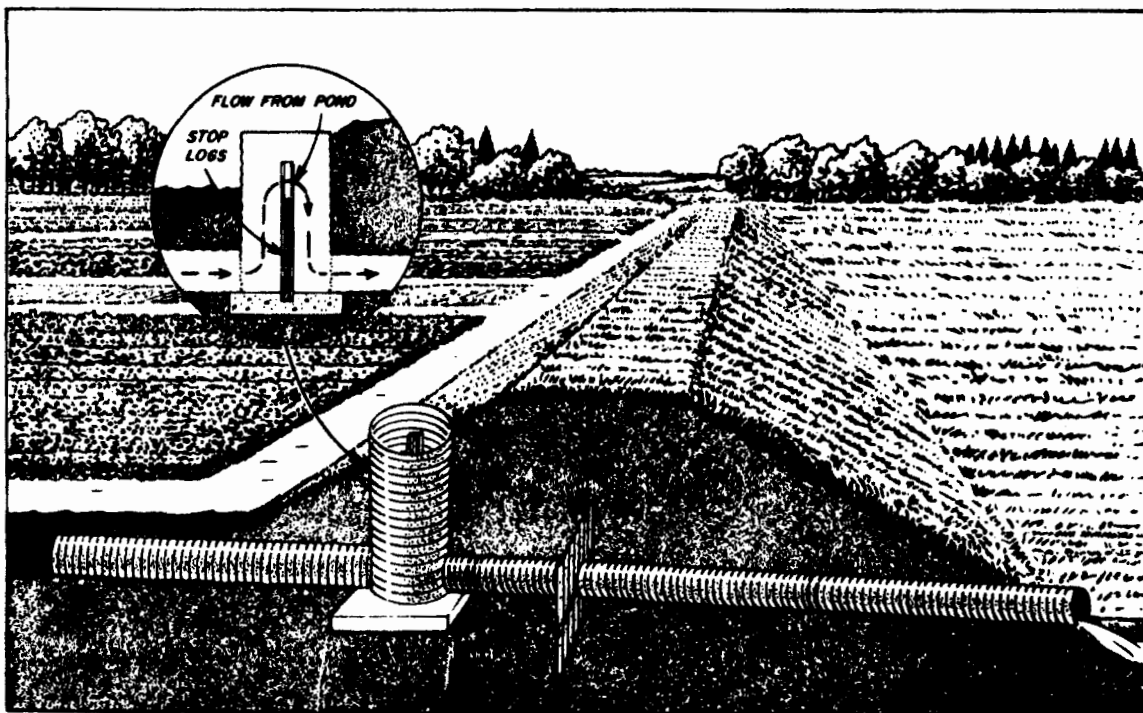
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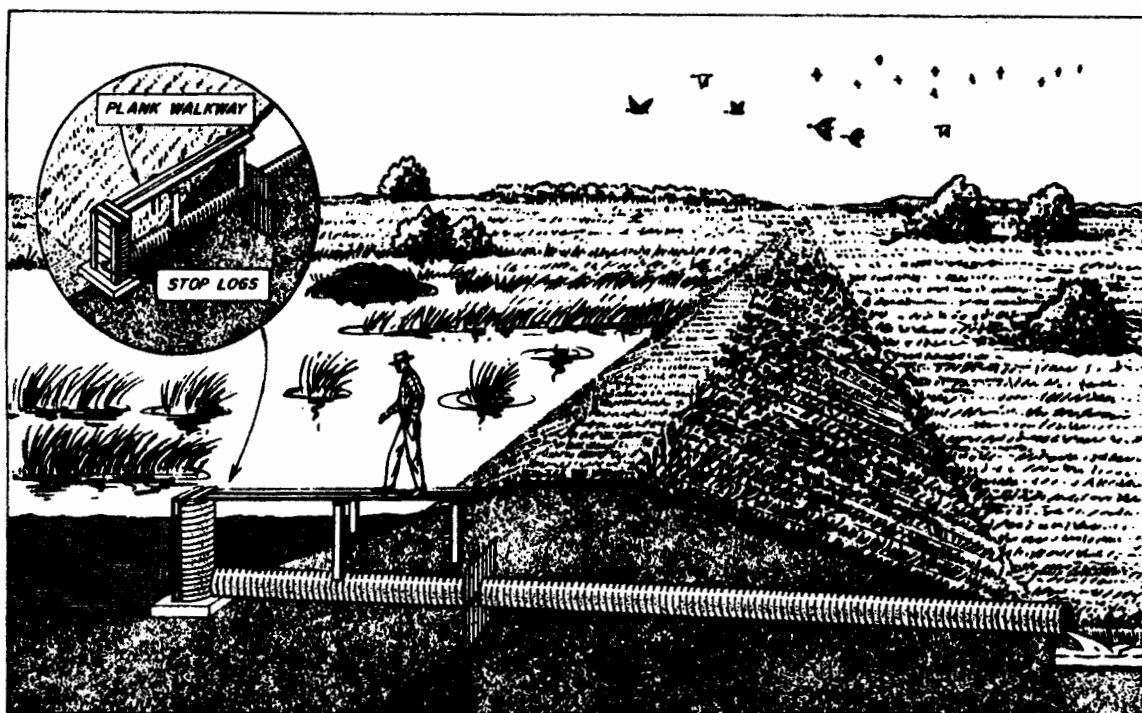
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R-88238



Full section of pipe riser with stoplogs



Half section of pipe riser with stoplogs

Figure 6-41 Corrugated metal pipe drop inlet spillways for water level control by use of stoplogs in the riser

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WATER RESOURCES DEPT
SALEM OREGON

November 29, 2016

Mr. Joel Plahn
Watermaster Office
725 Summer St. NE, Ste.A
Salem, Oregon 97301

Dear Mr. Plahn:

I represent Mr. Doug McKee to acquire a water right and coordinate the process for him. I have been hired by Mr. Jason Robison of Northwest Resource Solutions.

Please find enclosed *two applications*, one to *use* water and the other to *store* water, a *Land Use Information Form*, and a *preliminary drawing for dam and pool design*. I am sending these applications via email *which also include electronic maps found on Google Earth* with designated markings. It should prove to be helpful for you prior to a field visit. The Google Earth photo map gives a good depiction of the project and landscape in Section 4. The permits are for use of an intermittent drainage to a Cooper Creek. The project dam site location is 44° 49.01' 19" North; 123° 18' 11.16 West. A map prepared by a CWRE is enclosed for the storage application.

We are in discussions with the Oregon Department of Fish and Wildlife for an exemption for fish passage at the dam. The drainage has very poor quality fish habitat, with a mud bottom. There is no plan to provide mitigation because watershed plans show no fish presence in Cooper Creek, and there is no appreciable net benefit to migratory species. The pump horsepower is to be determined.

If you have any questions please call me at 541-646-8530, or Jason Robison, at 541-773-5008. Thank you for your time.



Dale Johnson Consulting Biologist LCC
Natural Resource Consultant

REGISTERED

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WATER RESOURCES DEPT
SALEM OREGON

R-88338

After Recording Return to:

Thomas L. Black
Weatherford Thompson
P O Box 667
Albany, OR 97321

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2008-009825

Until requested otherwise

send all tax statements to:

McKee Properties, L.L.C.
23350 SW McKee Road
Amity, OR 97101



\$41.00

00202881200800098250030033

08/05/2008 10:15:48 AM

REC-WD Cnt=1 Stn=1 K. WILLIAMS
\$15.00 \$10.00 \$11.00 \$5.00

Assessor's Tax Number: 186076, 566754, 218515, 153450

WARRANTY DEED

(Douglas D. McKee and Bruce A. McKee to McKee Properties, L.L.C.)

KNOW ALL MEN BY THESE PRESENTS, that Douglas D. McKee and Bruce A. McKee, each as to an undivided one-half interest, hereinafter called Grantor, for the consideration hereinafter stated, do hereby convey and warrant to McKee Properties, L.L.C., an Oregon limited liability company, Grantee, and unto said Grantees' heirs, successors and assigns all of Grantors' interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all leases, and the rents, royalties, issues, and profits therefrom, situated in the County of Polk, State of Oregon, described as follows:

All of Grantor's interest in and to the real property described as on Exhibit "A", attached hereto and incorporated herein.

SUBJECT TO: All easements, conditions, restrictions and encumbrances of record; and all easements, conditions, restrictions, and encumbrances created or suffered by the Grantor; and all leases entered into by Grantor encumbering the property, if any, whether or not of record.

To Have and to hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 197.352.

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WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"
TO
WARRANTY DEED
(Parcel #186076, 566754, 218515, 153450 – Deed 6)

Tract I. A part of the Donation Land Claim of Daniel M. Boon and Elizabeth, his wife, No. 49, Notification No. 2699, being a part of Section 33, in Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and Sections 4 and 5, in Township 9 South, Range 5 West of the Willamette Meridian described as being at the Southeast corner of said Donation Land Claim; thence running West a distance of 82.50 chains; thence North a distance of 31.26 chains; thence East a distance of 2.50 chains; thence North a distance of 8.64 chains; thence East a distance of 80 chains; thence South a distance of 40 chains to the place of beginning.

Tract II. All of Lots 1, 2, and 3 of Section 4, Township 9 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon.

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SALEM, OREGON

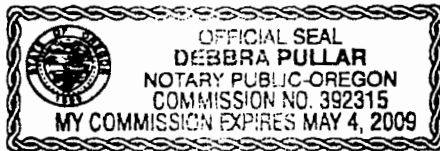
In Witness Whereof, the Grantor has executed this instrument this 29th day of July, 2008.

Douglas D McKee
Douglas D. McKee

Bruce A McKee
Bruce A. McKee

STATE OF OREGON, County of Linn) ss.

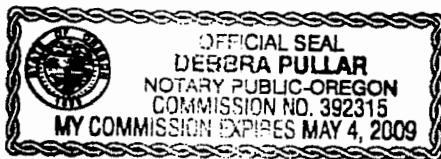
This instrument was acknowledged before me on July 29, 2008 by Douglas D. McKee.



Debra Pullar
Notary Public - State of Oregon
My commission expires 05-04-09

STATE OF OREGON, County of Linn) ss.

This instrument was acknowledged before me on July 29, 2008 by Bruce A. McKee.



Debra Pullar
Notary Public - State of Oregon
My commission expires: 05-04-09

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WATER RESOURCES DEPT
SALEM, OREGON

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(s): McKee Properties LLC

Mailing Address: 11640 Elkins road

City: Monmouth

State: OR

Zip Code: 97361

Daytime Phone: 503-932-8326

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:	
<u>9S</u>	<u>5W</u>	<u>4</u>	<u>NWSE</u>	<u>200</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Polk 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) Runoff and unnamed intermittent stream

Estimated quantity of water needed: 200 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:

Build a reservoir to store water for irrigation, agriculture, livestock and aesthetics - 15 acres

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

DEC 09 2016

The following section must be completed by a planning official from each county and city listed unless the project is 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 FOR A RESERVOIR	PC 20138.060(00)	<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.

MANAGEMENT PLAN AS A CONDITION OF APPROVAL.

Name: MARK BERNARD Title: SENIOR PLANNER
 Signature: [Signature] Phone: 503-673-9257 Date: DEC. 8, 2016
 Government Entity: POPK 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: _____

R-88378



Oregon Water Resources Department
 Permit to Appropriate Surface Water for Storage -Standard Reservoir Application

- [Main](#) [Help](#)
- [Return](#) [Contact Us](#)

Today's Date: Friday, December 09, 2016

Base Application Fee.		\$800.00
Number of acre feet to be diverted for Storage.	200	\$780.00
Number of reservoirs.	1	
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.		Recalculate
Estimated cost of Permit Application		\$2,030.00

[OWRD Fee Schedule](#)

Fee Calculator Version: B20130709

1580⁰⁰ Base Fee
 450⁰⁰ Recording Fee

 2030 TOTAL Ref. Fee