

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: U.S. Bureau of Land Managemen Mailing Address: 28910 Hwy 20 W 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.) 2. AGENT INFORMATION The agent is authorized to represent the applicant in all matters relating to this application. RECEIVED BY OWRD Agent: Mailing Address: Zip Phone: Home Work Other 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: 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: (ricket Creek Tributary to: <u>tmigrant Creek</u> C. County in which diversion occurs: For Department Use App. No. 8-98779 Permit No. Date

D. Reservoir Location

Township	R	ange	~				
(N or S)	(E)	or W)	Section		•	/quarter	- 1 - 2
225	129	E			NESI	<u> </u>	USA-100
E. Dam: Maxim	ım height of	dam: <u> </u>	<u> </u>	et. If exc	avated, w	rite "zero	feet".
F. Quantity: An acre-feet:		r to be stored	l in the reserv	oir at max	ximum ca	pacity. L	ist volume in
Is this project full dollars) . 🔲 Y		•	ne American F	Recovery	and Reinv	estment	Act? (Federal stimulus
			4. WATE	ER USE			
agriculture, fire			tockwater. H		•	,	domestic, irrigation,
the type of storag	e listed, a sec	ondary applic	abatement.	e filed to	appropria	te the sto	red water.
	e listed, a sec	ondary applion be U	abatement.	e filed to	appropria	te the sto	red water.
Wakr	e listed, a sec	ondary application be U	abatement. cation must be Seed 7	e filed to	appropria	te the sto	red water.
Water Please provide a	copy of the	ondary application be under the second decrease of the second decrea	ROPERTY (eed(s).	OWNER	appropria	te the sto	RECEIVED BY
Please provide a Please provide a Please provide a Please provide a	copy of the	5. Place recorded decayou propose ate box below	ROPERTY (eed(s).	OWNER	appropria	te the sto	RECEIVED BY C
Please provide a Of you own all the please character There are	copy of the le land where eck appropria	5. Place recorded decayou propose ate box below ances	ROPERTY (eed(s).	OWNER	SHIP	te the sto	RECEIVED BY C
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, 6. ENVIRONME	ENTAL IMPACT	
A. Channel: Is the reservoir: in-stream or B. Wetland: Is the project in a wetland? Yes C. Existing: Is this an existing reservoir? Yes If yes, how long has it been in place? Yes Yes If yes, how much? miles. E. Partnerships: Have you been working with other a Indicate agency, staff and phone numbers of those involutions project.	ngencies? Yes N	No Don't know No cies that are cost sharing in
7. WITHIN	A DISTRICT	
Check here if the point of diversion or place of other water district.	use are located within or se	rved by an irrigation or
Irrigation District Name	Address	
City	State	Zip
8. DESC	RIPTION	
Provide a description of the design and operation of the flow will be passed outside the authorized storage seaso narrative and sketches on separate pages.		
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		MAR @ 6 2017
		Salem, or

	•
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	G. A.A. Swift A. G. Chin
	SALEM, OR
0	SIGNATURE

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.

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 reservoi 10 feet in height. ORS 537.409 de			
The review shall be limited to issu resources; and c) potential injury to			mpact to existing fishery
Within 60 days after the department writing, requesting the department an existing water right; or (b) Wou	to deny the application for a per	rmit on the basis that the reserve	oir: (a) Would result in injury to
The revi	ew of alternate reservoirs	is limited to these criter	ia only.
Application #: R- 8075 Applican	nt's Name: Bureau of La	nd Managrement	
1) Does the proposed reservoir have	e the potential to injure existing	water rights?	☐ YES
Explain: It is very unlibeing applied for	kely the Radditional A r would cause injury)F	
2) Can conditions be applied to mit	igate the potential injury to exis	sting water rights?	YES
If YES, which conditions are recon	nmended:		
3) Did you meet with staff from and	other agency to discuss this appl	lication?	YES
Who: Jana Wilcox Who:	Agency: BLM Agency:	Date: 3 Fee	b17
Watermaster signature: WRD Contact: Caseworker:	Water Rights Division, 503-986	ate: 7 Feb 17 6-0900 / Fax 503-986-0901	RECEIVED BY OWRD MAR 0 6 2017 SALEM, OR

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.
Applicant Name/Address/Phone/Email: U.S. Bureau of Land Management
28910 Hwy 20 W Hines, OR 97738 541-577-4438 jawilcox@limigor
28910 HWY 20 W Hines, OR 97738 541-577-4438 jawilcox@lmigor Reservoir Name: Horton Mill Source: Cricia + Creak Volume (AF): 2 AF
Reservoir Name: HVTON MIII Source: WICK TOTAL Volume (AF): A HE Twp Rng Sec QQ: 225, R29E, See. 7 Basin Name: Mallyler Lakes Vin-channel NESE Note: It is unlikely that ODEW will be able to complete this form while you wait, nevertheless we recommend making an
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?
2) Is the proposed project or AO located where NMF ² are or were historically present?
3) If NMF are or were historically present:
a. Is there an ODFW-approved fish-passage plan?
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? 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
□ 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. RECEIVED BY OWRD
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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)

	
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing □ NO (explain) □ YES (select from Menu of Conditions on next page)	fishery resource?
ODFW Signature: Ben Ranivez	
ODFW Signature: Ben Ranivez ODFW Title: ASSI. District Fish Biologist Date: 2/24/17	RECEIVED BY OWR
NOTE: This completed form must be returned to the applicant.	
Revised 10/4/12	MAR 0 6 2017
	SALEM OD

R-883.78

Revised June 24, 2011

MAR 0 6 2017

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: 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 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 635-415, 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Not withstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

	·
b52	Water may be diverted only when Department of Environmental Quality sediment standards are being met.
b5	The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
b51a	The period of use has been limited to through
b 57	Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
b58	Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
	II: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow butary of the River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: 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 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 635-415, shall be followed.

wq: 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.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

R-88378

Land Use Information Form



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.

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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SALEM, OR

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:	U.S. B	mau	of La	ind Mo	anagement				
	-		First Hwy	20 W	,		Last		
_Hi	7eS City			State 9	7738 Da	nytime Phone	::54/-5	73-	<i>443</i> 8
A. Land	and Loca	ntion							
Please incl and/or use	ude the folk d or develop	owing info oed. Appli	cants for mu	ınicipal use, o	here water will be diver r irrigation uses within on requested below.				
Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:	,	Proposed Land Use:
225	29E	7	NESE	4SA-100		☐ Diverted	☐ Conveyed	Used	Livestock
						☐ Diverted	☐ Conveyed	Used	
						Diverted	☐ Conveyed	Used	
						☐ Diverted	☐ Conveyed	☐ Used	
Type of ap	t to Use or St	be filed w	vith the Wate	er Resources I	r Permit		or Ground Wat	er Registra	MAR 0 6 2017 SALEM, OR ation Modification
	ed Water Use			ation of Conser		nge of Water			
	water: R		^ /	Ground Water	Surface Water (n			/	•
	quantity of see of water:	Irrig	ation [nicipal [Commercial Quasi-Munic	☐ cubic feet per so ☐ Industrial cipal ☐ Instream	_	gallons per mir estic for	househo	
This Show amo	is and single	exis hold Fili nce l	s 210 19 For 1979 1	The c	r Since 1, more than additional total of	210 1 310 A	979. 1 Origina AF W	lecen levi	t survey mi Hed has been
representa Departmen	tive sign the	receipt at	the bottom	of the next pa	not be completed while age and include it with t	he application	on filed with t	he Water	rnment BCEIVED BY OWR

See bottom of Page 3. \rightarrow

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SALEM, OR

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 be	low and provide the requested info	<u>rmation</u>	•
Land uses to be served by the proposed water your comprehensive plan. Cite applicable or	r uses (including proposed construction) are a dinance section(s): Hezo 3.210, EF	llowed outright	t or are not regulated by
	cumentation of applicable land-use approvals ompanying findings are sufficient.) If approva	which have all	ready been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	d-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
Name: Bandon MªMullew Signature: Manual County Note to local government representative: Plesign the receipt, you will have 30 days from the			
Information Form or WRD may presume the lar	nd use associated with the proposed use of wa	ter is compatib	ole with local comprehensive
Applicant name:	or Request for Land Use Informa	<u>auon</u>	
City or County:			
Signature:	Phone:		Date:

R 88378



United States Department of the Interior



BUREAU OF LAND MANAGEMENT Burns District Office 28910 Hwy 20 West Hines, Oregon 97738 http://www.blm.gov/or/districts/burns

Oregon Water Resources Department North Mall Office Building 725 Summer Street NE, Suite A Salem, Oregon 97301-1266

Dear Sir or Ma'am:

The Bureau of Land Management (BLM) is filing for additional acre feet of storage on a newly certificated reservoir. Horton Mill, Certificate #91899, was constructed 38 years ago with a priority date of December 21, 1979. A recent claim of beneficial use (COBU) survey shows that it holds 2.0 acre feet more than the original permitted amount. Please find attached—

- 1. A completed Alternate Reservoir Application for the additional storage;
- 2. A signed watermaster review form;
- 3. A signed Oregon Department of Fish and Wildlife review form;
- 4. A signed land use planning for local governments form;
- 5. A copy of the existing COBU Final Proof Survey Map;
- 6. A copy of Oregon Water Resources Department fee calculator schedule; and
- 7. A check for \$890.00.

Sincerely,

Richard Roy

Three Rivers Resource Area Field Manager

Enclosures (7)

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Salem, or

Appendix A

Developing your water right often entails grading trenching or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or county planning office. The following information was provided by the Oregon Division of State Lands.

Activities in Wetlands and Waterways are Regulated by:

- The Division of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

What Areas are Regulated?

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and seasonal wetlands
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise 'designated' to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance.

What Activities are Regulated?

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

What Activities are Exempt

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- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing

• Some minor projects involving small amounts of fill or removal

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How are Laws Enforced?

The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.



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

Help

Return

Contact Us

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Wednesday, March 08, 2017

Base Application Fee for Storage of Surface Water.		\$350.00
Proposed Dam Height in feet.	11.0	
Proposed Reservoir volume in Acre Feet.	2.0	\$60.00
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	(Const	\$860.00

OWRD Fee Schedule

Fee Calculator Version: B20130709



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

Main

Help

Return

Contact Us

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Wednesday, January 25, 2017

Base Application Fee for Storage of Surface Water.		\$350.00
Proposed Dam Height in feet.	11	
Proposed Reservoir volume in Acre Feet.	3.0	\$90.00
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		\$890.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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