

## Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application \_\_\_\_\_ County \_\_\_\_\_  
Priority Date \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Taxlot \_\_\_\_\_  
Use \_\_\_\_\_ Caseworker \_\_\_\_\_  
Amount (AF) \_\_\_\_\_ Watermaster \_\_\_\_\_

### Minimum Requirements (ORS 537.409)

☐ **Completed Watermaster review sheet** signed and dated by Watermaster.

Will the reservoir injure an existing water right? ☐ YES ☐ NO

If YES, can conditions be applied to mitigate the injury? ☐ YES ☐ NO **If NO, return the application.**

Did the watermaster determine when water is available for the proposed use? ☐ YES ☐ NO

*The Watermaster review sheet must have been completed within the last 6 months.*

**If the watermaster determined that water is NOT available, return the application.**

☐ **Completed ODFW review sheet** signed and dated by ODFW representative.

Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☐ YES ☐ NO

If YES, can conditions be applied to mitigate the impact? ☐ YES ☐ NO **If NO, return the application.**

*The ODFW review sheet must have been completed within the last 6 months.*

☐ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?

*Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*

☐ **Landowner Name, Mailing Address** and Telephone Number.

☐ **Source** and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**

☐ **Reservoir Location-** Township, Range, Section, Quarter Quarter, Taxlot

☐ **Dam height**, if applicable

☐ **Total Quantity** of Storage Requested: \_\_\_\_\_

☐ **Proposed Use of the water....**Cannot accept application for use of this stored water at the same time (E2)

☐ **Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located .....or..... that are crossed by the diversion works. This includes any roads or rights-of-way.)

☐ Provide 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 to meet this requirement

☐ **Environmental Impact** section completed?

☐ **Application signed by the landowner(s)?** All parties noted as applicants must sign the application.

*Must be an original "wet" signature.*

☐ **Acceptable map \*\* Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**

☐ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)\*

☐ Scale of the Map (not less than 1" = 1320') \*\*

☐ Reference corner on map

☐ North Directional Symbol \*\*

☐ 1/4's clearly identified

☐ Reservoir clearly identified \*\*

☐ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner\* If no dam, use coordinates to center of reservoir.\*\*

☐ Fees enclosed\*\*? Examination: Base Fee\$ \_\_\_\_\_ Permit Recording Fee\$ \_\_\_\_\_  
plus\$ \_\_\_\_\_  
plus\$ \_\_\_\_\_

**Total Paid \$** \_\_\_\_\_

**Total Fees \$** \_\_\_\_\_

Completeness Check by: \_\_\_\_\_ Date: \_\_\_\_\_

*Revised 2011-3-3*

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## **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**

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

### **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.

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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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

### 1. APPLICANT INFORMATION

Applicant: US Bureau of Land Management  
Mailing Address: 28910 Hwy 20W  
Hines OR 97738  
City State Zip  
Phone: 541-573-4438  
Home Work Other  
Fax: 541-573-4411 E-Mail Address\*: jawilcox@blm.gov  
\* 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: \_\_\_\_\_ RECEIVED BY OWRD  
First Last  
Mailing Address: \_\_\_\_\_ APR 10 2017  
City State Zip  
Phone: \_\_\_\_\_ SALEM, OR  
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: Canyon  
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 Tributary to: unnamed  
C. County in which diversion occurs: Harney

|                |                                        |            |
|----------------|----------------------------------------|------------|
| App. No. _____ | For Department Use<br>Permit No. _____ | Date _____ |
|----------------|----------------------------------------|------------|

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**D. Reservoir Location**

| Township<br>(N or S) | Range<br>(E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 28S                  | 27E               | 12      | NWSE            | USA 100        |

**E. Dam:** Maximum height of dam: 10 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: .64

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.

*Water will be used for livestock*

**5. PROPERTY OWNERSHIP**

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

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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)

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☒ 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? 38 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.

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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).

#### 9. SIGNATURE

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

James R. Wilson Dist Water Right Specialist  
Landowner Signature Burns BLM

3/20/2017  
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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# 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: *U.S. Bureau of Land Management*

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☐ YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?

☐ NO ☒ YES

Who: *Jana Wilcox*

Agency: *BLM*

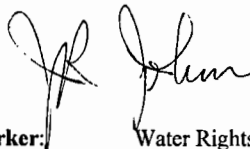
Date: *4 Apr 17*

Who:

Agency:

Date:

Watermaster signature:



Date: *4 Apr 17*

WRD Contact:

Caseworker:

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

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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: US Bureau of Land Management  
28910 Hwy 20 W Hines, OR 97738

Reservoir Name: Canyon Source: unnamed Volume (AF): 64

Twp Rng Sec QQ: 28S 27E &c 12 Basin Name: Malheur Lakes ☒ in-channel  
NWSE ☐ 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 AO<sup>1</sup> 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 NMF<sup>2</sup> 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.

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<sup>1</sup> 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)

<sup>2</sup> 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: Ben Ramirez Print Name: Ben Ramirez  
ODFW Title: Asst. District Fish Bio Date: 4/3/17

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

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

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**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:** Notwithstanding 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 \_\_\_\_\_.

**b57** 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.

**futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary 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.

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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.

## 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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# 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: US Bureau of Land Management

Mailing Address: 28910 Hwy 20 W

Hines OR 97738

Daytime Phone: 541-573-4438

## 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: |
|----------|-------|---------|------|-----------|-------------------------------------------------|-----------------------------------|-----------------------------------|------------------------------------------|--------------------|
| 28S      | 27E   | 12      | NWSE | 45A100    |                                                 | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Livestock          |
|          |       |         |      |           |                                                 | <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:

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## 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) Unnamed Stream / runoff

Estimated quantity of water needed: 64 AF    ☐ 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 Livestock

Briefly describe:

Water will be used for livestock. This is an existing reservoir. Reservoir is 38 years old, recent CDBI survey shows that it holds 64 AF more than the original permitted amount. Applying for the additional 64 AF of storage.

**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. →

## 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): Herz 5.010 - EPLV-1

☐ 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<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:                                                   |                                                                                      |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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.

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APR 10 2017

SALEM, OR

Name: Brandon McMullen Title: Planning Director  
 Signature: [Signature] Phone: (541) 573-6655 Date: 4/4/2017  
 Government Entity: Heavenly 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: \_\_\_\_\_



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Date Mailed: **MAR 10 2017**

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### NOTICE OF CERTIFICATE ISSUANCE

APR 10 2017

Reference: Application R-59662 Permit R-8094

SALEM, OR

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

**Please be aware that the Claim of Beneficial Use submitted for this reservoir indicates that the reservoir stores more water than was authorized under the permit. Your permit authorized 1.0 acre-foot, your claim identified the capacity as 1.64 acre-feet maximum storage developed. You can either reduce the amount of water stored, or you can apply for an additional right to store the additional water you are storing. Application forms are available through the Department's web site.**

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Mary Bjork at 503-986-0804.

cc: Watermaster District 10

2-88390

## STATE OF OREGON

## COUNTY OF HARNEY

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

U.S. BUREAU OF LAND MANAGEMENT  
28910 HWY 20 W  
HINES OR 97738

confirms the right to store water perfected under the terms of Permit R-8094. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-59662

SOURCE OF WATER: UNNAMED STREAM

STORAGE FACILITY: CANYON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: LIVESTOCK

MAXIMUM STORAGE VOLUME: 1.0 ACRE-FOOT

DATE OF PRIORITY: DECEMBER 21, 1979

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APR 10 2017

SALEM, OR

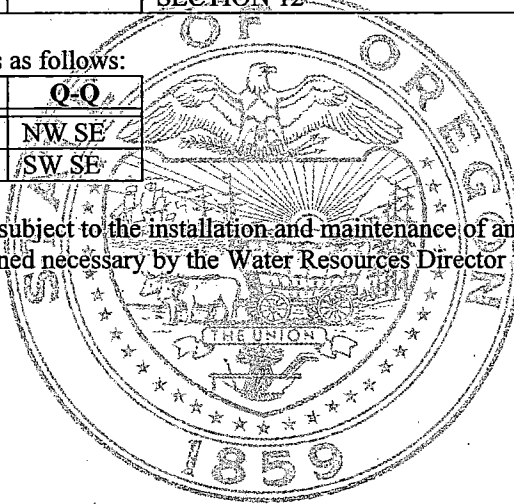
The outlet is located as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   | Measured Distances                                            |
|------|------|-----|-----|-------|---------------------------------------------------------------|
| 28 S | 27 E | WM  | 12  | NW SE | 1630 FEET NORTH AND 1560 FEET WEST FROM SE CORNER, SECTION 12 |

The area submerged by this reservoir is as follows:

| Twp  | Rng  | Mer | Sec | Q-Q   |
|------|------|-----|-----|-------|
| 28 S | 27 E | WM  | 12  | NW SE |
| 28 S | 27 E | WM  | 12  | SW SE |

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.



## NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.



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: Thursday, March 16, 2017

|                                                                                                                                                                                                                                                                                            |                             |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------|
| Base Application Fee for Storage of Surface Water.                                                                                                                                                                                                                                         |                             | \$350.00 |
| Proposed Dam Height in feet.                                                                                                                                                                                                                                                               | 10                          |          |
| Proposed Reservoir volume in Acre Feet.                                                                                                                                                                                                                                                    | .64                         | \$30.00  |
| 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. | <a href="#">Recalculate</a> |          |
| Estimated cost of Permit Application                                                                                                                                                                                                                                                       |                             | \$830.00 |

OWRD Fee Schedule

|                                   |
|-----------------------------------|
|                                   |
| Fee Calculator Version: B20130709 |

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APR 10 2017

SALEM, OR

2-88390

TAX DEDUCTIBLE ITEM ☐

**1007**

88-767/1130

☒ **Track Your Expenses...**

|                                         |                                        |                                         |
|-----------------------------------------|----------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Auto/Travel    | <input type="checkbox"/> Education     | <input type="checkbox"/> Medical/Dental |
| <input type="checkbox"/> Business       | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Savings        |
| <input type="checkbox"/> Charities      | <input type="checkbox"/> Food          | <input type="checkbox"/> Taxes          |
| <input type="checkbox"/> Clothing       | <input type="checkbox"/> Home          | <input type="checkbox"/> Utilities      |
| <input type="checkbox"/> Dependent Care | <input type="checkbox"/> Insurance     | <input type="checkbox"/> Other          |

Oregon Water Resource Dept  
 eight hundred thirty and 00/100

For enhanced security your account number has been blocked out on this copy

4/4/17

|             |     |
|-------------|-----|
| BAL. FOR'D  |     |
| ITEM AMOUNT | 830 |
| BALANCE     |     |
| DEPOSIT     |     |
| FOR'D       |     |

Memo Deposit Fee

**NOT NEGOTIABLE**

Note #

Check was mailed Seperately by mistake on 4/4.

If for some reason the check & application dont match up please call:

Jana Wilcox 541-573-4438  
 jawilcox@blm.gov

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APR 10 2017

SALEM, OR

R-88390



# 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

To Whom It May Concern:

The Bureau of Land Management (BLM) is filing for additional acre feet of storage on a newly certificated reservoir. Canyon Reservoir, Certificate #92351 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 0.64 acre feet more than the original permitted amount. Please find enclosed—

1. Completed Alternate Reservoir Application for the additional storage;
2. Signed Watermaster review form;
3. Signed Oregon Department of Fish and Wildlife (ODFW) review form;
4. Signed land use planning for local governments form;
5. Copy of existing COBU Final Proof Survey Map;
6. Copy of Oregon Water Resources Department fee calculator schedule; and
7. ~~A check for \$830.00.~~ Check mailed on 4/4/17 CK # 1007

Sincerely,

copy provided

Richard Roy

Three Rivers Resource Area Field Manager

Enclosures (7)

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APR 10 2017

SALEM, OR

2-88346