

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME BILL DUKE			PHONE (HM)
PHONE (WK) 541-276-2344	CELL	FAX 541-276-4414	
ADDRESS 73471 MYTINGER LANE			
CITY PENDLETON	STATE OR	ZIP 97801	E-MAIL * WILLIAM.B.DUKE@STATE.OR.US

### Organization Information

NAME OREGON DEPARTMENT OF FISH AND WILDLIFE		PHONE 503-947-6201	FAX 503-947-6201
ADDRESS 4034 FAIRVIEW INDUSTRIAL DRIVE			CELL
CITY SALEM	STATE OR	ZIP 97302	E-MAIL *

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

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

Note: Attach multiple copies as needed

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

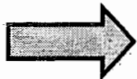
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By my signature below I confirm that I understand:

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

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

Bill Duke  
Applicant Signature

Bill Duke  
Print Name and title if applicable

6/27/2017  
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>S-88455</u>	For Department Use Permit No. _____	Date _____
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**SECTION 2: PROPERTY OWNERSHIP**

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

Yes

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

No

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

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

\_\_\_\_\_

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

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

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

Source 1: <u>Umatilla River</u>	Tributary to: <u>Columbia River</u>
Source 2: _____	Tributary to: _____
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

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

**B. Applications to Use Stored Water**

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

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

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

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

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

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Umatilla River	Fish Rearing	November 1 to January 31	15.6 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: \_\_\_\_\_ Acres      Supplemental: \_\_\_\_\_ Acres  
 List the Permit or Certificate number of the underlying primary water right(s): \_\_\_\_\_  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: \_\_\_\_\_

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

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## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

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

Pump (give horsepower and type): The facility has three 25 HP vertical turbine pumps

Other means (describe): \_\_\_\_\_

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

Water will be diverted at the existing POD, the POD is equipped with NOAA approved fish screens and cleaning device. Water is pumped from the Umatilla River to fish acclimation ponds and returned to the Umatilla River.

### B. Application Method

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

Water use is flow through, water diverted is returned back to the Umatilla River.

### C. Conservation

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

All water diverted for fish rearing is returned to the Umatilla River. This water right will be junior to the instream water right. Pumps are equipped with flow meters and river flows are monitored to ensure the instream water right is being met. The facility is equipped with NOAA approved fish screens.

## SECTION 6: RESOURCE PROTECTION

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

- Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: The diversion is currently screened to meet NOAA screening criteria.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: No stream bank work is required.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: Any needed instream maintenance work will be conducted with-in ODFW's preferred in water work period.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: The addition of this water right will have no erosion impacts.

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: N/A

Date construction will be completed: N/A

Date beneficial water use will begin: November 1, 2017

**SECTION 8: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 9: REMARKS**

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

The Oregon Department of Fish and Wildlife is requesting a new water right for rearing of salmon and steelhead at the Umatilla (Pendleton) Acclimation Pond. The requested water amount of 15.6 cfs for the period of use of November 1 to January 31 will give fish manager's additional flexibility in the operation of the Umatilla Fisheries Program. The Umatilla (Pendleton) Acclimation Pond currently has a water right for 15.6 cfs for the period of use of February 1 to April 30. No facility modifications will be needed as the facilities meet all water diversion requirements.

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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: Bill First Duke Last

Mailing Address: 7341 Mytinger Lane

Pendleton OR 97801 Daytime Phone: 541-276-2344  
City State Zip

### 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:
2N	330700	7	NW NW	501		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	Fish Rearing
						<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:

Umatilla County, Pendleton OR

### 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) Umatilla River

Estimated quantity of water needed: 15.6  acre-feet    cubic feet per second    gallons per minute

Intended use of water:  Irrigation    Commercial    Industrial    Domestic for \_\_\_\_\_ household(s)  
 Municipal    Quasi-Municipal    Instream    Other Fish Rearing \_\_\_\_\_

Briefly describe:

The Oregon Department of Fish and Wildlife is requesting a new water right for rearing of salmon and steelhead at the Umatilla (Pendleton) Acclimation Pond. The requested water amount of 15.6 cfs for the period of use of November 1 to January 31 will give fish manager's additional flexibility in the operation of the Umatilla Fisheries Program. The Umatilla (Pendleton) Acclimation Pond currently has a water right for 15.6 cfs for the period of use of February 1 to April 30. No facility modifications will be needed as the facilities meet all water diversion requirements.

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

See bottom of Page 3. →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CU-98-03 approved the
- 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:	
		<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
		<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.

Name: Holly E. Anderson Title: Associate Planner  
 Signature: Holly E. Anderson Phone: 541-429-7517 Date: 6/27/17  
 Government Entity: Confederated Tribes of the Umatilla Indian Reservation

**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: \_\_\_\_\_

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Date \_\_\_\_\_

(For staff use only)



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

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- SECTION 1: \_\_\_\_\_
- SECTION 2: \_\_\_\_\_
- SECTION 3: \_\_\_\_\_
- SECTION 4: \_\_\_\_\_
- SECTION 5: \_\_\_\_\_
- SECTION 6: \_\_\_\_\_
- SECTION 7: \_\_\_\_\_
- SECTION 8: \_\_\_\_\_
- SECTION 9: \_\_\_\_\_
- Land Use Information Form \_\_\_\_\_
- 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.
- Fees \_\_\_\_\_

**MAP**

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other \_\_\_\_\_

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Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 7, Township 2 North, Range 33;

EXCEPTING that portion thereof lying Southerly of the Northerly right of way line of the O.W.R. & N. Co.;

ALSO EXCEPTING land conveyed to Oregon State Game Commission by deed recorded in Book 253, at Page 568;

ALSO excepting the following described real property, to-wit:

Beginning at the Northwest corner of Lot 2 of the Northwest Quarter of Section 7, Township 2 North, Range 33, said point being a Brass Capped Monument; thence North 89° 57' 40" East along the East and West centerline of the Northwest Quarter of said Section 196.63 feet; thence South 17° 14' 20" East 539.85 feet; thence South 43° 42' 20" East 56.47 feet; thence North 79° 02' 40" East 197.40 feet; thence South 17° 56' 20" East 359.13 feet to the Northeast corner of the Oregon State Game Commission's property; thence in a Westerly direction along the Northerly line of said Game Commission's property the following courses: South 87° 27' West 66.20 feet; thence North 81° 11' 30" West 83.67 feet; thence South 88° 54' West 106.61 feet; thence South 80° 16' 30" West 164.71 feet; thence South 1° 33' East 55.81 feet to the Southwest corner of said Game Commission's property and the Northerly right of way of the N.P.R.R. Co.; thence Westerly along said right of way line along a 2° 02' 08" degree curve right (the long chord of which bears North 76° 45' 34" West 296.67 feet) to the West line of said Section 7; thence North 0° 20' East along said Section line 868.38 feet; to the point of beginning;

EXCEPTING therefrom all road right of way and easements.

TOGETHER with the right to ingress and egress over and across the following described easement for purposes of a roadway;

Beginning at the West Quarter Corner of Section 7, Township 2 North, Range 33; thence North 43° 43' 15" East a distance of 654.47 feet; thence North 88° 54' East a distance of 106.61 feet; thence South 81° 11' 30" East a distance of 83.67 feet; thence North 87° 27' East a distance of 66.20 feet; thence North 2° 33' West a distance of 10.00 feet to the point of beginning for this easement description; thence along the following described centerline of a 20 foot wide easement, ten feet on each side of said centerline the following described courses, South 87° 27' West a distance of 65.21 feet; thence North 81° 11' 30" West a distance of 83.55 feet; thence South 88° 54' West a distance of 108.23 feet; thence South 80° 16' 30" West a distance of 165.27 feet; thence South 82° 27' 45" West a distance of 124.61 feet; thence West a distance of 105.00 feet; thence South 17° 31' West a distance of 90.42 feet to a point where the roadway easement divides and follows the following two courses of North 85° 39' West and South 64° 21' East to the Southerly right of way of Old U. S. Highway No. 30;

EXCEPTING that portion of the above described easement that lies within the right of way of the Northern Pacific Railway Company;

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

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Applic. No. 5 AUG 22 2017

AUG 27 1999

Permit No.

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WATER RESOURCES DEPT.  
SALEM, OREGON

S-88453

ADDED TO FILE JR 8/22/2017

3025 017



**Oregon Water Resources Department**  
**Apply for a Permit to Appropriate Surface Water**

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[Return](#)    [Contact Us](#)

Today's Date: Thursday, August 24, 2017

Base Application Fee for use of Surface and optionally Stored Water.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	15.6	\$5,600.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** 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		\$7,050.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

# 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.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

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### Attachments:

- 
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
  - 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.
  - Fees - Amount enclosed: \$ 6,050.<sup>00</sup>  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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

- 
- Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
  - Other: