

# Application for a Permit to Store Water in a Reservoir (Standard Review)



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

## Water-Use Permit Application Processing SOUTH RESERVOIR

### 1. Completeness Determination

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

### 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### 3. Public Notice

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

### 4. Proposed Final Order Issued

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

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### 5. Public Notice

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Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

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### 6. Final Order Issued

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

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

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

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

### Attachments:

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

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

- Map must be prepared by Certified Water Rights Examiner
- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (examples: 1" = 400 ft, 1" = 1320 ft,)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference public-land survey corner on map
- Location of each 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 identified clearly
- Number of acres per Quarter/Quarter and hachuring 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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**\*Please note a secondary application is necessary if there will be out-of-reservoir uses associated with this application.**

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

# Application for a Permit to Store Water in a Reservoir (Standard Review)

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

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

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml)

## 1. APPLICANT INFORMATION SOUTH RESERVOIR

Applicant: SEUBERT EXCAVATORS, INC  
First Last

Mailing Address: PO Box 57

COTTONWOOD ID 83522  
City State Zip

Phone: 208-962-3314 (office) 208-507-0916 (mobile)  
Home Work Other

Fax: 208-962-3392 E-Mail Address\*: acrhder@q.com seubertexc@gmail.com

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

### FOR AN EXISTING

(We) make application for a permit to ~~construct~~ a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is SOUTH RESERVOIR @ CWC

2. SOURCE OF WATER for the proposed use: UNNAMED STREAM IN CANYON NO. 1, a tributary of MALHEUR RIVER / SNAKE RIVER

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

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

RESERVOIR IS AN EXISTING STRUCTURE ON AN UNNAMED STREAM.

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 OWRD

For Department Use		
App. No. <u>R-88497</u>	Permit No. _____	Date <u>JAN 12 2018</u>

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

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FEB 12 2018

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OWRD

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First Last

Mailing Address: PO Box 57

COTTONWOOD ID 83522  
City State Zip

Phone: 208-962-3314 (office) 208-507-0916 (mobile)  
Home Work Other

Fax: 208-962-3392 E-Mail Address\*: acrehder@q.com

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2. SOURCE OF WATER for the proposed use: UNNAMED STREAM IN CANYON NO. 1  
a tributary of MALHEUR RIVER / SNAKE RIVER

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

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

**SUPERSEDING**

RESERVOIR IS AN EXISTING STRUCTURE ON AN UNNAMED STREAM.

For Department Use  
App. No. Permit No. Date

**3. DAM HEIGHT AND COMPOSITION** 19

The maximum height of the structure will be \_\_\_\_\_ feet above streambed or ground surface at the centerline of the crest of the dam. **EXISTING DAM, CONSTRUCTED IN 1990's**

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

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

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

If "other" give description:

**4. PRIMARY OUTLET WORKS**

Describe the location and the dimensions of the outlet conduit through the dam:

SEE ATTACHED DRAWINGS PROVIDED BY SEUBERT EXCAVATORS, INC.

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

**5. EMERGENCY SPILLWAY**

Describe the location and the dimensions of the spillway channel:

SEE ATTACHED DRAWINGS PROVIDED BY SEUBERT EXCAVATORS, INC.

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6. THE USE(s) of the impounded water will be:

MINING & DUST CONTROL.

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**3. DAM HEIGHT AND COMPOSITION** 45.0

The maximum height of the structure will be 45.0 feet above streambed or ground surface at the centerline of the crest of the dam. **EXISTING DAM, CONSTRUCTED IN 1990's**

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

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

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

If "other" give description:

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Describe the location and the dimensions of the spillway channel:

SEE ATTACHED DRAWINGS PROVIDED BY SEUBERT EXCAVATORS, INC.

**6. THE USE(s) of the impounded water will be:**

**SUPERSEDING**

MINING & DUST CONTROL.

REVISED 2/1/19

R 88497

7. **THE AMOUNT OF WATER** to be stored is: 8.2 acre-feet.  
 The area submerged by the reservoir, when filled, will be 5.0 ± acres.

**8. PROJECT SCHEDULE: (List Month and Year) EXISTING RESERVOIR & DAM STRUCTURE**

Proposed date construction work will begin: N/A

Proposed date construction work will be completed: N/A

Proposed date water use will be completed: OCTOBER 1, 2018

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) N/A

**9. PROPERTY OWNERSHIP**

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

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

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or an easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

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

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List the names and mailing addresses of all affected landowners:

JAN 12 2018

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**10. WITHIN A DISTRICT**

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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

R-08497

7. **THE AMOUNT OF WATER** to be stored is: 2.1 acre-feet.  
 The area submerged by the reservoir, when filled, will be 1.5 ± acres.

**8. PROJECT SCHEDULE: (List Month and Year) EXISTING RESERVOIR & DAM STRUCTURE**

Proposed date construction work will begin: N/A

Proposed date construction work will be completed: N/A

Proposed date water use will be completed: OCTOBER 1, 2018

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) N/A

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

**OWRD**

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List the names and mailing addresses of all affected landowners:

*REVISED 2/7/18*  
*R 88497*

**SUPERSEDING**

**10. 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



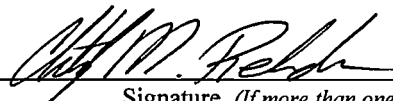
**11. MAP REQUIREMENTS** The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed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

**12. SIGNATURE**

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant:  01/08/2018  
Signature (If more than one applicant, all must sign.) Date

**Before you submit your application be sure to:**

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

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Date \_\_\_\_\_

(For staff use only)

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

**FOR THE**

- 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 \_\_\_\_\_

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**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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# Oregon Water Resources Department

## FORM R FOR WATER USED FOR MINING PURPOSES

1. What type of mining operation is planned?

- Aggregate                       Industrial Minerals                       Placer  
 Metal (flotation processing)                       Metal (chemical processing - heap leach)  
 Other (Specify) \_\_\_\_\_

2. What are the proposed uses of water?

- Gravel washing                       Dewatering                       Make-up for milling operation  
 Heap leach                       Dust control                       Domestic  
 Other (Specify) AGGREGATE CRUSHING

3. Does the mine operation require dewatering?

- No (Skip to question no. 4)                       Yes

At what rate will the water be produced? \_\_\_\_\_  gpm  cfs

How will the water be discharged?                       Recirculated                       Off-site

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4. Will ponds or dams be constructed?

- No (Skip to question no. 5)                       Yes CONSTRUCTED IN 1990's

NORTH RESERVOIR

Approximate pond depth: 18'                      Depth to ground water: UNK                      Amount stored: 8.2 A.F.

SOUTH RESERVOIR

Approximate pond depth: 10'                      Depth to ground water: UNK                      Amount stored: 1.2 A.F.

5. Will a pond (or ponds) be left after reclamation has been completed?

- No (Skip to question no. 6)                       Yes List information for each pond.

Source: \_\_\_\_\_ Use: \_\_\_\_\_ Size: \_\_\_\_\_ Depth: \_\_\_\_\_

*Use the reverse side of this form for additional ponds.*

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6. Will monitoring or observation wells be constructed on site?

- No (Skip to question no. 7)                       Yes How many? \_\_\_\_\_

*Label these well locations on your permit application map.*

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7. Attach a copy of the map submitted to the Department of Geology and Mineral Industries (DOGAMI) showing locations of all intermittent water courses, perennial streams, springs, wetlands, and wells.



# Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division  
4034 Fairview Industrial Dr SE  
Salem, OR 97302  
503-947-6200  
Fax: 503-947-6202  
[www.dfw.state.or.us](http://www.dfw.state.or.us)

March 18, 2016

Chris Rehder  
Seubert Excavators, Inc.  
P.O. Box 57  
Cottonwood, ID 83522



**Re: Fish Passage Exemption Approval for Seubert Excavators Ponds on an Unnamed Tributary of Canyon Creek #1; Application # E-10-0002**

Dear Mr. Rehder,

The fish passage exemption request for two instream ponds on an unnamed tributary of Canyon Creek #1, a tributary of the Snake River, has been approved by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 509.585(9(aC)) and OAR 635-412-0025(4(c)) and (10(aA)). The project is located near Ontario, OR in Malheur County. An appreciable benefit analysis performed by ODFW showed that providing fish passage at this site would not result in an appreciable benefit to native migratory fish due to the presence of artificial obstructions downstream and upstream of the in-stream ponds, as well as a lack of usable native migratory fish habitat upstream. Therefore, fish passage is not required at this time. Please note that if conditions change in the future to the extent that providing passage at this site results in an appreciable benefit to native migratory fish, this exemption can be revoked (ORS 509.585(9(aC)(b)) and (OAR 635-412-0025(6)).

Please keep a copy of this fish passage exemption approval letter with the attachment as a record of the fish exemption approval. Please contact me at 503-947-6256 if you have any questions regarding this fish passage exemption approval letter.

Sincerely,

Ken Loffink  
ODFW Assistant Fish Passage Coordinator

Cc: Greg Apke; ODFW  
David Banks; ODFW  
Benji Ramirez; ODFW

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R-88492

# Land Use Information Form South Reservoir



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: SEUBERT EXCAVATORS, INC.  
First Last

Mailing Address: PO Box 57

COTTONWOOD ID 83522 Daytime Phone: 208-962-3314  
City State Zip

## A. Land and Location **South Reservoir**

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:
17S	47E	19	NWNE	800		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SWNW	900		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SENW	1000		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SWNE	800 & 1100		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SENE	800		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NWSW	900		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NESW	1200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NWSE	1200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	NESE	1200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SESW	1600		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING
17S	47E	19	SWSE	1600 & 1700		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MINING

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

MALHEUR COUNTY.

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JAN 11 2018

## 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) \_\_\_\_\_

Estimated quantity of water needed: 0.78  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 MINING

Briefly describe:

**WATER IS STORED IN NORTH RESERVOIR AND THEN USED FOR WASHING, CRUSHING, DUST CONTROL, & ASPHALT PLANT MIX.**

**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.

R-00497

# 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): ACC 6-6-5
- 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.

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Name: W. Alvin Scott Title: Planning Director  
 Signature: [Signature] Phone: 541 473 5185 Date: JAN 3, 2018  
 Government Entity: Malheur County Planning Department

**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**

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JAN 11 2018

Applicant name: \_\_\_\_\_ OWRD  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Ontario Quarry

EXHIBIT "A"

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Parcel A:

(Tax Lot 800)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: All that portion of the NE1/4 lying and being South and West of the right of way of the existing US Interstate Highway No. 84 (Old Oregon Trail Highway as relocated);

EXCEPTING THEREFROM the following 2 parcels:

Parcel No. 1: Beginning at the Northwest corner of the SW1/4 NE1/4 of said Sec. 19; thence South, coincident with the West boundary thereof, 144 feet; thence East, parallel with the North boundary of said SW1/4 NE1/4, 691 feet; thence Northwesterly to a point being 123 feet North and 610 feet East of the Northwest corner of said SW1/4 NE1/4; thence North, parallel with the West boundary of said NE1/4, to the Southwesterly right of way boundary of said Old Oregon Trail Highway as relocated; thence Northwesterly, coincident with said Southwesterly boundary, to the point of intersection with the West boundary of said NE1/4; thence South, coincident with the said West boundary, to the Point of Beginning.

Parcel No. 2: Beginning at the Southwest corner of the SW1/4 NE1/4; thence N. 0°8'22" E., coincident with the West boundary thereof, 712.71 feet; thence S. 63°15'47" E. 207.37 feet; thence S. 30°53'04" E. 723.88 feet to the South boundary of said SW1/4 NE1/4; thence N. 89°48'44" W., coincident with said South boundary, 558.51 feet to the Point of Beginning.

(Tax Lot 1000)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: S1/2 SE1/4 NW1/4

TOGETHER with a non-exclusive easement and right of way over and across the South 20 feet of Govt Lot 2 in Sec. 19.

(Tax Lot 900)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: Govt Lot 2 and the North 1/2 of Govt Lot 3,

EXCEPTING THEREFROM that portion of said Lot 3 described as follows:

Beginning at a point on the West boundary of said Lot 3 being 210 feet South of the Northwest corner thereof;

thence South 200 feet;

thence East, parallel with the North boundary of Lot 3, 145 feet;

thence North, parallel with the said West boundary, 200 feet;

thence West, parallel with said North boundary, 145 feet to the Point of Beginning.

Subject to existing road and Lateral rights of way.



(Tax Lot 1600)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: E1/2 SE1/4 SW1/4 and SW1/4 SE1/4,

EXCEPTING THEREFROM the following parcel:

Beginning at the Northwest corner of said SW1/4 SE1/4;

thence S. 89°54'17" E., coincident with the North boundary thereof, 1316.34 feet to the Northeast corner of said SW1/4 SE1/4;

thence S. 0°4'28" W., coincident with the East boundary thereof, 537.46 feet;

thence N. 76°15' W., 855.71 feet;

thence N. 63°46' W., 510.15 feet;

thence N. 58°42' W., 213.54 feet to the North boundary of said E1/2 SE1/4 SW1/4;

thence S. 89°56'05" E., coincident with the said North boundary, 155.62 feet to the Point of Beginning.

Parcel B:

(Tax Lot 1200)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: NE1/4SW1/4 and NW1/4SE1/4.

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**JAN 12 2018**

(Tax Lot 1700)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Sec. 19: A parcel of land in the E1/2 SE1/4 SW1/4 and SW1/4 SE1/4 described as follows:

Beginning at the Northwest corner of said SW1/4 SE1/4;

thence S. 89°54'17" E., coincident with the North boundary thereof, 1316.34 feet to the Northeast corner of said SW1/4 SE1/4;

thence S. 0°4' 28" W., coincident with the East boundary thereof, 537.46 feet;

thence N. 76°15' W., 855.71 feet;

thence 63°46' W., 510.15 feet;

thence N. 58°42' W., 213.54 feet to the North boundary of said E1/2 SE1/4 SW1/4;

thence S. 89°56'05" E., coincident with the said North boundary, 155.62 feet to the Point of Beginning

**OWRD**

SUBJECT TO:

Regulations of the Owyhee Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

An easement for power lines created by instrument, including the terms and provisions thereof;  
Recorded: Mar, 20, 1939, in Book 15, Page 195, L&A Records (SENE)

Recorded: June 7, 1950, Book 82, Page 577, Deeds.  
 Recorded: July 17, 1981, Inst. 81-93281, Deeds  
 Recorded: Dec 31, 1992, Inst. 92-8938, Deeds (Tax Lot 1200)  
 Recorded: July 14, 2004, Inst. 2004-4968, Deeds (Tax Lot 602)  
 Favor of: Idaho Power Company

Reservations and Restrictions as contained in Deed from the State of Oregon Highway Comm. recorded July 27, 1956, Book 104, Inst. 6531, Deeds. (Tax Lot 800)

Reservation as contained in Deed from Teddy Allen recorded Dec. 16, 1982, Inst. 82-111316, Deeds, for a right of way across the South 30 feet of S1/2 SE1/4 NW1/4.

Reservation as contained in Notice of Sale from John C. Compton recorded Oct. 12, 1981, Inst. 81-96398, Deeds AND in Deed recorded Jan. 6, 1987, Inst. 87-8140, for access.

Reservation as contained in Deed from John C. Compton recorded July 14, 1987, Inst. 87-11777, for access.

Roadway easement in favor of Merle Maine recorded July 14, 1987, Inst. 87-11778, Deeds across the SWSE.

Right of way in favor of Cascade Gas Corp. as follows:

- a. Recorded July 9, 1992, Inst. 92-4679, Deeds. (Tax Lot 1200, 1700)
- b. Recorded July 9, 1992, Inst. 92-4680, Deeds. (Tax Lot 1600)

Easement Agreement for existing private road .50 feet wide created by instrument, including the terms and provisions thereof.

Dated: April 9, and May 8, 2007  
 Recorded: May 8, 2007, as Instrument No. 2007-3512, official records of Malheur County, Oregon  
 Favor of: John W. Faw and Patricia A. Faw  
 (Tax Lots 1600 and 1700)

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JAN 12 2018

**OWRD**

# SEUBERT EXCAVATORS, INC.

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P.O. BOX 57  
COTTONWOOD, IDAHO 83522  
PHONE 208-962-3314 • FAX 208-962-3392

An Equal Opportunity Employer  
CCB #072372

January 8, 2018

Mr. Gerry Clark  
Oregon Water Resource Dept.  
725 Summer St. NE, Ste. A  
Salem, Oregon 97301-1266

Re: Application for Store Water in a Reservoir Permit and Surface Water Permit

Dear Mr. Clark,

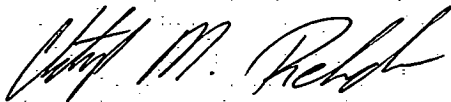
The attached permit applications are being submitted to correct an oversight from a permit application that was filed in October 1998.

The original application requested water to be used from January 1 to December 31. The permit was issued for October 1 to April 4. This application is being submitted to allow the water to be used for the entire calendar year.

The ponds/reservoir were noted in the original application but were not included in the issued permit. The applications will correct that problem.

If you have any questions or would like to discuss please do not hesitate to give me a call at (208) 962-3314 or you can reach me via e-mail at [seubexcr@gmail.com](mailto:seubexcr@gmail.com)

Sincerely,



Christopher M. Rehder  
Project Engineer, BSCE

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JAN 11 2018

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R-8847

APPLICATION #: \_\_\_\_\_

CASEWORKER: \_\_\_\_\_

PLANS & SPECS: \_\_\_\_\_

DAM NAME: \_\_\_\_\_



PLANS RECEIVED

DATE RECEIVED: \_\_\_\_\_



SENT TO DAM SAFETY

DATE SENT: \_\_\_\_\_



PLANS APPROVED

DATE APPROVED: \_\_\_\_\_

APPLICATION #: \_\_\_\_\_

CASEWORKER: \_\_\_\_\_

PLANS & SPECS: \_\_\_\_\_

DAM NAME: \_\_\_\_\_



PLANS RECEIVED

DATE RECEIVED: \_\_\_\_\_



SENT TO DAM SAFETY

DATE SENT: \_\_\_\_\_



PLANS APPROVED

DATE APPROVED: \_\_\_\_\_



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

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

Today's Date: Wednesday, January 3, 2018

**SOUTH RESERVOIR**

Base Application Fee.		\$930.00
Number of acre feet to be diverted for Storage.	1.2	\$70.00
Number of reservoirs.	1	
Permit Recording Fee. ***		\$520.00
*** 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		\$1,520.00

OWRD Fee Schedule

Fee Calculator Version: B20170117
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 JAN 11 2018  
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R-88487