

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.oregon.gov/OWRD

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

|                                                         |                               |                                     |                                     |
|---------------------------------------------------------|-------------------------------|-------------------------------------|-------------------------------------|
| NAME<br><b>BROTHERS RANCH, LLC and Zadok Ranch, LLC</b> |                               | PHONE (HM)<br><b>(503) 806-1062</b> |                                     |
| PHONE (WK)<br><b>(503) 806-1062</b>                     | CELL<br><b>(503) 806-1062</b> | FAX                                 |                                     |
| ADDRESS<br><b>22870 SW ENO PLACE</b>                    |                               |                                     |                                     |
| CITY<br><b>TUALATIN</b>                                 | STATE<br><b>OR</b>            | ZIP<br><b>97062</b>                 | E-MAIL *<br><b>tom@sterling.net</b> |

**Organization**

|         |       |       |          |
|---------|-------|-------|----------|
| NAME    |       | PHONE | FAX      |
| ADDRESS |       | CELL  |          |
| CITY    | STATE | ZIP   | E-MAIL * |

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

|                                                                                           |                    |                                |                                                  |
|-------------------------------------------------------------------------------------------|--------------------|--------------------------------|--------------------------------------------------|
| AGENT / BUSINESS NAME<br><b>David Newton-H. A. McCoy Engineering &amp; Surveying, LLC</b> |                    | PHONE<br><b>(541) 325-3905</b> | FAX                                              |
| ADDRESS<br><b>2083 MOUNTAIN VIEW COURT</b>                                                |                    | CELL<br><b>(541) 325-3905</b>  |                                                  |
| CITY<br><b>WEST LINN</b>                                                                  | STATE<br><b>OR</b> | ZIP<br><b>97068</b>            | E-MAIL *<br><b>dnewton@newtonconsultants.com</b> |

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.)

**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 store 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.

RECEIVED

APR 02 2019

OWRD

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

Applicant Signature

Print Name and Title if applicable

Date

3.12.2019

**SECTION 2: PROPERTY OWNERSHIP**

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.  
☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.  
☐ NO, I have a recorded easement or written authorization permitting access.  
☐ NO, I do not currently have written authorization or easement permitting access.  
☐ NO, 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).  
☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all the owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

NA

**LEGAL DESCRIPTION:** 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.

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE DIVERTED AND USED:**  
**PARCEL 1 AND PARCEL 2 OF PARTITION PLAT 2018-05, DESCHUTES COUNTY, OREGON;**  
**SECTION 13, T14S, R10E, W.M. (SEE ENCLOSED PARTITION PLAT MAP 2018-5)**

RECEIVED

APR 02 2019

**SECTION 3: SOURCE OF WATER**

**A. Reservoir Name:** \_\_\_\_\_

OWRD

**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 1: <b>GROUNDWATER</b>                           | Tributary to: <b>WHYCHUS CR; DESCHUTES RIVER</b> |
| TRSQQ of POD: <b>T14S, R10E, SECTION 13 SW1/4NW1/4</b> |                                                  |
| Source 2:                                              | Tributary to:                                    |
| TRSQQ of POD:                                          |                                                  |

- Is the proposed reservoir in a wetland (as determined by DSL)? ☐ Yes ☒ No ☐ Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? ☐ Yes ☒ No
- Is the proposed reservoir in-channel of a stream or off-channel: ☐ In-channel ☒ Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: ☐ Perennial ☐ Intermittent ☐ Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?

☐ Yes ☐ No ☐ Don't know

- Is the reservoir in the 100-year floodplain? ☐ Yes ☒ No ☐ Don't know

**RESERVOIR SITE IS IN UPLAND AREA, REMOTE FROM ANY STREAM CHANNEL OTHER THAN TWO EPHEMERAL DRAINAGES OUTSIDE THE RESERVOIR SITE AT DISTANCES OF 600 TO OVER 800 FEET FROM THE RESERVOIR SITE.**

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

**RESERVOIR WILL BE FILLED WITH WATER PUMPED FROM A PROPOSED WELL. AN INITIAL FILLING WILL BE DONE, THEN WELL WATER WILL BE ADDED FOR POND MAINTENANCE IN RESPONSE TO EVAPORATION & SEEPAGE LOSSES.**

#### **SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, refer to the map shown on [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

#### **Upper Columbia - OAR 690-033-0115 thru -0130**

Is the POD located in an area where the Upper Columbia Rules apply?

☒ Yes ☐ No

**RECEIVED**

**APR 02 2019**

**OWRD**

**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements prior to diversion or use of water under any permit issued pursuant to this application.

RECEIVED

APR 02 2019

OWRD

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

☐ Yes ☒ No

**If yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

☐ Yes ☒ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

**If yes**, provide a description of the measures to be taken to assure reasonably efficient water use:

**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

☒ Yes ☐ No

**If yes**, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T&E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

a) The use of the impounded water will be: **AQUATIC LIFE, WILDLIFE, FIRE, RECREATION & POND MAINTENANCE**

b) The amount of water to be stored is: **28 acre-feet. MAXIMUM POND STATIC VOLUME IS 19 ACRE-FEET; ADDITIONAL 9 ACRE-FEET WILL BE STORED OVER THE YEAR TO REPLACE STORAGE ANNUALLY LOST TO EVAPORATION & SEEPAGE. TO MAINTAIN A FULL POND VOLUME OF 19 ACRE-FEET, 9 ACRE-FEET MUST BE ADDED OVER THE YEAR TO OFFSET THE LOSSES.**

c) The area submerged by the reservoir, when filled, will be **1.6 ACRES.**

**RECEIVED**

**APR 02 2019**

**OWRD**

For Department Use: App. Number: R-88766

## SECTION 6: DAM HEIGHT AND COMPOSITION

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

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

*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 by the Department' Dam Safety Section prior to storage of water.*

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

If "other," provide the description: **RESERVOIR WILL BE EXCAVATED WITH NO DAMS.**

## SECTION 7: PRIMARY OUTLET WORKS

- a) Describe the location and the dimensions of the outlet conduit through the dam:

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

**NO DAM WILL BE CONSTRUCTED SINCE RESERVOIR WILL BE EXCAVATED BELOW GROUND SURFACE. THE ONLY OUTLET WILL BE PIPELINE FROM CENTRIFUGAL PUMP AT RESERVOIR THAT WILL BE USED TO DELIVER WATER STORED IN THE RESERVOIR TEMPORARILY AS A "BULDGE" TO IRRIGATION SYSTEMS. AN ADDITIONAL OUTLET IN CASE OF OVERFLOW WILL BE AN EMERGENCY SPILLWAY**

- b) How and when will the outlet be operated?

**ONLY TO PUMP WATER TEMPORARILY STORED AS "BULDGE" TO SPRINKLER IRRIGATION SYSTEMS**

- c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

**NOT APPLICABLE SINCE THE RESERVOIR IS REMOTE FROM ANY FISH-BEARING STREAM BY AT LEAST 1.9 MILES AND HAS NO OUTLET CONDUIT**

RECEIVED

APR 02 2019

## SECTION 8: EMERGENCY SPILLWAY

OWRD

- a) Describe the location and the dimensions of the spillway channel.

**THE SPILLWAY IS INTENDED TO PROTECT AGAINST GULLY EROSION DURING A POTENTIAL POND OVERFLOW EVENT THAT COULD CUT DOWNWARD INTO THE POND, RELEASING STORED WATER IN ADDITION TO RUNOFF WATER THAT MIGHT ENTER THE POND FROM SNOWMELT, RAIN ON SNOW, OR A LOCAL HIGH-INTENSITY THUNDERSTORM. WATER DISCHARGE FROM THE SPILLWAY WOULD FLOW OVERLAND TO A SOUTHEASTERLY-TRENDING NATURAL, EPHEMERAL DRAINAGE, AWAY FROM ANY BUILDINGS ON THE PROPERTY. BASED ON A WATERSHED AREA FOR THE RESERVOIR OF 15 ACRES (0.023 SQ. MILES) AND THE ODOT METHOD OF RUNOFF ESTIMATION FOR A HIGH FLASH FLOOD EVENT, SPILLWAY DISCHARGE COULD BE 48 CFS. THE SPILLWAY CHANNEL WILL HAVE A BOTTOM WIDTH OF 8 FEET, TOP WIDTH OF 15 FEET, 1 HORIZONTAL TO 1 VERTICAL SLOPED SIDEWALLS, CHANNEL BOTTOM SLOPE OF 1.5 PERCENT AWAY FROM THE RESERVOIR AND FLOW DEPTH OF 1 FOOT, PROVIDING 2 FEET OF FREEBOARD. THE CHANNEL DIMENSIONS AND LENGTH WILL BE CONFIRMED IN POND DESIGN.**

- b) How will the emergency spillway be designed to prevent erosion?

**FLOW VELOCITY IN THE SPILLWAY IS ESTIMATED AT 5.4 FT/SEC. THE SPILLWAY CHANNEL AND 1.5 FEET OF THE SIDEWALLS WILL BE LINED WITH 12-INCH THICK LAYER OF 6-INCH MINUS RIP RAP, WELL-GRADED FROM COARSE TO FINE, PLACED ON A 4 INCH THICK FILTER LAYER OF 1 1/2-INCH MINUS CRUSHED ROCK.**

- c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

**THE DESIGN FLOW FOR THE SPILLWAY IS 48 CFS BASED ON THE ODOT CALCULATION METHOD FOR A HIGH FLASH FLOOD EVENT.**

RECEIVED  
APR 02 2019  
OWRD

## SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.  
**SUMMER USE INCLUDES IRRIGATION WITH WATER PUMPED INTO RESERVOIR FROM WELL FOR TEMPORARY "BULGE" STORAGE, THEN PUMPED FROM RESERVOIR WITH CENTRIFUGAL PUMP TO IRRIGATION AREAS, WHICH WILL RECYCLE AND REFRESH WATER DURING WARM SUMMER WEATHER CONDITIONS.**
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.  
**THE RESERVOIR PERIMETER WILL BE BERMED AND GRADED TO CONTROL RUNOFF AND PREVENT NORMAL POTENTIAL RUNOFF FROM ENTERING THE RESERVOIR. LANDSCAPE AND OTHER PERIMETER VEGETATION WILL BE ESTABLISHED AS PART OF FISH, WILDLIFE AND AESTHETICS OBJECTIVES OF THE RESERVOIR, WHICH WILL HELP TO LIMIT RUNOFF INTO THE RESERVOIR CARRYING NUTRIENTS AND BACTERIA. DIRECT FLOW ROUTES FOR SURFACE RUNOFF INTO THE RESERVOIR WILL BE AVOIDED.**
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.  
**THE PROPOSED RESERVOIR IS TO BE FULLY EXCAVATED AND IS EXTREMELY REMOTE FROM ANY SURFACE WATER STREAM SUCH THAT NO WATER FROM THE RESERVOIR WILL REACH ANY SURFACE WATER STREAM. THE NEAREST PERENNIAL FLOWING STREAM (WYCHUS CREEK) IS AT LEAST 1.9 MILES FROM THE RESERVOIR SITE. FOR WATER TO REACH WYCHUS CREEK, IT WOULD NEED TO TRAVEL ABOUT 7 MILES THROUGH EPHEMERAL AND INTERMITTANT DRAINAGES.**

## SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: **JUNE 2019**  
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: **APRIL 2020**
- c) Proposed date water use will be completed: **APRIL 2020**

**RECEIVED**  
**APR 02 2019**  
**OWRD**

## SECTION 11: WITHIN A DISTRICT

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

|                                                                                |       |         |  |
|--------------------------------------------------------------------------------|-------|---------|--|
| Irrigation District Name<br><b>NOT WITHIN ANY IRRIGATION DISTRICT BOUNDARY</b> |       | Address |  |
| City                                                                           | State | Zip     |  |

## SECTION 12: REMARKS

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

## 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 sections are completed.** 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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Source of Water
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Dam Height and Composition
- ☒ SECTION 7: Primary Outlet Works
- ☒ SECTION 8: Emergency Spillway
- ☒ SECTION 9: Water Quality
- ☒ SECTION 10: Project Schedule
- ☒ SECTION 11: Within a District
- ☒ SECTION 12: Remarks ALONE

#### Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*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: **\$ 1,639.60**  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

- ☒ Map that includes the following items:

- ☒ Map must be prepared by a Certified Water Rights Examiner
- ☒ 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 public-land survey corner on map
- ☒ Location of each dam 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 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)

RECEIVED

APR 02 2019

OWRD

**Please note that a secondary application is required if there are out-of-reservoir uses associated with this application.**

## Water-Use Permit Application Processing

For Department Use: App. Number: R-88764

## 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. 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.

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department 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 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

## 6. Final Order Issued

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

RECEIVED

APR 02 2019

OWRD

**Receipt for Request for Land Use Information**

Applicant name: Brothers Ranch, LLC and Zadok Ranch LLC  
City or County: Deschutes Staff contact: Cynthia Swidt  
Signature: Cy + La Swidt Phone: 541-388-6560 Date: 3/22/19

Land Use Information Form  
Page 1 of 3

County file # 247-19-000272-PS

2-88766

# Land Use Information Form



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

## 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 groundwater 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.

RECEIVED

02 2019

OWRD

# Land Use Information Form



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

## Applicant

|                                                         |                               |                                     |                                    |
|---------------------------------------------------------|-------------------------------|-------------------------------------|------------------------------------|
| NAME<br><b>BROTHERS RANCH, LLC AND ZADOK RANCH, LLC</b> |                               | PHONE (HM)<br><b>(503) 806-1062</b> |                                    |
| PHONE (WK)<br><b>(503) 806-1062</b>                     | CELL<br><b>(503) 806-1062</b> | FAX                                 |                                    |
| ADDRESS<br><b>22870 SW ENO PLACE</b>                    |                               |                                     |                                    |
| CITY<br><b>TUALATIN</b>                                 | STATE<br><b>OR</b>            | ZIP<br><b>97062</b>                 | E-MAIL*<br><b>tom@sterling.net</b> |

## 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:       |
|------------|------------|-----------|-------------|------------|-------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|--------------------------|
| <b>14S</b> | <b>10E</b> | <b>13</b> | <b>SWNW</b> | <b>701</b> |                                                 | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | <b>Rural residential</b> |
|            |            |           |             |            |                                                 | <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:

**DESCHUTES COUNTY**

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water   
 ☐ Water Right Transfer   
 ☐ Permit Amendment or Groundwater Registration Modification  
☐ Limited Water Use License   
 ☐ Allocation of Conserved Water   
 ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond    ☒ Groundwater    ☐ Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: **28**    ☐ 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 **Fish, wildlife, fire, rec, maintenance**

**Briefly describe: Water will be used in proposed pond for aquatic life, wildlife, fire protection, recreation and pond maintenance (to offset evaporation & seepage losses).**

**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.

**RECEIVED**

**APR 02 2019**

**OWRD**

## 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): \_\_\_\_\_.
- ☐ 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,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>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.

|  |
|--|
|  |
|--|

|                   |        |        |
|-------------------|--------|--------|
| NAME              |        | TITLE: |
| SIGNATURE         | PHONE: | DATE:  |
| GOVERNMENT ENTITY |        |        |

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

RECEIVED

APR 02 2019

OWRD

**This page left intentionally blank.**

RECEIVED  
APR 02 2019  
OWRD

R-88764

OREGON



WATER RESOURCES  
DEPARTMENT

RECEIVED

APR 02 2019

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Brothers Ranch LLC & ZadoK Ranch LLC

22870 SW Eno Place Tualatin OR 97062

Transaction Type: Stone Water in Reservoir

Fees Received: \$ 1639.<sup>60</sup>

☐ Cash

☐ Check:

Check No. 1483

Name(s) on Check: Thomas M Gillihan

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Judy Ferrell  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



RECEIVED

APR 02 2019

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Brothers Ranch LLC & ZadoK Ranch LLC  
22870 SW Eno Place Tualatin OR 97062

Transaction Type: Stone Water in Reservoir

Fees Received: \$ 1639.60

☐ Cash

☐ Check:

Check No. 1483

Name(s) on Check: Thomas M Gillihan

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Judy Ferrell  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.

March 12, 2019

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266

**BROTHERS RANCH, LLC; APPLICATIONS FOR GROUNDWATER PERMIT AND  
STORAGE PERMIT; AGENT AUTHORIZATION**

To Whom it May Concern:

This letter authorizes David Newton, P.E., C.W.R.E., C.E.G., to serve as agent for Brothers Ranch, LLC and Zadok Ranch, LLC, in connection with its applications for groundwater and storage permits.

By

Printed Name Toy Gillihan

Signature [Signature]

Title Member

Date 3.12.2019

Brothers Ranch, LLC  
Zadok Ranch, LLC  
22870 SW Eno Place  
Tualatin, OR 97062

RECEIVED

APR 02 2019

OWRD



## Oregon Water Resources Department Standard Reservoir Application

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

Today's Date: Wednesday, April 3, 2019

|                                                                                                                                                                                                                                                                                            |                                            |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------|
| Base Application Fee.                                                                                                                                                                                                                                                                      |                                            | \$930.00   |
| Number of acre feet to be diverted for Storage.                                                                                                                                                                                                                                            | 28                                         | \$709.60   |
| 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. | <input type="button" value="Recalculate"/> |            |
| Estimated cost of Permit Application                                                                                                                                                                                                                                                       |                                            | \$2,159.60 |

OWRD Fee Schedule

|                                   |
|-----------------------------------|
|                                   |
| Fee Calculator Version: B20170117 |