

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

Water Right Application R-88688 in the)
name of LAURA MCCALLUM)
)

FINAL ORDER
APPROVING THE STORAGE OF
GROUNDWATER

Authority

Oregon Revised Statutes (ORS) 537.409 establishes the process by which an application to store waters of the public may be submitted.

FINDINGS OF FACT

1. On December 21, 2018, Laura McCallum submitted an application for a permit to store water pursuant to ORS 537.409:

Storage Volume	4.0 ACRE-FEET
Dam Height	ZERO FEET
Source	A WELL (DESC 59700/L110016) IN WHYCHUS CREEK BASIN
County	DESCHUTES COUNTY
Reservoir Location	SECTION 31, TOWNSHIP 14 SOUTH, RANGE 11 EAST, W.M.

2. The required examination fees were paid and minimum application requirements were met.
3. The Department provided public notice of the application in the Department's weekly public notice on January 15, 2019. A 60-day comment period followed.
4. The Department has not received public comment related to the possible issuance of the attached draft permit.
5. Consistent with the Watermaster review, the proposed use, as conditioned, will not injure other water rights.
6. The Department has determined that the proposed source has not been withdrawn from further appropriation under ORS 538.
7. The proposed reservoir is not prohibited under ORS 390.835.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 536.075 and ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

ORS 537.409 does not provide an opportunity to request a contested-case hearing. Appeal rights on this final order approving the application are limited to the above procedures.

8. Groundwater is available for the proposed use, contingent upon the approval of Groundwater Application G-18683.
9. The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources. The Department has determined that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources.

CONCLUSIONS OF LAW

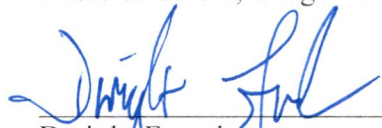
1. The proposed use will not injure existing water rights
2. Water is available for the proposed use, contingent on the approval of Groundwater Application G-18683.
3. The proposed use will not pose a significant detrimental impact to existing fishery resources.
4. Application R-88688 is consistent with the requirements of ORS 537.409.

ORDER

Application R-88688 is approved, **contingent upon documentary evidence indicating that mitigation under Application G-18683 has been obtained. Upon submission, a permit shall be issued authorizing the proposed water use.** Failure to meet this requirement within 5 years from the date of the Final Order under Application G-18386 may result in the proposed rejection of this application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

Dated at Salem, Oregon on June 28th, 2019



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

If you have questions about statements contained in this document, please contact Kim French at Kim.R.French@oregon.gov or 503-986-0816.

If you have other questions about the Department or any of its programs please contact our Water Resources Customer Service Group at 503-986-0801.

STATE OF OREGON

COUNTY OF DESCHUTES

DRAFT PERMIT TO STORE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

LAURA MCCALLUM
69401 GOODRICH RD
SISTERS OR 97759

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-88688

SOURCE OF WATER: A WELL (DESC 59700/L110016) IN WHYCHUS CREEK BASIN

STORAGE FACILITY: A POND

MAXIMUM VOLUME: 4.0 ACRE-FEET

DATE OF PRIORITY: DECEMBER 21, 2018

WATER MAY BE APPROPRIATED AS FOLLOWS: JANUARY 1 THROUGH DECEMBER 31

USE: MULTIPLE PURPOSE

THE RESERVOIR IS ENTIRELY BELOW GROUND SURFACE; THERE IS NO DAM.

Authorized Point of Appropriation:

POA Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
A WELL (DESC 59700/L110016)	14 S	11 E	WM	31	NE NW	1214 FEET SOUTH AND 305 FEET WEST FROM N1/4 CORNER, SECTION 31

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
14 S	11 E	WM	31	NW NE
14 S	11 E	WM	31	NE NW

1. Water Use Measurement, Recording, and Reporting Condition:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.
 3. The permittee shall pass all live flow outside the storage season described above.
 4. The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.
 5. This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.
 6. Mitigation water under Application G-18683 must be legally protected instream in the Middle Deschutes Zone of Impact for the life of this permit and subsequent certificate(s). Regulation of the use and/or cancellation of the permit, or subsequent certificate(s) will occur if the required mitigation is not maintained.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
5. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
6. The permitted volume of water shall be stored within five years of the date of permit issuance. If additional time is needed, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
7. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

8. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
9. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued _____

DRAFT – NOT A PERMIT

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing List for FO

Scheduled Mailing Date:

Application: R-88688

Permit: DRAFT

Original mailed to Applicant:

LAURA MCCALLUM
69401 GOODRICH RD
SISTERS OR 97759

Sent via auto email:

1. WRD - Watermaster District 11, Jeremy Giffin
2. Agent – Michele Sims – sims.mw@gmail.com

Copies sent to:

1. File R-88688

Application Specialist: Kim French

Copies Mailed
by: _____ (STAFF)
on: _____ (DATE)