

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 David and Stacy Welsh		PHONE (HM)	
PHONE (WK)	CELL 925-708-4376	FAX	
ADDRESS POB 587			
CITY Diablo	STATE CA	ZIP 94528	E-MAIL * stacylwelsh@yahoo.com

**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 Michele Wright Sims Consultant LLC		PHONE 541-408-4777	FAX
ADDRESS 14865 Checkrein			CELL
CITY Sisters	STATE OR	ZIP 97759	E-MAIL * SIMS.MW@GMAIL.COM

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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:**

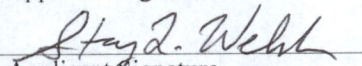
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants 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.

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

  
 Applicant Signature

DAVID WELSH  
 Print Name and Title if applicable

1/27/20  
 Date

  
 Applicant Signature

STACY WELSH  
 Print Name and Title if applicable

1-27-20  
 Date

**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.

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- 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.

**SECTION 3: SOURCE OF WATER \*\*Revised\*\***

**A. Reservoir Name:** Ponds 1, 2 and 3

**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: Well	Tributary to: Deschutes River
TRSQQ of POD: T17S R11E Sec. 1 SWNE	
Source 2: NA	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
- If the reservoir is not in the channel of a stream, state how it is to be filled: from well (DESC51137)

**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

**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.

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**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 *\*\*Revised\*\****

- a) The use of the impounded water will be: Wildlife, fire protection, recreation, aesthetics
- b) The amount of water to be stored is: 9.6 acre-feet.
  - Pond 1: 9 acre-feet
  - Pond 2: 0.3 acre-feet
  - Pond 3: 0.3 acre-feet
- c) The area submerged by the reservoir, when filled, will be 2.0 acres (total).

## 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's Dam Safety Section prior to storage of water.*

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

If "other," provide the description: Pond is excavated to depth of 17' below adjacent grade.

## 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.*

NA

b) How and when will the outlet be operated?

NA

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)?

NA

## SECTION 8: EMERGENCY SPILLWAY

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

NA

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

NA

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?)

NA

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**SECTION 9: WATER QUALITY**

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.  
The ponds are not on a stream. Water quality will be maintained by filtration.
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.  
Ponds are surrounded by landscaped areas and sand beach (partial).
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.  
There is no stream associated with reservoir.

**SECTION 10: PROJECT SCHEDULE (List Month and Year) \*\*Revised\*\***

- a) Proposed date construction work will begin: 2021  
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: 2023
- c) Proposed date water use will be completed: 2024.

**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 Tumalo Irrigation District	Address 64697 Cook Avenue	
City Bend	State OR	Zip 97703

**SECTION 12: REMARKS**

Use this space to clarify any information you have provided in the application.  
Applicant plans to enlarge an existing irrigation pond and improve two small ponds. Total surface area will be about 2.0 acres. An application to appropriate groundwater is being filed with this reservoir application; a well will supply water to maintain the ponds.

## 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

#### 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: \$ 2430  
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) (NA)
  - 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 (NA)
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)(NA)

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

For Department Use: App. Number: 12-88807

# 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

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**Applicant**

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NAME Michele Wright Sims Consultant LLC		PHONE (HM) 541-408-4777	
PHONE (WK)	CELL	FAX	
ADDRESS 14865 checkroom			
CITY Sisters	STATE OR	ZIP 97759	E-MAIL* sims.mw@gmail.com

**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:
17S	11E	01	SWNE	405	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Pond
						<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: \_\_\_\_\_  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 pond maintenance

Briefly describe:

Application to appropriate groundwater for pond maintenance for 3 ponds with an total surface area of 2.0 ac.



**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.



## 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 (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
Conditional Use Permit file # CU-89-107	DCC 18.16	<input checked="" 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
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>FEB 12 2020</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<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.

Approved water source: groundwater via well for residential + ag uses.

NAME <b>TARIK RAWLINGS</b>	TITLE: <b>Assistant Planner</b>
SIGNATURE	PHONE: <b>541-317-3148</b> DATE: <b>1/30/2020</b>
GOVERNMENT ENTITY <b>Deschutes County.</b>	

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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**Exhibit "A"**

Real property in the County of Deschutes, State of Oregon, described as follows:

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Parcel I:

A parcel of land located in the Southwest One quarter of the Northeast One quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and in the Northwest One quarter of the Southeast One quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) and in the Southeast One quarter of the Northwest One quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 1, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Northeast One sixteenth corner of said Section 1, said point being a 5/8" iron rod; thence South 00° 04' 51" West, along the East line of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 64.96 feet to the True Point of Beginning; thence continuing along said East line, South 00° 07' 08" West, 59.99 feet; thence leaving said East line, North 89° 55' 56" West, 441.00 feet; thence South 00° 07' 08" West, 1523.75 feet; thence South 59° 22' 59" West, 1035.94 feet to a point on the West line of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1, thence North 00° 09' 31" East, along said West line, 856.79 feet to the Center One quarter corner of said Section 1; thence North 00° 09' 54" East, along the West line of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 1, 1255.63 feet; thence South 89° 55' 56" East, 1269.84 feet to the Point of Beginning.

Together with the Southerly 59.6 feet of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 1.

Parcel II:

A parcel of land located in Lot 2 of HIGH MOWING FARMS, Deschutes County, Oregon, and also a parcel of land located in the Southwest One quarter of the Northeast One quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and in the Northwest One quarter of the Southeast One quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 1, Township 17 South, Range 11, East of the Willamette Meridian, Deschutes County, Oregon, all being more particularly described as follows:

Commencing at the Northeast One sixteenth corner of said Section 1, said point being a 5/8" iron rod; thence South 00° 04' 51" West, along the East line of the SW NE $\frac{1}{4}$ , 64.96 feet; thence continuing along said East line, South 00° 07' 08" West, 59.99 feet to the True Point of Beginning; thence leaving said East line, North 89° 55' 56" West, 441.00 feet; thence South 00° 07' 08" West, 1523.75 feet; thence South 59° 22' 59" West, 1035.94 feet to a point on the West line of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1; thence South 00° 09' 31" West, along said West line, 193.04 feet; thence North 59° 22' 59" East, 1549.11 feet to a point on the East line of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 1; thence North 00° 07' 45" East, along said East line, 259.08 feet to the Center-East One sixteenth corner of said Section 1; thence North 00° 07' 08" East along the East line of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 1, 1195.83 feet to the Point of Beginning.

Parcel III:

The Southwest one-quarter of Section 1, Township 17 South, Range 11 East, W.M., Deschutes County, Oregon, as described in Volume 165, Page 619, Deschutes County Book of Records.

APN: 168004

Statutory Warranty Deed  
- continued

File No.: 7061-2716978 (SJN)

Excepting therefrom the following described tract of land:

Beginning at the Southeast corner of the Southwest one-quarter of Section 1, Township 17 South, Range 11 East, W.M.; thence North 00° 09' 55" East, along the East line of said Southwest one-quarter, a distance of 1587.82 feet; thence leaving said line North 89° 56' 37" West, 704.61 feet; thence South 00° 09' 02" West, 579.79 feet; thence South 89° 54' 53" West, 611.96 feet; thence North 00° 05' 07" West, 316.39 feet; thence North 00° 01' 54" West, 1314.83 feet to a point on the North line of said Southwest one-quarter; thence North 89° 56' 27" West, along said line, 1322.16 feet to the Northwest corner of said Southwest one-quarter; thence leaving said line South 00° 04' 19" East, along the West line of said Southwest one-quarter, 2644.33 feet to the Southwest corner of said Southwest one-quarter; thence leaving said line North 89° 54' 53" East, along the South line of said Southwest one-quarter, 2633.55 feet to the point of beginning.

Tax Parcel Number: 168004 and 193743 and 249168 and 193744 and 184031 and 243738

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