



application file. This review is done consistent with OAR 690-410-0070(2)(a). The assessment established that water is available January 1 through through June 30 for the proposed use.

9. The Department relies on the Oregon Department of Fish and Wildlife's (ODFW) review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources. ODFW recommended limiting the storage period to March 1 through May 31 of each year. 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.
3. The proposed use will not pose a significant detrimental impact to existing fishery resources.
4. Application R-88780 is consistent with the requirements of ORS 537.409.

### **ORDER**

Application R-88780 is approved. **Upon payment of the permit recording fee of \$520, a permit shall be issued authorizing the proposed water use.** Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the 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   MAR 31 2020  



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 503-986-0900.

STATE OF OREGON

COUNTY OF WASCO

DRAFT PERMIT TO STORE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PATRICK DAVIS  
78305 WOODCOCK RD  
WAMIC OR 97063

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

APPLICATION FILE NUMBER: R-88780

SOURCE OF WATER: RUNOFF, TRIBUTARY TO WHITE RIVER

STORAGE FACILITY: A RESERVOIR

MAXIMUM DAM HEIGHT: 9.0 FEET

MAXIMUM VOLUME: 7.0 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: MARCH 1  
THROUGH MAY 31

DATE OF PRIORITY: NOVEMBER 21, 2019

DAM LOCATION/AUTHORIZED POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	12 E	WM	19	SW NE	315 FEET NORTH AND 2270 FEET WEST OF THE SW CORNER, SECTION 20

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
4 S	12 E	WM	19	SW NE

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

- A. The Director may require the permittee to install a staff gage that measures the entire range and stage between full reservoir level and dead-pool level in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. If the Director notifies the permittee to install a staff gage, the permittee shall install such device within the period stated in the notice. Once installed, the permittee shall maintain the device in good working order and shall allow the watermaster access to the device.

- B. The Director may require the permittee to keep and maintain a record of the volume of water stored, and may require the permittee to report water-storage on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
  - C. 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. 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.

### **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