

# Application for a Permit to Use Surface Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1200  
503-986-0900  
www.oregon.gov/OWRD

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME Rick Toothaker		PHONE (HM) 503-545-6097	
PHONE (WK) SAME	CELL SAME	FAX N/A	
ADDRESS 3737 Hwy 23B			
CITY Jacksonville	STATE OR	ZIP 97530	E-MAIL * rtoothakerlaw@gmail.com

### Organization

NAME		PHONE		FAX
ADDRESS N/A				CELL
CITY	STATE	ZIP	E-MAIL *	

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

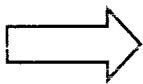
AGENT BUSINESS NAME		PHONE		FAX
ADDRESS N/A				CELL
CITY	STATE	ZIP	E-MAIL *	

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 proposed and 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.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.



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

*R Tothaker*

Applicant Signature

Rick Tothaker

Print Name and Title if applicable

5-21-21

Date

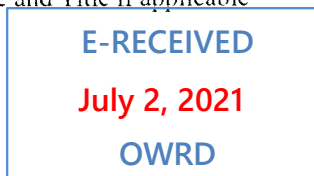
Applicant Signature

~~Rick Tothaker~~

Print Name and Title if applicable

~~5-21-21~~

Date



For Department Use: App. Number: \_\_\_\_\_

# Application for a Permit to Use Surface Water

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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME Rick Toothaker		PHONE (HM) 813-545-6097	
PHONE (WK) SAME	CELL SAME	FAX N/A	
ADDRESS 3737 Hwy 238			
CITY Jacksonville	STATE OR	ZIP 97530	E-MAIL * rtoothakerlaw@gmail.com

### Organization

NAME		PHONE		FAX
ADDRESS N/A				CELL
CITY	STATE	ZIP	E-MAIL *	

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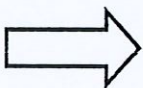
AGENT / BUSINESS NAME		PHONE		FAX
ADDRESS N/A				CELL
CITY	STATE	ZIP	E-MAIL *	

Note: Attach multiple copies as needed

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

R. Toothaker  
Applicant Signature

Rick Toothaker  
Print Name and Title if applicable

5-21-21  
Date

Applicant Signature

Kate Westmoreland  
Print Name and Title if applicable

5-21-21  
Date

**SECTION 2: PROPERTY OWNERSHIP**

Please 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.

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**Affected Landowners:** List the names and mailing addresses of all 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*).

N/A

**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.

N/A

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: <u>Rogue River</u>	Tributary to: <u>Pacific Ocean</u>
TRSQQ of POD: <u>42.4297571, -123.1096769</u>	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in Section 3A above?

- Yes.
- No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

#### **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, use the map provided in \_\_\_\_\_ 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 T,R,S,QQ 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:

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

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

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

Yes  No

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**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.

**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.

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**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
 (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Rogue River	lawn, garden, recreation	yearly: Apr-Nov	1.62 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 36 Acres Supplemental: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):  
 \_\_\_\_\_  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1.62

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1
- If the use is **mining**, describe what is being mined and the method(s) of extraction: \_\_\_\_\_

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**SECTION 6: WATER MANAGEMENT**

**OWRD**

**A. Diversion and Conveyance**

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): 2hp, 60 Hz, ~~2~~ 10.9A, 1PH, Red L10
- Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

2 inch diameter PVC pipe, fitted w/ fish grate, run by pump described above

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

sprinkler system, hose

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

we are applying for an amount of water well below the threshold for the minimum fee. It will be used to water garden, lawn, + trees onsite, as well as for occasional recreation uses (e.g. small pool). We will use a water meter to measure use. This minimal use will not affect the river.

## SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: a fish screen will be installed at the intake point

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.**

Describe planned actions and additional permits required for project implementation: None

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: we will install a motor, and the pump only runs while someone is with it

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: we anticipate minimal run-off - garden + yard are set back from water's edge + usage will be minimal

List other federal and state permits or contracts to be obtained, if a water right permit is granted.

## SECTION 8: PROJECT SCHEDULE

a) Date construction will begin: \_\_\_\_\_

b) Date construction will be completed: \_\_\_\_\_

c) Date beneficial water use will begin: upon \_\_\_\_\_

System exists already - the previous owners had set it up in the past  
~~completion~~ of permit issuance

## SECTION 9: 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	Address	
City	State	Zip

## SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (Attach additional sheets if necessary).

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For Department Use: App. Number: \_\_\_\_\_

Receipt for Request for Land Use Information

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CWID

Applicant name: Peck Toothaker  
City or County: Jackson County Staff contact: Summer Williams  
Signature: [Signature] Phone: 541-774-6907 Date: 6/14/2021

439-21-01869-200

Land Use Information Form  
Page 1 of 3



JUN 21 2021

# CONTRACT DATA SHEET

OWRD



Bureau of Reclamation  
Attn: PN-6323  
1150 N. Curtis Road  
Boise, ID 83706-1234  
208-378-5346

## RECLAMATION *Managing Water in the West*

### 1. Applicant Information:

#### A. Landowners

- 1) Name of Landowner(s): Rick Toothaker + Kate Westmoreland
- 2) Address: 252 Rogue River Hwy, Gold Hill, OR 97525
- 3) Mailing Address (if different): 3737 Hwy 230, Jacksonville, OR 97530
- 4) Taxpayer Identification Number(s): [REDACTED]  
Number or Identification Number<sup>1)</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

#### B. Water User Organizations (e.g., Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: N/A - This is for a single plot of
- 2) Name & Title of Applicant: land, (0.36 acres) to be used
- 3) Mailing Address of Organization: for exterior use (watering garden +
- 4) Taxpayer Identification Number: recreation)  
(Social Security Number or Employer Identification Number)

#### 5) Please provide the following information:

- (a) A description of the area served by the organization (location, total acreage, number of water users, prominent crops, etc.)
- (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of water (name of stream, river): Rogue River
3. Proposed point of diversion: 365 feet North and 75 feet East of SW corner of Section 19A, Township 36, Range 3W, Willamette Meridian.
4. A water right permit to divert storage water is required. Application or file number with Oregon Water Resources Department (OWRD) if you have applied for a permit to divert storage water: (attached)
5. Include a map of lands and diversion points. (Same as required by OWRD for application of surface/ground water permit).

6. Do you currently hold a right to natural flows for irrigating the property described herein? No  
If yes, what is/are the priority date(s)? \_\_\_\_\_

7. Total quantity of water from storage requested: \_\_\_\_\_ acre-feet.

8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
36	3W	19 <del>A</del>	A	0.36	no crops - grass + flowers, small garden

9. What is the present use of the land identified above? (farming; idle [fallow cultivated land]; native [appears never to have been tilled]; planted pasture or other [please specify]).  
single family dwelling

10. Is the land identified above currently being irrigated? \_\_\_\_\_ If yes, what is the source? (natural flows, wells, etc.) Previous owner had been diverting from Rogue River

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: \_\_\_\_\_

12. Telephone number where you can be reached during the day: 813-545-6097

Before returning the completed Contract Data Sheet to the address provided on page 1, please ensure you have:

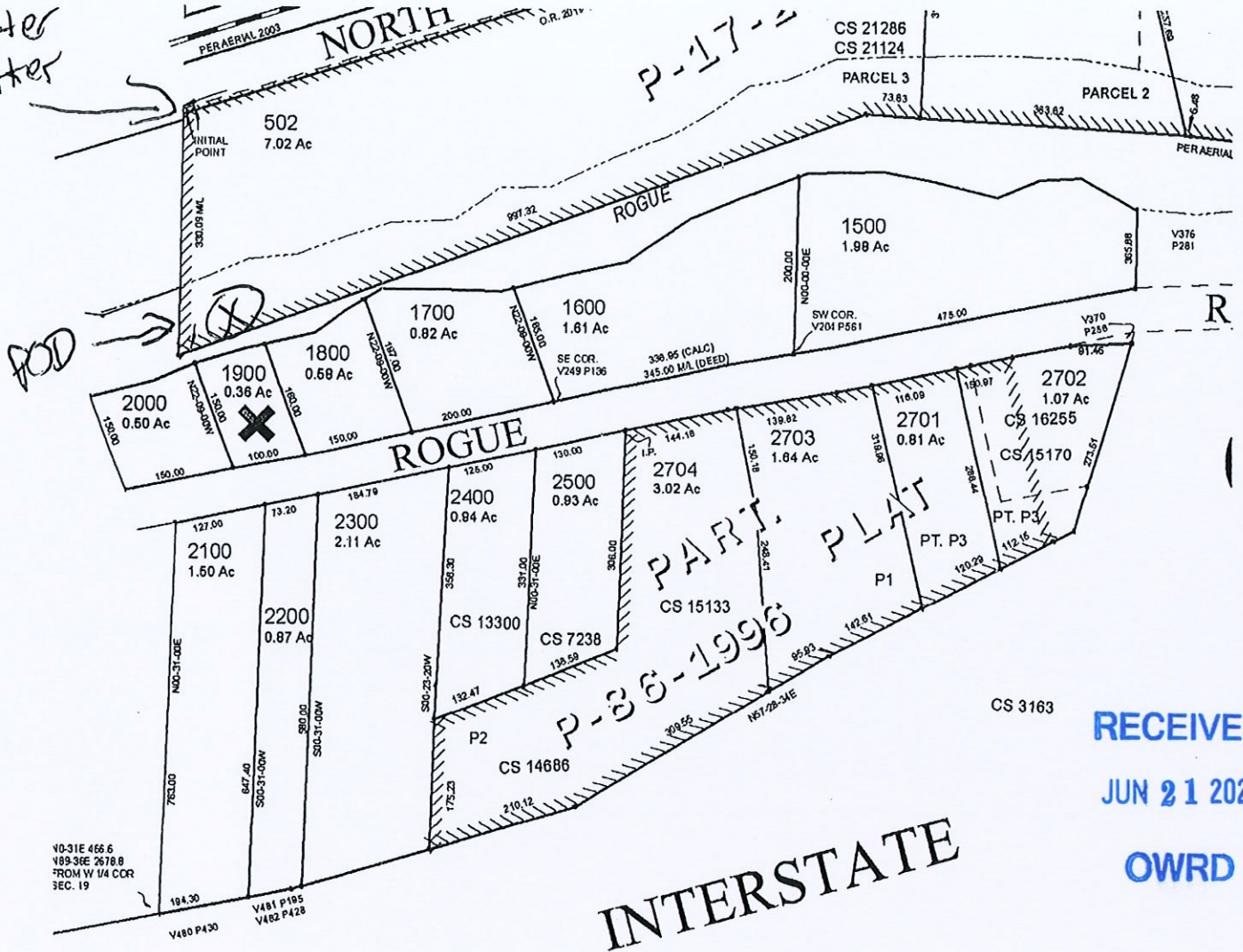
- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE<sup>2</sup>. MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

1. Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

2. The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. If the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

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Quarter Marker



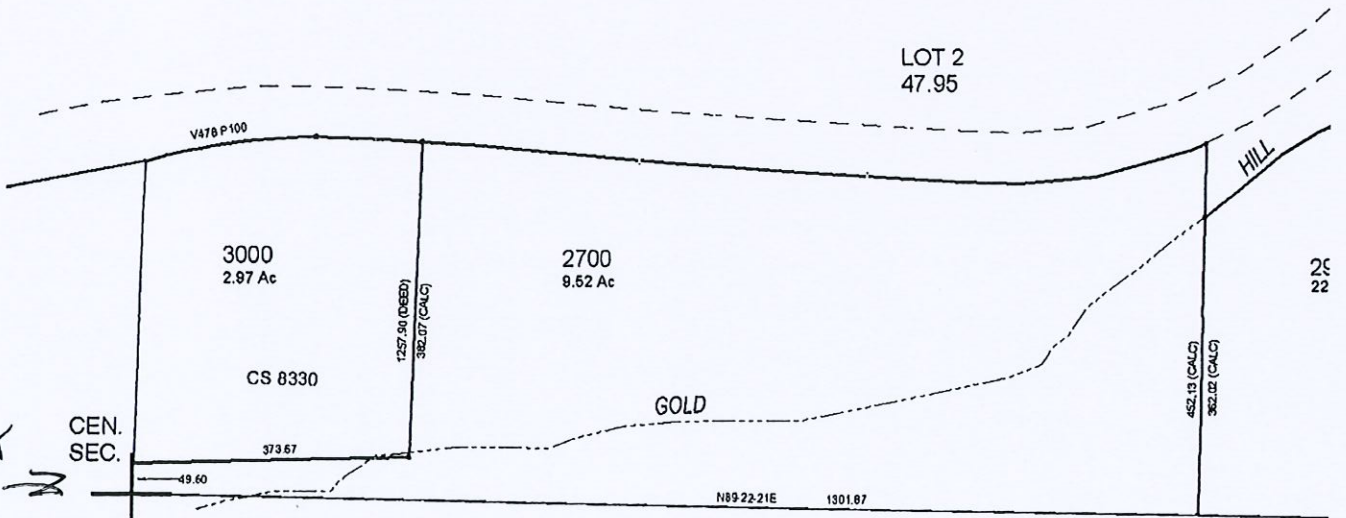
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V0-31E 466.6  
V89-36E 2678.8  
FROM W 1/4 COR  
SEC. 19

INTERSTATE



Quarter Marker

TOWNSHIP 36 RANGE 3W SECTION 19A  
THIS MAP IS FOR LOCATION PURPOSES ONLY  
NO LIABILITY IS ASSUMED FOR VARIATIONS  
DISCLOSED BY SURVEY OR COUNTY RECORDS  
FIRST AMERICAN TITLE

Lot is .36 acres

POD is approx 865 ft North and 75 ft east from SW quarter marker. We are lot 1900 (marked).

Oregon Water Resources Department  
Surface Water Application

 Main

 Help

 Return

 Contact Us

Today's Date: Monday, June 14, 2021

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	1	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	0	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	1.62	\$70.00
Subtotal:		\$1,350.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** 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		\$1,870.00

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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.

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: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: 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: \$ 1870- *see schedule attached* or call (503) 986-0900.  
See the Department's Fee Schedule at
- Map that includes the following items:
  - 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 diversion, 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)

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