

Application for a Permit to  
**Store Water in a Reservoir**  
 Alternate Review (ORS 537.409)



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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You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME MARK		PHONE (HM) 541-247-6601	
PHONE (WK)	CELL 916-873-6069	FAX	
ADDRESS 97332 HOMESTEAD WAY			
CITY GOLD BEACH	STATE ORE	ZIP 97444	E-MAIL * HOMESBYLORI17@GMAIL.COM SAILINPHELANS@HOTMAIL.COM

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**Organization**

NAME N/A		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 N/A		PHONE	FAX
ADDRESS			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 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 store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- 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.

	<b>MARK PHELAN</b>	1/10/22
Applicant Signature	Print Name and Title if applicable	Date
	<b>LORI PHELAN</b>	1/10/22
Applicant Signature	Print Name and Title if applicable	Date

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SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:					
Source*:	SPRING	Tributary:			
County:	CURRY				
Quantity:	Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	36 S	14 W	12	SW NE	311

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Maximum Height of Dam: ~~9' 3"~~ 9' 11" feet. If excavated write "zero feet."

\* 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, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: MULTIPURPOSE

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

X Yes (please check appropriate box below then skip to section 5)

X There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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**SECTION 5: ENVIRONMENTAL IMPACT**

**Channel:** Is the Reservoir:  in-stream or  off channel?

**Wetland:** Is the project in a wetland?  YES  NO  unknown

**Existing:** Is this an existing reservoir?  YES  NO  
If YES, how long has it been in place? \_\_\_\_\_ years.

**Fish Habitat:** Is there a fish habitat upstream of the proposed structure?  YES  NO  unknown  
If YES, how much? \_\_\_\_\_ miles.

**Existing:** Have you been working with other agencies?  YES  NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

**SECTION 6: WITHIN A DISTRICT**

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

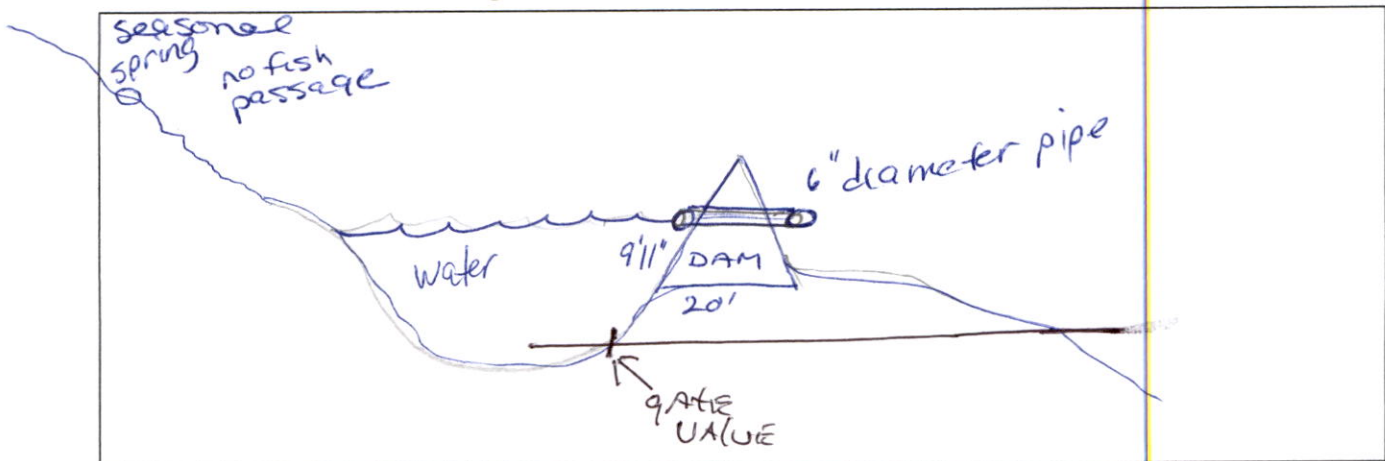
Irrigation District Name:		Address:	
City:	State:	Zip:	

**SECTION 7: DESCRIPTION**

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

We propose to create a small dam below this seasonal spring on our property to provide a pond where we can use primarily for fire suppression with an overflow pipe

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



# Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

<b>Applicant's Name</b> Mark & Lori Phelan		97332 Homestead Way, Gold Beach		(36s-14w-12, TL 311)
1. Does the proposed reservoir have the potential to injure existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: Use may be made at times when sufficient water is available to satisfy all prior rights, including prior right for maintaining instream flows. Installation of a measuring device. Installation of an outlet pipe.				
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
4. If yes, during what period? Beginning: October End: July  Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))				
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
Who:	Agency:	Date:		
Who:	Agency:	Date:		

Watermaster Name: Scott Ceciliani

Watermaster Signature:  Date: 3/2/2022

**NOTE: This completed form must be returned to the applicant**

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# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name: Mark Phelan

Address: 97332 Homestead Way, Gold Beach, OR 97444

Phone/Email: 541-247-6601/sailinphelans@hotmail.com

Reservoir Name: Phelan Reservoir

Source: Spring

Basin Name: Kimball Creek<Rogue River

Twp Rng Sec QQ: 36S 14W 12 SWNE

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Volume (AF): 1.1 AF

in-channel

off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.**

1) Is the proposed project and AO<sup>1</sup> off channel?..... YES\*  NO  
(if yes then proceed to #4; if no then proceed to #2)

*\*Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?..... YES  NO  
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... YES  NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES  NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES  NO

*Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)*

Any diversion or appropriation of water for storage during the period April 1-October 31 poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)

<sup>1</sup> AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)



Applicant Name: Mark Phelan

ODFW Review

If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (Coho Salmon), sensitive species (spring Chinook Salmon, summer steelhead, Chum Salmon, White/Green Sturgeon, and Pacific Lamprey), and other game fish (fall Chinook Salmon, winter steelhead, and Coastal Cutthroat Trout) may be present in Kimball Creek and/or the Rogue River during the period of impact. Instream flow quantity to fulfill MF265 and MF266 for aquatic life are currently being met wholly during the period of impact. However, ODFW reviewed available information (Rogue River Basin Temperature TMDL; DEQ 2008) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. Kimball Creek is subject to the Rogue River Basin Temperature TMDL (DEQ, 2008), which identifies the critical period for temperature as April 1- October 31. Diminished flows from the proposed withdrawal could impact temperature impairments in the lower Rogue River.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

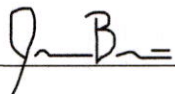
**If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?**

- NO (explain)
- YES

See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during November 1-March 31. ODFW recommends the storage season be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Final Order for any storage outside of this period. Without appropriate conditions (see below) and/or mitigation, a further reduction in flow or alteration of habitat from the proposed water use outside of this period will result in a significant detrimental impact to an existing fishery resource. In addition, releases of detained water must meet water quality standards year-round, particularly during the critical peak temperature and low flow periods.

Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right. **If the applicant chooses to pursue mitigation after application submittal to WRD, ODFW will provide a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use.** Upon request, the WRD caseworker can schedule a consultation with ODFW for more information.

ODFW Signature: 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 3/10/22

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Applicant Name: Mark Phelan

ODFW Review

## MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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Use this menu to identify appropriate conditions to be included in the permit:

- Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to November 1- March 31.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
  - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

- Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.
- fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

- fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

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- fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit approved by ODFW. As part of the permitting process, the permittee must also screen the inlet and outlet of their pond to insure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 15-Sept 30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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# 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](http://www.oregon.gov/OWRD)

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## 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 ground water 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 503-986-0900.



Can I email my Land Use Information Form to you?

2 messages

Lori Phelan <homesbylori17@gmail.com>  
To: planning@co.curry.or.us  
Cc: Lori Phelan <homesbylori17@gmail.com>

Wed, Oct 27, 2021 at 7:47 AM

Good morning, Betty,

Can I email my Land Use Information Form to you to fill out and sign? If not, who? We are in the process of applying for a permit to Store Water in a Reservoir

*for alternate  
Reservoir  
process app*

Lori Phelan  
541-247-6601

Nancy O'Dwyer <odwyer@co.curry.or.us>  
To: Lori Phelan <homesbylori17@gmail.com>  
Cc: planning <planning@co.curry.or.us>

Wed, Oct 27, 2021 at 7:58 AM

Hello Lori,

Yes, you can send us your LUCS form. We charge a \$100 fee to fill it out. You can mail it to us with a check (Community Development – Planning Dept, 94235 Moore St, Suite 113, Gold Beach, OR 97444) or you can email it to us and we can call you for credit card information. A 2.5% transaction fee is added to the cost with credit card payments.

Nancy O'Dwyer, Planner  
Curry County Community Development – Planning Division  
ODwyerN@co.curry.or.us  
541-247-3284

[Quoted text hidden]

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# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266503-986-0900  
www.oregon.gov/OWRD

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222-22-000002

NAME MARK PHELAN		PHONE (HM) 541-247-6601	
PHONE (WK)	CELL 916-873-6069	FAX	
ADDRESS 97332 HOMESTEAD WAY			
CITY GOLD BEACH	STATE ORE	ZIP 97444	E-MAIL* HOMES BY LORI 1706@gmail.com SAILINPHELAN@HOTMAIL.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:
365	14W	12	---	311	---	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	multi purpose
---	---	---	---	---	---	<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:

CURRY 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 Ground Water Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water:  Reservoir/Pond  Ground Water <sup>Spring</sup>  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 1.1  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 FIRE SUPPRESSION

Briefly describe:

creating a dam below the seasonal spring primarily for fire protection/suppression with an overflow pipe

**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.

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R/4/22



### 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): CURRY CO. ZONING ORDINANCE SECTION 3.080 - RURAL RESIDENTIAL
- 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:	
		<input 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
		<input 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
		<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.

SINGLE-FAMILY RESIDENTIAL USE IS PERMITTED OUTRIGHT IN THE RR-LAND USE ZONE (SECTION 3.080 OF CURRY CO. ZONING ORDINANCE)

Name: NANCY O'DWYER Title: PLANNER

Signature: [Signature] Phone: 541-247-3284 Date: 1/4/2022

Government Entity: CURRY COUNTY COMMUNITY DEVELOPMENT - PLANNING DEPT.

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



# Water Availability Analysis

ROGUE R > PACIFIC OCEAN - AT MOUTH  
ROGUE BASIN

Water Availability as of 2/18/2022

Watershed ID #: 266 ([Map](#))  
Date: 2/18/2022

Exceedance Level: 50%  
Time: 7:55 AM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

## Water Availability

Select any Watershed for Details

Select	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
	1	266	ROGUE R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes

Download Data ( [Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#) )

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For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Friday, February 18, 2022

Base Application Fee.		\$480.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	1.1	\$82.00
	Subtotal:	\$562.00
Permit Recording Fee. ***		\$610.00
*** 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.	Recalculate	
Estimated cost of Permit Application		\$1,172.00

CH# 8027





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

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March 30, 2022

Mark & Lori Phelan  
97332 Homestead Way  
Gold Beach OR 97444

**Re: Application for a Permit to Store Water in a Reservoir (Alternate Review)**

Dear Applicant:

The Oregon Water Resources Department recently received your application for a permit to store water in a reservoir. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 690-310-0050.

The Department is returning the incomplete application and fees. You may re-submit the application with the required information and fees noted on the reverse side of this letter.

If you have any questions, please feel free to contact me at 503-986-0810 or [Judith.a.ferrell@water.oregon.gov](mailto:Judith.a.ferrell@water.oregon.gov).

Sincerely,

Judy Ferrell  
Water Rights Customer Service

cc:  
OWRD Fiscal Check (#8027)

Enclosures:

*This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin program rules, or any other water-related issues has not been made. Fees are subject to change.*

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Alternate Reservoir Application Completeness Checklist | Summary of Needed Items:

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Application:

1.  Please type Mark's last name and add Lori Phelan as an applicant.

*please do it -  
I do not have  
a typewriter*

Attachments:

1.  An application map. Please provide a one-page map that includes following elements:
- The approximate size and location of the reservoir, with the township, range, section, quarter-quarter, and tax lot number(s) clearly identified and labeled.
  - An acceptable map scale, clearly shown and labeled. The Department will accept an even scale, for example, 1" = 400 feet, 1" = 500 feet, 1" = 1000 feet, or 1" = 1320 feet.
  - North directional symbol
  - The location of the dam, if one exists, by measured distance from a government land survey corner. If no dam exists, provide the measured distance to the center of reservoir. A measured distance includes how many feet north or south, and how many feet east or west, from a recognized survey corner (Example: 495 feet South and 200 feet West from the NW Corner, Section 16).
  - If the reservoir is located off-channel, and water is pumped from a creek or stream to the reservoir, include the measured distances of the point of diversion.



# Alternate Reservoir Application Completeness Checklist

**Minimum Requirements (ORS 537.409)**

For use by WRD staff only

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Application #:		Receipt #:	137748
Applicant Name:	Mark & Lori Phelan	Amount Requested:	1.1 AF
Priority Date:	03/25/2022	Proposed Use:	
County:	Curry	POD TRS & TL:	
WM #:	14- Scott C	Caseworker:	<input checked="" type="checkbox"/> KF <input type="checkbox"/> LG
Reviewed by:	Judy	Reviewed Date:	

- ORS 538.** Is the source withdrawn by ORS 538?     YES     NO [if yes, return application and fees]
- Landowner name, mailing address and telephone number provided.
- Source and tributary listed. Notes: NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE. Cannot accept an E2 application and a storage application at the same time.
- Reservoir Location. TRSQQ and tax lot provided. Note: only 1 reservoir/pond per application
- Dam height, if applicable: 9.11 Feet
- Property ownership indicated?
- If applicant does not own all the land is the affected landowner's name and mailing address listed?
  - YES     NO (Note: this includes lands not owned by applicant, upon which the source is located OR that are crossed by the diversion works, and any roads or rights-of-way.)
- Application signed by the landowner(s)? All parties noted as applicants must sign the application.
- Completed Watermaster review sheet**, signed and dated. Note: Must be completed within last 6 months.
  - Will the reservoir injure an existing water right?     YES     NO
  - If YES, can conditions be applied to mitigate injury?  YES     NO
- Completed ODFW review sheet**, signed and dated. Note: Must be completed within last 6 months.
  - Will reservoir pose a significant detrimental impact to an existing fishery resource?  YES     NO
  - If YES, can conditions be applied to mitigate the impact?  YES     NO     N/A
- Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
 

Note: Does the use on land-use form match the proposed use on the application? Must be signed within the last 12 months.
- Provide a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance meets this requirement.

**Acceptable Map.** Note: Requirements set forth by the Commission; causes fatal flaw if not provided by the applicant.

- Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
- Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
- Reference corner on map
- North directional symbol
- 1/4's clearly identified
- Reservoir clearly identified
- Dam, or POD (if off-channel), coordinates referenced to a government land survey corner

Note: If no dam, use coordinates to the center of reservoir.

**Fees:** Amount of Water Requested: 1.1 AF Name on Check: Mark & Lori Phelan

Exam Fee Due:	\$562.00	
Exam Fee Submitted:	\$ 1,172.00	
Difference:	\$ 610.00	
Recording Fee Paid?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ 610.00
Total:	\$ 1,172.00	



Alternate Reservoir Application Completeness Checklist | Summary of Needed Items:

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Application:

- Please type Mark's last name and add Lori Phelan as an applicant.

Attachments:

- An application map. Please provide a one-page map that includes following elements:
  - The approximate size and location of the reservoir, with the township, range, section, quarter-quarter, and tax lot number(s) clearly identified and labeled.
  - An acceptable map scale, clearly shown and labeled. The Department will accept an even scale, for example, 1" = 400 feet, 1" = 500 feet, 1" = 1000 feet, or 1" = 1320 feet.
  - North directional symbol
  - The location of the dam, if one exists, by measured distance from a government land survey corner. If no dam exists, provide the measured distance to the center of reservoir. A measured distance includes how many feet north or south, and how many feet east or west, from a recognized survey corner (Example: 495 feet South and 200 feet West from the NW Corner, Section 16).
  - If the reservoir is located off-channel, and water is pumped from a creek or stream to the reservoir, include the measured distances of the point of diversion.

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## Map Requirements for New Water Right Applications

Provided is a sample map which contains all of the required elements for the map that must be submitted with a new Application for a Permit to Use Groundwater or Surface Water. Below are brief descriptions of the elements.

### A) Township, Range and Section

The Public Land Survey System (PLSS) method used in the United States to divide, or "Plat", land established a rectangular grid system by which land could be described for the purposes of mapping and selling of real property. Locations on a map could be arrived at by referencing the grid using the Township and Range to zoom in on a specific area, usually measuring 36 square miles. The Township describes the areas location North to South, and the Range describes the areas location East to West. These areas are further divided into approximately 1 square mile areas known as Sections. Oregon is divided into 9 northern Townships, 41 southern Townships, 16 western Ranges and 51 eastern Ranges.

### B) North Directional Symbol

For orientation purposes, the map must indicate which direction is North, relative to the paper the map is printed on.

### C) Even Map Scale

An even map scale is required for a complete map. The scale must be true to the dimensions of the map (be sure to check the scale of your map after it is printed). The scale cannot exceed 4-inches to a mile (1-inch = 1,320-feet). Even scales will be in increments of ten feet, i.e. 1" = 400', 1" = 550', 1' = 720' etc. Scales such as 1" = 25.4 feet or 1" = 43 feet will not be accepted.

### D) Tax Lot

The map must identify all individual tax lots where water will be diverted, conveyed or used.

### E) 1/4, 1/4 Section subdivisions identified

The 1-square mile Sections described above are further divided into 1/4 Sections by bisecting the midpoint of the Section on the North/South and West/East Section lines. These 1/4 Sections are further divided into 1/4, 1/4 Sections (1/16 Sections). These 1/4, 1/4 Sections measure approximately 1,320 feet<sup>2</sup>.



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**F) Public Land Survey Reference Corner**

The grid produced by the division of lands using the Township, Range, Section 1/4 Section, and 1/4, 1/4 Section subdivision method creates a number of intersecting lines. Each of these line intersections are recognized as PLSS Reference corners. Additionally, in some areas other subdivisions known as Donation Land Claims (DLC) may be used as the reference corner.

**G) Hachury**

Hachury is an identifying texture added to the map to show the area where water will be used. Diagonal lines are the most common representation; however any continuous symbol over the area is acceptable.

**H) Acres per 1/4, 1/4 PLSS subdivision**

The map must show a breakdown of the number of acres in each 1/4, 1/4 PLSS subdivision.

**I) Well or Diversion and Conveyance**

The map must identify the location of the well or diversion with a unique symbol. Additionally, if the well or diversion fall outside of the area the water is to be used, the map must also include the approximate location of the conveyance system (pipe, ditch etc) from the well or diversion to the area of use.

**J) Description of the location of the well or diversion**

The map must include a description of the location of the well or diversion, referenced to a recognized PLSS corner, using the distance North/South and West/East from the reference corner. Additionally, the location may be identified using latitude and longitude coordinates.

New Water Right Applications require a map, meeting certain standards, accompany the application. The map standards are governed by Oregon Administrative Rule 690-310-0050. Below is an example of each requirement on a sample map. (NOTE: Maps may vary in their appearance, but must all contain the minimum required elements.)

A) Township, Range and Section

B) North Directional Symbol

C) Even Scale no smaller than 1" = 1320'

D) Tax Lots Identified

E) 1/4, 1/4 Public Land Survey subdivision identified

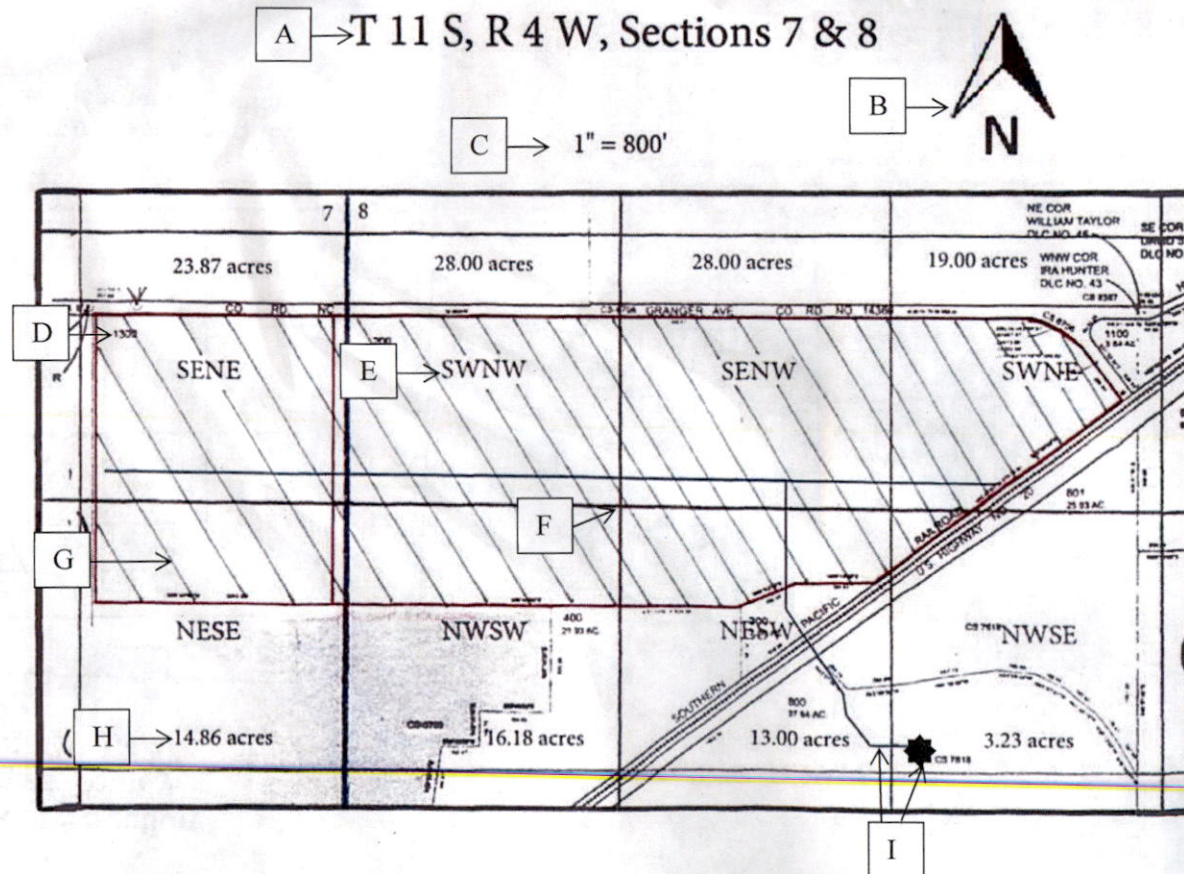
F) Public Land Survey reference corner

G) Hachury to identify place of use

H) For irrigation or nursery uses, number of acres to be irrigated in each 1/4, 1/4 Public Land Survey subdivision

I) Well or Diversion and conveyance line to place of use

J) Description of the location of the well or surface water diversion, referenced to a Public Land Survey reference corner



J) Proposed Well Located 1165 feet South and 161 feet East from the center of section 8

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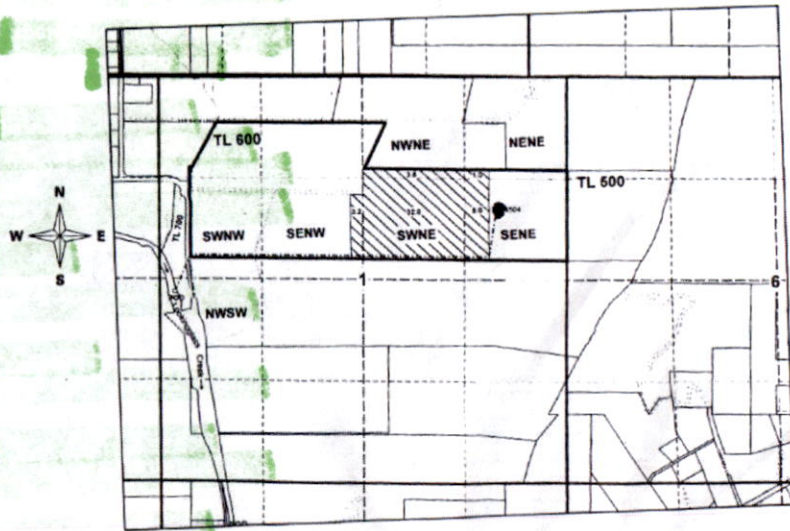
Page 1 of 4

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Other Sample Maps

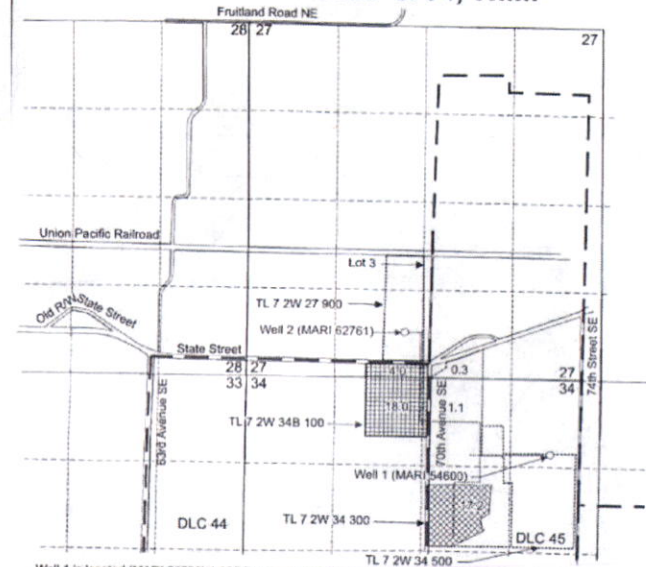
**T.28S. R.7W. Section 1**  
**Douglas County**  
**Scale: 1" = 1,320'**









**Point of Diversion is 2,720 ft. south and 180 ft. east from the northwest corner of Section 1.**

August 2017

**T.7S. R.2W. Sec. 27 & 34, W.M.**



Well 1 is located (MARI 54600) 1,135 feet south and 750 feet west from the NE corner, Section 34.  
 Well 2 is located (MARI 62761) 620 feet north and 2,925 feet west from the NE corner, Section 34.

-  Area (17.2 Acres) proposed for primary irrigation use from Well 1
-  Area (17.2 Acres) proposed for supplemental irrigation use from Well 2
-  Area (23.4 Acres) proposed for primary irrigation use from Well 2
-  Area (23.4 Acres) proposed for supplemental irrigation use from Well 1
-  4-inch, 6-inch and 8-inch buried mainline
-  Tax Lot Boundary

Scale: 1" = 1,320'  
 0 1,320 Feet

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

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