

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 Fred Justesen and Jonnie Justesen		PHONE (HM) 541-980-2311 for Fred	
PHONE (WK)	CELL	FAX	
ADDRESS 59720 Twin Lakes Road			
CITY Grass Valley	STATE OR	ZIP 97029	E-MAIL *

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

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AGENT / BUSINESS NAME Tenneson Engineering Attention:Darrin Eckman		PHONE 541-296-9177	FAX
ADDRESS 3775 Crates Way			CELL
CITY The Dalles	STATE OR	ZIP 97058	E-MAIL * deckman@tennesoneng.com

JUN 06 2022

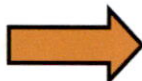
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Note: Attach multiple copies as needed

* 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.

[Handwritten Signature]
 Applicant Signature

[Handwritten Signature]
 Applicant Signature

Fred Justesen 3-23-22
 Print Name and Title if applicable Date

Jon Justesen 3-23-22
 Print Name and Title if applicable Date

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For Department Use: App. Number: _____

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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 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).*

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. Attached

SECTION 3: SOURCE OF WATER

A. Reservoir Name: Wamic Reservoir #1

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: Seasonal Unnamed Stream	Tributary to: Threemile Creek
TRSQQ of POD: T 4 S, R 12 E, Section 14, NW 1/4 of SW 1/4, being 1354' N & 3654' E from SW Corner Section 14	
Source 2:	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:

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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/

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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For Department Use: App. Number: _____

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

- a) The use of the impounded water will be: Fish and wildlife habitat enhancement, recreation
- b) The amount of water to be stored is: 47.8 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 6.0 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 26.0 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' Dam Safety Section prior to storage of water.

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

If "other," provide the description: _____

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.

The dam will utilize either a permanently mounted electric pump or a siphon with permanent suction and discharge piping on either. The suction piping will be placed in the native slopes above the dam with the discharge piping extended to either the spillway or the natural channel below the toe of the dam. The siphon would be set on the crest at the south end of the dam and the electrical pump would be located on the north shore of the reservoir. The owner is reviewing costs before making a final determination. Either system will be capable of a minimum flow rate of 550 GPM, which will lower the water surface level five (5) feet in ten (10) days.

b) How and when will the outlet be operated?

The outlet conduit is intended for use during emergencies where the reservoir has to be drained to prevent failure of the dam. The pump or siphon will be cycled annually to ensure it is in working order. The operational sequence is provided on sheet 5 of the plans.

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)?

N/A -- See ODFW letter

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SECTION 8: EMERGENCY SPILLWAY

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

The spillway is located through the crest of the dam at the north end. The dimensions vary depending upon the slope, it is roughly four (4) feet deep and between 12-feet and 25-feet in width.

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

Depending upon the location the emergency spillway is excavated into rock or lined with rip-rap to prevent erosion. The maximum velocity is approximately 5.5 feet per second.

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?)

The emergency spillway is designed to convey the runoff from the 100-year design storm event (155.2 CFS) and will still leave more than two (2) feet of freeboard to the crest of the dam.

SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream. The installation of the drain system will be completed at the end of summer when the reservoir level is low and can be pumped down if necessary. No turbid water will be discharged downstream. This is an existing reservoir and water quality has not been a problem thus far.
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. Riparian vegetation will be planted to filter overland water flow.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.
This is an existing reservoir and has not required discharge of contaminated water so far. The drain system can be installed, along with any maintenance work, during the summer when there is no flow in the Unnamed Stream. Discharging a little amount of water would allow for evaporation before water enters Threemile Creek.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: Started
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: 10/1/2025
- c) Proposed date water use will be completed: 10/1/2025

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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	Address	
City	State	Zip

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.
 This is a refile of Application R-85194 which was not completed within the terms of that permit and an extension of time was denied by OWRD. There is already a Dam Safety File set up for this dam and reservoir.
 The Justesens have a letter from ODFW stating that this site is above current and historical distribution of migratory fish and therefore no fish passage is required.

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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

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 groundwater 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.

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NOTE TO LOCAL GOVERNMENTS

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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 503-986-0801.

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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

Applicant

NAME Fred and Jonnie Justesen			PHONE (HM) 541-980-2311 for Fred		
PHONE (WK)		CELL		FAX	
ADDRESS 59720 Twin Lakes Road					RECEIVED JUN 06 2022
CITY Grass Valley	STATE OR	ZIP 97029	E-MAIL*		

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:
4S	12E	14	W1/2 of SE	400	Exclusive Farm/A-1 (160)	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Reservoir
4S	12E	14	E1/2 of SW	400	Exclusive Farm/A-1 (160)	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Reservoir
						<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:

Wasco 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) Unnamed Stream

Estimated quantity of water needed: 47.8
 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 Fish and Wildlife Habitat, Recreation

Briefly describe:

An existing Reservoir we are filing for water rights on to store water for Fish and Wildlife Habitat and Recreation uses



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): Section 3.212 - Uses Permitted Without Review.
- 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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JUN 06 2022	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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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.

NAME	Daniel Dougherty	TITLE: Senior Planner
SIGNATURE	PHONE: 5415062568	DATE: 5-17-2022
GOVERNMENT ENTITY Wasco County		

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: _____

03/11/2022

SUSAN R. [unclear]

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03/11/2022

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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."**

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		<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.

NAME	TITLE:	RECEIVED
SIGNATURE	PHONE:	DATE: JUN 06 2022
GOVERNMENT ENTITY		

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Receipt for Request for Land Use Information

Applicant name: Fred Justesen & Jon Justesen | Partners

City or County: _____ Staff contact: _____

Signature:  Phone: _____ Date: _____

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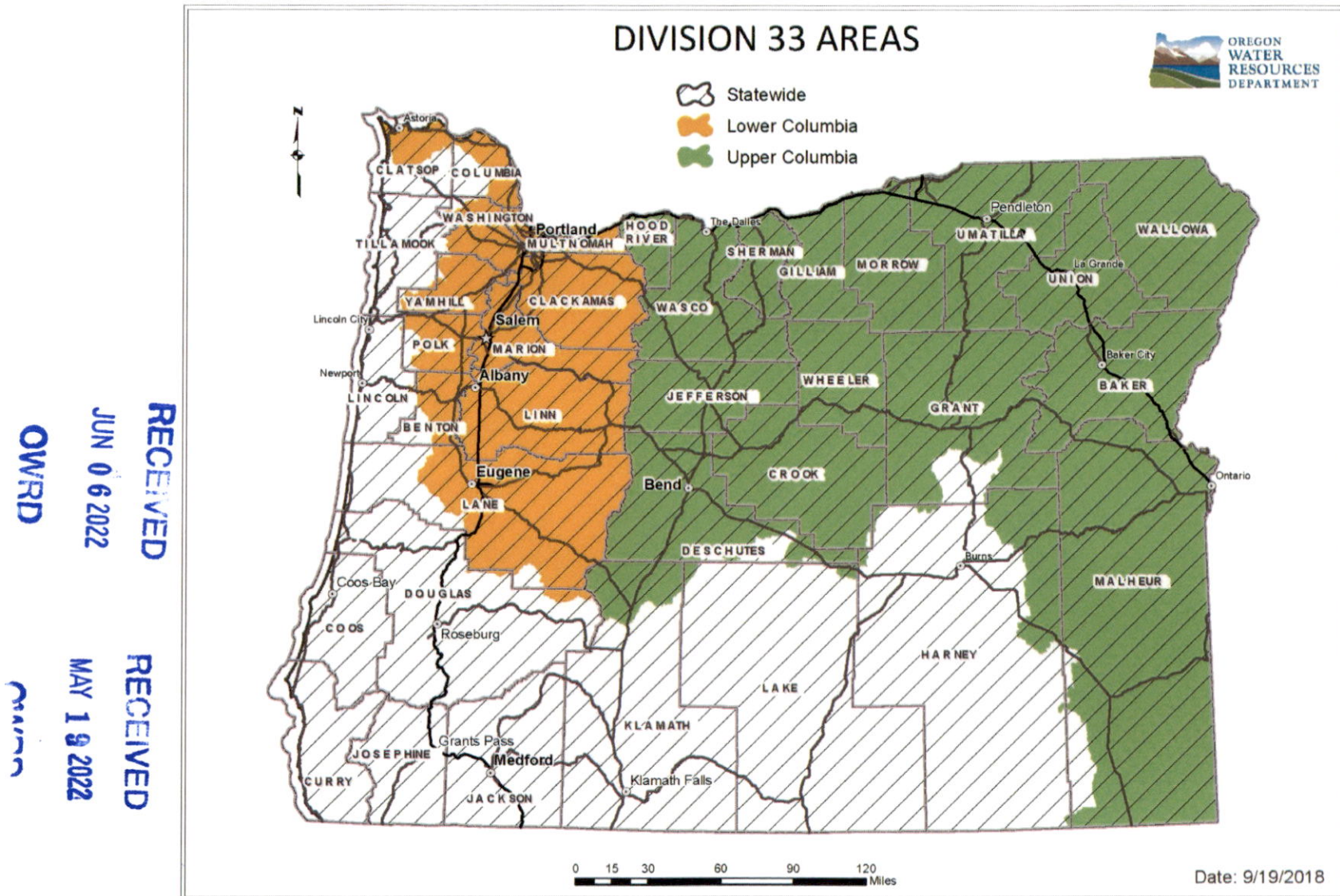
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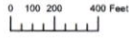
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Figure 1: Map of Division 33 Areas



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/

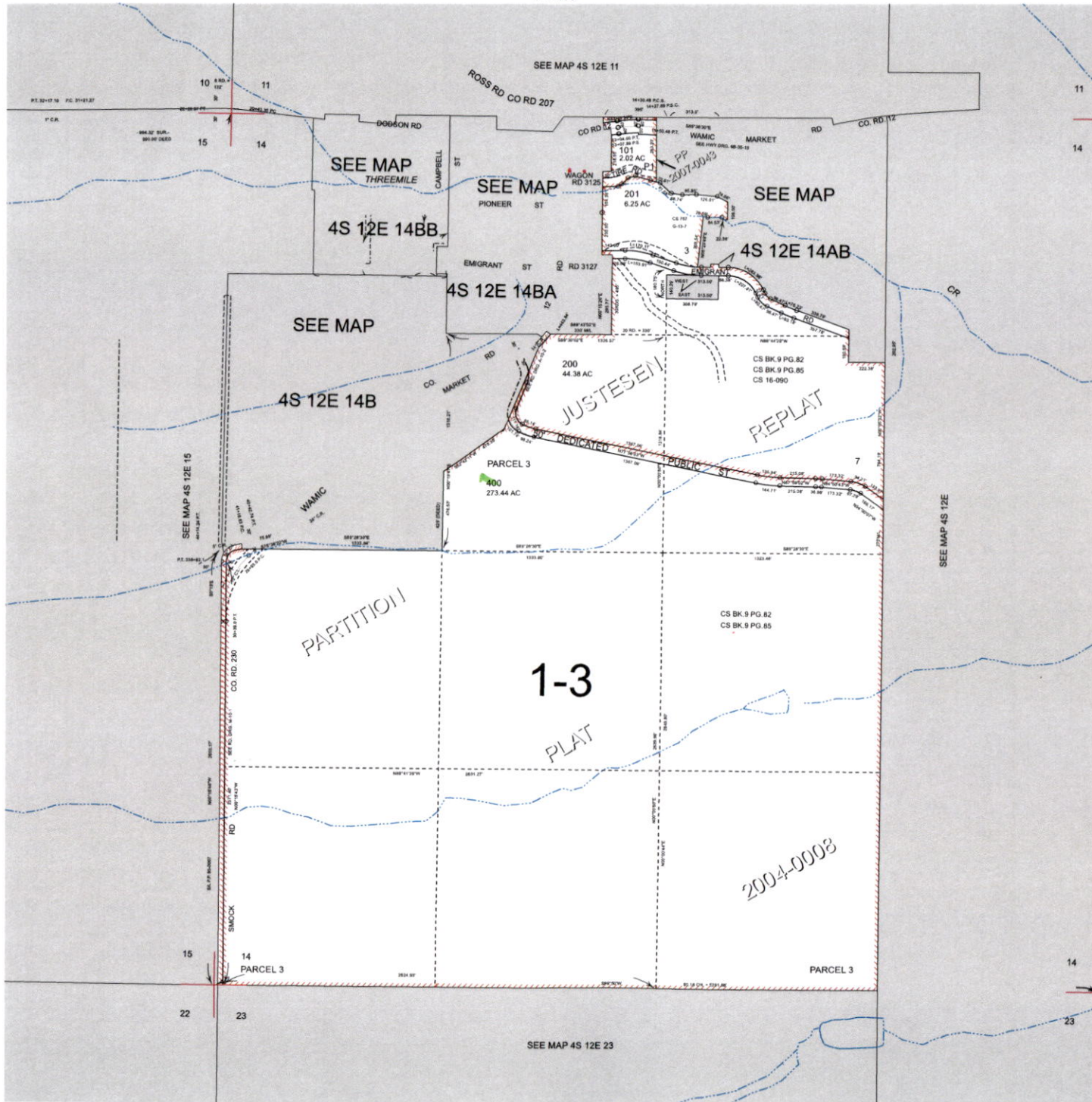
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 14 T.4S. R.12E. W.M.
WASCO COUNTY
1" = 400'

04S12E14

1/29/2018



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04S12E14



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Mid-Columbia Field Office

3701 West 13th Street

The Dalles, OR 97058

(541) 296-4628

FAX (541) 298-4993

Jonnie Justesen
59720 Twin Lakes Rd
Grass Valley, OR 97029

Subject: Fish Passage Condition for Application R-85194

To Whom It Many Concern,

ODFW has determined that the point of diversion associated with application R-85194 on the unnamed tributary to Threemile Creek near Wamic is situated above current and historical distribution of native migratory fish species. As such, there is no fish passage trigger event and fish passage is not required at this location. This determination is consistent with the state's fish passage policy defined in ORS 509.585 and satisfies the state's fish passage rules and regulations.

ODFW does require that if this reservoir is stocked with fish, screens must be in place to prevent fish from entering any creeks or rivers within the Deschutes Subbasin.

Sincerely,

Jason Seals
Asst. District Fish Biologist

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Larry Toll

From: Larry Toll
Sent: Friday, February 04, 2022 12:20 PM
To: SEALS Jason T * ODFW
Subject: RE: Justesen Reservoir

Thank you, I will put this email communication with the letter to show date information.

Larry Toll
Tenneson Engineering Corporation
3775 Crates Way
The Dalles, OR 97058
Telephone: 541-296-9177
Fax: 541-296-6657
E-mail: ltoll@tennesoneng.com

From: SEALS Jason T * ODFW <Jason.T.SEALS@odfw.oregon.gov>
Sent: Thursday, February 03, 2022 3:56 PM
To: Larry Toll <Ltoll@tennesoneng.com>
Subject: RE: Justesen Reservoir

Sorry about that. I should have put that on the letter.

February 26, 2021 was the date from my files.

Jason Seals
District Fish Biologist (Acting)
Middle Columbia Fish District
Oregon Department of Fish and Wildlife
The Dalles
(541)967-6793
Jason.t.seals@odfw.oregon.gov

From: Larry Toll <Ltoll@tennesoneng.com>
Sent: Thursday, February 3, 2022 11:27 AM
To: SEALS Jason T * ODFW <Jason.T.SEALS@odfw.oregon.gov>
Subject: Justesen Reservoir

Jason,

The attached letter is in our Justesen Reservoir (Water Right Application R-85194) file concerning fish passage. Your letter does not include a date. Could you tell me when you wrote this letter?

The reservoir is located just south of Wamic in T 4S, R 12 E, Section 14 with the dam in the SE ¼ of Section 14.

Larry Toll
Tenneson Engineering Corporation

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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 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

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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: **\$ 1,949.20**
See the Department's Fee Schedule at 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)
 - 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)

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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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3775 CRATES WAY
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

LETTER OF TRANSMITTAL

TO: Oregon Water Resources Department
725 Summer Street NE, Suite "A"
Salem, Oregon 97301

Date 6/3/2022	Work Order # 10353
Attention	
RE:	
RESUBMITTAL FOR	
WAMIC RESERVOIR #1 AND DAM	

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1	APPLICATION TO STORE WATER IN A RESERVOIR
1	8-1/2" x 14" color print—APPLICATION MAP
1	LAND USE COMPATIBILITY STATEMENT
1 set	(6 pgs) 22" x 34" prints—DAM CONSTRUCTION PLANS
1 set	(6 pgs) 11" x 17" prints of above Plans
1	CD WITH APPLICATION PACKET AND PLANS
1	\$1,949.20 APPLICATION FEE (Check #50953)

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THESE ARE TRANSMITTED (as checked below)

- | | | |
|--|--|--|
| <input type="checkbox"/> For approval | <input type="checkbox"/> As requested | <input type="checkbox"/> Filing/Recording |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> For your review & comment |

CHARGES

Remarks:	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:
DELIVERED BY:
COPY TO:

BY: Darrin O. Eckman, P.E.

If enclosures are not as noted, please notify us at once.



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 26, 2022

RECEIVED
5/26/22
Fred & Jonnie Justesen
59720 Twin Lakes RD
Grass Valley, OR 97029
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Dear Applicant:

The Water Resources Department has 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 0050.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801 or 503-986-0810.

Sincerely,

Corie Lovrien
Water Rights Customer Service

Cc: OWRD Fiscal (Check #50953)
Robert Wood, WM District #3

Enclosures: Application and check.

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

Application Completeness | Summary of Needed Items:

- A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use Form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

****Your land use form was unsigned.**

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After recording return to:

Bradley V. Timmons
DICK & DICK, LLP
601 Washington Street
The Dalles, OR 97058

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True and actual consideration:

\$200,000.00

Until a change is requested all tax statements shall be sent to:

Jonnie L. Justesen
59720 Twin Lakes Road
Grass Valley, OR 97029

#18018

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That AVIAN LAKE RANCH, LLC, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JONNIE L. JUSTESEN, hereinafter called grantee, does hereby grant, bargain, sell, convey and warrant unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Wasco and State of Oregon, described as follows, to wit:

The following described real property situated in Section 14, Township 4 South, Range 12 East of the Willamette Meridian in the County of Wasco and State of Oregon.

Tract 1: Beginning at the Southeast corner of the Northeast quarter of the Northwest quarter, thence North 45 rods, thence West 24 rods, thence South 15 rods, thence East 4 rods, thence South 30 rods, thence East 20 rods to the place of beginning.

Tract 2: The Southeast quarter of the Northwest quarter, EXCEPTING THEREFROM the following: Beginning at a point 80 rods East and 68 1/3 rods South of the Northwest corner of Section 14, thence South 48 rods, thence East 356 1/2 feet, thence in a Northeasterly direction down the center of county road about 49 rods, thence West 100 feet, thence North 100 feet, thence West 164 feet, thence South 3 1/2 rods, thence West 24 rods to the place of beginning.

Tract 3: The Southwest quarter of the Northeast quarter, EXCEPTING THEREFROM the following: Beginning at the Northeast corner of said Southwest quarter of the Northeast quarter and thence South 12.3 rods, thence West 13 rods, thence North 12.3 rods, thence East 13 rods to the place of beginning. 214.5 202.95

Tract 4: Beginning at the Southwest corner of the Northwest quarter of the Northeast quarter, thence East 19 rods, thence North 14 rods, thence West 19 rods, thence South 14 rods to the place of beginning.

Tract 5: The West half of the Southeast quarter.

SUBJECT TO:

1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the (low/high) water mark of Three Mile Creek, if any.
2. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of Three Mile Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
3. An Easement created by instrument, subject to the terms and provisions thereof:

(3)

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Recorded: November 17, 1936
 Book/Page #: Book 87 of Deeds, page 216 (Records of Wasco County, Oregon)
 In Favor of: Pacific Power & Light Company, a corporation, its successors and/or assigns

2. An Easement created by instrument, subject to the terms and provisions thereof:
 Recorded: April 15, 1948
 Book/Page #: Book 113 of Deeds, page 217 (Records of Wasco County, Oregon)
 In Favor of: Pacific Power & Light Company, a corporation, its successors and/or assigns

3. Exceptions and Reservations contained in deed whereby the Grantor excepts and reserves unto him/her self, 51% of all mineral rights together with the terms and conditions thereof:
 Executed by: Edwin Louis Gustafson and Alice Anne Gustafson, Co-Trustees
 Recorded: August 24, 1979
 Microfilm #: 792850 (Records of Wasco County, Oregon)

4. An Easement created by instrument, subject to the terms and provisions thereof:
 Recorded: August 24, 1979
 Microfilm #: 792850 (Records of Wasco County, Oregon)

5. An Agreement, and the terms and provisions thereof:
 Between: Edwin Louis Gustafson, et al
 Dated: August 31, 1992
 Recorded: November 2, 1992
 Microfilm #: 924025 (Records of Wasco County, Oregon)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as set forth above, and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$200,000.00.

IN WITNESS WHEREOF, the grantor has executed this instrument this 5 day of Feb, 2002.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

AVIAN LAKE RANCH, LLC

By: Bruce C. McPherson Member

By: Stan V. McPherson Member

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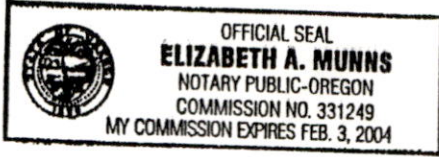
JUN 06 2022

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STATE OF Oregon)
County of Clackamas) ss.

February 4, 2002.

Personally appeared the above named Bradley C. Shepard, as Member of Avian Lake Ranch, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.



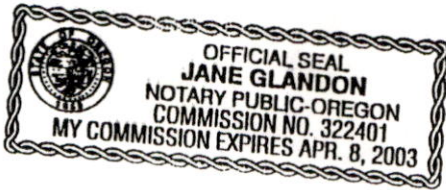
Before me:

Elizabeth A. Munns
Notary Public for Oregon
My commission expires: 2-3-04

STATE OF OREGON)
County of MALHEUR) ss.

FEBRUARY 5, 2002.

Personally appeared the above named STANLEY V. SHEPARD, as MEMBER of Avian Lake Ranch, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me:

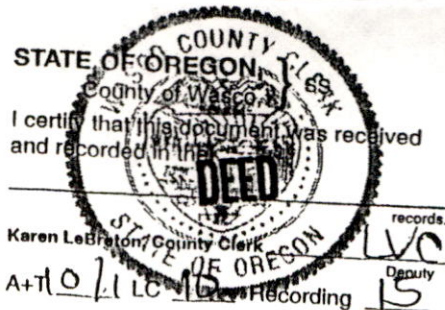
Jane Glandon
Notary Public for Oregon
My commission expires: 4-8-2003

Microfilm No. 20020831

FILED WASCO CTY
THE DALLES OR.

FEB 7 3 17 PM '02

KAREN R. LEBRETON
COUNTY CLERK



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EXHIBIT A

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1. 2001-2002 property tax prorate.
2. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified from such use, the property will be subject to additional taxes or penalties.
3. The rights of the public in and to the portions thereof included with the boundaries of roads and highways.
4. Public utility easements if any shall be found to exist in the premises.
5. Reservations contained in Government Patents and in deeds from the State of Oregon.
6. Regulations including levies, assessments, water and irrigation rights of the Rock Creek District Company.
7. Rights or claims of parties in possession not shown by the public records.
8. Public or private easements, or claims of easements not shown by the public records.
9. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
10. Any lien, or right to alien, for services, labor or material heretofore or hereafter furnished imposed by law and not shown by the public records, or liens under the Workman's Compensation Act not shown by the public records.
11. Rights of use, control or regulations by the United States of America, in the exercise of powers over navigation; any prohibition or limitation on the use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land.
12. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts Authorizing the issuance thereof; (c) water rights, claims or title to water.
13. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage removal.
14. General taxes not now payable or matters relating to special assessments and special levies, if any, preceding the same becoming a lien.

20020235