

Alternate Reservoir Process Application Guidebook

Oregon Water Resources Department



Why do I need a water right?

Under Oregon Law, all water belongs to the public. In Oregon, landowners with water flowing past, through or below their property do not automatically have a right to use that water. With few exceptions, any person wishing to take and use surface water or groundwater must first obtain a permit from the Oregon Water Resources Department. The water right, once developed, is a type of property right and is attached to the land where it was established. Land with an attached water right may be several miles from the actual source of water.

Oregon's water laws are based on the principle of "prior appropriation." That is, the first person to obtain a water right to a water source is the last to be shut off in times of low water availability. In water-short times, water users with the oldest water right can demand the amount specified in their right regardless of the needs of junior users. If there is a surplus beyond the specified amount of the senior right, the person with the next oldest priority date may take the specified amount necessary to satisfy their right and so on down the line until there is no surplus. The date of application for a permit usually becomes the priority date of the right.

Oregon's water code contains four basic provisions:

- Surface or groundwater may be legally diverted only if it is used according to the terms of a valid water right for a beneficial purpose.
- The more senior the water right, the longer water is available to the right holder in a time of shortage.
- A water right certificate is attached to the land where it was established. If the land is sold, the water right goes with the land to the new owner. (This does not apply to water rights still in permit status.)
- A water right is valid so long as it is used at least once every five years for its intended purpose. If the right is unused for five consecutive years, it is legally forfeited and subject to cancellation, with few exceptions.

By law, the land use associated with water use must comply with the statewide land-use goals and local land-use plans.

The Water Right: Applying for a Permit to Store Water

A water-right permit from the Oregon Water Resources Department (Department) is required in order to store water. Additional permits and approvals from other agencies may be necessary prior to construction of a storage facility. With few exceptions, a permit is required to store water—regardless of size, or whether or not the pond or reservoir already exists.

In 1995, the Oregon Legislature created the Alternate Reservoir Process for small ponds. A permit issued under the Alternate Reservoir Process allows for the storage of water only. To use or appropriate the stored water requires a “secondary” permit for all out-of-reservoir uses, with few exceptions. The *Surface Water Right Application Guidebook* explains how to complete a secondary application.

The Alternate Reservoir Process is applicable for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high. Any reservoir that proposes to have a storage volume of 9.2 acre-feet or greater and has a dam height of 10 feet or greater is not eligible to use this application process. Reservoirs falling within this category must apply for permit under the *Standard Reservoir Process* and are required to submit dam engineering plans and specifications (OAR 690-020).

The Application Process and Standards of Review

Before an Alternate Reservoir application can be submitted, the applicant must contact the local Watermaster to assess water availability and potential injury to existing water rights, and then the applicant must contact the Oregon Department of Fish and Wildlife (ODFW) to assess whether the reservoir has a significant detrimental impact on existing fishery resources. ODFW will determine what fish passage and screening

About Fish Passage in Oregon

The default assumption under ORS 509.585 is that fish passage will be provided if native migratory fish are present or were historically present, which requires the approval of a fish passage plan by ODFW. An alternative to providing fish passage is to seek a fish-passage waiver or exemption from the Fish and Wildlife Commission.

More information on fish passage can be found at:
<https://www.dfw.state.or.us/fish/passages/>

requirements will need to be addressed, in addition to other conditions. This includes an assessment of biological flow needs for fish that may result in a different outcome than the Department’s assessment of water availability. ODFW will complete the Alternate Reservoir Application Review Sheet form within 45 days of submittal, which must be included with your application, as described in the instructions below.

When the watermaster’s pre-application review finds a reservoir will injure any existing water right, the application is incomplete without mitigation the watermaster finds will overcome the injury. When ODFW’s pre-application review finds a reservoir will cause significant detrimental impact to existing fishery resources, the application is incomplete without mitigation that ODFW finds will overcome the impact. If an application is incomplete upon submittal to the Oregon Water Resources Department, the Department will return the application. In addition, the Department will return the application if the reservoir does not meet the size restrictions described previously, is prohibited under ORS 390.835 (Oregon Scenic Waterway Act), proposes to store water from a source that is withdrawn under ORS 538 (Withdrawal of Certain Waters from Appropriation), or the required forms or fees are not submitted.

After a completed application has been received by the Department, the Department must make public notice of the application within 60 days. The Department does not notify individual, neighboring landowners of an application, unless they are identified in the application as affected landowners. The public notice is to allow any person to request the Department deny an application based on detailed information about injury to existing water rights or a significant detrimental impact to an existing fishery resource. All comments must be submitted within 60 days of the public notice.

The Department issues a Final Order within 180 days of the tentative priority date (i.e., date of submission of the complete application) evaluating water availability, potential detrimental impact to existing fishery resources, and potential injury to existing water rights. If the review is favorable, the Department will issue a permit with conditions. The Department recommends applicants not schedule excavation work or otherwise expend financial resources until a permit has been issued.

Permitting and Approval from Other Agencies

Developing your water use permit often entails grading, trenching, or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or county planning office. The following information has been provided by the Oregon Department of State Lands.

Activities in Wetlands and Waterways are Regulated by:

- The Department of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Oregon Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

What Areas are Regulated?

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and seasonal wetlands
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise ‘designated’ to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance

What Activities are Regulated?

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)

- For some activities, joint application forms can be obtained from DSL or the Corps

What Activities are Exempt?

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

How are Laws Enforced?

- The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.

Instructions: Completing the Alternate Reservoir Application Form

Step 1: Complete the 3-page application

Step by step instructions, beginning on Page 7 of this guidebook, will walk you through each section of the application. When all pages and supplemental forms are completed, use the “completeness checklist” on Page 10 as a quick reference before submitting to the Department.

Step 2: Prepare a Map

All information should be typewritten or neatly printed with dark ink. All items must be completed even if parts or all of the required information appears on supplemental maps or drawings. Refer to Page 9 for additional map requirements.

Step 3: Obtain a completed review from the Watermaster

The Watermaster Alternate Reservoir Application Review Sheet must be completed by your local Watermaster. It’s helpful to make an appointment with the Watermaster. For assistance in locating your Watermaster office, access the website:

www.oregon.gov/OWRD/aboutus/contactus/Pages/RegionalOfficesandWatermastersDirectory.aspx

The Watermaster will review your completed application form and map showing the reservoir location and source and will determine if the reservoir will cause injury to any existing water right and if conditions can be identified that would mitigate such injury. In addition, the Watermaster will determine when and if water is available for the proposed use. **If the Watermaster’s review finds a reservoir will injure any existing water right, the Department cannot accept the Alternate Reservoir application unless it is accompanied by mitigation the Watermaster finds will overcome the injury.**

Step 4: Obtain a completed review from the Oregon Department of Fish & Wildlife

The ODFW Alternate Reservoir Application Review Sheet must be completed by an ODFW Water Right Specialist and may take up to 45 days. A completed Alternate Reservoir Application, Map, and completed Watermaster Review Sheet should be sent to wrd.altres@odfw.oregon.gov to request a completed ODFW Review Sheet. You may contact Danette Faucera at 971-280-3773 for additional submission options if necessary.

The ODFW specialist will review your completed application form, map, and information you obtained from the Watermaster. ODFW will then determine if the reservoir will pose a significant detrimental impact to existing fishery resources, which may be due to a reduction in biologically necessary flows, obstruction of fish passage, or other ecological impairments.

A completed ODFW Review Sheet will identify if native migratory fish are present, or were historically present, and if the reservoir requires fish passage to be addressed.

- For existing reservoirs located in-channel or in the floodplain, or with diversion structures located in-channel, fish passage is required to be addressed prior to submitting an Alternate Reservoir application to the Department. Possible ways in which fish passage can be addressed include obtaining an approved fish-passage plan, waiver or exemption from ODFW. **Any Alternate Reservoir application for an existing reservoir submitted to the Department that identifies native migratory fish presence but does not also have an existing approved fish-passage plan, waiver or exemption will be returned to the applicant as incomplete.**
- If the reservoir is proposed and not yet built, fish passage concerns may be able to be addressed after submission of your application but before construction. The Department may place conditions on any permit issued to require the permittee to work with ODFW to obtain approval of a fish-passage plan, waiver or exemption. ODFW approval must be obtained prior to any diversion or storage of water in the proposed reservoir.

If ODFW determines the reservoir will pose a significant detrimental impact to existing fishery resources and cannot identify condition(s) that would mitigate the impact, the Alternate Reservoir application is incomplete and cannot be accepted by the Department unless it is accompanied by mitigation that ODFW finds will overcome the impact.

Step 5: Obtain a completed Land-Use Information Form

The Land Use Information Form or signed receipt stub must be completed by a representative of the local planning agency.

The applicant must determine if the reservoir location is within the boundaries of a city or county or other planning jurisdiction. The representative from the relevant planning agency will review your completed application, which will describe the proposed use of water, and your map indicating the reservoir location and determine if the proposed use of water is consistent with local land use rules. The Receipt for Request for Land Use Information allows the Department to accept the application;

however, the demonstration of land-use compatibility is required before the Department will issue a permit for the proposed use.

STEP 6: Submit the completed application, supplemental forms, map, and fees to the Oregon Water Resources Department

Before submitting the application, be sure you include all the necessary items noted below. Your application and supplemental materials **will be returned** if not complete.

- ☒ Completed Watermaster Review Sheet
- ☒ Completed ODFW Review Sheet
- ☒ Completed Land Use Information Form
- ☒ Legible and Accurate Map
- ☒ Legal Description
- ☒ Payment: Use this fee calculator to determine the application fees:
https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

There is a permit recording fee for Alternate Reservoir applications. You may pay the permit recording fee at time of submittal, or you may pay that fee at a later date prior to permit issuance. For fastest processing, the Department recommends that the permit recording fee be paid in advance. If the Department does not issue a permit, the permit recording fee will be refunded.

Secondary Application: Submit a secondary application if there will be out-of-reservoir uses associated with this reservoir AFTER the reservoir has been permitted.

Overview of Sections within the Application

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

If you are an individual applying for a permit to store water in a reservoir, include your name, *mailing* address and phone number. If there is a co-applicant, please indicate that information also. You may include a fax number or e-mail address, if you have one. These numbers are not required, but helpful if the Department must contact you.

For corporations, associations, firms, partnerships, cooperatives, and/or public and municipal corporations, complete the Authorized Agent section, including the title of the authorized agent.

All applicants must sign the application in ink.

Properly completed application form(s). Only one reservoir per application. If there is more than one applicant, each applicant must sign the application.

SECTION 2: SOURCE AND LOCATION OF RESERVOIR

Reservoir Name: If there is no name, insert N/A. If applying for more than one reservoir, a separate application is required for each pond. If all reservoirs are shown on one map, label each accordingly. List as Pond #1, Pond #2, etc., unless named.

Source: List the commonly used name of the body of water from which the water will be diverted, and the stream it flows to (tributary). If the source is diffuse runoff, please state that.

Quantity: List the total quantity of water to be stored at maximum capacity. List the total in acre-feet. To determine capacity in acre-feet use the following calculation:

$$\text{Acre-feet} = (\text{Average Length})(\text{Average Width})(\text{Average Depth}) / 43,560$$

Reservoir Location: Clearly indicate the location by Township, Range, Section, quarter-quarter and tax lot number. This information can be found on the base map or by contacting your local tax assessor's office.

County: Indicate the county where the pond or reservoir is located.

Dam: List the dam height. If there is no dam, enter "0 feet." NOTE: If the dam is 10 feet or greater, and the storage capacity of the reservoir is more than 9.2 acre-feet, you must apply under the Standard Reservoir Process.

SECTION 3: WATER USE

In order to receive a water right, you must show that you will be using the water beneficially and without waste. Indicate the type of use of the stored water.

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 beneficial uses which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection, and pollution abatement.

Regardless of the type of storage listed, if *any* use will be out-of-reservoir, an additional secondary application will be required to appropriate the stored water.

- Agriculture Use
- Cranberry Use
- Stock water
- Forest and Range Management
- Commercial
- Mining
- Municipal or Quasi-municipal
- Aquatic Life
- Recreation
- Wildlife
- Irrigation
- Nursery Operations
- Temperature Control
- Industrial
- Fire Protection/Suppression
- Power Development
- Domestic use
- Stormwater Management
- Pollution Abatement
- Wetland Enhancement

SECTION 4: PROPERTY OWNERSHIP

If the water you plan to use will be transported by ditch, canal or other work, or if your pond or reservoir will back up water onto another property, you must own all the property or have legal access to the property. This includes crossing any public roads or rights-of-way. Under ORS 274.040, if your application proposes only irrigation and/or domestic use, written authorization or an easement is not necessary to occupy state-owned submersible lands for the construction, maintenance and operation of any structure or facility necessary for the use of water.

If you own all the land that includes the source, diversion and place of use of water, mark YES and skip to the next section. If not, include a list of the names and addresses of the affected property owners. If there are more than 25 landowners, you will be required to file a public notice in a newspaper that circulates in the area of the water use.

Legal Description: You must provide the legal description of: (1) The property from which the water is to be diverted, (2) Any property crossed by the proposed ditch, canal or other work, and (3) Any property on which the water is to be used as depicted on the map.

SECTION 5: ENVIRONMENTAL IMPACT

Channel: Indicate if the pond or reservoir is located in a stream channel.

Wetland: Indicate if the project is located in a wetland.

Existing: Indicate if the project is an existing reservoir and if so, how long.

Fish Habitat: If there is fish habitat upstream of the proposed reservoir, please describe.

Partnerships: List any agencies such as the Natural Resources Conservation Service (NRCS) or the Oregon Department that you may be working with on a project.

SECTION 6: WITHIN A DISTRICT

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

SECTION 7: DESCRIPTION

Provide a description of the design and operation of the proposed diversion. If the diversion involves a dam, use this space for sketches of the diversion.

CREATING AN APPLICATION MAP

In order to examine the application properly, the Department must have an accurate map that shows the location of the proposed reservoir and source or dam. The Department utilizes the following criteria for your map to ensure the timeliest processing possible. ORS 537.409(3); OAR 690-310-0050.

The map shall be of permanent quality and drawn clearly in ink on good quality paper. Maps should be submitted on 8.5 x 11 inch paper.

The map must be drawn to a standard, even scale of not less than 4 inches = 1 mile. Standard scales include 1"= 400'; 1"= 200'; 1"= 100'. Use only whole numbers. U.S.G.S quad maps, title company maps or aerial photo maps will not be accepted.

Each copy of the map must clearly show these elements:

- The location of the dam and reservoir. The location must be referenced to a government land survey corner (*not the property corner unless it is also a government land survey corner*). The reservoir location may be shown by coordinates (i.e., the number of feet north or south and the number of feet east or west from a survey corner). If there is no dam, reference the center of the reservoir. If the reservoir is off-channel, include both the dam/reservoir location and the location of the diversion point from the stream, if applicable.
- The location of any main canals, ditches, pipelines or flumes.
- The Township, Range, Section and Quarter-Quarter, as well as tax lot lines and tax lot numbers, must be indicated clearly on the map.
- Include the scale of the map, along with a "North" directional symbol.

A platted and recorded subdivision map, deed description survey map or a county assessor tax lot map may be submitted as the application map if all the required information is clearly shown.

Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

1. ☐ Landowner name, mailing address and telephone number provided
2. ☐ Application signed – All parties noted as applicants must sign the application
3. ☐ Source and tributary listed
4. ☐ Reservoir Location – TRSQQ and tax lot provided
5. ☐ Dam height indicated
6. ☐ Property ownership completed
7. ☐ If applicant does not own all the land, is the affected landowner's name and mailing address listed?
8. ☐ Environmental impact section completed?
9. ☐ **Completed Watermaster review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir injure an existing water right? ☐ YES ☐ NO
 - If YES, can conditions be applied to mitigate injury or is mitigation included? ☐ YES ☐ NO
If NO, return the application.
10. ☐ **Completed ODFW review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☐ YES ☐ NO
 - If YES, can conditions be applied to mitigate the impact or is mitigation included? ☐ YES ☐ NO
If NO, return the application.
11. ☐ **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 completed within the last 12 months.
12. ☐ **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance often meets this requirement.
13. ☐ **Acceptable Map**. *Note: Requirements set forth by the Commission.*
 - ☐ Reservoir Location – Identifying 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 public land survey corner shown on map – A tax lot corner is not acceptable unless it is also a public land survey corner.
 - ☐ North directional symbol
 - ☐ ¼'s clearly identified
 - ☐ Reservoir clearly identified
 - ☐ Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
 - ☐ If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner and identify any main canals, ditches, pipelines, or flumes.
14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees:

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

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

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			PHONE (HM)
PHONE (WK)	CELL		FAX
MAILING ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization

NAME			PHONE	FAX
MAILING 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			PHONE	FAX
MAILING 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.**

Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:					
Source*:	Tributary:				
County:					
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 #
Maximum Height of Dam:	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: _____

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, which may include stock water, fish and wildlife, 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?

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

☐ 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:

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.

If the diversion involves a dam, use this space below (or attached pages) 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))

Applicant's Name		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain:		
3. Is water available for the proposed reservoir? <input type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: _____ End: _____ 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 type="checkbox"/> NO		
Name: _____	Agency: _____	Date: _____
Name: _____	Agency: _____	Date: _____

Watermaster Name: _____

Watermaster Signature: _____ Date: _____

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the Applicant					
Applicant			Phone No.		Email.
Mailing Address			City	State	Zip
Reservoir Name:		Source:		Volume (AF):	
Township (N or S)	Range (E or W)	Section	Quarter/ Quarter	Basin Name:	<input type="checkbox"/> in-channel <input type="checkbox"/> off-channel

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW)	
1) Is the proposed project and AO ¹ off channel? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes then proceed to #4; if no then proceed to #2)	
2) Is the proposed project or AO located where NMF ² <u>are or were historically</u> present? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes then proceed to #3; if no then proceed to #4)	
3) If NMF <u>are or were historically</u> present: <div style="display: flex; justify-content: space-between;"> <div style="width: 80%;"> a. Is there an ODFW – approved fish passage plan? b. Is there an ODFW-approved fish-passage waiver or exemption? </div> <div style="width: 15%;"> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO </div> </div>	
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: <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)</i>	
<input type="checkbox"/> Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. <i>(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.)</i> 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.	
<input type="checkbox"/> 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.	
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? <input type="checkbox"/> YES (Select from Menu of Conditions on next page) <input type="checkbox"/> NO (explain)	

ODFW Signature: _____ Printed Name: _____

ODFW Title: _____ Date: _____

NOTE: This completed form must be returned to the applicant

¹ 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)

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

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

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.

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: 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.

- 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 through .
- 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.

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 River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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.

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.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

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.

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 Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the “Receipt Acknowledging Request for Land Use Information” to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD’s acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the “Receipt Acknowledging Request for Land Use Information” and return it to the applicant.

You will receive notice via OWRD’s weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD’s water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD’s Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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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

NAME				PHONE	
MAILING ADDRESS					
CITY	STATE	ZIP	EMAIL		

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:
						<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	
						<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:

--

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- ☐ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Exchange of Water
 ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: _____ ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

--

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

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 use(s), 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 use(s), 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

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Name: _____ Title: _____

Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____