

POND 1

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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

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Applicant

NAME CARLOS & CYNTHIA DOMINGUEZ		PHONE (HM)	
PHONE (WK)		CELL 650-455-2341	FAX
MAILING ADDRESS 4360 COOPER HOLLOW RD			
CITY DALLAS	STATE OR	ZIP 97338	E-MAIL *

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Organization

NAME DOMINGUEZ FAMILY TRUST		PHONE 650-455-2341	FAX
MAILING ADDRESS 4360 COOPER HOLLOW RD			CELL
CITY DALLAS	STATE OR	ZIP 97338	E-MAIL * CARLOS@SANFRANMAIL.COM

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

AGENT / BUSINESS NAME NA		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.

Carlos Dominguez
Applicant Signature

Cynthia Dominguez
Applicant Signature

Carlos Dominguez
Print Name and Title if applicable

Cynthia Dominguez
Print Name and Title if applicable

12-27-2022
Date

12/27/2022
Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoirname:					
Source*:	Rainfall & Surface Runoff	Tributary:	Fern Creek		
County:	Polk				
Quantity:	.04 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	8 South	5 West	17	SESW	704
Maximum Height of Dam:	0 feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose Use

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

SECTION 4: PROPERTY OWNERSHIP

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

- 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:

NA

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SECTION 5: ENVIRONMENTAL IMPACT

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

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

Existing: Is this an existing reservoir? YES NO

If YES, how long has it been in place? 1.5 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. **NA**

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: NA		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 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).

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Land Use Information Form



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

NAME CARLOS & CYNTHIA DOMINGUEZ		PHONE (HM)	
PHONE (WK)	CELL 650-455-2341	FAX	
MAILING ADDRESS 4360 COOPER HOLLOW RD			
CITY DALLAS	STATE OR	ZIP 97338	E-MAIL* CARLOS@SANFRANMAIL.COM

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
8 South	5 West	17	SESW	704	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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:

Polk County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) Rain & Surface Runoff

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 landscaping aesthetics

Briefly describe:

Obtain water right for small ponds that are excavated



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):

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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	FEB 03 2023	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD SALEM, OREGON	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	JAN 23 2023	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

Contact DSE to see if a removal/fill permit is required

Name: Sidney Muder Title: Planning Manager
 Signature: [Signature] Phone: 503-627-9237 Date: 12-22-22
 Government Entity: Polk 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

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 Carlos & Cynthia Dominguez 4360 Cooper Hollow RD Dallas OR - this review is for pond 1 and pond 2 located on the owners property		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" 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: NA		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: September 1 End: July 31 Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

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Watermaster Name: Joel Plahn

Watermaster **Joel Plahn** Joel Plahn
Signature: 2022.12.09 08:47:28-08'00' Date: 12/9/2022

NOTE: This completed form must be returned to the applicant

Water Availability Analysis

LITTLE LUCKIAMUTE R > LUCKIAMUTE R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 12/9/2022

Watershed ID #: 30200301 ([Map](#))

Date: 12/9/2022

Exceedance Level: 50% ▾

Time: 8:49 AM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	182	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	3	183	WILLAMETTE R> COLUMBIA R- AB MILL CR AT GAGE 14191000	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	4	117	LUCKIAMUTE R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Select	5	118	LUCKIAMUTE R> WILLAMETTE R- AB SOAP CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Select	6	30200301	LITTLE LUCKIAMUTE R> LUCKIAMUTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes

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

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Carlos & Cynthia Dominguez
 Address: 4360 Cooper Hollow Rd. Dallas Or. 97338
 Phone/Email: 650-455-2341
 Reservoir Name: Pond 1
 Source: Rainfall/Surface Runoff
 Basin Name: Little Luckiamute
 Twp Rng Sec QQ: 8S 5W 17 SESW

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Volume (AF): .04

- in-channel
- off-channel

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

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

1) Is the proposed project and AO¹ off channel?..... YES* NO
(if yes then proceed to #4; if no then proceed to #2)

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

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

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

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

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

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

Any diversion or appropriation of water for storage during the period April 1 through November 30 poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

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)

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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

ESA-listed fish (spring Chinook, winter steelhead), sensitive species (costal Cutthroat trout and Pacific Lamprey), and other game fish (Coho Salmon) may be present the little Luckiamute and or the Luckiamute River during the period of impact. ODFW has identified biologically necessary flows captured in an instream water right MF 118 & MF117 on the Luckiamute River (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit fishery resources at the Point of Diversion or downstream.

In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available in the Little Luckiamute River at river mile 5 to protect public uses:

JAN	80 cfs	APR	80 cfs	JUL	25 cfs	OCT	20 cfs
FEB	80 cfs	MAY	80 cfs	AUG	15 cfs	NOV	80 cfs
MAR	80 cfs	JUN	50 cfs	SEP	15 cfs	DEC	80 cfs

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Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during June 1-November 30. In addition, ODFW reviewed available information (Upper Willamette River Subbasin Temperature TMDL; DEQ) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. The proposed pond would be located in the Willamette River basin and subject to the Upper Willamette River Subbasin Temperature TMDL which identifies the critical period for water temperatures as April 1-October 31. High stream temperatures can be directly lethal to aquatic life but may also have sublethal effects on growth and development during different life stages, as well as the swimming, feeding and reproductive ability of juveniles and adults.

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

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

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

- NO (explain)
- YES (select from Menu of Conditions on next page)

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

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

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

Janna L Stevens
 Digitally signed by
 Janna L Stevens
 Date: 2023.01.19
 11:59:37 -08'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 1/19/2023

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Revised 10/4/12; reformatted 5/12/20

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Applicant Name: Carlos & Cynthia Dominguez

ODFW Review

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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

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Agricultural Water Quality Management Area Rules: The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to December 1st through March 31st.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Bypass Flows: Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

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

Construction Activities: For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

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

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

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

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

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

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

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

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THIS SPACE RESERVED FOR RECORDER'S USE

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After recording return to:
Dominguez Family Trust Agreement dated March
16, 2005

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40 Humboldt Ct
Pacific, CA 94044

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

Dominguez Family Trust Agreement dated March
16, 2005

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2006-021138

40 Humboldt Ct
Pacific, CA 94044



\$26.00

00170970200800211380010014

12/27/2006 10:51:36 AM

Escrow No. 12-407628
Title No. 026379P

REC-WD Cnt=1 Stn=1 D. LESLIE
\$5.00 \$10.00 \$11.00

SWD

AmeriTitle 26379P-407628

STATUTORY WARRANTY DEED

Brenda J. Cartwright and Michael Cartwright, as tenants by the entirety, Grantor(s) hereby convey and warrant to Carlos R. Dominguez and Cynthia L. Dominguez, as Trustees of the Dominguez Family Trust Agreement dated March 16, 2005, Grantee(s) the following described real property in the County of Polk and State of Oregon free of encumbrances except as specifically set forth herein:

Parcel 2 of Partition Plat No. 2006-0038 in Polk County, Oregon.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **\$215,000.00.**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 26 day of December, 2006

Brenda J. Cartwright
Brenda J. Cartwright
Michael Cartwright
Michael Cartwright

State of Oregon

SCHEDULE "C"

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The land referred to in the Policy is described as follows:

Exhibit "A"

All of that portion of the following described property lying North of County Road No. 859; Beginning at a point 5.00 chains East and 24.63 chains North of the corner common to Sections 17, 18, 19 and 20, in Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence running East 22.25 chains; thence South 44.63 chains; thence West 11.47 chains; thence North 26.63 chains; thence West 2.92 chains; thence North 7.09 chains; thence North 84°30' West 8.60 chains; thence North 10.17 chains to the place of beginning.

EXCEPTING from the above described premises the following, to-wit: Beginning at a point 5.00 chains East and 14.46 chains North of the corner common to Sections 17, 18, 19 and 20, in Township 8 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence North 10.17 chains; thence East 11.56 chains; thence South 11.20 chains; thence South 3°15' West 6.80 chains; thence West 2.99 chains; thence North 7.09 chains; thence North 84°30' West 8.60 chains to the place of beginning.

ALSO: Beginning at a point which is 5 chains East and 14.503 chains North and 668.51 feet North 763.30 feet South 89°53'49" East from the Section corner common to Sections 17, 18, 19 and 20 in Township 8 South, Range 5 West of the Willamette Meridian, Polk County, Oregon, said point being the Northeast corner of that tract of land conveyed to George H. Raines, et ux on contract, recorded May 19, 1966, in Volume 200, Page 496, Deed Records for Polk County, Oregon; and running thence South 0°02'22" West 739.31 feet to the center of the County Road; thence North 84°51'33" West 29.00 feet; thence North 2°17'11" East 737.30 feet to the place of beginning.

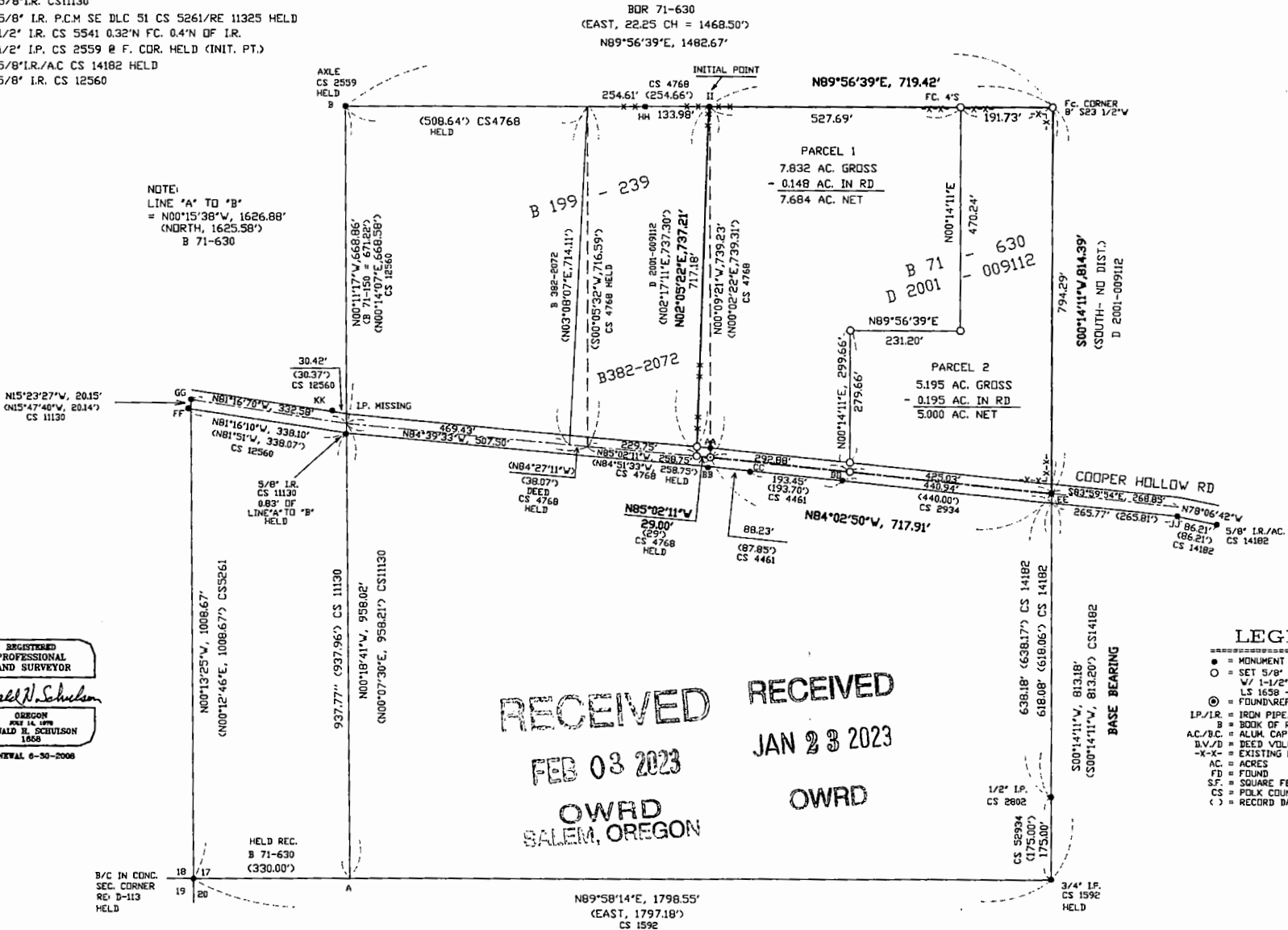
SAVE AND EXCEPT that portion lying within the boundaries of public roads and highways.

PARTITION PLAT NO. 2006 - 0038

MONUMENT DATA

- AA = 3/4" I.P. HELD 20' NLY D.U.
- BB = 5/8" I.R. CS 2934 S12°46'18"W 22.81 FROM ANGLE IN C
- CC = 5/8" I.R. CS 4405 2.5' S'LY
- DD = 1/2" I.P. CS 2934 0.6'N.
- EE = 5/8" I.R./A.C. CS 14182 HELD
- FF = 5/8" I.R. CS11130
- GG = 5/8" I.R. P.C.M SE DLC 51 CS 5261/RE 11325 HELD
- HH = 1/2" I.R. CS 5541 0.32'N FC. 0.4'N OF IR.
- II = 1/2" I.P. CS 2559 @ F. COR. HELD (INIT. PT.)
- JJ = 5/8" I.R./A.C. CS 14182 HELD
- KK = 5/8" I.R. CS 12560

PREPARED FOR
MICHAEL CARTWRIGHT
LOCATED IN
SW 1/4 SECTION 17, T. 8S., R. 5 W., W.M.
POLK COUNTY, OREGON
DECEMBER 9, 2006



NOTE:
LINE 'A' TO 'B'
= N00°15'38"W, 1626.88'
(NORTH, 1625.58')
B 71-630

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Ronald H. Schulsion
OREGON
FEB 14, 1998
RONALD H. SCHULSION
1868
RENEWAL 6-30-2008

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- LEGEND
- = MONUMENT FOUND AS NOTED.
 - = SET 5/8" X 30" IRON ROD
 - = W/ 1-1/2" ALUM. CAP / BRASS CAP
 - LS 1658 - J & R SURVEYORS
 - ⊙ = FOUND/REPLACED
 - IP/IR = IRON PIPE/IRON ROD
 - B = BOOK OF RECORDS
 - A.C./B.C. = ALUM. CAP / BRASS CAP
 - D.V./D. = DEED VOLUME/ DEED
 - X-X- = EXISTING FENCE
 - AC = ACRES
 - FD = FOUND
 - S.F. = SQUARE FEET
 - CS = POLK COUNTY SURVEY
 - () = RECORD DATA

PARTITION PLAT NO. 2006 - 0038

DECLARATION/DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, MICHAEL CARTWRIGHT & BRENDA J. CARTWRIGHT THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREDIN AND DESIRING TO DISPOSE OF THE SAME AS PARCELS, HAVE CAUSED SAID LAND TO BE SURVEYED, PLATTED AND NUMBERED AS SHOWN ON THE MAP HEREON.

In witness whereof, we hereby set our hands and seal this 13th day of December 2006.

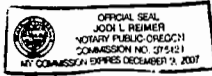
Michael Cartwright MICHAEL CARTWRIGHT

Brenda J. Cartwright BRENDA J. CARTWRIGHT

STATE OF OREGON) COUNTY OF POLK) S.S.

On this 13th day of December 2006, personally appeared before me the within named above identified persons, personally known to be the identical person(s) described in and who executed the above instrument and the same freely and voluntarily for the uses and purposes therein named without fear or compulsion from anyone.

Jodi L. Reimer Notary Public for Oregon My commission expires 12-9-2007



COUNTY APPROVALS

THIS SURVEY AND DESCRIPTION IS HEREBY APPROVED.

E. Berg COUNTY SURVEYOR 12/14/06 DATE

AUTHORIZATION NO. LP 06-03

G. Malt PLANNING DIRECTOR 12/14/2006 DATE

I hereby certify that all taxes and assessments on the above described property have been paid in full to

July 1, 2007 Linda Fox POLK COUNTY TAX COLLECTOR 12-18-2006 DATE

THE PARCELS DESCRIBED AND SHOWN HEREON:

- need have () an approved access permit to a public road. (X) an approved access permit to a county road. NOTE: Access to a state highway requires a permit from the Oregon State Highway Division.

Al Bussert COUNTY ROAD OFFICIAL 14 Dec 2006 DATE

STATE OF OREGON) COUNTY OF POLK) S.S.

I do hereby certify that the within plat was received and duly recorded by me in the Polk County Book of Partition Plats, Volume 2006 Page 38

on this 19 day of December 2006.

Valerie Unger Valerie Unger County Clerk Deputy

Deanna Wang Polk County Assessor 12/18/06 Date

PREPARED FOR MICHAEL CARTWRIGHT LOCATED IN

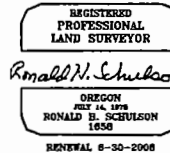
SW 1/4 SECTION 17, T. 8S., R. 5 W., W.M. POLK COUNTY, OREGON DECEMBER 9, 2006

SURVEYOR'S CERTIFICATE

I RONALD H. SCHULSON, DEPOSE AND SAY THAT I AM A DULY REGISTERED LAND SURVEYOR IN THE STATE OF OREGON AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS SHOWN AS PARCELS 1 AND 2 ON THIS PARTITION PLAT, THE INITIAL POINT OF WHICH IS AN 1/2" IRON PIPE AT THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO MICHAEL CARTWRIGHT AND BRENDA J. CARTWRIGHT BY THAT DEED RECORDED IN DOCUMENT NO. 2001-009112 OF THE POLK COUNTY DEED RECORDS AND SAID PIPE BEING 330.00 FEET NORTH 89°58'15" EAST AND 1626.88 FEET NORTH 00°15'38" WEST AND 763.25 FEET NORTH 89°56'39" EAST FROM THE SOUTHWEST CORNER OF SECTION 17 IN TOWNSHIP 8 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON, AND SAID LANDS BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE ABOVE DESCRIBED INITIAL POINT AND RUNNING NORTH 89°56'39" EAST, 719.42 FEET TO AN IRON ROD AT THE NORTHEAST CORNER OF SAID CARTWRIGHT TRACT OF LAND; THENCE SOUTH 00°14'11" WEST, 814.39 FEET TO AN IRON ROD IN THE CENTER OF THE COUNTY ROAD AND THE SOUTHEAST CORNER OF SAID CARTWRIGHT TRACT OF LAND; THENCE NORTH 84°02'50" WEST ALONG THE CENTER OF SAID ROAD, 717.91 FEET TO AN IRON ROD; THENCE NORTH 85°02'11" WEST, 29.00 FEET TO AN IRON ROD AT THE SOUTHWEST CORNER OF SAID CARTWRIGHT TRACT OF LAND; THENCE NORTH 02°05'22" EAST, 737.21 FEET MORE OR LESS TO THE POINT OF BEGINNING; CONTAINING 13.027 ACRES OF LAND MORE OR LESS.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE BOUNDS OF THE PARENT TRACT AND DIVIDE SAID TRACT INTO PARCELS 1 AND 2 AS SHOWN HEREON. SAID PARENT TRACT WAS CONVEYED TO MY CLIENT BY THAT DEED RECORDED AS DOCUMENT NO. 2001-009112 WHICH DESCRIBES A MUCH LARGER TRACT AND THEN SAVE & EXCEPTS ALL BUT CLIENT'S PORTION THUS MOST OF CLIENT'S TRACT DOES NOT HAVE RECORD DEED DISTANCE CALLS. ADDITIONALLY THE WEST LINE OF SAID TRACT WAS ADJUSTED BY CS 4768 AS DEMONSTRATED AND DESCRIBED BY THE 'ALSO' IN CLIENT'S DEED. THE DEEDS IN THIS AREA SHOW INTENT TO GO TO THE CENTERLINE OF THE COUNTY ROAD, HOWEVER THE TRUE RIGHT-OF-WAY OF SAID ROAD HAS APPARENTLY NOT BEEN MONUMENTED. I HELD CS 14182, AND 4768 TO CONTROL SAID ROAD ALONG MY CLIENT'S FRONTAGE. THIS PORTION AGREES WITH THE AS TRAVELLED CENTERLINE BY ABOUT 1 FOOT MORE OR LESS. I SHOW THAT PORTION OF SAID ROAD WHICH LIES WESTERLY OF MY CLIENT'S LAND BASED UPON SURVEYS CS 4768, 11130 AND 12560. THE CENTERLINE OF THAT PORTION OF THE ROAD DOES NOT AGREE VERY WELL WITH AS-TRAVELLED CENTERLINE AND COULD BE SUBJECT TO SOME CHANGE IF THE ROAD WAS FULLY SURVEYED. MONUMENTS OR DATA USED FOR CONTROL OF BOUNDARY ARE NOTED AS 'HELD' HEREON. REFERENCES CONSULTED ARE: CS 1592, 2561, 2559, 2802, 2934, 4405, 4461, 4768, 5261, 11130, 12560 AND 14182 AND DEEDS AND RESTORATIONS NOTED. BEARINGS USED HEREON ARE BASED UPON THE WEST LINE OF CS 14182 AS SHOWN HEREON.



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J & R NO. 06-07-02

POND I

Oregon Water Resources Department
Alternate Reservoir Application

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

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

Today's Date: Thursday, January 19, 2023

Base Application Fee.		\$480.00
Proposed Dam Height in feet.		
Proposed Reservoir volume in Acre Feet.	0.04	\$41.00
	Subtotal:	\$521.00
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,131.00

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JAN 23 2023

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