

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](http://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 <b>EDWARD JOHNSON</b>		PHONE (HM)	
PHONE (WK)	CELL <b>503.949.3730</b>	FAX	
MAILING ADDRESS <b>6095 OAK GROVE ROAD</b>			
CITY <b>RICKREALL</b>	STATE <b>OREGON</b>	ZIP <b>97371</b>	E-MAIL * <b>edwarde.johnson@yahoo.com</b>

**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 <b>JEANNE BOATWRIGHT</b>		PHONE <b>503.363.9225</b>	FAX
MAILING ADDRESS <b>BOATWRIGHT ENGINEERING, INC. 2613 12<sup>TH</sup> STREET SE</b>			CELL
CITY <b>SALEM</b>	STATE <b>OREGON</b>	ZIP <b>97302</b>	E-MAIL * <b>jeanne@boatwrightengr.com</b>

\* 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.)

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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

**Edward Johnson**  
 Print Name and Title if applicable

*July 6 - 23*  
 Date

## SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	SHALOM POND				
Source*:	Seasonal Surface Run-off	Tributary:	Unnamed Intermittent tributary of Ash Swale		
County:	Polk				
Quantity:	4.99 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	6S	4W	28	SE-NW	600
Maximum Height of Dam:	14.5 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: **Multiple Purpose for Agricultural Use, including Irrigation**

**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:

None

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**SECTION 5: ENVIRONMENTAL IMPACT**

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

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

**Existing:** Is this an existing reservoir?  YES  NO

If YES, how long has it been in place? \_\_\_\_\_ years.

**Fish Habitat:** Is there a fish habitat upstream of the proposed structure?  YES  NO  unknown

If YES, how much? \_\_\_\_\_ miles.

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

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

**SECTION 6: WITHIN A DISTRICT**

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

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

**SECTION 7: DESCRIPTION**

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

The dam is located across a small draw on the property. The inflow is seasonal surface water run-off that will not, generally, be present outside of the authorized storage season. Should any inflow occur outside of the authorized storage season, the 8-inch outlet gate can be opened.

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).

See attached plans.

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# Watermaster Alternate Reservoir Application Review Sheet

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

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

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

<b>Applicant's Name</b> Edward Johnson 6S 4W Sec 28 SENW TL 600		
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: Nov. 1 End: June 30  Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: Joel Plahn

Watermaster Signature: Joel Plahn Date: 3/23/2023  
2023.03.23 12:05:42-07'00'

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

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# ODFW Alternate Reservoir Application Review Sheet

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

Applicant Name: Edward Johnson

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Address: 6095 Oak Grove Road

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Phone/Email: 503-949-3730 / edwarde.johnson@yahoo.com

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Reservoir Name: Shalom Pond

Volume (AF): 4.99

Source: Run Off

Basin Name: Ash Swale > Salt Creek S> Yamhill R

in-channel

Twp Rng Sec QQ: 6S 4W 28 SENW

off-channel

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

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

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

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

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

3) If NMF are or were historically present:

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

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

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

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

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

Any diversion or appropriation of water for storage during the period May 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

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

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

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 (Coho, costal cutthroat), and other game fish (Pacific Lamprey) are present in Ash Swale, Salt Creek and/or South Yamhill River during the period of impact. Instream flows to fulfill MF163 for aquatic life are not being met partially or wholly during the period of impact. In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available on Salt Creek at the mouth to protect public uses:

Salt Creek at the Mouth

JAN	<u>52.58</u> cfs	APR	<u>52.58</u> cfs	JUL	14.73 cfs	OCT	<u>21.38</u> cfs
FEB	<u>52.58</u> cfs	MAY	<u>52.58</u> cfs	AUG	12.22 cfs	NOV	<u>52.58</u> cfs
MAR	<u>52.58</u> cfs	JUN	<u>44.09</u> cfs	SEP	<u>12.63</u> cfs	DEC	<u>52.58</u> 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 May 1<sup>st</sup> – November 30<sup>th</sup>. In addition, ODFW reviewed the available information (Total Maximum Daily Loads for the Yamhill River) regarding water quality impairment and determined that a TMDL exists for the Yamhill Watershed for phosphorus and an instream water right for pollution abatement is established. Consequently, ODFW recommends that because the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion that the water use be restricted to the period of May.1<sup>st</sup> – October.31<sup>st</sup>.

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

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

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 - April 30. 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 use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat (including impairment of water quality) from the proposed water use during May 1<sup>st</sup> – November. 30<sup>th</sup> 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

Applicant Name: Edward Johnson

ODFW Review

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 appropriate conditions and 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: 2023.06.22  
13:17:38 -07'00'

ODFW Signature: \_\_\_\_\_

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 6/22/2023

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

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

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

Revised May 12, 2020, March 25, 2021

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

- Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to December through April.
- 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.



- 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.

# Land Use Information Form



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266503-986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

NAME <b>EDWARD JOHNSON</b>		PHONE (HM) <b>503.949.3730</b>	
PHONE (WK)	CELL	FAX	
MAILING ADDRESS <b>6095 OAK GROVE ROAD</b>			
CITY <b>RICKREALL</b>	STATE <b>OREGON</b>	ZIP <b>97371</b>	E-MAIL* <b>edwarde.johnson@yahoo.com</b>

## 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:
<b>6S</b>	<b>4W</b>	<b>28</b>	<b>SE-NW</b>	<b>600</b>	<b>Agriculture/EFU</b>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<b>FARMING</b>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

**Polk**

## 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) **Seasonal Run-off**

Estimated quantity of water needed: **4.0**     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:

**Proposal: An earth filled dam across a small swale to capture approximately 4.0 ac-ft of water. A water right application to be filed in the future would appropriate the stored water for irrigation.**

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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## 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.

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**Please check the appropriate box below and provide the requested information**

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- 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): PC20 (36.030 CA)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Michael Burns Title: Assistant Planner

Signature: Michael C. Burns Phone: 503.623.9237 Date: 1/9/2023

Government Entity: **Polk County Planning Division**

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



\$26.00

00001233200300202030010011

10/08/2003 01:53:44 PM

REC-WD Cnt=1 Stn=1 C. MILLER  
\$5.00 \$10.00 \$11.00

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JUL 06 2023

OWRD

After recording return to:  
WESTERN TITLE & ESCROW COMPANY  
1215 NE BAKER STREET - PO BOX 628  
McMINNVILLE, OR 97128

Until a change is requested all tax statements shall be sent to the following address:  
EDWARD E. JOHNSON  
6095 OAK GROVE ROAD  
RICKREALL, OR 97371

WARRANTY DEED -- STATUTORY FORM

ELMER BERKEY and DORIS BERKEY, husband and wife, Grantor, conveys and warrants to EDWARD E. JOHNSON, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

BEGINNING 26.50 chains North of the quarter section corner between Sections 28 and 33 in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence North 26.00 chains; thence West 10.25 chains; thence South 26.00 chains; thence East 10.25 chains to the Place of Beginning. EXCEPTING THEREFROM that portion of the above described tract of land lying within the boundaries of public roads and highways.

1749 00'  
1716.00' 676.50'  
1716.00' 676.50'

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$ 268,700.00.

THE PROPERTY DESCRIBED HEREIN HAS BEEN ASSESSED UNDER FARM AND/OR FOREST TAX DEFERRAL. DISQUALIFICATION MAY RESULT IN ADDITIONAL TAXES AND INTEREST BEING LEVIED.

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

Dated this 3 day of October, 2003.

Elmer Berkey  
ELMER BERKEY

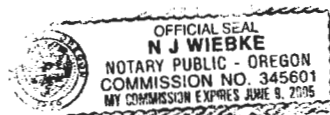
Doris Berkey  
DORIS BERKEY

STATE OF OREGON, COUNTY OF POLK ) SS.

This instrument was acknowledged before me on October 3, 2003 by ELMER BERKEY AND DORIS BERKEY.

[Signature]  
(Notary Public for Oregon)  
My commission expires 6-9-05

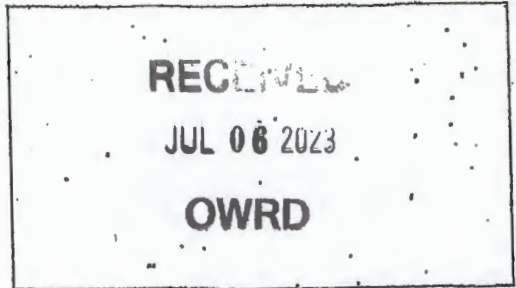
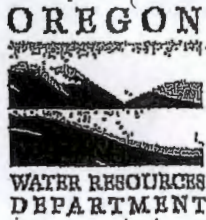
TITLE NO. 40-0209803  
ESCROW NO. 40-0209803



06428-00-00600

LAWYERS TITLE INS. CORP. 90208k

FB



Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Edward Johnson 6095 Oak Grove Road

Rickrent OR 97371

Transaction Type: Application

Fees Received: \$ 1295<sup>00</sup>

Cash  Check; Check No. 7858

Name(s) on Check: Edward E. Johnson

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

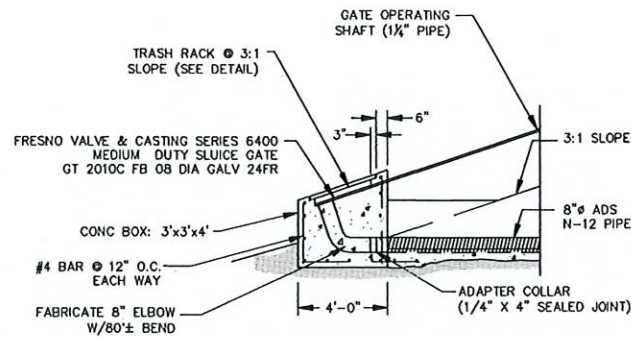
If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

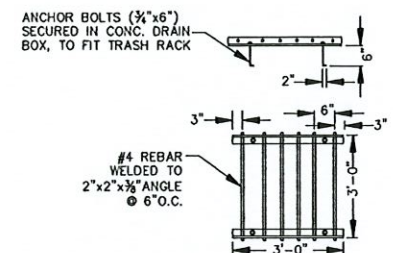
Submission received by: Nick Neel  
(Name of OWRD staff)

### Instructions for OWRD staff:

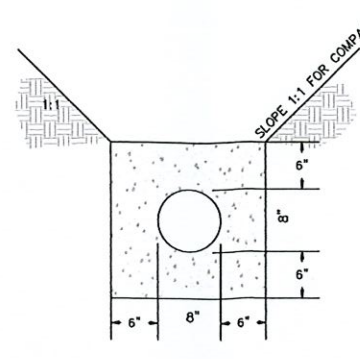
- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of



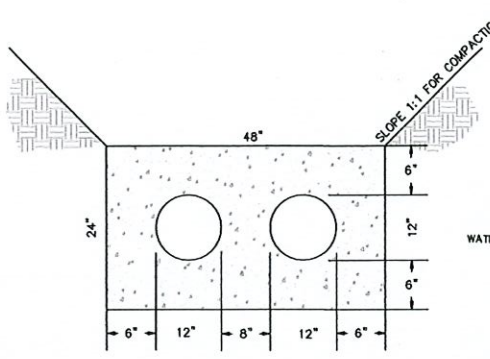
**RESERVOIR DRAIN BOX DETAIL**  
NOT TO SCALE



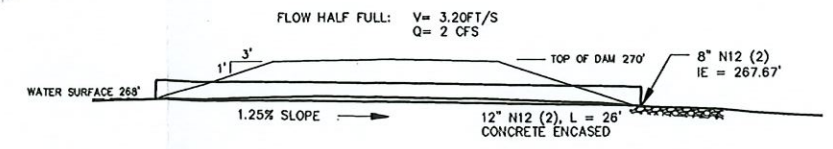
**DRAIN BOX TRASH RACK DETAIL**  
NOT TO SCALE



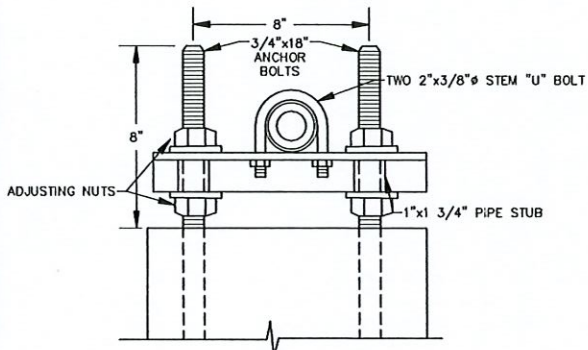
**DRAIN LINE CONCRETE ENCASEMENT**  
1" = 1'-0"



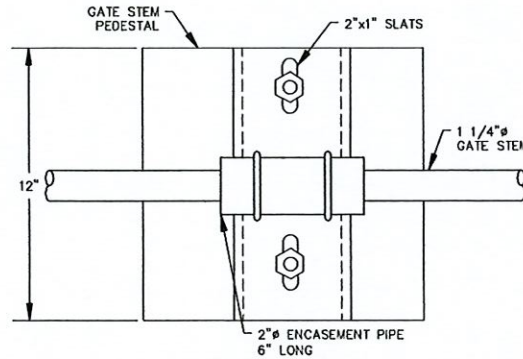
**SPILLWAY CONCRETE ENCASEMENT**  
Not to Scale



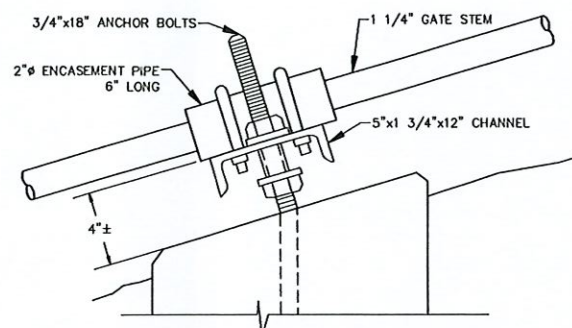
**SPILLWAY PROFILE**  
1" = 5'



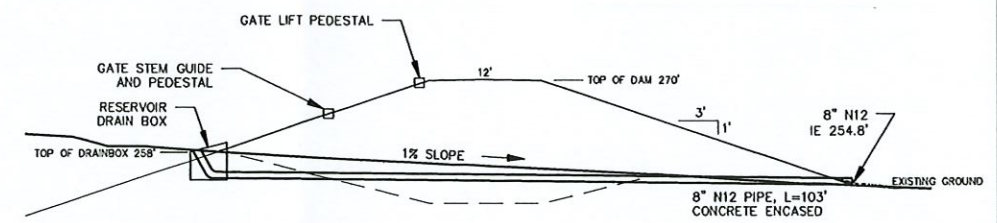
**ELEVATION**



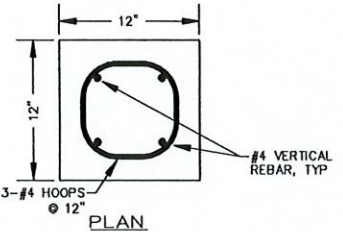
**GATE STEM GUIDE**  
NOT TO SCALE



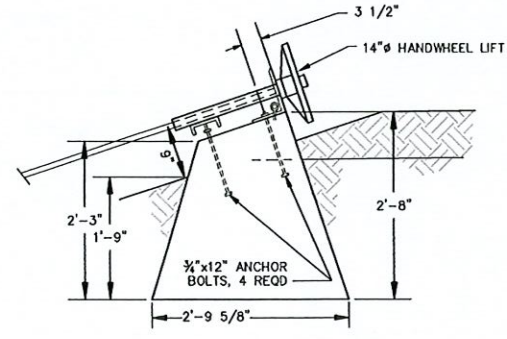
**SIDE VIEW**



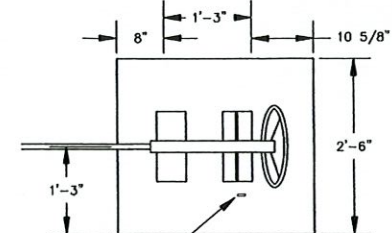
**DRAIN BOX PROFILE**  
NOT TO SCALE



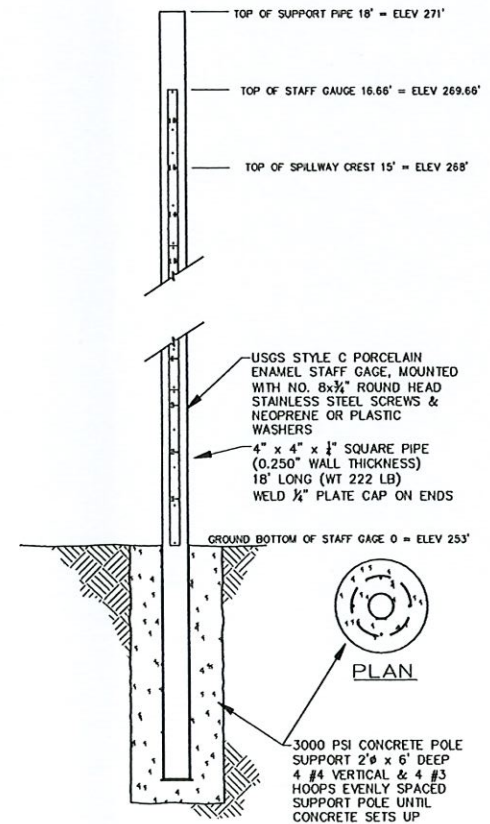
**PLAN**



**SECTIONAL ELEVATION**

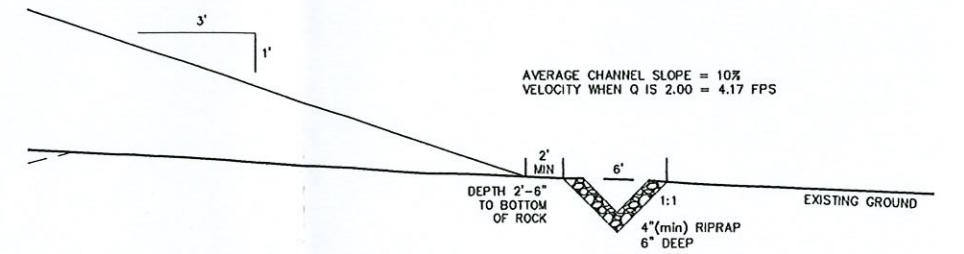


**GATE LIFT PEDESTAL**  
3/4" = 1'-0"



**PLAN**

**STAFF GAGE DETAIL**  
NOT TO SCALE



**RIPRAP CHANNEL**  
1" = 5'

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AVERAGE CHANNEL SLOPE = 10%  
VELOCITY WHEN Q IS 2.00 = 4.17 FPS

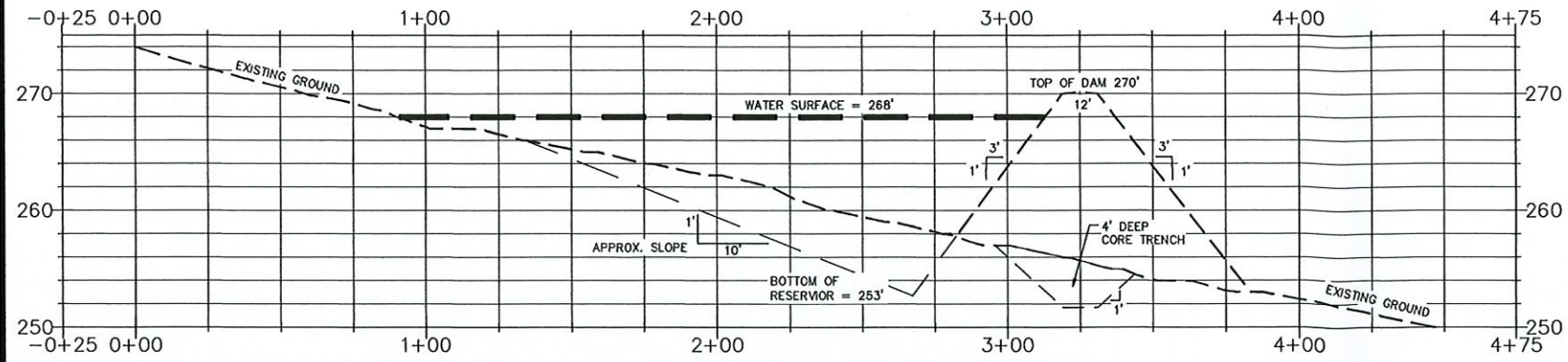
**GATE STEM PEDESTAL @ 12' MAX O.C.**  
NOT TO SCALE  
ONE STEM PEDESTAL SUPPORT

INSTALL McMASTER-CARR EYEBOLT, PART NO. 94894, OR APPROVED EQUAL, AND CHAIN AS LOCKING MECHANISM TO PREVENT UNAUTHORIZED USE

3000 PSI CONCRETE POLE SUPPORT 2" x 6" DEEP 4 #4 VERTICAL & 4 #3 HOOPS EVENLY SPACED SUPPORT POLE UNTIL CONCRETE SETS UP

<b>Ed Johnson</b>		
PROPOSED DAM & STORAGE RESERVOIR 6095 N Oak Grove Road POLK COUNTY, OREGON		
Scale: Vert. AS NOTED	Date: OCTOBER 7, 2022	Revised:
Design: GG	Boatwright Engineering, Inc.	
Drawn: GG	2613 12th Street SE, SALEM, OREGON 97302	
Chkd: CFB	TEL: (503) 363-9225 • FAX: (503) 363-1051	
		Job No. Sheet <b>3 of 3</b>

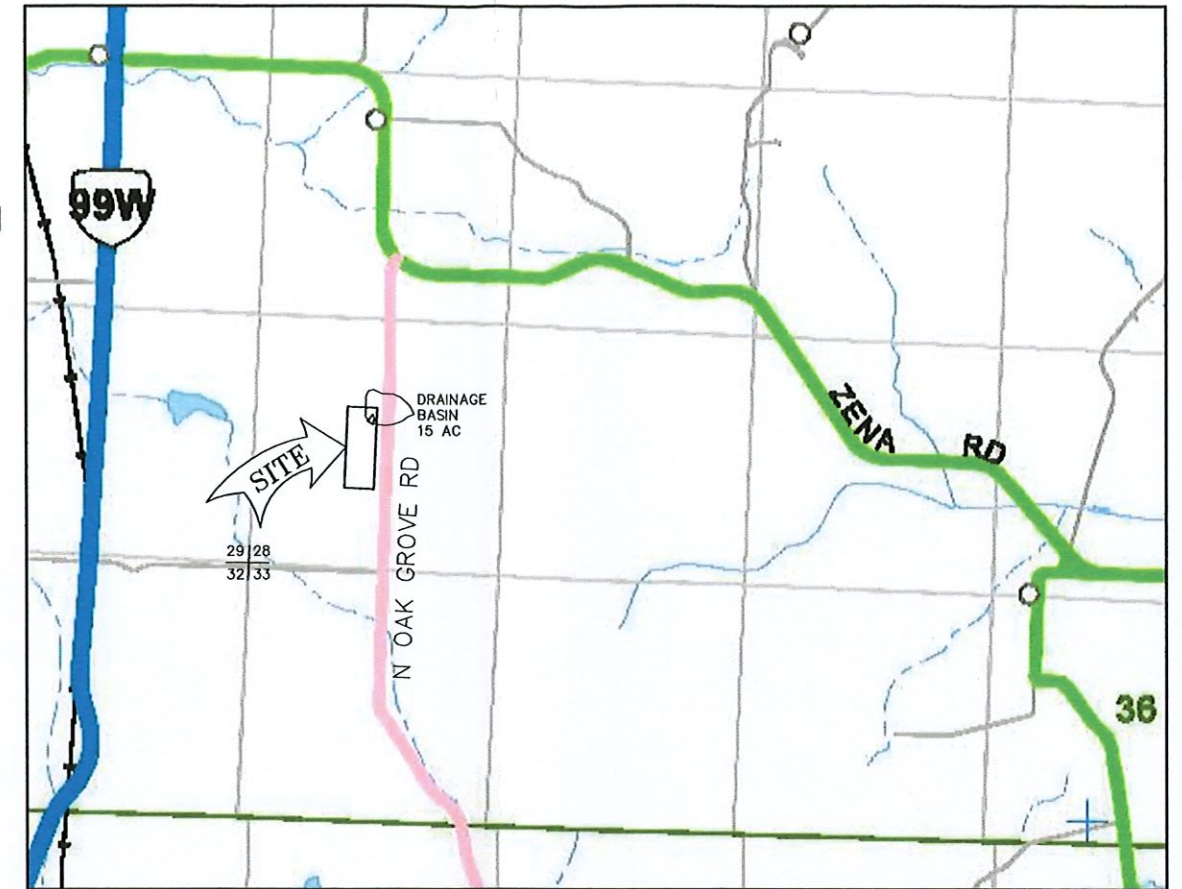
\\FILES\PROJ\Johnson, Edward\proj\Oak Grove Rd.dwg



DAM HEIGHT: 14.5'  
 DAM LENGTH: 233'  
 WATER SURFACE ELEV: 268'  
 TOP OF DAM ELEV: 270'  
 VOLUME: 4.40 AF± w/CUT MATERIAL REMOVED  
 DRAINAGE BASIN: 15 AC

**CROSS SECTION VIEW**

HORIZONTAL 1" = 30'  
 VERTICAL 1" = 6'



CENTER OF DAM: 3001' N & 2574' E OF SW COR OF SEC 28 T6S, R4W, WM.

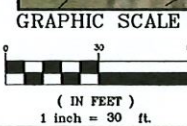
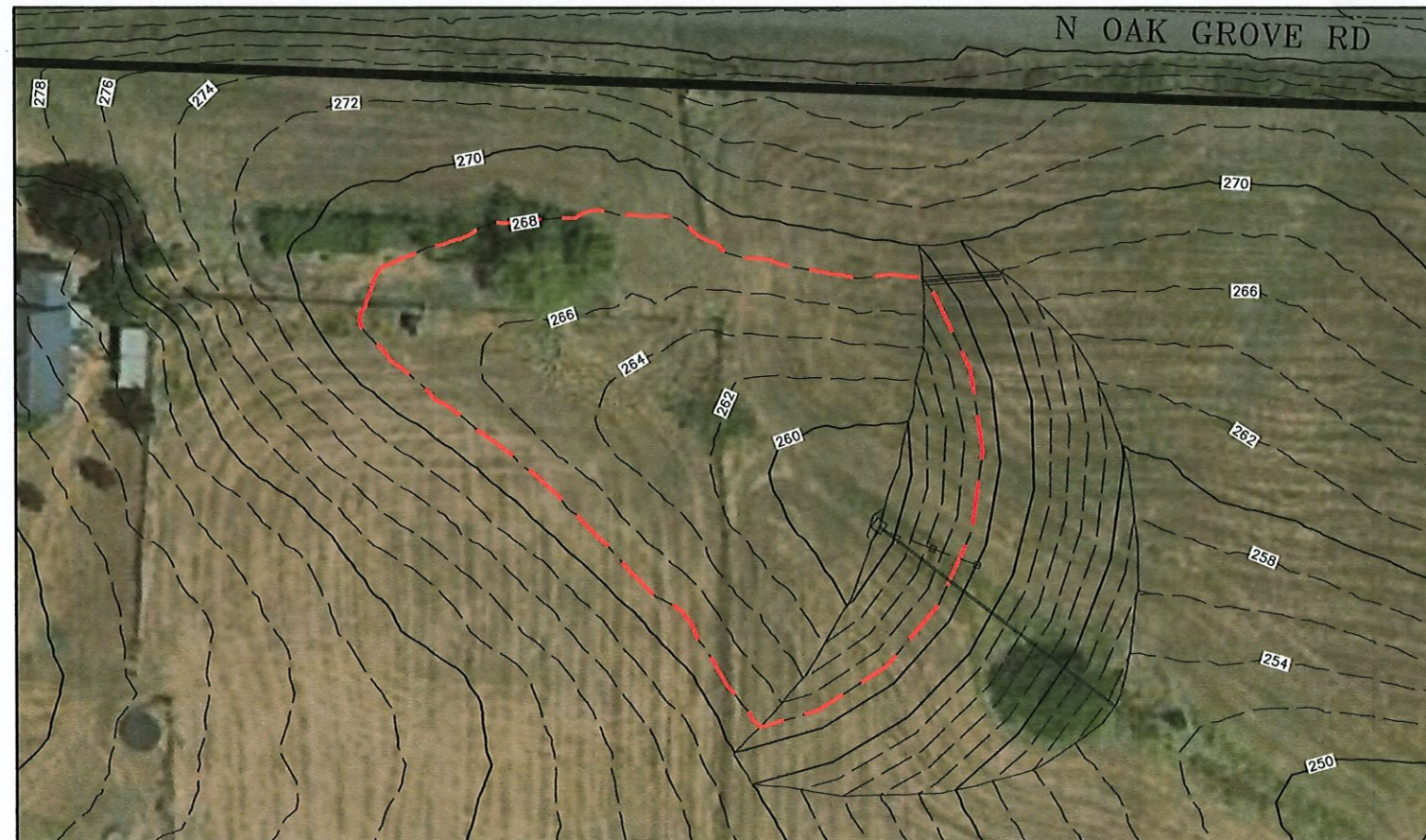
**VICINITY MAP**

1" = 2000'

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JUL 06 2023

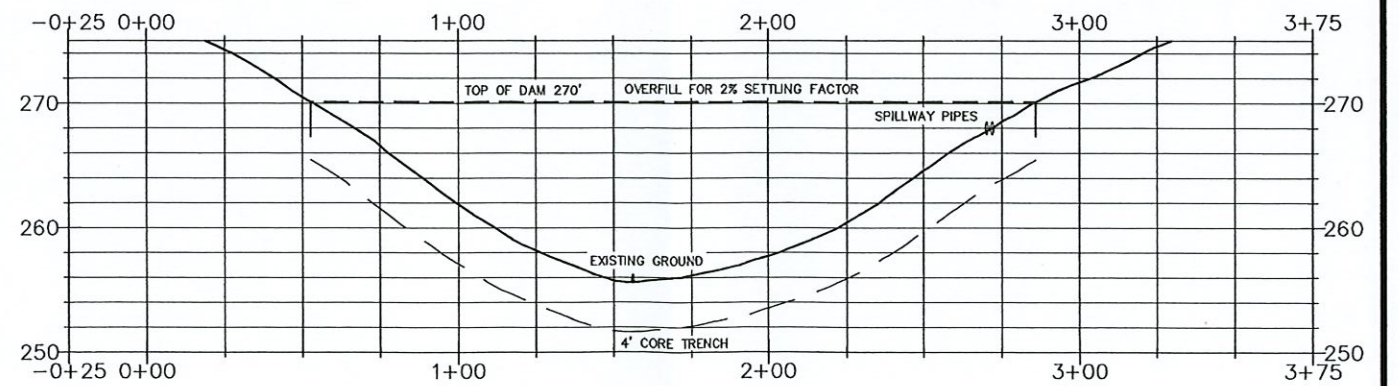
OWRD



**RESERVIOR PLAN**

1" = 30'

SOIL TYPE  
 HAZELAIR SILT LOAM  
 SEDIMENTARY BEDROCK  
 20 TO 40 INCHES



**DAM PROFILE VIEW**

HORIZONTAL 1" = 30'  
 VERTICAL 1" = 6'

2-10 CONTOURS  
 DATUM NAVD 88  
 SOURCE: DOGAMI LIDAR

**Ed Johnson**

PROPOSED DAM & STORAGE RESERVOIR  
 6095 N Oak Grove Road

SEC 28, T6S, R4W, WM. FOLK COUNTY, OREGON

Scale: Horiz. AS NOTED Date: OCTOBER 7, 2022 Revised:

Design: GG

Drawn: GG

Chkd: CFB

**Boatwright Engineering, Inc.**

2613 12th Street SE, SALEM, OREGON 97302

TEL: (503) 363-9225 • FAX: (503)363-1051

Job No.

Sheet

2 of 3





**SITE PLAN**

1" = 60'

PROPERTY LINE LOCATION IS APPROXIMATE

DAM FOOT PRINT: 14,854 SF (.34 AC)  
 WATER SURFACE AREA: 22,158 SF (.51 AC)  
 TOTAL IMPACT AREA: 40,764± SF (.94± AC)  
 DAM FILL: 4,030 CY COMPACTED  
 CORE TRENCH FILL: 272 CY COMPACTED  
 TOTAL FILL: 4,632 CY COMPACTED

CORE TRENCH CUT: 227 CY  
 TOP SOIL UNDER DAM CUT: 275 CY  
 TOP SOIL CUT: 575 CY

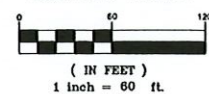
DAM HEIGHT: 14.5'  
 DAM LENGTH: 233'  
 WATER SURFACE EL: 268'  
 TOP OF DAM EL: 270'  
 VOLUME: 4.40 AF±

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JUL 06 2023

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GRAPHIC SCALE



( IN FEET )  
 1 inch = 60 ft.  
 1-5 CONTOURS  
 DATUM NAVD 88  
 SOURCE: DOGAMI LIDAR

**Ed Johnson**

PROPOSED DAM & STORAGE RESERVOIR  
 6095 N Oak Grove Road POLK COUNTY, OREGON

Scale: Horiz. 1" = 60'	Date: OCTOBER 7, 2022	Revised:
Design: GG	Boatwright Engineering, Inc.	
Drawn: GG	2613 12th Street SE, SALEM, OREGON 97302	Job No.
Chkd: CFB	TEL: (503) 363-9225 • FAX: (503)363-1651	Sheet
		1 of 3

