

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 Charles Edward Wyant III		PHONE (HM)	
PHONE (WK)	CELL 503-871-4272	FAX	
MAILING ADDRESS PO Box 397			
CITY Dallas	STATE OR	ZIP 97338	E-MAIL * wyantce@aol.com

**Organization**

NAME W-96, LLC		PHONE 503-910-7428	FAX
MAILING ADDRESS PO Box 397			CELL
CITY Dallas	STATE OR	ZIP 97338	E-MAIL * akwyant@aol.com

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

AGENT / BUSINESS NAME Jeff Wyant		PHONE 503-428-8466	FAX
MAILING ADDRESS 5882 Aspen Way NE			CELL
CITY Salem	STATE OR	ZIP 97317	E-MAIL * wyant.jeffrey@gmail.com

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.

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I (we) affirm that the information contained in this application is true and accurate.

*Charles Wyant III*  
 Applicant Signature

Charles Wyant III  
 Print Name and Title if applicable

9/3/23  
 Date

Applicant Signature

Print Name and Title if applicable

Date

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

<b>Reservoir name:</b>	N/A				
<b>Source*:</b>	unnamed/runoff	<b>Tributary:</b>	Luckiamute River		
<b>County:</b>	Polk				
<b>Quantity:</b>	19.46	<b>Acre-Feet</b> [length x width x depth / 43,560]			
<b>Reservoir Location:</b>	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	9 S	5 W	13	NWNW	100
<b>Maximum Height of Dam:</b>	6	feet. If excavated write "zero feet."			

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

**SECTION 3: WATER USE**

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

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

**SECTION 4: PROPERTY OWNERSHIP**

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

- 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:

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**SECTION 5: ENVIRONMENTAL IMPACT**

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**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? 50+ years.

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

If YES, how much? 50+ 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. 50+

**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: N/A		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.

Three 6-inch trash pumps with fish screens will pull water during the allowed window at a maximum rate of 3000 gpm total flow.

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).

[Empty box for sketches]

# 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> W-96, LLC 9S, 5W, Sec 13, NWNW, TL100		
1. Does the proposed reservoir have the potential to injure existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: some years ISWR not met during months of July, August and September		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: Limit fill season to 10/1 - 6/30		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: 10/1 End: 6/30  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: 4/14/2023

Digitally signed by Joel Plahn  
DN: cn=Joel Plahn, ou=District 22 Watermaster, o=Water Resources Department, cn=Joel Plahn,  
email=joel.plahn@water.oregon.gov  
Reason: I am the author of this document  
Location: District 22 Watermaster  
Date: 2023.04.14 07:34:27-0700  
Foxit PDF Editor Version: 11.2.5

**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: Ed Wyant

Address: PO Box 397, Dallas, OR 97338

Phone/Email: 503-871-4272/wyantce@aol.com

Reservoir Name: Wyant Reservoir

Source: Run-off and Unnamed Tributary

Basin Name: Unnamed Tributary<Luckiamute R

Twp Rng Sec QQ: 9S 5W 14 SWNE

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Volume (AF): 19.46 AF

in-channel

off-channel

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

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

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

*\*Based on available information, the source of water to fill the off-channel reservoir includes an unnamed tributary to Luckiamute River. Based on a conversation with the applicant, the proposed use does not 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

*N/A: Based on a conversation with the applicant, the proposed use does not involve instream structures that would create or maintain an artificial obstruction. However, the permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.610) and shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585). See "Maintain Passage" condition.*

**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) or 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.**

<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)

**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-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 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 (winter steelhead and spring Chinook Salmon), sensitive species (Coastal Cutthroat Trout and Pacific Lamprey), and other game fish (Coho Salmon) may be present in the unnamed tributary and/or the Luckiamute River during the period of impact. ODFW has identified biologically necessary flows not captured in an instream water right (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 Luckiamute River at the mouth to protect public uses:

JAN	<u>200</u> cfs	APR	<u>200</u> cfs	JUL	<u>40</u> cfs	OCT	<u>40</u> cfs
FEB	<u>200</u> cfs	MAY	<u>200</u> cfs	AUG	<u>25</u> cfs	NOV	<u>200</u> cfs
MAR	<u>200</u> cfs	JUN	<u>70</u> cfs	SEP	<u>25</u> cfs	DEC	<u>200</u> cfs

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Luckiamute River above Soap Creek:

JAN	<u>153</u> cfs	APR	<u>153</u> cfs	JUL	<u>30.6</u> cfs	OCT	<u>30.6</u> cfs
FEB	<u>153</u> cfs	MAY	<u>153</u> cfs	AUG	<u>19.1</u> cfs	NOV	<u>153</u> cfs
MAR	<u>153</u> cfs	JUN	<u>53.5</u> cfs	SEP	<u>19.1</u> cfs	DEC	<u>153</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 July 1-November 30. In addition, ODFW reviewed available information (Willamette River Basin 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 Willamette River 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 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?

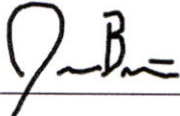
NO (explain)       YES

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

As discussed during the site visit with ODFW on 6/14/22, any pump used to fill the reservoir must be equipped with an ODFW-approved fish screen and the site needs alteration to prevent fish from entering the proposed reservoir. An example would be filling in the channel connecting the reservoir to the adjacent stream and building a berm around the reservoir to preclude fish from entering and potentially becoming stranded in the reservoir (see "fishapprove" and "egress" condition). Note other state or local permits may be required for this work. Please contact Toby Schuyler (541-967-2162) in the Dalles ODFW Screen Shop for additional information. The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across the unnamed tributary to Luckiamute River used as the source to fill the reservoir ("maintain passage" condition).

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.

ODFW Signature: 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 7/10/23

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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 1-March 31.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
  - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- egress:** Native migratory fish may become trapped or entrained in the reservoir(s) during or after flooding events. Therefore, the permittee shall work with ODFW and obtain, in writing, an ODFW-approved fish passage plan to address egress from the reservoir(s) or other approved methods to keep fish out of the reservoir(s) during flood events (e.g., berm construction around the reservoirs). Approval of the proposed fish passage plan shall be obtained prior to diversion of water. The permittee shall submit proof to ODFW that fish passage (egress) has been implemented per the approved plan prior to diversion of water.
- 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.

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- 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 live fish in Oregon must have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- 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 Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 1-October 31 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.
- Maintain Passage:** The permittee shall maintain adequate passage of native migratory fish at all times (ORS 509.610) and shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585).
- 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.

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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

OWRD

NAME <b>Charles Wyant III</b>		PHONE (HM) <b>503-871-4272</b>
PHONE (WK)	CELL	FAX
ADDRESS <b>PO Box 397</b>		
CITY <b>Dallas</b>	STATE OR	ZIP <b>97338</b> E-MAIL* <b>wyantce@aol.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:
<u>9S</u>	<u>5W</u>	<u>14</u>	<u>NWNW</u>	<u>100</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
<u>9</u>	<u>5</u>	<u>12</u>	_____	<u>501</u>	_____	<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

### 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) \_\_\_\_\_ runoff/runname

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 wildlife

Briefly describe:

obtain water right for existing pond



**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.

**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): PCZO 136.030 (A) "Farm Use"
- 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.

\*see attached notes

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Name: Michael Burns Title: Associate Planner  
 Signature: Michael C. Burns Phone: (503) 623-9237 Date: 7/27/2023  
 Government Entity: Polk County Community Development

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

\*The subject property contains wetlands identified on the National Wetlands Inventory (NWI) Map. According to the Polk County Significant Resource Areas (SRA) Map, the wetlands are not associated with inventoried fish bearing streams. However, this serves as notification to the property owners of the presence of wetlands on the property. Any development within this inventoried wetland areas may require permits form the Oregon Department of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW).

\*A portion of the subject property is located within the regulated floodplain. Any structural or non-structural development within the floodplain such as mining, dredging, excavating, filling, etc. would require a land use permit pursuant to Polk County Zoning Ordinance (PCZO) 178.060.

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FIRST AMERICAN 4011353

After recording return to:  
W-96 LLC  
PO Box 397  
Dallas, OR 97338

Until a change is requested all tax  
statements shall be sent to the  
following address:  
W-96 LLC  
PO Box 397  
Dallas, OR 97338

File No.: 7081-4011353 (BO)  
Date: November 16, 2022

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2022-012237

11/18/2022 09:51:02 AM

REC-WD Cnt=1 Str=7 V. UNGER  
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00

\$101.00

### STATUTORY WARRANTY DEED

**Luckiamute Land Company, an Oregon Corporation**, Grantor, conveys and warrants to **W-96 LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$850,000.00**. (Here comply with requirements of ORS 93.030)

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BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 17 day of Nov., 2022.

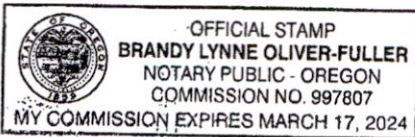
Luckiamute Land Company, an Oregon corporation

By: [Signature]  
Name: Richard A. Kreitzberg  
Title: President

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STATE OF Oregon )  
County of ~~Polk~~ Marion ) ss.

This instrument was acknowledged before me on this 17 day of Nov., 2022 by Richard A. Kreitzberg as President of Luckiamute Land Company, on behalf of the corporation.



[Signature]  
Notary Public for Oregon  
My commission expires: 3/17/24

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**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Polk, State of Oregon, described as follows:

**PARCEL I:**

**BEGINNING AT THE NORTHWEST CORNER OF THE HENRY HELMICK DONATION LAND CLAIM NO. 41 IN TOWNSHIP 9 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, IN POLK COUNTY, OREGON; THENCE NORTH 4.35 CHAINS; THENCE WEST 16.54 CHAINS; THENCE SOUTH 14.91 CHAINS; THENCE WEST 18.43 CHAINS; THENCE SOUTH 31.21 CHAINS TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO HAROLD E. MCKAY, ET UX, BY DEED RECORDED JULY 31, 1959, IN DEED BOOK 171, PAGE 417, RECORDS OF POLK COUNTY, OREGON, SAID POINT ALSO BEING ON THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO HAROLD E. MCKAY, ET UX, AS PARCEL FOUR BY DEED RECORDED OCTOBER 9, 1953, IN DEED BOOK 152, PAGE 77, RECORDS OF POLK COUNTY, OREGON; THENCE EAST ALONG SAID NORTH LINE OF MCKAY TRACT 34.74 CHAINS TO THE WEST LINE OF SAID HELMICK DONATION LAND CLAIM; THENCE NORTH ALONG SAID WEST LINE 41.73 CHAINS TO THE PLACE OF BEGINNING.**

**PARCEL II:**

**BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF THE JAMES E. ELKINS DONATION LAND CLAIM NO. 44 IN TOWNSHIP 9 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE SOUTH 0° 30' WEST 14.91 CHAINS; THENCE SOUTH 89° 30' WEST 12.51 CHAINS; THENCE NORTH 14.91 CHAINS TO A POINT WEST OF THE PLACE OF BEGINNING; THENCE EAST 12.51 CHAINS TO THE PLACE OF BEGINNING.**

**TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS ACROSS THAT CERTAIN REAL PROPERTY MORE PARTICULARLY DESCRIBED IN BOOK 133 PAGE 78, BOOK OF RECORDS, POLK COUNTY, OREGON.**

**NOTE: This legal description was created prior to January 1, 2008**

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Date Received (Date Stamp Here)

**OWRD Over-the-Counter Submission Receipt**

Applicant Name(s) & Address: Charles Edward Wyant III

P.O. Box 397 Dallas OR 97338

Transaction Type: Application

Fees Received: \$ 1910.00

Cash  Check; Check No. 11780

Name(s) on Check: Charles E Wyant III

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 Reddy  
(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 the Submission Receipt in the [unclear] slot.