

AUG 21 2023

Application for a Permit to
Store Water in a Reservoir
 (Standard Review)

OWRD



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

| | | | |
|------------------------------------|----------------------|-------------------|---|
| NAME HANS HENDGEN | | PHONE (HM) N/A | |
| PHONE (WK) N/A | CELL 503.435.8395 | FAX N/A | |
| ADDRESS 1271 NE Hwy 99W, PMB418 | | | |
| CITY MCMINNVILLE | STATE OR | ZIP 97128 | E-MAIL * HAHENDGENCONSTRUCTION@GMAIL.COM |

Organization

| | | | |
|-------------|-------|-------|----------|
| NAME N/A | | PHONE | FAX |
| 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 ASPEN RURAL LAND CONSULTING, C/O ERIC URSTADT, PE, PLS, CWRE | | PHONE N/A | FAX N/A |
| ADDRESS 39290 NW MURTAUGH ROAD | | | CELL 971.250.1520 |
| CITY NORTH PLAINS | STATE OR | ZIP 97133 | E-MAIL * ERICURSTADT@HOTMAIL.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 packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

Hans Hendgen
 Applicant Signature

HANS HENDGEN, OWNER
 Print Name and Title if applicable

7/26/23
 Date

Indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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Affected Landowners: List the names and mailing addresses of all the owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (*Attach additional sheets if necessary*).

N/A

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

SECTION 3: SOURCE OF WATER

A. Reservoir Name: Hendgen Pond

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

| | |
|-----------------------------------|-----------------------------------|
| Source 1: Runoff | Tributary to: South Yamhill River |
| TRSQQ of POD: T5S, R4W, S7, SE-NW | |
| Source 2: | Tributary to: |
| TRSQQ of POD: | |

- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel
- ~~If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral~~
- ~~If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present? Yes No Don't know~~
- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: RUNOFF

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, refer to the map shown on [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements prior to diversion or use of water under any permit issued pursuant to this application.

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Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:
N/A

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T&E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

- a) The use of the impounded water will be: Aesthetics, Irrigation, Fire suppression
- b) The amount of water to be stored is: 5.9 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 1.1 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 11.5 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design. See Attachment B – Dam cross-section.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department' Dam Safety Section prior to storage of water.

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

If "other," provide the description: N/A

SECTION 7: PRIMARY OUTLET WORKS

a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

The Primary Outlet is a 10" (inside diameter) corrugated black plastic pipe.

b) How and when will the outlet be operated?

Open all the time

c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

Not applicable.

SECTION 8: EMERGENCY SPILLWAY

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

At the time of my inspection there was no emergency spillway visible. I was told that an 8" diameter corrugated plastic pipe will be installed for that purpose. The reservoir has a very small watershed, so the emergency spillway issue is not a big concern for the landowner.

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

The outlet runs out onto established vegetation.

c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

Not applicable, there is no engineered design flow.

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SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.
The reservoir is off channel, is about 1900 feet distance (on flat ground) from the nearest stream; and therefore, cannot affect water quality downstream.
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.
The reservoir is buffered by vegetation.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.
See a) above; the reservoir cannot be expected to ever have any affect on stream water quality.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: The reservoir was constructed years ago.
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: The reservoir was constructed years ago.
- c) Proposed date water use will be completed: The fall or winter after the permit is issued, as that will be when the reservoir is first filled when permitted.

SECTION 11: WITHIN A DISTRICT

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

| | | |
|--|---------|-----|
| Irrigation District Name None known | Address | |
| City | State | Zip |

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.
The landowner was planning to do some maintenance on the dam after my visit, and I believe some work was done, so things could be different than depicted on the cross-section.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following sections are completed. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Dam Height and Composition
- SECTION 7: Primary Outlet Works
- SECTION 8: Emergency Spillway
- SECTION 9: Water Quality
- SECTION 10: Project Schedule
- SECTION 11: Within a District
- SECTION 12: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 1946.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Map must be prepared by a Certified Water Rights Examiner
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North directional symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference public-land survey corner on map
 - Location of each dam by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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AUG 22 2023

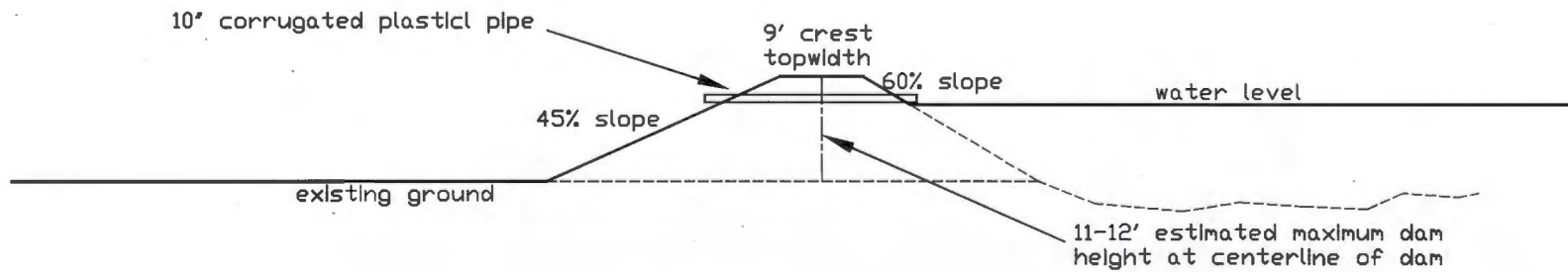
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Cross-section dam at maximum height

Note:

The width of the dam is about 55 feet.

The surface area of the dam is about 0.13 acres.



1 inch = 20 ft.

Amended 22AUG2023

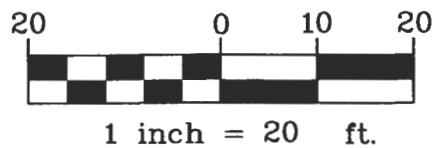
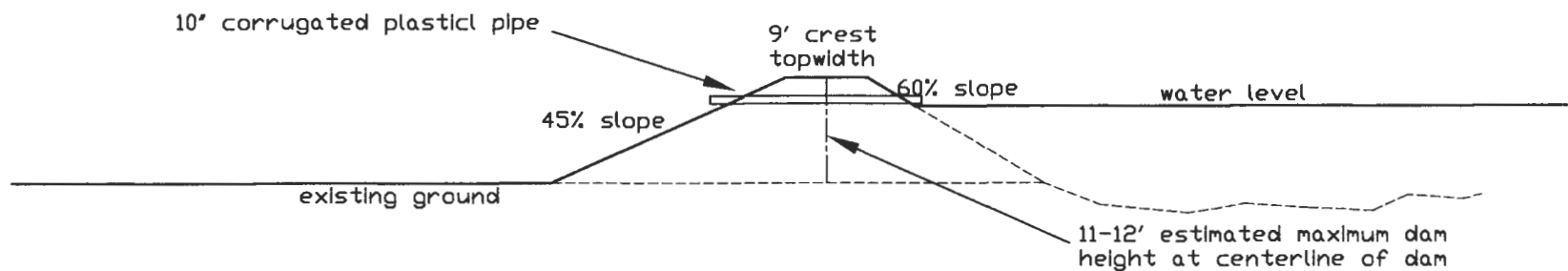
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Superseded

Cross-section dam at maximum height



ATTACH B-1/1

ATTACH
C-1/2

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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Applicant

| | | | |
|------------------------------------|----------------------|-------------------|--|
| NAME HANS HENDGEN | | PHONE (HM) N/A | |
| PHONE (WK) N/A | CELL 503.435.8395 | FAX N/A | |
| ADDRESS 1271 NE HWY 99W, PMB418 | | | |
| CITY MCMINNVILLE | STATE OR | ZIP 97128 | E-MAIL* HAHENDGENCONSTRUCTION@GMAIL.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: |
|----------|-------|---------|-----|-----------|---|--|--|--|--------------------|
| T5S | R4W | 7 | NA | 300 | EF-80 | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | farming |
| | | | | | | <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:

Yamhill

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Groundwater Surface Water (name) surface runoff

Estimated quantity of water needed: 5.9 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 multipurpose - farming

Briefly describe:

The landowner is applying to store water for multipurpose use. The main use is for farming, but also fire prevent, aesthetics, and other possible uses.

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

For Local Government Use Only

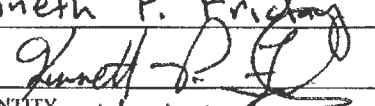
The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the Yamhill Co Zoning Ordinance
- 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 |
| | | <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 <u>Kenneth P. Frickling</u> | | TITLE: <u>P.D.</u> |
| SIGNATURE  | PHONE: <u>434-7516</u> | DATE: <u>8/1/2023</u> |
| GOVERNMENT ENTITY <u>Yamhill County</u> | | |


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: _____



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ATTACH D-1/1

1.000000 1.000000

LEGAL DESCRIPTION

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PARCEL 1: Part of the James S. Gwinn Donation Land Claim No. 43 and part of Section 7 in Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at the Northeast corner of said James S. Gwinn Donation Land Claim; thence South, 24.15 chains to a stone in the center of the County Road on the East line of said Claim; thence West, 22.398 chains to an iron pipe in the center of the County Road for the TRUE PLACE OF BEGINNING; thence North, 27.13 chains to a stake and iron pipe; thence East, 1.638 chains; thence North, 20 chains to the Section line between Sections 6 and 7; thence West on the Section line, 22.55 chains to an ash post 4.54 chains West of the quarter Section corner; thence South, 46.83 chains; thence East, 3.05 chains; thence South, 32 links; thence East, 17.852 chains to the TRUE PLACE OF BEGINNING.

PARCEL 2: BEGINNING on the East line of the Donation Land Claim of John Monroe and wife, Claim No. 65 in Section 7, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, at a point 31.85 chains South of the Northeast corner of said Donation Land Claim; running thence North 89°43' East, 13.722 chains; thence South along center of County Road, 6.60 chains to the center of the intersection of County Road; thence North 89°53' West along center of County Road, 13.722 chains to the East line of said John Monroe Donation Land Claim; thence North along the East line of said Claim, 6.60 chains to the PLACE OF BEGINNING.

ALSO a part of the Donation Land Claim of George W. Phillips and part of the Donation Land Claim of James L. Gwinn, said Donation Land Claim situate, lying and being in Township 5 South, Range 4 West and in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and said part being bounded and described as follows:

BEGINNING at the Northeast corner of the Donation Land Claim of John Monroe in said Yamhill County, Oregon; thence running South, 31.85 chains to a stake and mound; thence running East, 12.95 chains to the West line of County Road now there; thence North, 32 links to fence now there, 32 links North of the South line of Hayne Holmes Land; thence West, 3.05 chain to post; thence North, 46.83 chains to an ash post in Section line set 4.54 chains West of the quarter Section post from which an ash tree 10 inches in diameter bears South 35-1/4° West, 1.72 chains and a maple 20 inches in diameter bears North 83° East, 90 links, which corner is channel of river; thence West on Section line, 36.45 chains; thence South 49°28' West, 23.55 chains to the North line of said John Monroe Donation Land Claim; thence East on the North line of said John Monroe Donation Land Claim, 44.46 chains to the PLACE OF BEGINNING.

SAVE AND EXCEPTING THEREFROM that certain tract of land conveyed to Yamhill County in deed recorded December 29, 1972 in Film Volume 92, Page 1101, Deed and Mortgage Records.

ALSO SAVE AND EXCEPTING THEREFROM that portion conveyed to John N. VanCalcar by deed recorded October 29, 2001 in Instrument No. 200119130, Deed Records.

ATTACH E-1/1

Today's Date: Friday, July 21, 2023

| | | |
|--|-------------|------------|
| Base Application Fee. | | \$1,090.00 |
| Number of acre feet to be diverted for Storage. | 5.9 | \$246.00 |
| Number of reservoirs. | 1 | |
| | Subtotal: | \$1,336.00 |
| 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. | Recalculate | |
| Estimated cost of Permit Application | | \$1,946.00 |

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Aspen

Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

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Water Resources Department
Attn: New Water Right Applications
725 Summer Street NE, Ste. A
Salem, OR, 97301

21 JUL 2023

Subject: New Application to Store Water

To Whom It May Concern,

Enclosed is an application to Store Water together with the following attachments:

- A. Application Map
- B. Cross-Section of Dam
- C. Land Use Compatibility Statement
- D. Legal Description
- E. Fee Calculation
- F. A check made out to "Oregon Water Resources Department" for \$1946.00.

Please let me know if there are any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS