

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 MARK & JOLLY LLC			PHONE (HM)
PHONE (WK)	CELL (503) 932-3920		FAX
MAILING ADDRESS 4199 75 TH AVE. SE			
CITY SALEM	STATE OR	ZIP 97317	E-MAIL * MARK@HERITAGESEEDLINGS.COM

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 WILL MCGILL SURVEYING, LLC		PHONE (503) 931-0210	FAX
MAILING ADDRESS 15333 PLETZER RD. SE		CELL (503) 510-3026	
CITY TURNER	STATE OR	ZIP 97392	E-MAIL * WILLMCGILLSURVEYING@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.)

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By my signature below I confirm that I understand:

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- 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.

	Mark Krantmann, Member	8/27/23
Applicant Signature	Print Name and Title if applicable	Date
for Mark & Jolly LLC	Mark & Jolly, LLC	5/27/23
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	RE5 Pond 1				
Source*:	Run-off/Seepage	Tributary:	Ferguson Creek		
County:	Lane				
Quantity:	65.0 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	15S	5W	20	NESW	200
Maximum Height of Dam:	9 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**RECEIVED****SEP 05 2023****OWRD****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.

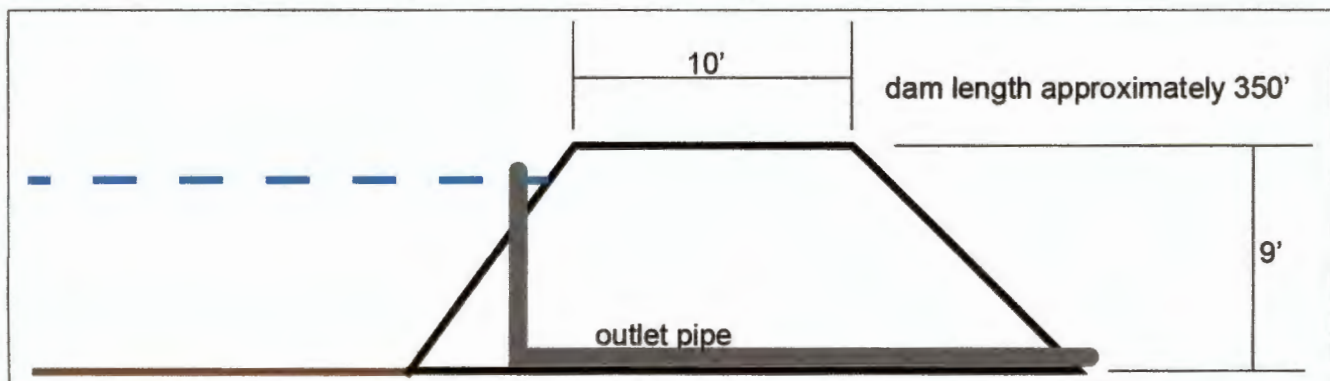
Irrigation District Name:		Address:	
City:	State:	Zip:	

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 storage area is a natural depression in a seasonal drainage area. The storage area will be deepened and excavated material will be used to build a dam at the South (low) side. The desired volume will be stored between October and June. Any run-off outside the storage season will be allowed to pass through an outlet pipe.

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).



Business Registry Business Name Search

[New Search](#)

Business Entity Data

08-25-2023

09:14

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
568317-96	DLLC	ACT	OREGON	12-30-2008	12-30-2023	
Entity Name	MARK & JOLLY, LLC					
Foreign Name						

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[New Search](#)

Associated Names

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Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	4194 71ST AVE SE			
Addr 2				
CSZ	SALEM	OR	97317	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	12-03-2020	Resign Date	
Name	JOLLY	E	KRAUTMANN			
Addr 1	4194 71ST AVE SE					
Addr 2						
CSZ	SALEM	OR	97317	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	4194 71ST AVE SE			
Addr 2				
CSZ	SALEM	OR	97317	Country UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	JOLLY		KRAUTMANN		
Addr 1	4199 75TH AVE SE				
Addr 2					
CSZ	SALEM	OR	97317	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Name	MARK		KRAUTMANN		
Addr 1	4199 75TH AVE SE				
Addr 2					
CSZ	SALEM	OR	97317	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	JOLLY		KRAUTMANN		
Addr 1	4199 75TH AVE SE				

RECORDING REQUESTED BY:



497 Oakway Road, Suite 340
Eugene, OR 97401

GRANTOR'S NAME:

RE5, LLC, an Oregon limited liability company

GRANTEE'S NAME:

Mark & Jolly, LLC, a Limited Liability Company

AFTER RECORDING RETURN TO:

Order No.: WT0220236-TS

Mark E. Krautmann and Jolly Y. Krautmann
Mark & Jolly, LLC, a Limited Liability Company
4199 75th Avenue SE
Salem, OR 97317

SEND TAX STATEMENTS TO:

Mark & Jolly, LLC, a Limited Liability Company
4199 75th Avenue SE
Salem, OR 97317

APN: 1292943

0019644

Map: 15-05-20-00-00200

26005 and 26009 Ferguson Road, Junction City, OR 97448

Lane County Clerk
Lane County Deeds & Records

2021-060170

09/16/2021 01:20:12 PM

RPR-DEED Cnt=1 Stn=8 CASHIER 12 3pages
\$15.00 \$11.00 \$10.00 \$61.00

\$97.00

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

RE5, LLC, an Oregon limited liability company, Grantor, conveys and warrants to **Mark & Jolly, LLC, a Limited Liability Company**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon:

The West 1/2 of Section 20, Township 15 South, Range 5 West, Willamette Meridian, in Lane County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION FOUR HUNDRED FORTY-FIVE THOUSAND AND NO/100 DOLLARS **(\$2,445,000.00)**. (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

STATUTORY WARRANTY DEED

(continued)

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.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: Sept. 16, 2021

RE5, LLC, an Oregon limited liability company

BY: [Signature]
Kenneth R. Reid
Member

BY: [Signature]
Patricia D. Reid
Member

Sherd Lake, Inc., Member

BY: [Signature]
Kenneth R. Reid
President

State of OREGON
County of Lane

This instrument was acknowledged before me on Sept 16, 2021 by Kenneth R. Reid, Member, Patricia D. Reid, Member, and Kenneth R. Reid, President of Sherd Lake, Inc., Member of RE5, LLC, an Oregon limited liability company.

Notary Public - State of Oregon

My Commission Expires: 3-14-25



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EXHIBIT "A"

Exceptions

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2021-2022.

The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 1292943 and 0019644

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Ferguson Creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Rights of the public, riparian owners and governmental bodies as to the use of the waters of Ferguson Creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Blachly-Lane County Cooperative Electric Association, an Oregon corporation
Recording Date: November 27, 1996
Recording No: 96-80050

Lane County Agricultural Building/Equine Facility Use Covenant, including the terms and provisions thereof

Recording Date: March 21, 2016
Recording No.: 2016-012765

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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))

Applicant's Name MARK & JOLLY LLC - 15S 5W 20 NESW TL 200, RUNOFF/SEEPAGE > FERGUSON CR		
1. Does the proposed reservoir have the potential to injure existing water rights? ☐ YES ☒ NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☐ YES ☐ NO Explain:		
3. Is water available for the proposed reservoir? ☒ YES ☐ NO		
4. If yes, during what period? Beginning: 1/1 End: 12/31 Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? ☐ YES ☒ NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: JEANA EASTMAN, NWR ASS'T WATERMASTER

Watermaster
Signature:

Jeana Eastman

Date: 3/30/23

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NOTE: This completed form must be returned to the applicant

Water Availability Analysis

LONG TOM R > WILLAMETTE R - AB MOUTH
WILLAMETTE BASIN
Water Availability as of 3/30/2023

Watershed ID #: 114 [\(Map\)](#)
Date: 3/30/2023

Exceedance Level: 50%
Time: 8:57 AM

[Download Data](#)

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	182	WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	183	WILLAMETTE R> COLUMBIA R- AB MILL CR AT GAGE 14191000	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	30200321	WILLAMETTE R> COLUMBIA R- AB PERIWINKLE CR AT GAGE 14174	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	114	LONG TOM R> WILLAMETTE R- AB MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	1,070.00
FEB	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	941.00
MAR	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	429.00
APR	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	340.00
MAY	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	237.00
JUN	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	116.00
JUL	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	20.50
AUG	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	3.18
SEP	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	18.30
OCT	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	42.50
NOV	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	205.00
DEC	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	944.00
ANN	114	LONG TOM R > WILLAMETTE R - AB MOUTH	Yes	262,000.00

Detailed Reports for Watershed ID #181

WILLAMETTE R > COLUMBIA R - AT MOUTH
WILLAMETTE BASIN
Water Availability as of 3/30/2023

Watershed ID #: 181 [\(Map\)](#)
Date: 3/30/2023

Exceedance Level: 50%
Time: 8:57 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second

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Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	51,100.00	2,700.00	48,400.00	0.00	1,500.00	46,900.00
FEB	49,100.00	7,970.00	41,100.00	0.00	1,500.00	39,600.00
MAR	42,400.00	7,550.00	34,900.00	0.00	1,500.00	33,400.00
APR	36,400.00	7,190.00	29,200.00	0.00	1,500.00	27,700.00
MAY	28,300.00	4,430.00	23,900.00	0.00	1,500.00	22,400.00
JUN	15,800.00	2,360.00	13,400.00	0.00	1,500.00	11,900.00
JUL	7,980.00	2,310.00	5,670.00	0.00	1,500.00	4,170.00
AUG	5,530.00	2,070.00	3,460.00	0.00	1,500.00	1,960.00
SEP	5,740.00	1,690.00	4,050.00	0.00	1,500.00	2,550.00
OCT	8,390.00	729.00	7,660.00	0.00	1,500.00	6,160.00
NOV	24,400.00	1,040.00	23,400.00	0.00	1,500.00	21,900.00
DEC	52,800.00	1,360.00	51,400.00	0.00	1,500.00	49,900.00
ANN	19,700,000.00	2,480,000.00	17,300,000.00	0.00	1,090,000.00	16,200,000.00

Detailed Report of Consumptive Uses and Storage

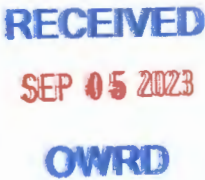
Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,880.00	0.04	441.00	96.10	10.80	22.30	190.00	64.90	2,700.00
FEB	7,140.00	0.04	441.00	96.10	10.80	22.30	190.00	64.40	7,970.00
MAR	6,720.00	6.74	441.00	96.00	10.80	22.30	192.00	62.00	7,550.00
APR	6,330.00	44.10	441.00	96.00	10.80	22.30	185.00	62.00	7,190.00
MAY	3,400.00	318.00	430.00	96.00	10.60	22.30	107.00	40.00	4,430.00
JUN	443.00	614.00	1,040.00	95.70	10.50	22.30	96.70	38.00	2,360.00
JUL	14.30	1,050.00	1,030.00	95.20	10.50	22.30	59.10	31.70	2,310.00
AUG	2.15	824.00	1,020.00	95.10	10.50	22.30	58.80	31.40	2,070.00
SEP	0.87	406.00	1,040.00	95.60	10.60	22.30	84.90	34.10	1,690.00
OCT	0.66	29.20	426.00	96.00	10.60	22.30	90.20	53.40	729.00
NOV	239.00	0.05	434.00	96.10	10.90	22.30	174.00	61.40	1,040.00
DEC	532.00	0.04	441.00	96.10	10.80	22.30	191.00	64.90	1,360.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.



Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF181A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

Detailed Reports for Watershed ID #182

WILLAMETTE R > COLUMBIA R - AB MOLALLA R
WILLAMETTE BASIN

Water Availability as of 3/30/2023

Date: 3/30/2023

Time: 8:57 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	38,500.00	2,300.00	36,200.00	0.00	1,500.00	34,700.00
FEB	37,100.00	7,480.00	29,600.00	0.00	1,500.00	28,100.00
MAR	32,800.00	7,260.00	25,500.00	0.00	1,500.00	24,000.00
APR	28,300.00	6,910.00	21,400.00	0.00	1,500.00	19,900.00
MAY	22,200.00	4,250.00	17,900.00	0.00	1,500.00	16,400.00
JUN	12,500.00	1,980.00	10,500.00	0.00	1,500.00	9,020.00
JUL	6,330.00	1,810.00	4,520.00	0.00	1,500.00	3,020.00
AUG	4,290.00	1,650.00	2,640.00	0.00	1,500.00	1,140.00
SEP	4,420.00	1,390.00	3,030.00	0.00	1,500.00	1,530.00
OCT	6,690.00	753.00	5,940.00	0.00	1,500.00	4,440.00
NOV	19,000.00	886.00	18,100.00	0.00	1,500.00	16,600.00
DEC	40,700.00	971.00	39,700.00	0.00	1,500.00	38,200.00
ANN	15,200,000.00	2,250,000.00	13,000,000.00	0.00	1,090,000.00	11,900,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,540.00	0.00	508.00	81.30	6.71	16.60	89.00	55.10	2,300.00
FEB	6,730.00	0.00	508.00	81.30	6.71	16.60	89.00	54.60	7,480.00
MAR	6,500.00	4.64	508.00	81.20	6.71	16.60	91.90	52.70	7,260.00
APR	6,130.00	30.50	508.00	81.20	6.71	16.60	87.20	52.70	6,910.00
MAY	3,300.00	224.00	505.00	81.20	6.71	16.60	78.20	36.60	4,250.00
JUN	422.00	428.00	912.00	80.80	6.71	16.60	75.10	35.50	1,980.00
JUL	3.96	724.00	908.00	80.30	6.69	16.60	38.40	29.10	1,810.00
AUG	2.00	568.00	908.00	80.20	6.69	16.60	38.40	28.80	1,650.00
SEP	0.71	280.00	911.00	80.80	6.77	16.60	64.50	31.50	1,390.00
OCT	0.36	20.20	508.00	81.20	6.77	16.60	69.00	50.80	753.00
NOV	132.00	0.00	508.00	81.30	6.80	16.60	88.10	53.80	886.00
DEC	214.00	0.00	508.00	81.30	6.71	16.60	89.00	55.10	971.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

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No reservations were found for this watershed.

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Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF182A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

Detailed Reports for Watershed ID #183

WILLAMETTE R > COLUMBIA R - AB MILL CR AT GAGE 14191000
WILLAMETTE BASIN

Water Availability as of 3/30/2023

Watershed ID #: 183 [\(Map\)](#)
Date: 3/30/2023

Exceedance Level: 50% ▼
Time: 8:57 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	32,500.00	2,240.00	30,300.00	0.00	1,300.00	29,000.00
FEB	31,500.00	7,430.00	24,100.00	0.00	1,300.00	22,800.00
MAR	28,600.00	7,220.00	21,400.00	0.00	1,300.00	20,100.00
APR	25,700.00	6,870.00	18,800.00	0.00	1,300.00	17,500.00
MAY	21,000.00	4,180.00	16,800.00	0.00	1,300.00	15,500.00
JUN	12,100.00	1,690.00	10,400.00	0.00	1,300.00	9,110.00
JUL	6,070.00	1,450.00	4,620.00	0.00	1,300.00	3,320.00
AUG	4,110.00	1,330.00	2,780.00	0.00	1,300.00	1,480.00
SEP	4,210.00	1,150.00	3,060.00	0.00	1,300.00	1,760.00
OCT	6,410.00	747.00	5,660.00	0.00	1,300.00	4,360.00
NOV	17,000.00	855.00	16,100.00	0.00	1,300.00	14,800.00
DEC	34,700.00	916.00	33,800.00	0.00	1,300.00	32,500.00
ANN	13,500,000.00	2,160,000.00	11,300,000.00	0.00	942,000.00	10,400,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,510.00	0.00	585.00	54.90	3.56	12.60	35.20	41.20	2,240.00
FEB	6,700.00	0.00	584.00	54.90	3.56	12.60	35.20	40.70	7,430.00
MAR	6,480.00	3.34	585.00	54.80	3.56	12.60	40.80	39.30	7,220.00
APR	6,120.00	21.00	585.00	54.80	3.56	12.60	36.60	39.30	6,870.00
MAY	3,300.00	165.00	581.00	54.80	3.56	12.60	35.30	23.80	4,180.00
JUN	421.00	311.00	827.00	54.50	3.56	12.60	33.50	23.70	1,690.00
JUL	3.92	525.00	824.00	54.40	3.54	12.60	6.14	18.00	1,450.00
AUG	1.99	410.00	824.00	54.30	3.54	12.60	6.14	17.70	1,330.00
SEP	0.69	202.00	826.00	54.40	3.62	12.60	31.20	20.30	1,150.00
OCT	0.30	14.60	584.00	54.80	3.62	12.60	37.40	39.70	747.00
NOV	124.00	0.00	585.00	54.90	3.65	12.60	34.50	40.70	855.00
DEC	184.00	0.00	585.00	54.90	3.56	12.60	35.20	41.20	916.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

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Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF183A	APPLICATION	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00
Maximum		1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00	1,300.00

Detailed Reports for Watershed ID #30200321

WILLAMETTE R > COLUMBIA R - AB PERIWINKLE CR AT GAGE 14174
WILLAMETTE BASIN

Water Availability as of 3/30/2023

Watershed ID #: 30200321 [\(Map\)](#)

Exceedance Level: 50% ▾

Date: 3/30/2023

Time: 8:57 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	17,300.00	1,370.00	15,900.00	0.00	1,750.00	14,200.00
FEB	17,400.00	4,290.00	13,100.00	0.00	1,750.00	11,400.00
MAR	15,800.00	4,560.00	11,200.00	0.00	1,750.00	9,490.00
APR	13,800.00	4,260.00	9,540.00	0.00	1,750.00	7,790.00
MAY	11,400.00	2,560.00	8,840.00	0.00	1,750.00	7,090.00
JUN	7,370.00	856.00	6,510.00	0.00	1,750.00	4,760.00
JUL	4,130.00	666.00	3,460.00	0.00	1,750.00	1,710.00
AUG	2,980.00	604.00	2,380.00	0.00	1,750.00	626.00
SEP	2,970.00	517.00	2,450.00	0.00	1,750.00	703.00
OCT	3,550.00	269.00	3,280.00	0.00	1,750.00	1,530.00
NOV	8,170.00	354.00	7,820.00	0.00	1,750.00	6,070.00
DEC	19,100.00	380.00	18,700.00	0.00	1,750.00	17,000.00
ANN	7,460,000.00	1,240,000.00	6,230,000.00	0.00	1,270,000.00	4,960,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,110.00	0.00	175.00	42.00	0.02	5.82	25.00	13.70	1,370.00
FEB	4,030.00	0.00	175.00	42.00	0.02	5.82	25.00	13.20	4,290.00
MAR	4,300.00	1.73	175.00	42.00	0.02	5.82	26.50	11.80	4,560.00
APR	3,990.00	10.70	175.00	42.00	0.02	5.82	26.00	11.80	4,260.00
MAY	2,200.00	91.60	175.00	42.00	0.02	5.82	25.30	11.80	2,560.00
JUN	284.00	163.00	325.00	42.00	0.02	5.82	25.30	11.80	856.00
JUL	3.56	280.00	324.00	41.90	0.02	5.82	2.23	8.58	666.00
AUG	1.42	220.00	324.00	41.80	0.02	5.82	2.23	8.57	604.00
SEP	0.64	108.00	324.00	41.90	0.02	5.82	25.30	11.20	517.00
OCT	0.12	7.71	175.00	42.00	0.02	5.82	25.30	13.20	269.00
NOV	93.60	0.00	175.00	42.00	0.02	5.82	24.30	13.20	354.00
DEC	118.00	0.00	175.00	42.00	0.02	5.82	25.00	13.70	380.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

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No reservations were found for this watershed.

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Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF184A	APPLICATION	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00
Maximum		1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00	1,750.00

Detailed Reports for Watershed ID #114

LONG TOM R > WILLAMETTE R - AB MOUTH
WILLAMETTE BASIN

Water Availability as of 3/30/2023

Watershed ID #: 114 [\(Map\)](#)
Date: 3/30/2023

Exceedance Level: 50% ▼
Time: 8:57 AM

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	1,220.00	149.00	1,070.00	0.00	0.00	1,070.00
FEB	1,330.00	389.00	941.00	0.00	0.00	941.00
MAR	984.00	555.00	429.00	0.00	0.00	429.00
APR	590.00	250.00	340.00	0.00	0.00	340.00
MAY	301.00	64.20	237.00	0.00	0.00	237.00
JUN	146.00	29.90	116.00	0.00	0.00	116.00
JUL	68.80	48.30	20.50	0.00	0.00	20.50
AUG	42.40	39.20	3.18	0.00	0.00	3.18
SEP	40.00	21.70	18.30	0.00	0.00	18.30
OCT	48.40	5.93	42.50	0.00	0.00	42.50
NOV	211.00	5.73	205.00	0.00	0.00	205.00
DEC	1,050.00	106.00	944.00	0.00	0.00	944.00
ANN	362,000.00	99,600.00	262,000.00	0.00	0.00	262,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	145.00	0.00	0.40	3.20	0.00	0.60	0.23	0.24	149.00
FEB	384.00	0.00	0.40	3.20	0.00	0.60	0.23	0.24	389.00
MAR	550.00	0.26	0.40	3.20	0.00	0.60	0.23	0.24	555.00
APR	244.00	1.65	0.40	3.20	0.00	0.60	0.23	0.24	250.00
MAY	47.30	12.20	0.40	3.20	0.00	0.60	0.23	0.24	64.20
JUN	0.21	24.90	0.53	3.20	0.00	0.60	0.23	0.24	29.90
JUL	0.02	43.50	0.53	3.20	0.00	0.60	0.23	0.24	48.30
AUG	0.00	34.50	0.53	3.11	0.00	0.60	0.23	0.23	39.20
SEP	0.02	16.90	0.53	3.20	0.00	0.60	0.23	0.24	21.70
OCT	0.06	1.21	0.40	3.20	0.00	0.60	0.23	0.24	5.93
NOV	1.06	0.00	0.40	3.20	0.00	0.60	0.23	0.24	5.73
DEC	101.00	0.00	0.40	3.20	0.00	0.60	0.23	0.24	106.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF114A	APPLICATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Maximum		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Mark and Jolly LLCAddress: 4199 75th Ave SE, Salem OR. 97317Phone/Email: 503-932-3920 / mark@heritageseedlings.comReservoir Name: RES Pond 1Source: RunoffBasin Name: Ferguson Creek>Long Tom RiverTwp Rng Sec QQ: 15S 5W 20 NESWVolume (AF): 65☐ in-channel☒ off-channel

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

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

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

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

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

3) If NMF are or were historically present:

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

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

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

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

☒ Any diversion or appropriation of water for storage during the period Feb.1 through December.31 poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point

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

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

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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 Salmon) and sensitive species (Coastal Cutthroat Trout, Pacific Lamprey, and Western Brook Lamprey) may be present in Ferguson Creek and/or the Long Tom River during the period of impact. ODFW has identified biologically necessary flows captured in an instream water right MF 114 (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 and/or downstream. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during February.1-December.31.

In addition, ODFW (through consultation with ODEQ) determined that the proposed use would impair water quality that supports existing fish resources (e.g. habitat) at or downstream of the Point of Diversion. The Upper Willamette Basin has approved TMDLs for stream temperature, mercury, and bacteria. The Upper Willamette Subbasin stream temperature TMDL specifically identifies the Long Tom watershed (which includes perennial and/ or fish bearing streams above and below Fern Ridge). The TMDL includes all surface waters that affect the temperatures of 303(d) listed water bodies because stream temperature is affected by heat loads from upstream as well as local sources. During the summer, peak stream temperature and low stream flows create critical stream temperatures and heat loading conditions. In the Upper Willamette Subbasin, peak temperatures typically occur in mid-July through mid-August and often exceed the salmon and trout rearing and migration criterion. There is concern about nutrient, sediment, and temperature loading from reservoir releases during low flow and critical temperature months. Therefore, it is requested that the applicant 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.

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

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, negatively affecting 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.

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 in January. ODFW recommends the season of use 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 from the proposed water use 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 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.

Applicant Name: Mark & Jolly LLC

ODFW Review

Janna L
Stevens

Digitally signed by
Janna L Stevens
Date: 2023.05.23
15:12:21 -07'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 5/23/2023

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 January.
- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- ☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- ☒ **Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.
- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- ☐ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

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

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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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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
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NAME MARK & JOLLY LLC		PHONE (HM)	
PHONE (WK)	CELL (503) 932-3920	FAX	
MAILING ADDRESS 4199 75 TH AVE. SE			
CITY SALEM	STATE OR	ZIP 97317	E-MAIL* MARK@HERITAGESEEDLINGS.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:
15S	5W	20	NESW	200	EFu E40	☒ Diverted ☐ Conveyed ☒ Used	farming
15S	5W	20	NENW NWNW SWNW SENW NWSW SWSW SESW	200	EFu	☐ Diverted ☐ Conveyed ☒ Used	farming

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

Lane

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) Run-off/Seepage

Estimated quantity of water needed: 65.0 ☐ 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 Storage (multi-purpose)

Briefly describe:

It is proposed to establish the proposed Pond 1 as a multi-purpose stored water source within tax lot 200. Once authorized, an accompanying permit for irrigation from the reservoir will be acquired.

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.

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Please check the appropriate box below and provide the requested information

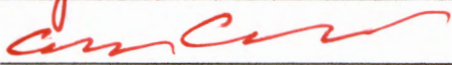
- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LC 16.212(3)-1.1 & 6.1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

Irrigation for agricultural use is allowed outright in EFU zone.

Name: Emily Connor Title: LMD Technician

Signature:  Phone: (541) 682-6505 Date: 3/29/2023

Government Entity: Lane County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Mark & Jolly LLC 4199 75th Ave SE
Salem OR 97317

Transaction Type: Application

Fees Received: \$ 2185 3.755⁰⁰

☐ Cash

☒ Check

Check No. 2185

Name(s) on Check: Will McGill Sineymg LLC

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 Pelee

(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 with submission (application/other document) in the



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