

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 ROSEROCK NORTH LLC ATTN:DAVID MILLMAN		PHONE (HM)	
PHONE (WK) 503-864-2700	CELL 503-864-7224	FAX	
MAILING ADDRESS PO BOX 700			
CITY Dundee	STATE OR	ZIP 97115	E-MAIL * DAVID@DOMAINEDROUHIN.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 SUMMIT WATER RESOURCES LLC ATTN: TED RESSLER RG, CWRE		PHONE 503-967-7050	FAX
MAILING ADDRESS 4784 SE 17 TH AVE SUITE 111			CELL 503-701-4535
CITY PORTLAND	STATE OR	ZIP 97202	E-MAIL * TRESSLER@SUMMITWR.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.)

Received by OWRD

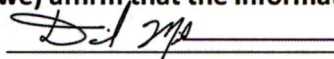
MAR 12 2024

Salem, OR

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

	David Millman	Feb 1, 2024
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

RECEIVED

MAR 12 2024

OWRD

1. Landowner name, mailing address and telephone number provided
2. Application signed – All parties noted as applicants must sign the application
3. Source and tributary listed
4. Reservoir Location – TRSQQ and tax lot provided
5. Dam height indicated, if applicable
6. Property ownership completed
7. If applicant does not own all the land, is the affected landowner's name and mailing address listed?
8. Environmental impact section completed?
9. **Completed Watermaster review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir injure an existing water right? YES NO
 - If YES, can conditions be applied to mitigate injury? YES NO
If NO, return the application.
10. **Completed ODFW review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
 - If YES, can conditions be applied to mitigate the impact? YES NO N/A
If NO, return the application.
11. **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months.
12. **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance to meet this requirement.
13. **Acceptable Map**. *Note: Requirements set forth by the Commission.*
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
 - Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
 - Reference public land survey corner on map
 - North directional symbol
 - ¼'s clearly identified
 - Reservoir clearly identified
 - Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
 - If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner and identify any main canals, ditches, pipelines, or flumes.
14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees:

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

RECEIVED

MAR 12 2024

OWRD

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Roserock North Reservoir 1				
Source*:	Precipitation and Surface runoff	Tributary:	Holdridge Creek		
County:	Yamhill				
Quantity:	2 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	5S	4W	13	NWSE	200
Maximum Height of Dam:	Zero feet. If excavated write "zero feet."				

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

SECTION 3: WATER USE

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

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, 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:

RECEIVED
MAR 12 2024
OWRD

SECTION 5: ENVIRONMENTAL IMPACT

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

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

Existing: Is this an existing reservoir? YES NO

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

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

If YES, how much? _____ miles.

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

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

SECTION 6: WITHIN A DISTRICT

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

Irrigation District Name: Palmer Creek Water District		Address: 14395 SE Wallace Rd	
City: Dayton	State: OR	Zip: 97114	

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 proposed reservoir is off-channel and will be filled with precipitation, and surface runoff from areas immediately adjacent to the reservoir located on the property. The reservoir will be a totally excavated feature and contain a permanent dry hydrant assembly for the use of fire protection. Due to the location of the proposed reservoir and unfeasibility of installing an outlet pipe, in place of a permanent 8 inch outlet pipe, the dry hydrant assembly will be used for evacuation of water from the reservoir and for maintenance if required.

RECEIVED

MAR 12 2024

OWRD

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).

The proposed reservoir is off-channel, therefore there will be no live flow passing through the reservoir to bypass. For cross section, dimension and placement of infrastructure see attached diagram sheet C400

The anticipated design of the reservoir includes:

- Excavated pond outside of any channels
- The interior of the reservoir will be excavated to provide a target average depth of 8 feet.
- There will be an estimated 1 foot of freeboard when the reservoir is full.
- Dry hydrant assembly for water evacuation.
- A berm of <3 feet may be added in the future

Attachments

1. Map
2. Watermaster Review
3. ODFW Review
4. Legal Description
5. Reservoir Cross-section and Diagram

RECEIVED

MAR 12 2024

OWRD

RECEIVED

MAR 12 2024

OWRD

Attachment 1
Map

RECEIVED

MAR 12 2024

OWRD

Attachment 2
Watermaster Review

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 Roserock North LLC 5 South, 4 West, Section 13, TL 200, NWSE		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain: NA		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: October 1 End: July 31		
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Name:	Agency:	Date:
Name:	Agency:	Date:

Watermaster Name: Joel Plahn

Watermaster
Signature:

**Joel
Plahn**

Digitally signed by Joel Plahn
DN: C=US, OU=District 22 Watermaster,
O=Water Resources Department,
CN=Joel Plahn,
E=joel.m.plahn@water.oregon.gov
Reason: I am the author of this
document
Location: District 22 Watermaster
Date: 2024.02.05 08:54:23-08'00'
Foxit PDF Editor Version: 11.2.7

Date: 2/5/2024

NOTE: This completed form must be returned to the applicant

RECEIVED

MAR 12 2024

OWRD

RECEIVED

MAR 12 2024

OWRD

Attachment 3

ODFW Review

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: <u>Roserock North LLC</u>	RECEIVED MAR 12 2024 OWRD
Address: <u>PO Box 700, Dundee OR. 97155</u>	
Phone/Email: <u>503-864-2700 / David@domainedrouhin.com</u>	
Reservoir Name: <u>Roserock North Reservoir 1</u>	
Source: <u>Run Off</u>	Volume (AF): <u>2</u>
Basin Name: <u>Willamette</u>	<input type="checkbox"/> in-channel
Twp Rng Sec QQ: <u>5S 4W 13 NWSE</u>	<input checked="" type="checkbox"/> off-channel
<p>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.</p>	

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 **May through October** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage

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)

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 (spring Chinook Salmon and winter steelhead), sensitive species (Pacific Lamprey and Coastal Cutthroat Trout), and other game fish (Coho Salmon) may be present in the Yamhill 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 at the Yamhill River mouth to protect public uses:

JAN	90 cfs	APR	90 cfs	JUL	60 cfs	OCT	60 cfs
FEB	90 cfs	MAY	90 cfs	AUG	30 cfs	NOV	90 cfs
MAR	90 cfs	JUN	80 cfs	SEP	30 cfs	DEC	90 cfs

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 1st – October 31st. In addition, ODFW reviewed available information (Yamhill River 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. DEQ has identified water quality impairments for dissolved oxygen, temperature, and biological criteria in the Yamhill River. Both temperature and dissolved oxygen are related to flow modifications and water withdrawals, and both, when combined with reduced streamflow, can increase stress on aquatic life while a bio criteria impairment is an indicator of the overall biological condition of the waterbody. Consequently, ODFW recommends that because the proposed use, including any releases throughout the year from the reservoir to waters of the state (see “Water Quality” condition below), would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion that the water use be restricted during May.1st – October.31st.

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												

RECEIVED

MAR 12 2024

Applicant Name: Roserock North LLC

ODFW Review

Review Date:

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 November through April. 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.

Janna
Stevens

Digitally signed by
Janna Stevens
Date: 2024.02.16
12:22:01 -08'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planing Coordinator

Date: 02/16/2024

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

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

RECEIVED

MAR 12 2024

OWRD

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

RECEIVED

MAR 12 2024

OWRD

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 **November through April**.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- 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.
- 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 shall 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 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.
- 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.

RECEIVED

MAR 12 2024

OWRD

RECEIVED
MAR 12 2024
OWRD

Attachment 4
Land Use Information Form

RECEIVED

MAR 12 2024

OWRD

Land Use Information Form



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

NAME ROSE ROCK NORTH LLC ATTN: DAVID MILLMAN			PHONE (HM)		
PHONE (WK) 503-864-2700		CELL 503-864-7224		FAX	
MAILING ADDRESS PO BOX 700					
CITY DUNDEE		STATE OR	ZIP 97115	E-MAIL* DAVID@DOMAINEDROUHIN.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:
<u>5S</u>	<u>4W</u>	<u>13</u>	<u>NWSE</u>	<u>0200</u>	<u>EF40/EF80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Storage</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:

<u>Yamhill</u>

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) Excavated off channel reservoir

Estimated quantity of water needed: 2 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 use

Briefly describe:

<u>The applicant is proposing to construct a reservoir to store water for multipurpose use.</u>

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): Section 402 of the YCZO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Ken Friday Title: P. D.

Signature: *[Signature]* Phone: 503 434-7516 Date: 2/0/2024

Government Entity: Yamhill 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: _____

RECEIVED

MAR 12 2024

OWRD

Attachment 5
Legal Description

EXHIBIT B: Deed for taxlot 200

After recording return to:

Domaine Drouhin Oregon, Inc.
Attn.: David Millman
PO Box 700
Dundee, OR 97115

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

Domaine Drouhin Oregon, Inc.
Attn.: David Millman
PO Box 700
Dundee, OR 97115

Yamhill County Official Records	202210616
DMR-DDMR	
Stn=3 SUTTONS	08/01/2022 03:49:00 PM
6Pgs \$30.00 \$11.00 \$5.00 \$60.00	\$106.00
I, Keri Hinton, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Keri Hinton - County Clerk	

STATUTORY WARRANTY DEED

JILL M. METHVEN, SURVIVING TRUSTEE OF THE METHVEN JOINT TRUST DATED JUNE 27, 2013, AND AMENDMENTS THERETO, Grantor, conveys and warrants to ROSEROCK NORTH, LLC, an Oregon limited liability company, Grantee, the real property described on Exhibit A attached hereto and by this reference incorporated herein, free of encumbrances except as set forth on Exhibit B attached hereto and by this reference incorporated herein (the "Permitted Exceptions").

The true consideration for this conveyance is other value given.

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.

[Signature Page Follows]

RECEIVED

MAR 12 2024

OWRD

FIRST AMERICAN 3935771

DATED this 1 day of Aug 2022.

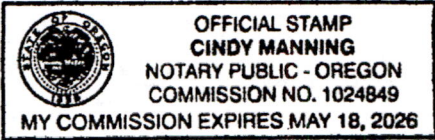
GRANTOR:

**JILL M. METHVEN, SURVIVING TRUSTEE OF
THE METHVEN JOINT TRUST DATED JUNE 27,
2013, AND AMENDMENTS THERETO**

By: [Signature]
Jill M. Methven, Trustee

STATE OF OREGON)
County of yamhill)

The foregoing instrument was acknowledged before me this Aug. 1st, 2022 by
Jill M. Methven, surviving trustee of the Methven Joint Trust dated June 27, 2013, and amendments thereto.



[Signature]
Notary Public
My Commission Expires: 5.18.2026

RECEIVED
MAR 12 2024
OWRD

EXHIBIT A TO DEED

(Legal Description)

Real property in the County of Yamhill, State of Oregon, described as follows:

A tract of land located in the East 1/2 of Section 13, Township 5 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon. In a portion of the Jacob D. Smith Certified Claim No. 1248, in a portion of Lots 17 & 18 of WALNUT HILL NO. 2, said tract being more particularly described as follows:

Beginning at an iron rod marking the southeast corner of that tract of land conveyed to Charleen E. Sharer, recorded June 6, 2002 in Instrument No. 200211096, Deed Records of Yamhill County, Oregon; said iron rod being on the west margin of Oregon State Highway 154; thence along said west margin South 00°19'11" West 232.40 feet to an iron rod and the beginning of curve concave to the northwest and having a radius of 1265.95 feet; thence 343.23 feet southwesterly along said curve, the chord of which bears South 08°05'13" West 342.18 feet to an iron rod; thence South 15°51'15" West 815.07 feet to an iron rod; thence leaving said west margin North 89°41'45" West 2286.00 feet to an iron rod; thence North 03°38'10" West 298.68 feet to an iron rod; thence North 26°02'36" West 212.15 feet to an iron rod; thence North 34°40'03" West 51.42 feet to an iron rod; thence South 77°58'49" West 166.65 feet to an iron rod; thence South 89°33'41" West 140.07 feet to an iron rod; thence North 00°08'18" West 366.52 to an iron rod; thence South 89°34'17" West 24.74 feet to an iron rod; thence North 01°04'50" East 35.64 feet to an iron rod; thence North 89°00'39" East 23.98 feet to an iron rod; thence North 82°45'01" East 138.15 feet to an iron rod; thence North 53°02'46" East 82.79 feet to an iron rod; thence North 04°03'57" East 634.97 feet to an iron rod on the south line of that tract of land conveyed to Steven and Gina Proctor, recorded September 28, 2018, in Instrument No. 201813962, Deed Records of Yamhill County, Oregon; thence along said south line South 89°52'04" East 113.23 feet (passing the southeast corner of said "PROCTOR" tract at 11.73 feet) to an iron rod; thence South 55°42'24" East 424.55 feet to an iron rod; thence South 89°36'45" East 246.77 feet to an iron rod on the west margin of Westland Lane; thence along said west margin South 52°13'15" West 203.27 feet to an iron rod and the beginning of a curve concave to the northwest and having a radius of 475.00 feet; thence 158.28 feet southwesterly along said curve the chord of which bears South 61°46'02" West 157.55 feet to an iron rod; thence South 71°18'48" West 284.11 feet to an iron rod and the beginning of a curve concave to the southwest and having a radius of 50.00 feet; thence 35.69 feet northwesterly along said curve, the chord of which bears North 69°08'12" West 34.94 feet to an iron rod and beginning of a curve concave to the southeast and having a radius of 50.00 feet; thence 78.78 feet southwesterly along said curve the chord of which bears South 45°16'37" West 70.88 feet to an iron rod and the beginning of a curve concave to the northeast and having a radius of 50.00 feet; thence 78.30 feet southeasterly along said curve the chord of which bears South 44°43'23" East 70.54 feet to an iron rod and the beginning of a curve concave to the northwest and having a radius of 50.00 feet; thence 69.03 feet northeasterly along said curve the chord of which bears North 50°51'48" East 63.68 feet to an iron rod on the south margin of said Westland Lane; thence along said south margin North 71°18'48" East 284.11 feet to an iron rod and the beginning of a curve concave to the northwest and having a radius of 525.00 feet; thence 174.94 feet northeasterly along said curve the chord of which bears North 61°46'02" East 174.13 feet to an iron rod; thence North 52°13'15" East 266.89 feet to an iron rod; thence leaving said south margin South 89°36'45" East 1963.61 feet to the POINT OF BEGINNING, as shown on CS-13692.

RECEIVED

MAR 12 2024

OWRD

SUBJECT TO a 30 foot wide Access and Utilities Easement, the perimeter of said easement being more particularly described as follows:

Commencing at an iron rod marking the southeast corner of that tract of land conveyed to Michael Varga, recorded June 23, 2015 in Instrument No. 201508869, Deed Records of Yamhill County, Oregon; thence South 89°41'45" East 519.13 feet to an iron rod and POINT OF BEGINNING; thence North 03°38'10" West 298.68 feet to an iron rod; thence North 26°02'36" West 212.15 feet to an iron rod; thence North 34°40'03" West 45.57 feet to a point on the south margin of an existing access easement; thence along said south margin North 64°51'33" East 30.42 feet; thence leaving said south margin South 34°40'03" East 42.79 feet; thence South 26°02'36" East 220.35 feet; thence South 03°38'10" East 306.60 feet to a point on the south line of that tract of land conveyed to the Methven Joint Trust, recorded May 15, 2014, in Instrument No. 201405570, Deed Records of Yamhill County, Oregon; thence along said south line North 89°41'45" West 30.07 feet to the POINT OF BEGINNING.

SUBJECT TO a 30 foot wide Access and Utility Easement described as "Easement No. 6" in Bargain and Sale Deed recorded 22 May 2002 by Instrument No. 200210136, Yamhill County Deed Records

RECEIVED

MAR 12 2024

OWRD

EXHIBIT B TO DEED

(Permitted Exceptions)

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. Taxes for the fiscal year 2022-2023 a lien due, but not yet payable.
3. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
4. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
5. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: May 17, 2000, Instrument No. 200006696, Deed and Mortgage Records
From: Louis West and Judy West
To: Stephen T. Doerner
6. Road Maintenance Agreement and the terms and conditions thereof:
Between: Louis G. West and Judy West
And: Steven Doerner aka Stephen T. Doerner
Recording Information: May 17, 2000, Instrument No. 200006698, Deed and Mortgage Records
7. Easement, including terms and conditions contained therein:
Granted to: Louis West and Judy West
For: Septic easement
Recorded: November 1, 2001
Recording Information: 200119390
8. Easement, including terms and conditions contained therein:
Granted to: the State of Oregon through its Department of Environmental Quality
For: Perpetual nonexclusive easement
Recorded: November 1, 2001
Recording Information: 200119391
9. An Easement and Deed Restrictions, reserved in a deed, including the terms and provisions thereof:
Recorded: May 22, 2002 as Instrument No. 200210136
From: Charleen E. Sharer, Louis West and Judy West
To: Louis West and Judy West, husband and wife

RECEIVED

MAR 12 2024

10. An Easement and Deed Restrictions, reserved in a deed, including the terms and provisions thereof:
 Recorded: May 22, 2002 as Instrument No. 200210137
 From: Charleen E. Sharer, Louis West and Judy West
 To: Louis West and Judy West, husband and wife

11. An easement reserved in a deed, including the terms and provisions thereof:
 Recorded: July 9, 2002 as Instrument No. 200213310
 From: Louis West, Judy West and Charleen E. Sharer
 To: Robert Sproed and Sylvia Sproed, husband and wife

12. Easement and Maintenance Agreement and the terms and conditions thereof:
 Between: Adelaide Farm, LLC and William J. Pender and Tana L. Pender, husband and wife
 And: Louis West and Judy West
 Recording Information: August 21, 2002, Instrument No. 200216514, Deed and Mortgage Records

13. An easement reserved in a deed, including the terms and provisions thereof;
 Recorded: Dated June 06, 2009 and recorded June 09, 2009, Instrument No. 200908761, Deed and Mortgage Records
 From: Allen R. Methven and Jill M. Methven
 To: Allen R. Methven and Jill M. Methven, Husband and Wife

14. An easement reserved in a deed, including the terms and provisions thereof;
 Recorded: October 22, 2021
 Recording Information: Instrument No. 202121049, Deed and Mortgage Records
 From: Allen R. Methven and Jill M. Methven, individually and Allen R. Methven and Jill M. Methven, or successors, as Trustees of the Methven Joint Trust dated June 27, 2013, and any amendments
 To: Allen R. Methven and Jill M. Methven, or successors, as Trustees of the Methven Joint Trust dated June 27, 2013, and any amendments
 For: access and utilities

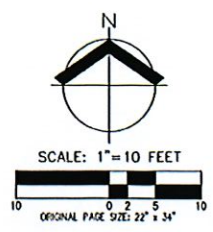
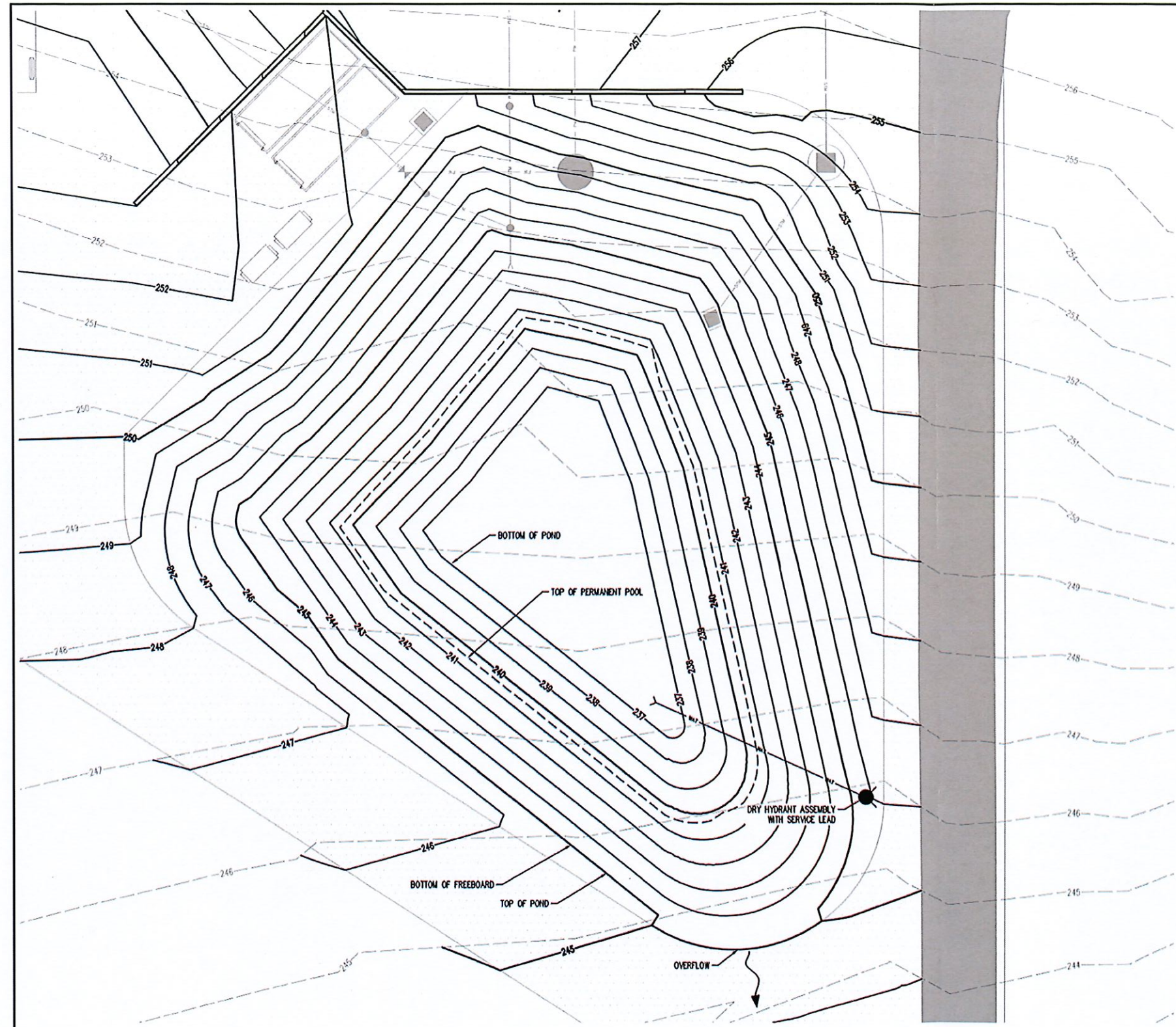
RECEIVED
 MAR 12 2024
 OWRD

RECEIVED

MAR 12 2024

OWRD

Attachment 6
Reservoir Cross-section and Diagram



AKS
 AKS ENGINEERING & FORESTRY, LLC
 12265 SW HERMAN RD, STE 100
 SEASIDE, OR 97138
 503.561.5151
 WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

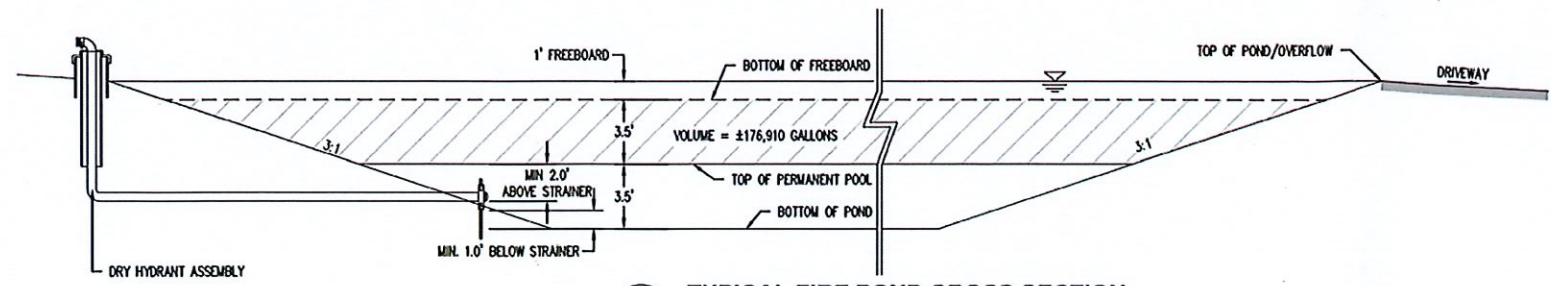
ROSEROCK NORTH
YAMHILL COUNTY
OREGON
 YAMHILL COUNTY MAP 55413
 TAX LOT 200

FIRE POND PLAN

RECEIVED
 MAR 12 2024
 OWRD

DESIGNED BY: AMC
 DRAWN BY: JAM
 MANAGED BY: AMC
 CHECKED BY:
 DATE: 12/06/2023

REGISTERED PROFESSIONAL ENGINEER
 PRELIMINARY
 NOT FOR CONSTRUCTION
 JAMES MORGAN COLE
 LICENSE NO. 12512
 EXPIRES DECEMBER 31, 2023



1 TYPICAL FIRE POND CROSS SECTION
 N.T.S.

STAGE STORAGE TABLE					
POINT	ELEVATION (FT.)	AREA (SQ. FT.)	DEPTH (FT)	INCREMENTAL VOLUME (CU. FT.)	INCREMENTAL VOLUME (GALLONS)
BOTTOM OF POND	237.0	1,230	0.0	---	---
TOP OF PERMANENT POOL	240.5	3,305	3.5	0	0
BOTTOM OF FREEBOARD	244.0	6,290	7.0	16,790	125,600
TOP OF POND/OVERFLOW	245.0	7,400	8.0	23,630	176,760

AKS DRAWING FILE: 10810 FIRE RESERVE/POD PLANNING LAYOUT: C400

JOB NUMBER
10810
 SHEET
C400



March 8, 2024

Ms. Katie Ratcliffe
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Application for a Permanent to Store Water in a Reservoir (Alternate Review)
Roserock North LLC

Dear Katie,

On behalf of the applicant, Roserock North LLC, please find enclosed an Application for a Permit to Store Water in a Reservoir (Alternate Review) accompanied by the required fee of \$1,172 (a fee tally for the application is enclosed). The proposed reservoir facility associated with this application is Roserock North Reservoir 1.

If you have any questions regarding the enclosed application, you can reach me at 503-701-4535. Please copy me on any correspondence regarding this application.

Respectfully submitted,

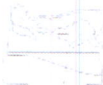
Theodore Ressler, RG, CWRE
Summit Water Resources LLC

Cc: David Millman – Roserock North, LLC

Enclosures:

Application for a Permanent to Store Water in a Reservoir
Check #39632 in the amount of \$1,172

RECEIVED
MAR 12 2024
OWRD



Oregon Water Resources Department Alternate Reservoir Application

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

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

Today's Date: Tuesday, September 12, 2023

Base Application Fee.		\$480.00
Proposed Dam Height in feet.	4	
Proposed Reservoir volume in Acre Feet.	2	\$82.00
Subtotal:		\$562.00
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,172.00

RECEIVED

MAR 12 2024

OWRD