

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



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

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

| | | | |
|---|----------------------|--------------|----------------------------------|
| NAME Douglas Brenner | | | PHONE (HM) 603-770-6260 |
| PHONE (WK) 603-770-6260 | CELL 603-770-6260 | FAX | |
| MAILING ADDRESS 38487 Kings Valley Hwy | | | |
| CITY Philomath | STATE OR | ZIP 97370 | E-MAIL * doug@turkeytail.farm |

Organization

| | | | | |
|---|-------------|--------------|----------------------------------|-----|
| NAME Turkey Tail Farm LLC, DBA Tambourine Tree Nursery | | | PHONE 603-770-6260 | FAX |
| MAILING ADDRESS 38558 Kings Valley Hwy | | | CELL | |
| CITY Philomath | STATE OR | ZIP 97370 | E-MAIL * doug@turkeytail.farm | |

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

| | | | | |
|--|-------------|--------------|-----------------------------------|-----|
| AGENT / BUSINESS NAME Abel Kloster / Resilience Permaculture Design LLC | | | PHONE 503-729-5482 | FAX |
| MAILING ADDRESS 80227 Hazelton Rd | | | CELL | |
| CITY Cottage Grove | STATE OR | ZIP 97424 | E-MAIL * abelkloster@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.)

Received by OWRD

SEP 13 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 packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

Doug Brenner 8/8/2024

For Department Use: App. Number: _____

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- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
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- 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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Salem, OR



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

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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

N/A

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

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SECTION 3: SOURCE OF WATER

A. Reservoir Name: N/A

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

| | |
|--|---------------------------------------|
| Source 1: Run-off | Tributary to: Price Creek |
| TRSQQ of POD: T. 10S. R. 6W. Section 21 SENW | |
| Source 2: Price Creek | Tributary to: Little Luckiamute River |
| TRSQQ of POD: T.10S. R.6W. Section 21 NESW | |

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

For Department Use: App. Number: _____

Yes No Don't know

- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: Run-off from points up slope

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

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

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

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

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

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

Yes No

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

If yes,

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

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For Department Use: App. Number: _____

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

- a) The use of the impounded water will be: stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection
- b) The amount of water to be stored is: .5 acre-feet.
- c) The area submerged by the reservoir, when filled, will be .12 acres.

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For Department Use: App. Number: _____

SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 3 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

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

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

If "other," provide the description:

SECTION 7: PRIMARY OUTLET WORKS

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

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

No outlet pipes will be utilized to pass water through the dam. Overflow outlets will be large constructed spillways. Spillways will be designed to handle the largest projected storm flow.

b) How and when will the outlet be operated?

Outlet spillways will be open channels - capable of passing water around the dam and between the series of ponds at all times of the year.

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

N/A

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SECTION 8: EMERGENCY SPILLWAY

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

The spillways will cut through native soil around the West side of the dam. Spillway will have a 6' wide floor and a 2:1 batter.

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

The base of the spillway will be level and vegetated with grass. Spillway side slopes will be 3:1.

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

100 year flood capacity

SECTION 9: WATER QUALITY

a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

The reservoir will have 3:1 side slopes and be vegetated. The inlet will be planted to herbaceous native vegetation.

- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. All reservoirs will be protected by exclusion fencing when necessary. All banks will be planted to grasses and other emergent vegetation.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream. Maintenance will occur during the dry season when ponds are not overflowing and not connected to waterways.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: April 2025
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: November 2025
- c) Proposed date water use will be completed: December 2025

SECTION 11: WITHIN A DISTRICT

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

| | | |
|--------------------------|---------|-----|
| Irrigation District Name | Address | |
| City | State | Zip |

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application. This application is for a total of 5 ponds (A-E) and a point of diversion (F) in Price Creek. 5 applications (A-E) have been submitted with section 5-10 filled out for each pond.

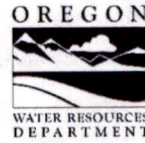
The attached map (Attachment A) outlines the location of all ponds and the diversion point. The attachment also details dam height and crest, spillway locations, and pond depth, width, and breadth.

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Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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

SECTION 3: SOURCE OF WATER

A. Reservoir Name: N/A

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

| | |
|--|---------------------------------------|
| Source 1: Run-off | Tributary to: Price Creek |
| TRSQQ of POD: T. 10S. R. 6W. Section 21 SENW | |
| Source 2: Price Creek | Tributary to: Little Luckiamute River |
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- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?

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Yes No Don't know

- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: Run-off from points up slope

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

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

Yes No

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

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

Yes No

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SECTION 5: WATER USE

- a) The use of the impounded water will be: stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection
- b) The amount of water to be stored is: 2.5 acre-feet.
- c) The area submerged by the reservoir, when filled, will be .38 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 5 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

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

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

If "other," provide the description:

SECTION 7: PRIMARY OUTLET WORKS

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

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

No outlet pipes will be utilized to pass water through the dam. Overflow outlets will be large constructed spillways. Spillways will be designed to handle the largest projected storm flow.

b) How and when will the outlet be operated?

Outlet spillways will be open channels - capable of passing water around the dam and between the series of ponds at all times of the year.

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

N/A

SECTION 8: EMERGENCY SPILLWAY

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

The spillways will cut through native soil around the east side of the dam. Spillway will have a 6' wide floor and a 2:1 batter.

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

The base of the spillway will be level and vegetated with grass. Spillway side slopes will be 3:1.

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

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a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

The reservoir will have 3:1 side slopes and be vegetated. The inlet will be planted to herbaceous native vegetation.

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- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. All reservoirs will be protected by exclusion fencing when necessary. All banks will be planted to grasses and other emergent vegetation.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream. Maintenance will occur during the dry season when ponds are not overflowing and not connected to waterways.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: April 2025
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: November 2025
- c) Proposed date water use will be completed: December 2025

SECTION 11: WITHIN A DISTRICT

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

| | | |
|--------------------------|---------|-----|
| Irrigation District Name | Address | |
| City | State | Zip |

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.
 This application is for a total of 5 ponds (A-E) and a point of diversion (F) in Price Creek. 5 applications (A-E) have been submitted with section 5-10 filled out for each pond.
 The attached map (Attachment A) outlines the location of all ponds and the diversion point. The attachment also details dam height and crest, spillway locations, and pond depth, width, and breadth.

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



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

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

| | | | |
|---|----------------------|----------------------------|----------------------------------|
| NAME Douglas Brenner | | PHONE (HM) 603-770-6260 | |
| PHONE (WK) 603-770-6260 | CELL 603-770-6260 | FAX | |
| MAILING ADDRESS 38487 Kings Valley Hwy | | | |
| CITY Philomath | STATE OR | ZIP 97370 | E-MAIL * doug@turkeytail.farm |

Organization

| | | | |
|---|-------------|-----------------------|----------------------------------|
| NAME Turkey Tail Farm LLC, DBA Tambourine Tree Nursery | | PHONE 603-770-6260 | FAX |
| MAILING ADDRESS 38558 Kings Valley Hwy | | | CELL |
| CITY Philomath | STATE OR | ZIP 97370 | E-MAIL * doug@turkeytail.farm |

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

| | | | |
|--|-------------|-----------------------|-----------------------------------|
| AGENT / BUSINESS NAME Abel Kloster / Resilience Permaculture Design LLC | | PHONE 503-729-5482 | FAX |
| MAILING ADDRESS 80227 Hazelton Rd | | | CELL |
| CITY Cottage Grove | STATE OR | ZIP 97424 | E-MAIL * abelkloster@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:

Salem, OR

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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

N/A

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

SECTION 3: SOURCE OF WATER

A. Reservoir Name: N/A

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

| | |
|--|---------------------------------------|
| Source 1: Run-off | Tributary to: Price Creek |
| TRSQQ of POD: T. 10S. R. 6W. Section 21 SENW | |
| Source 2: Price Creek | Tributary to: Little Luckiamute River |
| TRSQQ of POD: T.10S. R.6W. Section 21 NESW | |

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Salem, OR

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

Yes No Don't know

- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: Run-off from points up slope

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

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

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

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

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

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

Yes No

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

If yes,

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

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Salem, OR

For Department Use: App. Number: _____

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

- a) The use of the impounded water will be: stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection
- b) The amount of water to be stored is: 4.5 acre-feet.
- c) The area submerged by the reservoir, when filled, will be .55 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 7 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

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

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

If "other," provide the description:

SECTION 7: PRIMARY OUTLET WORKS

- a) Describe the location and the dimensions of the outlet conduit through the dam:
NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.
No outlet pipes will be utilized to pass water through the dam. Overflow outlets will be large constructed spillways. Spillways will be designed to handle the largest projected storm flow.
- b) How and when will the outlet be operated?
Outlet spillways will be open channels - capable of passing water around the dam and between the series of ponds at all times of the year.
- c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?
N/A

SECTION 8: EMERGENCY SPILLWAY

- a) Describe the location and the dimensions of the spillway channel.
The spillways will cut through native soil around the West side of the dam. Spillway will have a 6' wide floor and a 2:1 batter.
- b) How will the emergency spillway be designed to prevent erosion?
The base of the spillway will be level and vegetated with grass. Spillway side slopes will be 3:1.
- c) What is the maximum design flow for the spillway? (Should be able to handle high flow events, 10-year flood events? 50-year flood events?)
100 year flood capacity

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SECTION 9: WATER QUALITY

Salem, OR

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.
The reservoir will have 3:1 side slopes and be vegetated. The inlet will be planted to herbaceous native vegetation.

For Department Use: App. Number: _____

- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. All reservoirs will be protected by exclusion fencing when necessary. All banks will be planted to grasses and other emergent vegetation.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream. Maintenance will occur during the dry season when ponds are not overflowing and not connected to waterways.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: April 2025
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: November 2025
- c) Proposed date water use will be completed: December 2025

SECTION 11: WITHIN A DISTRICT

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

| | | |
|--------------------------|---------|-----|
| Irrigation District Name | Address | |
| City | State | Zip |

SECTION 12: REMARKS

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| CITY Philomath | STATE OR | ZIP 97370 | E-MAIL * doug@turkeytail.farm |

Organization

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| AGENT / BUSINESS NAME Abel Kloster / Resilience Permaculture Design LLC | | PHONE 503-729-5482 | | FAX |
| MAILING ADDRESS 80227 Hazelton Rd | | | CELL | |
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Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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N/A

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

SECTION 3: SOURCE OF WATER

A. Reservoir Name: N/A

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

| | |
|--|---------------------------------------|
| Source 1: Run-off | Tributary to: Price Creek |
| TRSQQ of POD: T. 10S. R. 6W. Section 21 SENW | |
| Source 2: Price Creek | Tributary to: Little Luckiamute River |
| TRSQQ of POD: T.10S. R.6W. Section 21 NESW | |

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SEP 13 2024

Salem, OR

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

For Department Use: App. Number: _____

Yes No Don't know

- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: Run-off from points up slope

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

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

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

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

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

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

Yes No

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

If yes,

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

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Store Water — Page 3

Salem, OR

Rev. 07-21

For Department Use: App. Number: _____

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

- a) The use of the impounded water will be: stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection
- b) The amount of water to be stored is: .5 acre-feet.
- c) The area submerged by the reservoir, when filled, will be .13 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 3 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

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

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

If "other," provide the description:

SECTION 7: PRIMARY OUTLET WORKS

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

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

No outlet pipes will be utilized to pass water through the dam. Overflow outlets will be large constructed spillways. Spillways will be designed to handle the largest projected storm flow.

b) How and when will the outlet be operated?

Outlet spillways will be open channels - capable of passing water around the dam and between the series of ponds at all times of the year.

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

N/A

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SECTION 8: EMERGENCY SPILLWAY

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

The spillways will cut through native soil around the West side of the dam. Spillway will have a 6' wide floor and a 2:1 batter.

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

The base of the spillway will be level and vegetated with grass. Spillway side slopes will be 3:1.

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

100 year flood capacity

SECTION 9: WATER QUALITY

a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

The reservoir will have 3:1 side slopes and be vegetated. The inlet will be planted to herbaceous native vegetation.

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- a) Proposed date construction work will begin: April 2025
(Fish passage approval is necessary prior to construction.)
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SECTION 11: WITHIN A DISTRICT

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

| | | |
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- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

For Department Use: App. Number: _____

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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

N/A

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

SECTION 3: SOURCE OF WATER

A. Reservoir Name: N/A

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

| | |
|--|---------------------------------------|
| Source 1: Run-off | Tributary to: Price Creek |
| TRSQQ of POD: T. 10S. R. 6W. Section 21 SENW | |
| Source 2: Price Creek | Tributary to: Little Luckiamute River |
| TRSQQ of POD: T.10S. R.6W. Section 21 NESW | |

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

For Department Use: App. Number: _____

Yes No Don't know

- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: Run-off from points up slope

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

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

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

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

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

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

Yes No

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

If yes,

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

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For Department Use: App. Number: _____

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

- a) The use of the impounded water will be: stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection
- b) The amount of water to be stored is: .9 acre-feet.
- c) The area submerged by the reservoir, when filled, will be .2 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 8 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

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

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

If "other," provide the description:

SECTION 7: PRIMARY OUTLET WORKS

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

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

No outlet pipes will be utilized to pass water through the dam. Overflow outlets will be large constructed spillways. Spillways will be designed to handle the largest projected storm flow.

b) How and when will the outlet be operated?

Outlet spillways will be open channels - capable of passing water around the dam and between the series of ponds at all times of the year.

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

N/A

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SECTION 8: EMERGENCY SPILLWAY

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

The spillways will cut through native soil around the West side of the dam. Spillway will have a 6' wide floor and a 2:1 batter.

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

The base of the spillway will be level and vegetated with grass. Spillway side slopes will be 3:1.

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

100 year flood capacity

SECTION 9: WATER QUALITY

a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.

The reservoir will have 3:1 side slopes and be vegetated. The inlet will be planted to herbaceous native vegetation.

- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. All reservoirs will be protected by exclusion fencing when necessary. All banks will be planted to grasses and other emergent vegetation.
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream. Maintenance will occur during the dry season when ponds are not overflowing and not connected to waterways.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: April 2025
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: November 2025
- c) Proposed date water use will be completed: December 2025

SECTION 11: WITHIN A DISTRICT

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

| | | |
|--------------------------|---------|-----|
| Irrigation District Name | Address | |
| City | State | Zip |

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.
 This application is for a total of 5 ponds (A-E) and a point of diversion (F) in Price Creek. 5 applications (A-E) have been submitted with section 5-10 filled out for each pond.
 The attached map (Attachment A) outlines the location of all ponds and the diversion point. The attachment also details dam height and crest, spillway locations, and pond depth, width, and breadth.

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 Salem, OR

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

| | | | | | |
|---|--|-------------|-----------------------|-------------------------------|--|
| NAME Douglas Brenner | | | PHONE 603-770-6260 | | |
| MAILING ADDRESS 38487 Kings Valley HWy | | | | | |
| CITY Philomath | | STATE OR | ZIP 97370 | EMAIL doug@turkeytail.farm | |

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: |
|----------|-------|---------|------|-----------|---|-----------------------------------|-----------------------------------|--|-------------------------|
| 10S | 6W | 21 | SENW | 1100 | EFU | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Agriculture and grazing |
| | | | | | | <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:

Benton County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) Price Creek

Estimated quantity of water needed: 9 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

This application is for a series of 5 small multipurpose ponds and one point of diversion from Price Creek. See Attachment A for a complete plan of the system. *FOR NURSERY IRRIGATION*

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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SEP 13 2024

Last Revised: 10/2023

Salem, OR

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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Chapter 55
- Land uses to be served by the proposed water use(s), 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 |

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

None

Name: Inga Williams Title: Associate Planner
 Signature: [Signature] Date: 8/10/24
 Governmental Entity: Benton County Phone: 541-766-6027

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:
 Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

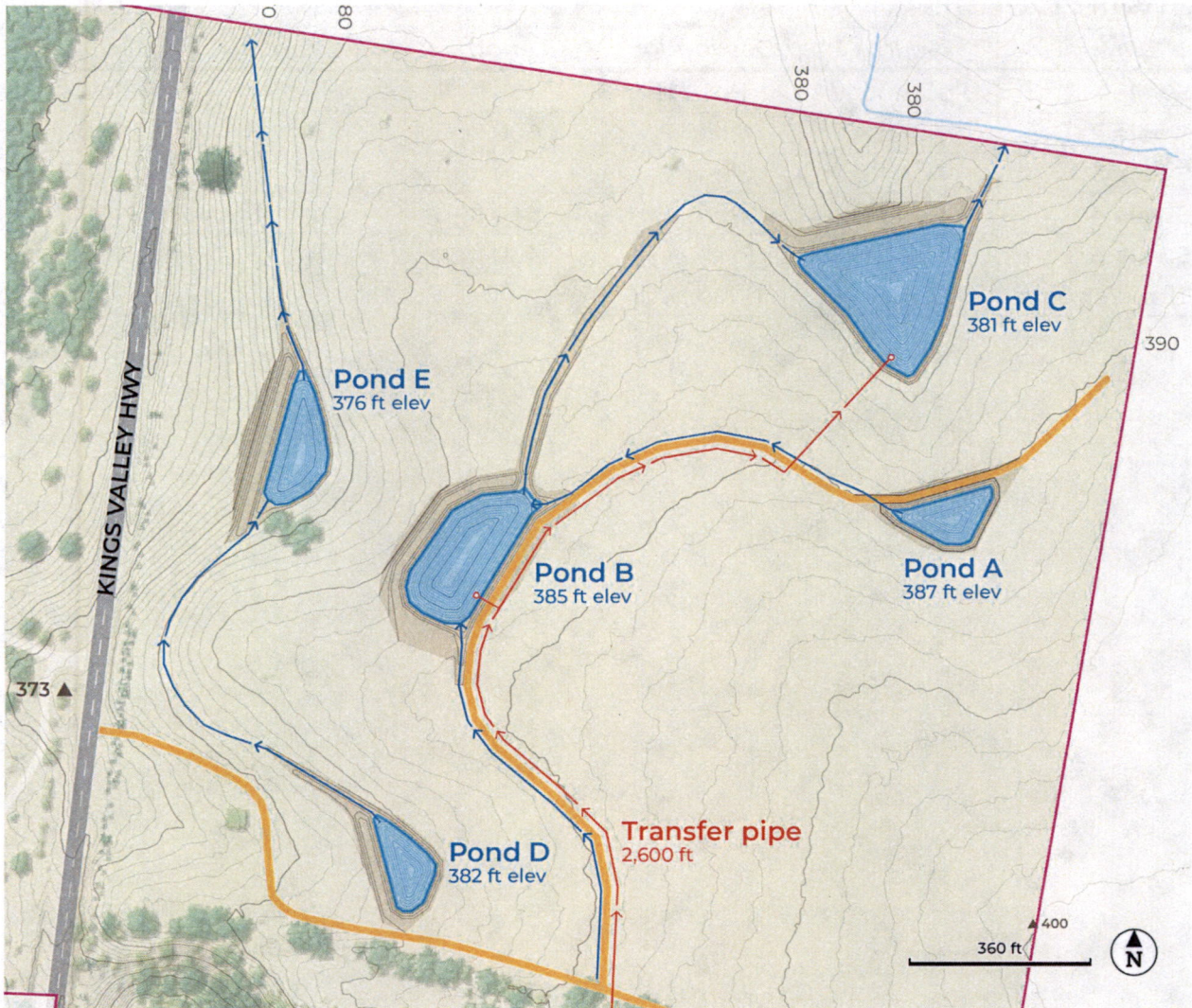
Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: Received by OWRD

Attachment A: Brenner Water Plan

Jul 2024



Pond Details

| | Submerged acres | | Volume | | Dam | | Pond | | |
|---------------|-----------------|--------|--------|---------|--------|-------|-------|--------|---------|
| | ac | S.F. | ac-ft | cu ft | height | crest | depth | width | breadth |
| Pond A | 0.12 | 5,240 | 0.5 | 21,200 | 2 ft | 10 ft | 5 ft | 120 ft | 60 ft |
| Pond B | 0.38 | 16,530 | 2.5 | 108,300 | 5 ft | 15 ft | 14 ft | 220 ft | 110 ft |
| Pond C | 0.55 | 24,020 | 4.5 | 195,800 | 7 ft | 10 ft | 17 ft | 220 ft | 180 ft |
| Pond D | 0.13 | 5,470 | 0.5 | 21,500 | 3 ft | 10 ft | 9 ft | 130 ft | 65 ft |
| Pond E | 0.20 | 8,530 | 0.9 | 39,800 | 8 ft | 10 ft | 9 ft | 170 ft | 70 ft |
| TOTALS | 1.28 | 59,790 | 8.9 | 386,600 | | | | | |

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Swale Details

| | <i>Source</i> | <i>Destination</i> | <i>Length</i> | <i>Drop</i> | <i>Slope</i> |
|----------------------|---------------|--------------------|---------------|-------------|--------------|
| Swale 1 | South road | Pond B | 560 ft | 4 ft | 1:140 |
| Swale 2 | Pond A | Pond B | 600 ft | 3 ft | 1:200 |
| Swale 3 | Pond B | Pond C | 750 ft | 4 ft | 1:200 |
| Swale 4 | Pond D | Pond E | 640 ft | 4 ft | 1:160 |
| Swale 5 | Pond E | Northwest | 400 ft | 5 ft | 1:100 |
| Transfer pipe | Creek | Pond B, C | 2,600 ft | — | — |

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 Salem, OR

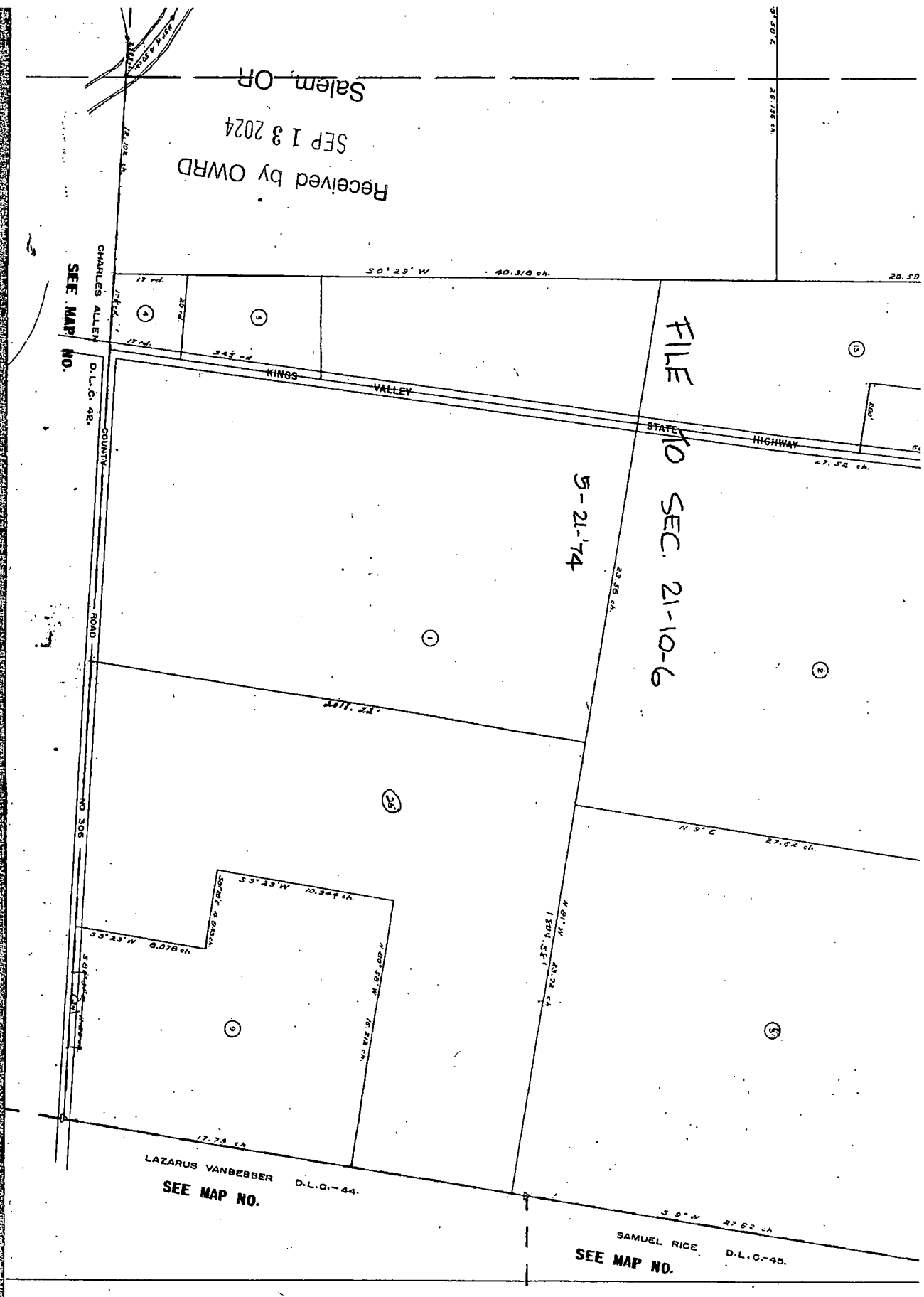
SEE MAP NO.
 CHARLES ALLEN
 D.L.C. 498.

FILE
 10 SEC. 21-10-6

5-21-'74

LAZARUS VANBEBBER
 SEE MAP NO. D.L.C.-44.

SAMUEL RICE
 SEE MAP NO. D.L.C.-45.



| ARE | NO. |
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| 50 | 50 |

TICOR TITLE 471820092092

RECORDING REQUESTED BY:



315 Commercial St SE, Ste 150
Salem, OR 97301

GRANTOR'S NAME:
Royce Stewart Lyday

GRANTEE'S NAME:
Douglas Brenner and Celia Felsenberg

AFTER RECORDING RETURN TO:
Order No.: 471820092092-LN
Douglas Brenner and Celia Felsenberg
38558 Kings Valley Highway
Philomath, OR 97370

SEND TAX STATEMENTS TO:
Douglas Brenner and Celia Felsenberg
38558 Kings Valley Highway
Philomath, OR 97370

APN: 291503
024582
380166
348881

Map: 108210001100
106210001100
108210001102

38558 Kings Valley Highway, Philomath, OR 97370
38487 Kings Valley Highway, Philomath, OR 97370

BENTON COUNTY, OREGON **2020-595863**
DE-WD
Stn=58 LH **06/09/2020 02:48:47 PM**
\$10.00 \$11.00 \$10.00 \$62.00 \$20.00 **\$113.00**

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the Instrument Identified herein was recorded in the Clerk records.
James V. Morales - County Clerk

Received by OWRD

SEP 13 2024

Salem, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Royce Stewart Lyday, Grantor, conveys and warrants to Douglas Brenner and Celia Felsenberg, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Benton, State of Oregon:

The South one-half of the East one-half of the Lucius C. Norten and Hopestill Norten Donation Land Claim No. 43, Township 10 South, Range 6 West of the Willamette Meridian, Benton County, Oregon.

EXCEPTING THEREFROM, that portion as conveyed to Leone Lyday by deed recorded October 4, 1932 in Book 86, page 18, Deed Records of Benton County, Oregon.

FURTHER EXCEPTING THEREFROM, that portion as conveyed to Emory E. Moore, et ux, by deed recorded May 3, 1970 as M-24257, Microfilm Records of Benton County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$480,000.00). (See ORS 93.030).

Subject to:

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.

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

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 Link Allen 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.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Link Allen Creek.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Link Allen Creek.

STATUTORY WARRANTY DEED
(continued)

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

Granted to: Eric Schwartz
Purpose: Road and utilities
Recording Date: August 10, 1995
Recording No: M-202040-95
Affects: Reference is hereby made to said document for full particulars

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

Granted to: Pioneer Telephone Cooperative, an Oregon corporation
Purpose: Buried communications lines or system
Recording Date: May 11, 1998
Recording No: M-246113-98
Affects: Reference is hereby made to said document for full particulars

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

Granted to: Benton County
Purpose: Utility purposes
Recording Date: May 9, 2002
Recording No: M-317924-02
Affects: Reference is hereby made to said document for full particulars

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

Granted to: Consumers Power, Inc.
Purpose: Electrical, communication and related transmission and distribution lines and appurtenances
Recording Date: November 2, 2015
Recording No: 2015-538012
Affects: Exact location not disclosed

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.

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

Dated: 6-6-2020

[Signature]
Royce Stewart Lyday

State of [Signature]
County of [Signature]

This instrument was acknowledged before me on 6-8-2020 by Royce Stewart Lyday.

Notary Public - State of Oregon
My Commission Expires: 5-28-22



Received by OWRD
SEP 13 2024
Salem, OR

Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

Include the following additional items:

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

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Please note that a secondary application is required if there are out-of-reservoir uses associated with this application.

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

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6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate