

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 Jeffery Strubhar		PHONE (HM)	
PHONE (WK)	CELL 503.710.7577	FAX	
MAILING ADDRESS 18101 Fobert Rd NE			
CITY Hubbard	STATE Oregon	ZIP 97032	E-MAIL * jeffstrubhar@zoho.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 Bill Ferber/ BK Water Right Consulting LLC		PHONE	FAX 503.339.9536
MAILING ADDRESS			CELL 503.910.9212
CITY Brush Prairie	STATE WA	ZIP 98606	E-MAIL * bill@bkwrc.com

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically.  
(Paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

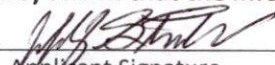
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before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

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

  
Applicant Signature

Jeffery Strubhar  
Print Name and Title if applicable

April 16, 2025  
Date

Applicant Signature

Print Name and Title if applicable

Date

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

Reservoir name:	J Reservoir				
Source*:	Unknown Stream	Tributary:	Pudding River		
County:	Marion				
Quantity:	11.0 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	4 S	1 W	35	SE-NE	1000, 1100
Maximum Height of Dam:	9.9 feet. If excavated write "zero feet."				

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

**SECTION 3: WATER USE**

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

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

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## 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:		Address:	
City:	State:	Zip:	

## SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

Earthen dam across the streambed backs up and stores water within the drainage. Excavation below the natural streambed creates additional storage capacity. An overflow channel on the North side of the dam provides the emergency spillway. A verticle 48" standpipe connects to a 24" discharge. Also there is a 8" drainpipe at the bottom of the standpipe for draining the pond and passing flow if level is below standpipe.

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).

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# Application Completeness Checklist

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

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

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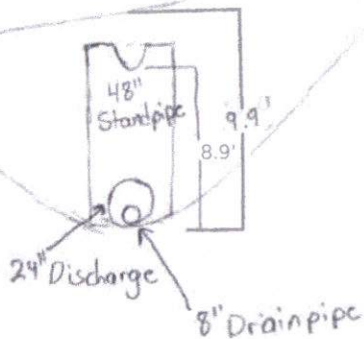
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## End View

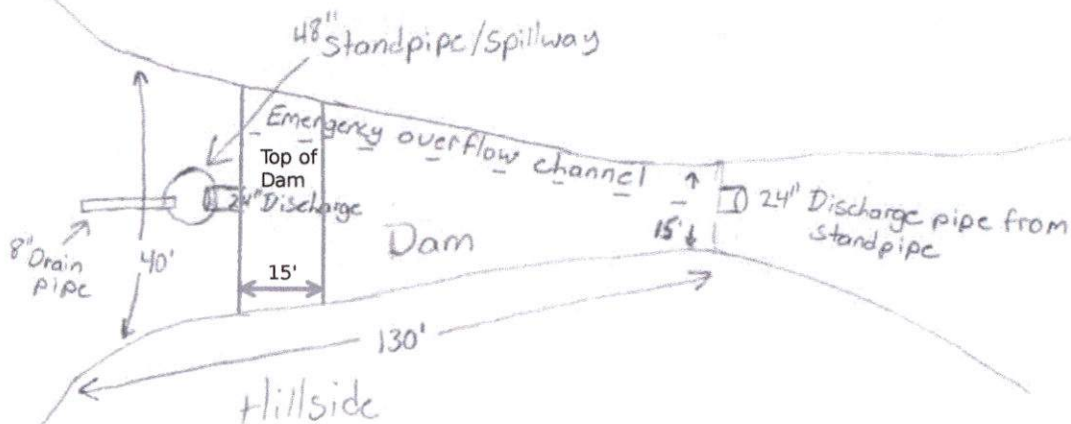
overflow channel



## Top View

Hillside

Water Storage



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## Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

<b>Applicant's Name</b> Jeff Strubhar		
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 checked="" type="checkbox"/> NO Explain: N/A		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: November End: June  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:

*Greg Wacken*

Watermaster Signature:

*[Signature]*

Date:

*4/8/2025*

NOTE: This completed form must be returned to the applicant

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## Watermaster Alternate Reservoir Application Review Sheet

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<b>Applicant's Name</b> Jeffrey Strubhar		
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 checked="" type="checkbox"/> NO Explain: N/A		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: November End: June  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: Gregory J. Wacker

Watermaster  
Signature:

[Signature] Date: 1/29/2024

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

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## ODFW Alternate Reservoir Application Review Sheet

### This portion to be completed by the applicant.

Applicant Name: Jeffrey StrubharAddress: 18101 Fobert Rd NE, Hubbard OR. 97032Phone/Email: 503-710-7577 / jeffstrubhar@zoho.comReservoir Name: J ReservoirSource: Unknown Stream > Pudding RiverBasin Name: WillametteTwp Rng Sec QQ: 4S 1W 35 SENEVolume (AF): 11☒ in-channel☐ off-channel

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

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

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

*\*Based on available information, the 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 NMF<sup>2</sup> are or were historically present?..... ☐ YES ☒ NO  
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO

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

*\*The applicant will need to apply for a fish passage plan or waiver as a condition of this application prior to development of reservoir.*

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.)*

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

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



- ☒ Any diversion or appropriation of water for storage during the period June through October poses a significant detrimental impact to existing fishery resources. *(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)* If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (winter steelhead and spring Chinook Salmon), sensitive species (Coastal Cutthroat Trout and Pacific Lamprey), and other game fish (Coho Salmon) may be present in the Pudding and/or Molalla rivers 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. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during June 1-October 31. In addition, the proposed pond is in the Pudding River basin and subject to the Molalla-Pudding Subbasin Temperature TMDL (Molalla-Pudding Subbasin TMDL ), which identifies the critical period for temperature as June 1-September 30, and Pudding River Dissolved Oxygen TMDL (Molalla-Pudding Subbasin TMDL ) with the period of concern identified as June 1-October 31. Any use or release of water that would affect this temperature regime would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. (See water quality condition below).

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 water use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

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

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- ☐ NO (explain) ☒ YES (select from Menu of Conditions on next page)

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

ODFW recommends the season of use be restricted to coincide with this period of January-May and November-December, 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  
Guzman

Digitally signed by  
Janna Guzman  
Date: 2025.04.01  
09:51:29 -07'00'

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ODFW Signature: \_\_\_\_\_

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 4/1/2025

Salem, OR

**NOTE: This completed form must be returned to the applicant.** Revised 10/4/12; reformatted 5/12/20



**MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA**

Revised May 12, 2020, March 25, 2021

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Use this menu to identify appropriate conditions to be included in the permit:

- ☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- ☒ **b51a** The period of use has been limited to January-May and November - December.
- ☐ **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 July 15 – September 15 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.

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# Land Use **Superseded** Information Form



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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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



APR 16 2025

Salem, OR

# Land Use Information Form



# Superseded

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

NAME Jeff Strubhar		PHONE (HM)	
PHONE (WK)	CELL 503.710.7577	FAX	
MAILING ADDRESS 18101 Fobert Road NE			
CITY Hubbard	STATE OR	ZIP 97302	E-MAIL* jeffstrubhar@zoho.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:
4 S	1 W	35	SE/¼	100C	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir
4 S	1 W	35	SE/¼	110C	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir
						<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:

Marion County

## 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) Unk Stream

Estimated quantity of water needed: 11.0 ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

Intended use of water: ☐ Irrigation    ☐ Commercial    ☐ Industrial    ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal    ☐ Quasi-Municipal    ☐ Instream    ☒ Other Storage

Briefly describe:

Construct a reservoir storing about 11 acre-feet of water with a dam height 9.9' or less.

**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.



# Superseded

Received by OWRD

APR 16 2025

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 uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136.020(A)

☐ 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.

Tax lots 04-1W-35A-01000 and 04-1W-35A-01100 checked, EFU, reservoir for irrigation purposes

Name: Nicole Inman Title: Associate Planner

Signature: \_\_\_\_\_ Phone: 503-588-5038 Date: 1-3-24

Government Entity: Marion County, Oregon

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



# 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 Received by OWRD

APR 25 2025

Salem, OR

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that 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 OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

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

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD\_DL\_customerservice@water.oregon.gov.

# 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

*Received by OWRD*  
**APR 25 2025**  
**Salem, OR**

NAME Jeff Strubhar			PHONE 503.710.7577	
MAILING ADDRESS 18101 Fobert Road NE				
CITY Hubbard	STATE Oregon	ZIP 97302	EMAIL jeffstrubhar@zoho.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:
4 S	1 W	35 A	SE/NE SW/N E	1000	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir
4 S	1 W	35 A	SW/N E	1100	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Reservoir
						<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:

Marion 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) Unk Stream

Estimated quantity of water needed: 11.0 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for \_\_\_\_\_ household(s)  
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Multiple Use for private use

Briefly describe:

Construct a reservoir to store no more than 11 acre-feet of water with a dam height of 9.9' or less, mainly for irrigation use.

**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.



**This page intentionally left blank.**

Received by OWRD  
APR 25 2025  
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): MCC 17.136.020.A
- ☐ 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.

Applicant indicates primarily for irrigation use  
Multiple use only for personal recreation

Name: Gillian Peden Title: Assistant Planner  
Signature: [Signature] Date: 4/25/2025  
Governmental Entity: Marion County Planning Phone: 503-588-5038

### 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: \_\_\_\_\_ **Received by OWRD**

Staff Signature: \_\_\_\_\_ Date: **APR 25 2025**

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_ **Salem, OR**



See Page 4 →

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APR 25 2025

Salem, OR

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APR 16 2025

Salem, OR

**DEED**

ELSON LAMAR STRUBHAR and ENID CAROL BOSS, as Trustees of the William N. Strubhar Revocable Living Trust U/T/A dated March 19, 1999, as to an undivided one-half (1/2) as tenants in common, and

ELSON LAMAR STRUBHAR and ENID CAROL BOSS, as Trustees of the Susie (sic) (Strubhar) Revocable Living Trust U/T/A dated March 19, 1999, as to an undivided one-half (1/2), as tenants in common, as Grantors,

convey to

JEFFREY D. STRUBHAR and WAVA L. STRUBHAR, husband and wife, as Grantees,

the following described real property located in Marion County, Oregon:

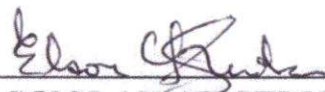
See Exhibit "A" attached hereto and by this reference incorporated herein.



Grantors covenant that they are seized of an indefeasible estate in the real property described above in fee simple as Successor Trustees. Grantors covenant they have the right to convey the property, that the property is free from encumbrances except those which are a matter of public record as of the date of this deed, and that Grantors warrant and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantors, provided that the foregoing covenants are limited to the extent of coverage available to Grantors under any applicable standard or extended policies of title insurance, it being the intention of the Grantors to preserve any existing title insurance coverage.

**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, AND 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

Dated December 23, 2021.

  
ELSON LAMAR STRUBHAR as,  
Trustee of the William N. Strubhar  
Trust dated March 19, 1999, Grantor

Received by OWRD


APR 16 2025

Salem, OR

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Salem, OR

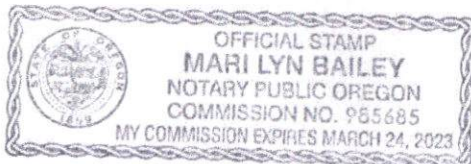
\_\_\_\_\_  
ENID CAROL BOSS as,  
Trustee of the William N. Strubhar  
Trust dated March 19, 1999, Grantor

  
ELSON LAMAR STRUBHAR as,  
Trustee of the Susie (Strubhar)  
Trust dated March 19, 1999, Grantor

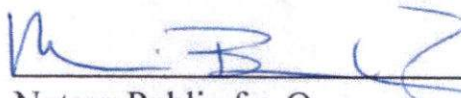
\_\_\_\_\_  
ENID CAROL BOSS as, Trustee of  
the Susie (Strubhar) Trust dated  
March 19, 1999, Grantor

Marion County, Oregon - ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared ELSON  
LAMAR STRUBHAR as Trustee of the William N. Strubhar and the Susie  
(Strubhar) Trusts dated March 19, 1999 and acknowledged the foregoing instru-  
ment to be his voluntary act and deed.



Before me:

  
Notary Public for Oregon  
My Commission Expires: 3/24/23

Grant County, Oregon - ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared ENID  
CAROL BOSS as Trustee of the William N. Strubhar and the Susie (Strubhar)  
Trusts dated March 19, 1999 and acknowledged the foregoing instrument to be her  
voluntary act and deed.

Before me:

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



APR 16 2025

Salem, OR

Enid C. Boss

ENID CAROL BOSS as,  
Trustee of the William N. Strubhar  
Trust dated March 19, 1999, Grantor

ELSON LAMAR STRUBHAR as,  
Trustee of the Susie (Strubhar)  
Trust dated March 19, 1999, Grantor

Enid C. Boss

ENID CAROL BOSS as, Trustee of  
the Susie (Strubhar) Trust dated  
March 19, 1999, Grantor

Marion County, Oregon - ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared ELSON  
LAMAR STRUBHAR as Trustee of the William N. Strubhar and the Susie  
(Strubhar) Trusts dated March 19, 1999 and acknowledged the foregoing instru-  
ment to be his voluntary act and deed.

Before me:

Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

Grant County, Oregon - ss.

On this 23 day of DEC, 2021, personally appeared ENID  
CAROL BOSS as Trustee of the William N. Strubhar and the Susie (Strubhar)  
Trusts dated March 19, 1999 and acknowledged the foregoing instrument to be her  
voluntary act and deed.

Before me:

Ethan Ryan Haney

Notary Public for Oregon

My Commission Expires: JAN. 13, 2024

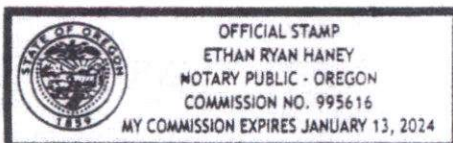


Exhibit "A"

Received by OWRD

APR 16 2025

TRACT 1:

Salem, OR

Commencing at the Southwest corner of the Donation Land Claim of Jarius Bonney and his wife Jane Bonney, Notification No. 831, Claim No. 53 in Sections Twenty-five (25), Twenty-six (26), Thirty-five (35) and Thirty-six (36), Township 4 South, of Range 1 West of the Willamette Meridian; thence North along said West line 109 rods, more or less, to the Southwest corner of Lot Two (2) of the Subdivision of T.L. Bonney in Marion County, Oregon, (See Volume 4, Page 7, Record of Town Plats for said County and State.); thence East 29 rods and 10 links; thence South 109 rods; thence West 29 rods and 10 links to the place of beginning, situate in Marion County and State of Oregon.

TRACT 2:

Beginning at the Southeast corner of the Wm. Vanduwacker Donation Land Claim in Township 4 South, Range 1, West of the Willamette Meridian in Marion County, State of Oregon; thence North  $89^{\circ}20'$  West 5.50 chains; thence North  $52'$  East 27.28 chains to an iron pipe; thence South  $89^{\circ}6'$  East 5.50 chains to an iron rod; thence South  $52'$  West 27.26 chains to the place of beginning, in the Wm. Vanduwacker Donation Land Claim in Township 4 South, Range 1 West in Marion County, Oregon.



