

Application for a Permit to
Store Water in a Reservoir
 Alternate Review Process (ORS 537.409)

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



Use a separate form for each reservoir

You may use this form for a reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant (may be an individual(s) or organization)

Name(s) (as it should appear on any permit that may be issued) Brian S Tong		Primary Contact (required if applicant is an organization)	
Mailing Address 18987 Abiqua Rd NE	City Scotts Mills	State OR	Zip 97375
Email Address * freetongman@gmail.com		Phone 503 260 8538	

Applicant (may be an individual(s) or organization)

Name(s) (as it should appear on any permit that may be issued)		Primary Contact (required if applicant is an organization)	
Mailing Address	City	State	Zip
Email Address *		Phone	

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

Agent/Business Name			
Mailing Address	City	State	Zip
Email Address *		Phone	

* Unless requested otherwise, the Department will send documents and notifications associated with the processing of this application in electronic form (i.e., by email). Please note, the Department will send the applicant the Proposed Final Order by certified mail and any permit that may be issued by standard mail.

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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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction. 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 receive 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 receive water to which they are entitled.

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



Brian S. Tong
 Applicant Signature

Brian S Tong
 Print Name and Title (if Organization)

6/3/26
 Date

Applicant Signature

Print Name and Title (if Organization)

Date

SECTION 2: PROPERTY OWNERSHIP AND SIGNATORY AUTHORITY

A. Property Ownership

Please 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 submerged and/or 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 used only on federal lands.
- NO, written authorization or an easement is not necessary, because the application is made by or on behalf of a public corporation. ORS 537.211(7). Public corporation is defined in ORS 536.007(7).

B. Affected Landowners

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

C. Legal Description

You must provide legal descriptions for all of the following: *(Attach copies)*

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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D. Evidence of Signatory Authority

If the applicant is a public agency, corporation or business, trust, or other organization, you must provide the title or authority of the person signing the application on behalf of the entity in **Section 1**, and you must attach evidence of signatory authority or a signed statement that such authority exists. *(Attach copies)*

SECTION 3: SOURCE OF WATER

A. Reservoir Name: Unnamed

B. Proposed Source of Water

Provide the name of the water body from which water will be diverted ("unnamed", if appropriate) and the name of the stream or lake it flows into. Indicate if the source is runoff, seepage, or a spring.

	SOURCE NAME	TRIBUTARY TO
Source 1:	Unnamed stream and seep	Abiqua Creek
Source 2:		
Source 3:		

C. The amount of water to be stored is 4 acre-feet.
This can be estimated as length (ft) x width (ft) x depth (ft) ÷ 43,560.

D. The area submerged by the reservoir, when filled, will be .575 acres.

E. The maximum height of the structure will be 9 feet above streambed or ground surface at the centerline of the crest of the dam. (If excavated only, indicate "zero feet".)

SECTION 4: WATER USE

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

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

SECTION 5: ENVIRONMENTAL IMPACT

- Is this an existing reservoir?
 Yes No
- Is the reservoir an enlargement of an existing dam/reservoir?
 Yes No
- Is the reservoir in a wetland (as determined by DSL)?
 Yes No Don't know
- Is the 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 N/A

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SECTION 5: ENVIRONMENTAL IMPACT, continued

- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know N/A
- 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:

If you have been working with other agencies, indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

Doug Wacker, Marion Co. Watermaster
Janna Guzman, ODFW
Alexander Seifer, Marion Co. Planner

SECTION 6: 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		Mailing 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.

Embankment dam across a swale fed by an intermittent unnamed stream (Dec. April). Water control structure will pass excess flow downstream in wet months. See drawings included.
No stream flow seen May November in 13 years.

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Watermaster Alternate Reservoir Application Review Sheet

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

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

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

Applicant's Name <u>Brian Tong</u>		
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:		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: <u>November</u> End: <u>June</u> 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 Wacker

Watermaster Signature: [Signature] Date: 7/29/2025

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: Brian Tong

Address: 18981 Abiqua RD NE

Phone/Email: 503-260-8538

Reservoir Name: N/A

Volume (AF): 4.32

Source: Run Off

Basin Name: Willamette

in-channel

Twp Rng Sec QQ: 6S 1E 34 SWNE

off-channel

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

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

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

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

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

3) If NMF are or were historically present:

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

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

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

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

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

Any diversion or appropriation of water for storage during the period May through October poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage

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

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

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Applicant Name: Brian Tong

ODFW Review

Review Date: 8/13/2025

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 (Pacific Lamprey), and other game fish (Coastal Cutthroat Trout and Coho Salmon) may be present in the Pudding River, Molalla River, and Abiqua Creek during the period of impact. 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 - October. In addition, ODFW reviewed available information (Temperature TMDL Replacement: Willamette Subbasins) regarding water quality impairment and and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. DEQ has identified water quality impairments for temperature and dissolved oxygen in the Pudding River. Both temperature and dissolved oxygen are related to flow modifications and water withdrawals, and both, when combined with reduced streamflow, can increase stress on aquatic life. Consequently, ODFW recommends that the proposed use, including any releases throughout the year from the reservoir to waters of the state (see "Water Quality" condition below), be restricted during May – October to protect water quality that supports existing fishery resources (e.g., habitat).

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 (e.g., fill season) be restricted to January – April 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

Digitally signed by Janna Guzman

Guzman

Date: 2025.08.13

ODFW Signature:

12:30:14 -07'00'

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 8/13/2025

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

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

Salem, OR

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-April 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.
- b1v:** 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.
- Egress:** Native migratory fish may become trapped or entrained in the reservoir(s) during or after flooding events. Therefore, the permittee shall work with ODFW and obtain, in writing, an ODFW-approved fish passage plan to address egress from the reservoir(s) or other approved methods to keep fish out of the reservoir(s) during flood events (e.g., berm construction around the reservoirs). Approval of the proposed fish passage plan shall be obtained prior to diversion of water. The permittee shall submit proof to ODFW that fish passage (egress) has been implemented per the approved plan prior to diversion of water.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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SECTION 7: DESCRIPTION, continued

If the diversion involves a dam, use this space below (or attached pages) 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).

Attached drawings:

- Aerial View
- Embankment (cross section)
- Water Control Structure

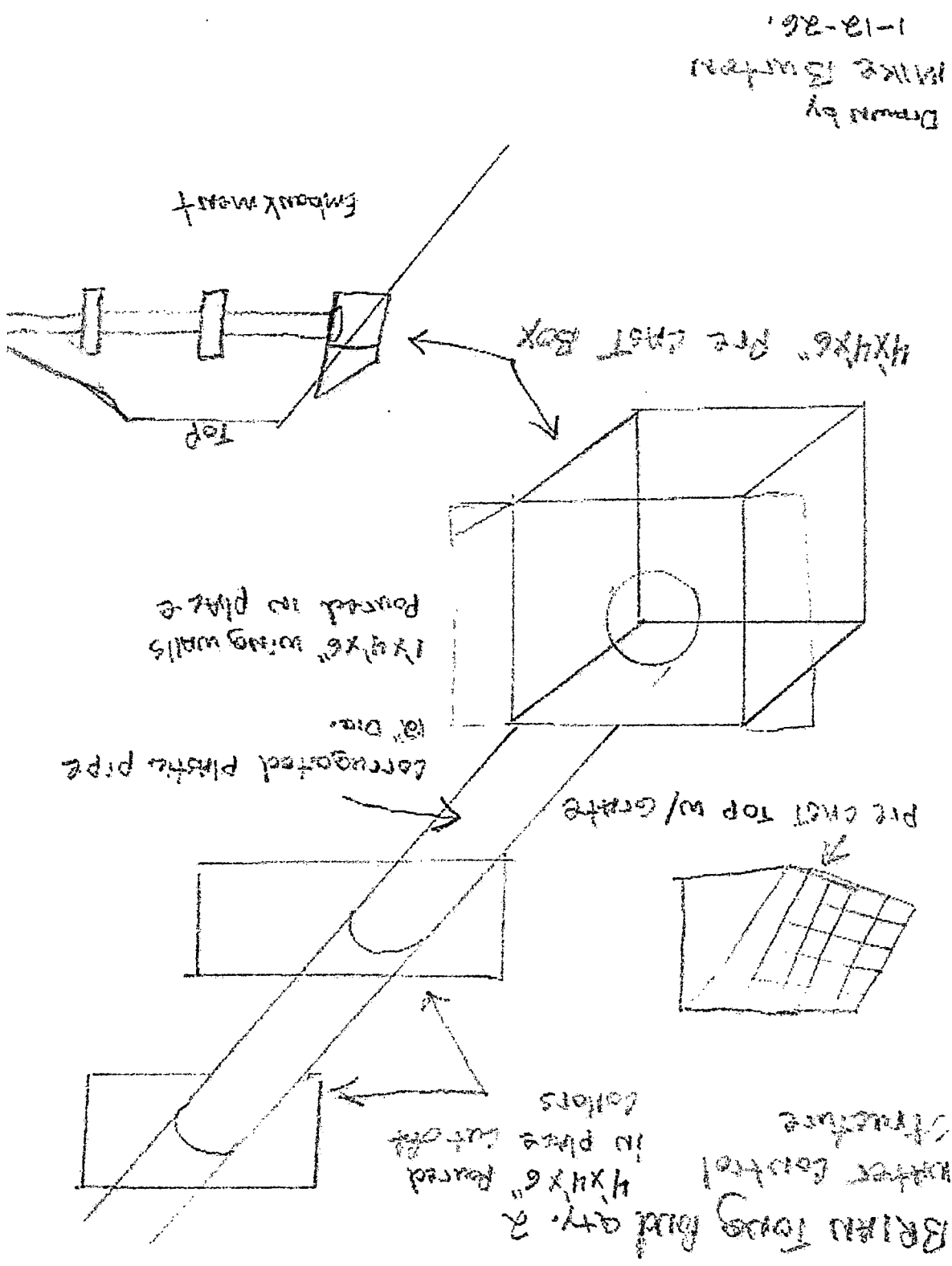
No live flow outside of authorized storage season. No ODFW requirement to provide fish passage.

SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application. (*attach additional sheets if necessary*)

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WATER CONTROL

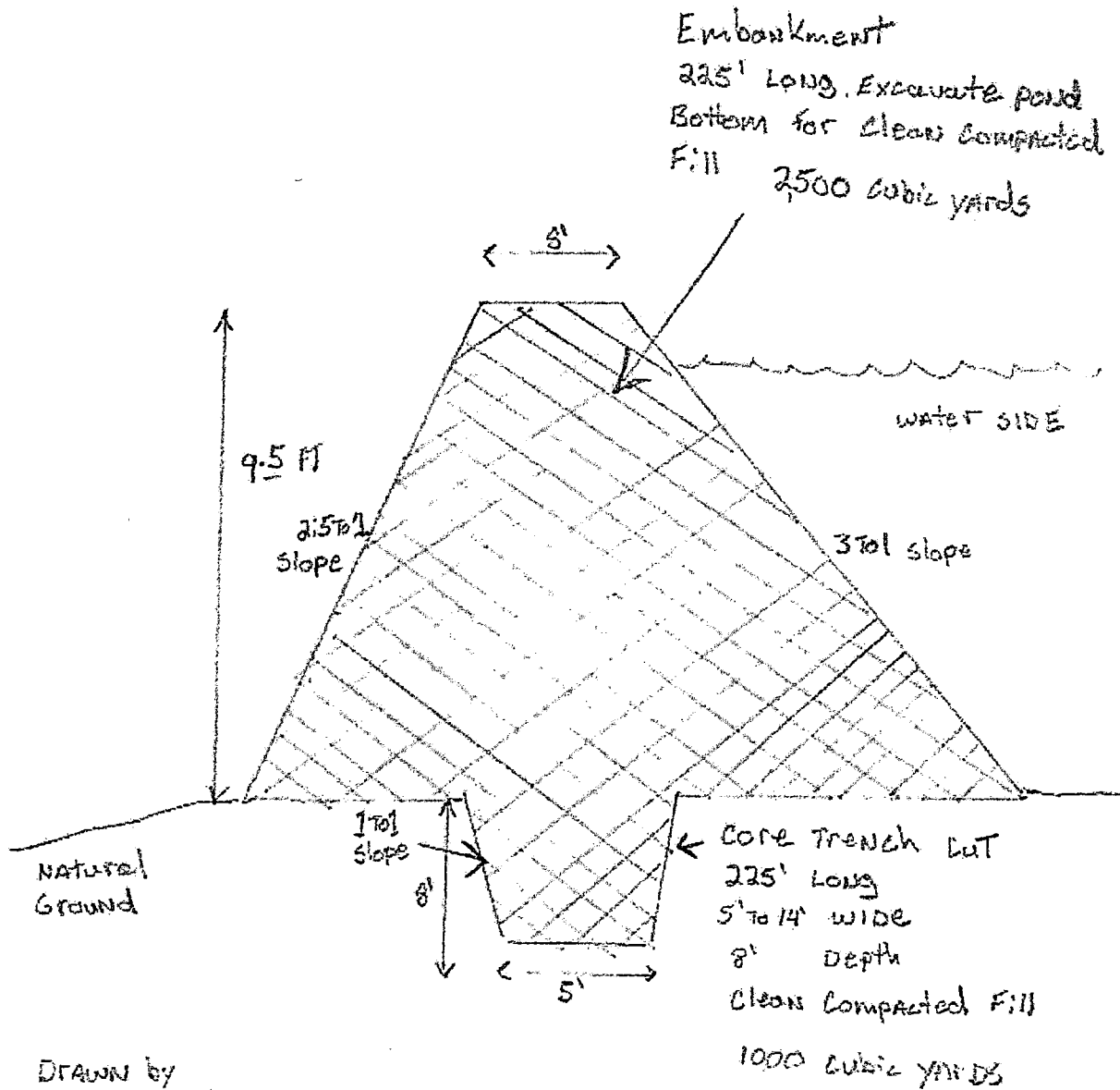


Drawn by
MIKE BARTON
1-12-26

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EMBANKMENT

BRIAN TONG POND
19987 ABIGAIL RD NE
SILVERTON, OR. 97391



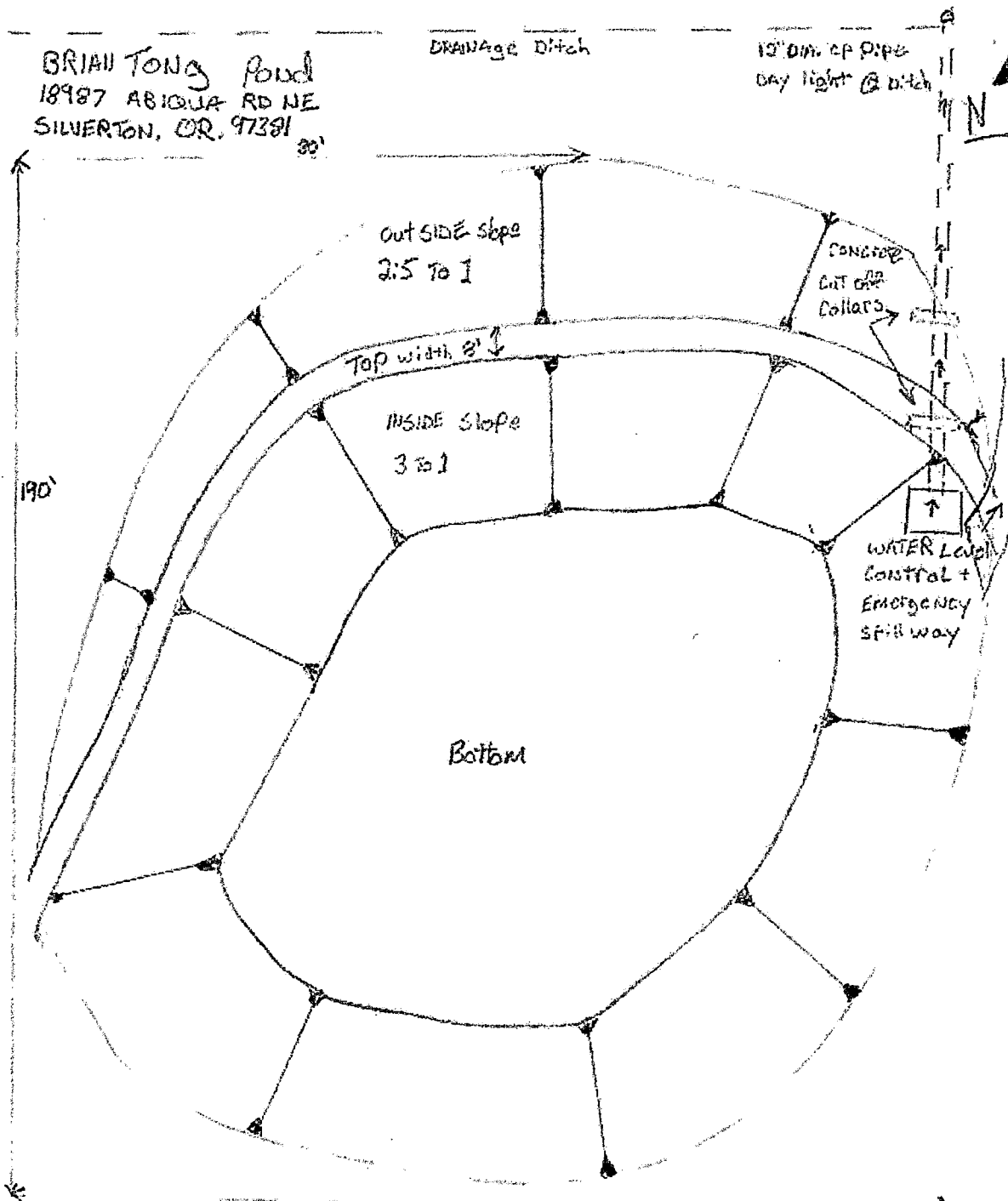
DRAWN by
MIKE BURTON
STATON Forestry 503-871-8632
1-12-26

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AERIAL VIEW



Surface Area .575 Acre 165'
mean Depth 9 Feet
Top width 8 Feet
Storage CAP. 4 Acre FT

DRAWN BY
MIKE BURTON
STATION FORESTRY
503-871-8632
1-12-26

AKR

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Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Brian Tongy
18987 Ahiqua Rd NE, Scotts Mills OR 97375

Transaction Type: Air Res.

Fees Received: \$ 1945.00

Cash

Check:

Check No. 1061

Name(s) on Check: Same as above

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by: Conie Lornien
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Commencing at a point which is 8.55 chains South of the Northeast corner of a 256 acre tract of land registered by W.L. Dunagan and Lucy Dunagan, his wife, on the 31st day of October 1910, and recorded in Marion County Records for Certificates of Title, Volume 1, Folium 81, thence South 16.80 chains; thence South 56°13' West 43.54 chains; thence South 59°22' West 9.75 chains to the center of Abiqua Creek; thence meandering said stream North 42° West 6.70 chains; thence North 67° West 4.00 chains; thence North 37° West 3.60 chains; thence leaving said Creek North 56°13' East 66.10 chains to the place of beginning; and situated in Section 34, Township 6 South, Range 1 East of the Willamette Meridian in Marion County, State of Oregon.

SAVE AND EXCEPT: All of that portion of the following described real property, to-wit: Commencing at a point which is 8.55 chains South of the Northeast corner of a 256 acre tract of land registered by W. L. Dunagan and Lucy Dunagan, his wife, on the 31st day of October 1910, in Volume 1, Folium 81, thence South 16.80 chains; thence South 56°13' West 43.54 chains; thence South 59°22' West 9.75 chains to the center of Abiqua Creek; thence meandering said stream North 42° West 6.70 chains; thence North 67° West 4.00 chains; thence North 37° West 3.60 chains; thence leaving said Creek North 56°13' East 66.10 chains to the place of beginning; and situated in Section 34, Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon, which lies Southeasterly of the following described fence line:

Beginning on the East line of Section 34, Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon, at an iron rod which is 1108.25 feet South from the Northeast corner of said Section; thence South 56°32' West 2659.21 feet to an iron rod; thence South 58°37' West 868.20 feet to a point in the center of Abiqua Creek.

SAVE AND EXCEPT: Beginning at a point which is South 1081.71 feet and South 55°51'30" West 2873.64 feet from the Northeast corner of Section 34, Township 6 South, Range 1 East of the Willamette Meridian in Marion County, Oregon; thence South 59°00'30" West 643.50 feet to the center line of Abiqua Creek; thence meandering Abiqua Creek North 42°21'30" West 442.20 feet; thence leaving Abiqua Creek North 59°00'30" East 645.70 feet; thence South 42°04'45" East 441.77 feet to the true point of beginning. Save and excepting a County Roadway 60.00 feet in width.

SAVE AND EXCEPT: Beginning at a 3" brass disk marking the Northeast corner of Section 34 in Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon, and running thence South 00°02'20" East along the section line, a distance of 1108.88 feet to a point that is South 56°33'15" West 1.00 feet from a 2" iron pipe; thence South 56°33'15" West along the fenceline described in the first exception of Reel 2606, Page 109, Marion County Deed Records, a distance of 1727.93 feet to a 5/8" iron rod; thence North 33°24'00" West, a distance of 310.03 feet to a 5/8" iron rod; thence South 56°36'00" West, a distance of 508.92 feet to a 5/8" iron rod; thence North 33°24'00" West, a distance of 619.56 feet to a 5/8" iron rod; thence North 56°43'15" East, a distance of 516.80 feet to a 5/8" iron rod; thence North 56°37'25" East, a distance of 2329.85 feet to the point of beginning.

ALSO TOGETHER WITH:

Beginning at a 5/8" by 30" iron rod that is 2329.85 feet South 56°37'25" West and 516.80 feet South 56°43'15" West from a 3" brass disk marking the Northeast corner of Section 34 in Township 6 South, Range 1 East of the Willamette Meridian, Marion County, Oregon, and running thence South 56°43'15" West, a distance of 1246.29 feet to a 5/8" iron rod; thence South 56°43'15" West, a distance of 104.95 feet to the center of Abiqua Creek; thence South 29°18'21" East up the center of said creek, a distance of 15.05 feet to the Northwest corner of the tract of land conveyed to Roger C. Moore and Earlyn L. Moore, Trustees of the Moore Living Trust dated November 17, 2005 by deed recorded in Reel 2606, Page 109; thence North 56°36'00" East along the Northwest line of said tract, a distance of 1352.31 feet; thence North 33°24'00" West, a distance of 12.17 feet to the point of beginning.

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 Brian S Tong			PHONE 503 260 8538		
MAILING ADDRESS 18987 Abiqua Rd NE					
CITY Scotts Mills		STATE OR	ZIP 97375	EMAIL freetongman@gmail.com	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
6S	1E	34	SWNE	300	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	storage
						<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	
						<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:

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) _____

Estimated quantity of water needed: _____
 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 Fish and wildlife

Briefly describe:

Multipurpose use. Primary use is wildlife and stocked fish habitat. Contingency use for fire fighting.

Received by OWRD

See Page 4 →

JUN 05 2026

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 checked="" type="checkbox"/> Obtained <input checked="" type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input checked="" type="checkbox"/> Obtained <input checked="" 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.

Irrigation of crops falls under farm use.

Name: Alexander Seifer Title: Assistant Planner
 Signature: *Alexander Seifer* Date: 7/29/2025
 Governmental Entity: Marion County 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 <u>only</u> , 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: <u>Received by OWRD</u>



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 3, 2026

Brian Tong
18987 Abiqua Rd NE
Scotts Mills, OR

Re: Application for a Permit to Store Water in a Reservoir (Alternate Review)

Dear Applicant:

The Oregon Water Resources Department recently received your application for a permit to store water in a reservoir. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 690-310-0050.

The Department is returning the incomplete application and fees. You may re-submit the application with the required information and fees noted on the reverse side of this letter.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801 or 503-986-0810.

Sincerely,

Corie Lovrien
Water Rights Customer Service

cc:

OWRD Fiscal Check (1061)

Enclosures: Application and check.

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin program rules, or any other water-related issues has not been made. Fees are subject to change.

Alternate Reservoir Application Completeness Checklist | Summary of Needed Items:

Application:

Section 2 – Location and Source.

Reservoir Location. Please include the Township, Range, Section, **Quarter-Quarter**, and Tax Lot for the reservoir location. **The quarter-quarter your property falls into is the southwest of the northeast (SWNE).**

Please indicate the tributary.

An application map. The map must include following elements:

The approximate size and location of the reservoir, **with the township, range, section, quarter-quarter, and tax lot number(s) clearly identified and labeled.**

An acceptable map scale, clearly shown and labeled. The Department will accept an even scale, for example, 1" = 400 feet, 1" = 500 feet, 1" = 1000 feet, or 1" = 1320 feet.

North directional symbol.

Quarter-quarters clearly identified.

The location of the dam, if one exists, by measured distance from a government land survey corner. If no dam exists, provide the measured distance to the center of reservoir. A measured distance includes how many feet north or south, and how many feet east or west, from a recognized survey corner (Example: 495 feet South and 200 feet West from the NW Corner, Section 16).

JIM@AZIMUTH-SURVEYING.
COM