

Herb Mosgar

6-10-08

OR Water Resources Dept.

North Mall Office Bldg

725 Summer St. NE, Suite A

Salem, OR 97301-1271

Dear Mr. Mosgar,

Enclosed is a check for \$19⁰⁰ to cover the fees owed on Application #R87191. I had miscalculated the fee and \$19 was still needed to cover the total amount due.

Thank you very much.

Yours truly,

Jack Gray

Oak Pond LLC

89762 Poodle Cr. Rd.

Noti, OR 97461

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WATER RESOURCES DEPT.
SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

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

Alternate Review Process (ORS 537.409): 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

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Landowner: Oak Pond LLC Jack Gray
First Last
Mailing Address: 89762 Poole Cr. Rd.
Noti OR 97461
City State Zip
Phone: 541-935-3615, 541-935-1920
Home Work Other
*Fax: 935-3615 *E-Mail Address: folks@wintergreenfarm.com
*Optional Information

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2. LOCATION AND SOURCE

A. Reservoir Name: Oak Pond

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

Source: Un-named Springs Tributary to: Poole Creek

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
17 S	6 W	18	SESE	801

D. County of use: Lane

E. Dam: Maximum height of dam: 8 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 4.048

App. No. _____	For Department Use Permit No. _____	Date _____
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3. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water. _____

Multipurpose

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, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

☐ 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 an easement permitting access to lands not under my ownership.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040). (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:

5. ENVIRONMENTAL IMPACT

A. **Channel:** Is the reservoir in stream _____ or off channel X ?

B. **Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know

C. **Existing:** Is this an existing reservoir? ☒ Yes ☐ No

If yes, how long has it been in place? 15-20 years. ?

D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know

If yes, how much? _____ miles.

E. **Partnerships:** 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.

The pond itself is existing but we have received an OWEB grant to do a wetland enhancement project above the pond.

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Landowner Signature

Date

Before you submit your application be sure you have:

- ☐ Answered each question completely.
- ☐ Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- ☐ The map must meet map requirements to be accepted.
- ☐ Included a land use form or receipt stub signed by a local planning official.
- ☐ Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF=\$100; 1.5 AF=\$120; 20.0 AF=\$480; 30.0 AF=\$680.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

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 jurisdictions 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.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for 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 503-986-0801.



Oregon Water Resources Department Land Use Information Form

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) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Oak Pond L.L.C. / Jack Gray
Mailing Address: 89762 Pondera Cr. Rd.
City: Noti State: OR Zip: 97461 Day Phone: 541-935-3615

This application is related to a Measure 37 claim. Yes ☒ No

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>17S</u>	<u>6W</u>	<u>18</u>	<u>SESE</u>	<u>801</u>	<u>EFU 40</u>	☒ Diverted	☐ Conveyed	☒ Used	
						Diverted	Conveyed	Used	
						Diverted	Conveyed	Used	
						Diverted	Conveyed	Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Lane County

B. Description of Proposed Use

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

☒ Permit to Use or Store Water
☐ Allocation of Conserved Water
☐ Permit Amendment or Ground Water Registration Modification

☐ Water-Right Transfer
☐ Limited Water Use License

☐ Exchange of Water

Source of water: Reservoir/Pond Ground Water ☒ Surface Water (name) Un-named springs

Estimated quantity of water needed: 4 cubic feet per second gallons per minute acre-feet

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

Briefly describe: This is an existing pond that was built 15-20 yrs. ago. I bought the property 3 yrs. ago and am trying to get all permits in order.
Recreation
Fish and Wildlife
Fire protection
Potential future irrigation
for agriculture land.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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WATER RESOURCES DEPT.
SALEM, OREGON

Oak Pond LLC
89762 Poodle Creek Road
Noti, Oregon 97461

Oregon Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Reference: Application S-71573, Permit S-52001

To Whom It May Concern:

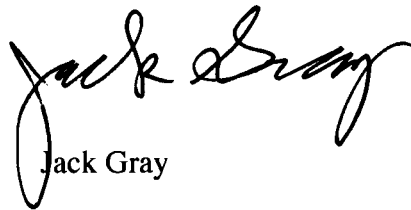
June 5, 2008

Several years ago I purchased an adjacent property which had an existing pond on it. I was told that everything was in order for the pond. It was 15-20 years old. A week or so ago the previous owner gave me a letter dated May 15, 2008 from Jerry Sauter of the OWRD which stated that the above referenced permit had never been completed. After talking with Jerry Sauter, I decided that since the pond had never been used for irrigation, my best option was to re-file for the pond with a multipurpose water use.

Enclosed is an alternate review application for a permit to store water. If this application is accepted I will withdraw the above referenced application/permit.

Thank you very much.

Yours truly,



Jack Gray

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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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LC 16.212(3)(a) AND LC 16.212(5)(a)
IN CONJUNCTION WITH EXISTING RESIDENCE

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued
		Obtained Denied	Being pursued Not being pursued

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

Name: RAFAEL SEBBA Title: ASSOCIATE PLANNER
Signature: RS Phone: 541.682.4620 Date: 6.4.08
Government Entity: LANE COUNTY

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

Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

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**WATER RESOURCES DEPT.
SALEM, OREGON**