



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: Lynn Merrill
First Last
Mailing Address: 20 E. Airport Rd # 277
Lebanon OR 97355
City State Zip
Phone: 541 619 4949 541 258-5582
Home Work Other
*Fax: _____ *E-Mail Address: lynnmerrill@comcast.net
*Optional Information

2. LOCATION AND SOURCE

A. Reservoir Name: None

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: Spring Tributary to: _____

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
<u>12S</u>	<u>2W</u>	<u>13</u>	<u>NE/NE</u>	<u>100</u>

D. County of use: Linn

E. Dam: Maximum height of dam: 6 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: 6.75 acre-feet

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. Fish and wildlife, fire protection, & recreation.

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? Pre 1996 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.

6. SIGNATURE

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

[Signature]
Landowner Signature

6-13-08
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.

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SALEM, OREGON

Linn County Account Detail

Account: **R 192597**Area: **3**Zoning: **F/F**Map: **12S-2W-13**Lot: **100**

Name/Mailing Address

MERRILL, LYNN WILLIAM**28401 KINGSBURY RD****LEBANON OR 97355-0000**

Site Address

Class: **640**Deed Ref: **MF1379-639**

LAND

Acres: **80.00**RMV: **\$252,000**

IMPROVEMENTS

RMV: **\$0**

Type:

Year Blt: **0**Sq Ft: **0**Rooms: **0/0**Total RMV: **\$252,000**2007-08 Levied Tax: **\$66.28**

Levied Tax is the original tax extended on the tax roll. Amount does not include any adjustments or discounts.

06/18/2008 Tax Balance: **\$0.00**

Tax Balance includes all unpaid tax, fees and adjustments. Also includes any current discount or interest.

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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: Lynn Merrill
Mailing Address: 20 E. Airport Rd #277
City: Lebanon State: OR Zip: 97355 Day Phone: 541 619 4949

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	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
12S	2W	13		100	Farm-Forest/FF	☐ Diverted ☐ Conveyed ☒ Used	no change
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Within the subject property only, which is in Lincoln Co.

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 ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 6.75 ☐ 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 wildlife and fire prevention

Briefly describe: The reservoir was originally constructed several decades ago to water cattle. It has been reconstructed several times and now serves wildlife, recreation, and forest fire fighting roles. It is entirely springfed and in use all seasons of the year.

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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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): LCC 92B.310(B)(1)

☐ 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

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: DEBORAH PINKERTON Title: SENIOR PLANNER
Signature: Deborah Pinkerton Phone: 5419673816 Date: 6/20/08
Government Entity: LINN 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.

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Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Notice Of Public Hearing City Of Lebanon Planning Commission

NOTICE IS HEREBY GIVEN that public hearings will be held before the Lebanon Planning Commission on June 18, 2008 at 6:30 P.M. in the Santiam Travel Station, 750 Third Street, to afford interested persons and the general public an opportunity to be heard and give testimony concerning the following matters (not necessarily in the order listed below):

1. GENERAL PLANNED DEVELOPMENT PD-08-01: PARKSIDE II – 2900 S. MAIN ROAD

Request: This General Planned Development proposal includes an 11-lot subdivision, an existing charter school, and a 96 unit apartment complex on a 9.29 acre parcel located at the former Lebanon Chapel site on South Main Road, across from Bob Smith Memorial Park. The project is proposed to be constructed in two phases, with the homes and school in the first phase and the apartments in the second phase. The property is zoned Residential Mixed Density. Assessor's Map 12S-02W-22AA; Tax Lot 300. (The City may hold the hearings for PD-08-01 and S-08-03 concurrently.)

Decision Criteria. The following criteria will be used in making decisions on this Planned Development request:

- (1) **1980 LEBANON ZONING ORDINANCE (LZO): LZO Section 2.110:** size requirements for PD (greater than 2 acres); **LZO Section 4.410 (4.411– 4.417): Planned Development**, including **Subsection 4.414 –** (General Development Plan and Program), **Subsection 4.415(2) –** Conditions for Approval, **Subsection 4.417(2) -** Compatibility with Neighborhood; **LZO Section 4.020** lists the development opportunities, standards and requirements for the Residential Mixed Density (RM or Z-RM) zone; **LZO Section 5.030 –** Clear Vision Areas; **LZO Section 5.120 –** Landscaping; **LZO Section 5.200 –** Off Street Parking Requirements.
- (2) **2004 LEBANON COMPREHENSIVE PLAN: Chapter 1 – Introduction** General Goals G-1; **Chapter 4 - Land Use** Table 4-1, Goal G-2; **Chapter 6 Housing** Goals G-2, **Chapter 8 Transportation** Goal G-5; Policies P-19, P-32, P-51, P-53, P-62; **Chapter 9 Public Facilities** Goal G-4, Policies P-8, P-9, P-10, P-59, P-71.

2. SUBDIVISION S-08-03: PARKSIDE II – 2900 S. MAIN ROAD

Request: In conjunction with PD-08-01, this proposal includes a tentative Subdivision Plat that includes an 11-lot subdivision for single family detached homes, an existing charter school, and a 96-unit apartment complex on a 9.29 acre parcel located at the former Lebanon Chapel site on South Main Road, across from Bob Smith Memorial Park. The property is zoned Residential Mixed Density. Assessor's Map 12S-02W-22AA; Tax Lot 300. (The City may hold the hearings for PD-08-01 and S-08-03 concurrently.)

Decision Criteria. The following criteria will be used in making decisions on this Subdivision request:

- (1) **LEBANON COMPREHENSIVE PLAN (LCP): Chapter 3 – Urbanization** Policies P-13 & 14, P-19 thru 27; **Chapter 4 - Land Use** Goal G-2; Policies P- 9, P-18, P-20 & 21; **Chapter 5 – Population & Economy** Goal G-14; **Chapter 6 – Housing** Goals G-2, G-4; Policies P-19, P-22, P- 40; **Chapter 7 – Community Friendly** Goals G-5 & 6; **Chapter 8 – Transportation** Goal G-5; Policies P-9, P-19, P-29, P-32, P-42, P-51, P-53, P-62; **Chapter 9 – Public Facilities** Policies P-59 & 60, P-71;
- (2) **LEBANON SUBDIVISION ORDINANCE ARTICLES 4, 5, 6 AND 7** identify the subdivision requirements regarding the final plat, land partitions, design standards and improvement requirements, respectively;
- (3) **LEBANON ZONING ORDINANCE SECTION 4.020** lists the development opportunities, standards, and requirements for the Residential Mixed Density (Z-RM) zone. (4) **LEBANON ZONING ORDINANCE SECTION 5.020** lists the street access requirements for lots.

The Ridgeway Butte application was pulled from the agenda and rescheduled for July 9th. If you can make it, your input would be very valuable. See below.

3. SUBDIVISION S-08-02 RIDGEWAY BUTTE (EAST GRANT STREET)

Request: The Applicant is requesting approval of a Subdivision application to allow for the creation of 285 lots for single-family detached dwellings on approximately 314 acres. The site is located along the eastern portion of the City of Lebanon on a ridge overlooking the South Santiam River. The site is zoned Residential Mixed Density (RM). The 2004 Lebanon Comprehensive Plan indicates that the Ridgeway Butte upland area has many unique views and a number of potential special home sites, but could be subject to landslides, is steeply sloped with shallow soils and wooded hillsides, and presents wildland fire/urban interface issues to be resolved. The site is composed of nine Tax Lots. The Assessor's Map #s and Tax Lots #s are as follows: T12S-R2W-S12 Tax Lot 2900; T12S-R2W-S12C Tax Lot(s) 300, 400, 500, 700, 800; T12S-R2W-S13 Tax Lot(s) 200, 300 1200.

Decision Criteria: The following criteria will be used in making decisions on this subdivision request:

(1) 2004 LEBANON COMPREHENSIVE PLAN (LCP): Chapter 2 Natural Resource Goals: G1, G2, G3, G4, G8, G9, G10:, G14, G15, G16, G17, G18; Chapter 2 Natural Resource Policies: P1, P2, P3, P4, P5, P13, P14, P15, P16, P17, P18, P19, P20, P21; Chapter 2 Natural Hazard Goals: G7, G8; Chapter 2 Natural Hazard Policies: P5, P1, P14, P17. Chapter 4 Land Use Narrative Text, Goals and Policies: Section 5.2.2; Land Use Goals: G1, G2, G3; Land Use Policies P8, P9, P11, P14, P18, P19; Land Use/Open Space Policies: P43, P44. Chapter 7 Community Friendly Goals G-5 & 6; Chapter 8 Transportation Goals and Policies: G1, P19, P23, P29, P33, P37, P38, P39, P50, P51, P52, P53, P62. Chapter 9 Public Facilities/Services Goals and Policies: G4, P8, P9, P10, P59.

(2) LEBANON SUBDIVISION ORDINANCE ARTICLES 4, 5, 6 AND 7 identify the subdivision requirements regarding the final plat, land partitions, design standards and improvement requirements, respectively.

(3) LEBANON ZONING ORDINANCE SECTION 4.020 lists the development opportunities, standards, and requirements for the Residential Mixed Density (Z-RM) zone. **LZO SECTION 5.020** lists the street access requirements for lots. **LZO SECTION 5.400** lists provisions for Regulating Development on Steep Slopes.

CITIZENS ARE INVITED TO ATTEND the public hearings and give written or oral testimony (after presentation of the staff report) that addresses applicable Zoning and Subdivision Ordinance and/or Comprehensive Plan evaluation criteria during that part of the hearing process designated for testimony in favor or opposition of the proposal. If additional documents or evidence are provided in support of the application subsequent to notice being sent, a party may, prior to the close of the hearing, request that the record remain open for at least seven (7) days so such material may be reviewed.

Failure to raise an issue in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at the cost of 25 cents per single-sided page. If you have questions or would like additional information, please contact the Lebanon Planning Division, 853 Main Street; telephone 541-258-4906. Upon request, the City will provide an interpreter for hearing impaired persons. To request an interpreter, contact the City Administrator's Office at 258-4202 no less than 48 hours prior to the public hearing

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After Recording Return To:

Lynn William Merrill
32891 Merrill Lane
Lebanon OR 97355

Send Tax Statements To:

Lynn William Merrill
32891 Merrill Lane
Lebanon OR 97355



Title Order No. 19-67889
Escrow No. 18-13890

Tax Account No. A#0192597

WARRANTY DEED
(ORS 93.850)

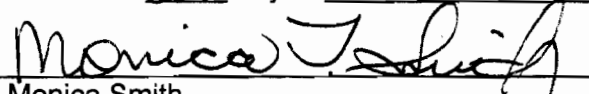
Monica Smith, an estate in fee simple, Grantor, conveys and warrants to **Lynn William Merrill, an estate in fee simple, Grantee,** the following described real property free of encumbrances except as specifically set forth herein:

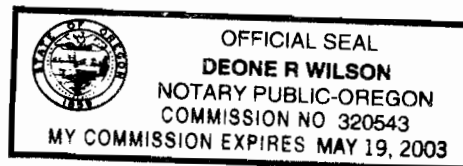
See Exhibit 'A' attached hereto and by reference made a part hereof.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$71,344.46.

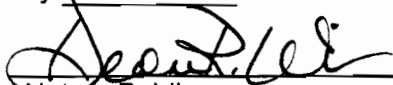
Dated this 27 day of January, 2003.


Monica Smith



State of OR, County of Marion)ss.

This instrument was acknowledged before me on January 27, 2003
by Monica Smith.


Notary Public

My commission expires: 5/19/2003

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Title No. 19-67889

Escrow No. 18-13890

EXHIBIT 'A'Legal Description:

The East half of the Northeast quarter of Section 13, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon.

TOGETHER WITH an easement for ingress and egress as created by instrument recorded November 1, 2002 in Volume 1347, Page 609, Microfilm Records for Linn County, Oregon.

Subject to:

The assessment roll and tax roll discloses that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the land was subject to the special land use assessment.

Oil and Gas Lease, including the terms and provisions thereof, a memorandum of which was,

Lessor: Harry Gindhart and Lydia Berniece Gindhart
 Lessee: Farnham Chemical Company
 Dated: April 9, 1971
 Recorded: September 3, 1971
 Volume: 23 Page: 104
 in Linn County, Oregon.
 Affects: additional property

Covenants, conditions and restrictions, but omitting covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant (A) is exempt under Chapter 42, Section 3607 of the United States code or (B) relates to handicap but does not discriminate against handicapped persons, imposed by instrument, including the terms and provisions thereof,

Recorded: March 12, 1973
 Volume: 57 Page: 579
 in Linn County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Consumers Power, Inc.
 For: transmission and distribution lines
 Dated: August 12, 1974
 Recorded: November 12, 1976
 Volume: 150 Page: 37
 in Linn County, Oregon.

Oil and Gas Lease, including the terms and provisions thereof, a memorandum of which was,

Lessor: Harry Gindhart
 Lessee: Farnham Chemical Company
 Dated: April 9, 1981
 Recorded: December 10, 1980
 Volume: 278 Page: 233
 in Linn County, Oregon.
 Affects: additional property

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Covenants, conditions and restrictions, but omitting covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant (A) is exempt under Chapter 42, Section 3607 of the United States code or (B) relates to handicap but does not discriminate against handicapped persons, imposed by instrument, including the terms and provisions thereof,

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Dated: April 9, 1981
Recorded: December 10, 1980
Volume: 278 Page: 233
in Linn County, Oregon.
Affects: ~~additional property~~

*from previous
page*

Oil and Gas Lease, including the terms and provisions thereof, a memorandum of which was,

Lessor: Harry Otto Gindhart
Lessee: Farnham Chemical Company
Dated: April 9, 1981
Recorded: January 28, 1982
Volume: 306 Page: 298
in Linn County, Oregon.
Affects: additional property

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An Easement created by instrument, including the terms and provisions thereof,

In favor of: Telephone Utilities of Oregon, Inc. dba PTI
Communications

For: telephone facilities

Dated: March 26, 1994

Recorded: April 26, 1994

Volume: 693 Page: 199

in Linn County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Telephone Utilities of Oregon, Inc. dba PTI
Communications

For: telephone facilities

Dated: April 21, 1994

Recorded: April 26, 1994

Volume: 693 Page: 197

in Linn County, Oregon.

Easement for ingress and egress above and below the surface of the land as implied by reservation of mineral rights in Deed,

From: Donna M. Bultena

To: Director of the Oregon Department of Veteran's Affairs

Dated: August 29, 1996

Recorded: October 28, 1996

Volume: 833 Page: 841

in Linn County, Oregon.

Affects: additional property

Terms and provisions, including, but not limited to mutual obligations, including rights of lien, for maintenance pursuant to the provisions of ORS 105.170 et seq., of that certain access easement which is set forth in instrument

Recorded: November 1, 2002

Volume: 1347 Page: 609

in Linn County, Oregon.

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