



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: Dennis Werner  
First Last

Mailing Address: 463 S. Moon Beam Way

Eagle Idaho 83616  
City State Zip

Phone: 208-286-0788 208-286-0789 208-850-1175  
Home Work Other

\*Fax: 208-286-0792 \*Email Address: karen@dkwinvestments.com

*\*optional information*

**2. LOCATION AND SOURCE**

**A. Reservoir Name:** Alkali Creek Wetlands Pond 2

**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: Alkali Creek Tributary to: Snake River

**C. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
T.22S	R.46E	14	NW/SE, SE/NW, SW/NE	200, 300

**D. County of Use:** Malheur

**E. Dam:** Maximum height of dam: 4 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: 13.5

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)  Yes  No

**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 primarily for habitat at end of system **RECEIVED**  
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App. No. <u>12-87482</u>	For Department Use Permit No. _____	Date _____	WATER RESOURCES DEPT SALEM, OREGON
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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 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 is you described your use as "Mulitpurpose" in #3 above

List Name and mailing addresses of all affected land owners:

Empty box for listing land owners.

5. ENVIRONMENTAL IMPACT

A. Channel: is the reservoir In Stream or off channel ?

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? years

D. Fish Habitat: Is there fish habitat upstream from 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.

NRCS, Ducks Unlimited, Malheur County Soil and Water Conservation District

6. SIGNATURE

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

Handwritten signature of Owen J. Wern

Handwritten date: 6-20-09

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.

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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.

### 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): MCC Title 6.

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:			
		<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
		<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.

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Name: Bill Lawrence Title: Asst. Planning Director  
 Signature: Bill Lawrence Phone: 501-473-5125 Date: 6-23-09  
 Government Entity: Malheur 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: \_\_\_\_\_



# 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: Dennis Werner  
Mailing Address: 463 S. Moon Beam Way  
City: Eagle State: Idaho Zip: 83616 Day Phone: 208-286-0792

### 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:
22S	46E	14	NE/SW	300		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Habitat
22S	46E	14	NW/SE	200		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Habitat
22S	46E	14	SW/NE	200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Habitat
22S	46E	14	SE/NW	300		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Habitat

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

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### B. Description of Proposed Use

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

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- 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) Alkali Creek

Estimated quantity of water needed: 30.1  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 Wetlands/habitat

Briefly describe: Water used on the area adjacent to the creek to create habitat will be supplied by the creek, pass through wetlands, and flow back into the creek.

**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

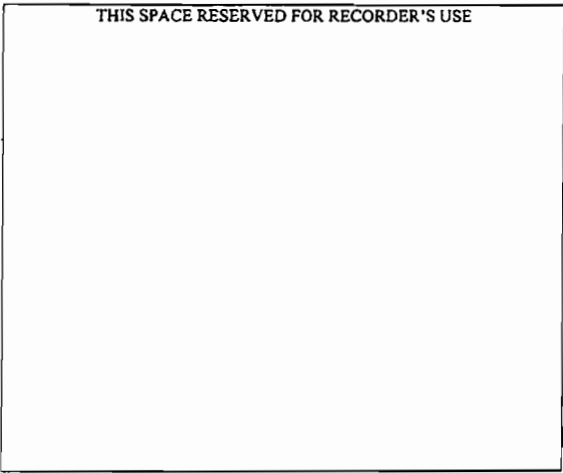
R-87402



After recording return to:  
First American Title Co.  
81 South Oregon Street  
Ontario, OR 97914

Until a change is requested all tax statements  
shall be sent to the following address:  
Dennis & Karen Werner

File No.: 26082  
Date: March 20, 2008



**STATUTORY BARGAIN and SALE DEED**

DENNIS JON WERNER, Grantor, grants, bargains, sells unto DENNIS J. WERNER and KAREN WERNER, husband and wife, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

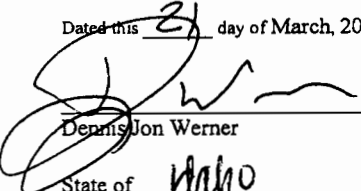
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Account No.: 10926	Code No.: 36	Map No.: 224614	Tax Lot No.: 200
Account No.: 10929	Code No.: 36	Map No.: 224614	Tax Lot No.: 700
Account No.: 10911	Code No.: 36	Map No.: 2246	Tax Lot No.: 1800
Account No.: 10932	Code No.: 36	Map No.: 224614	Tax Lot No.: 300

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)) 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)).


The true consideration for this conveyance is \$0.00. (Here comply with requirements of ORS 93.030)

Dated this 21 day of March, 2008.

  
 \_\_\_\_\_  
 Dennis Jon Werner  
 State of Idaho )  
 )ss.  
 County of Ada )

This instrument was acknowledged before me on this 21 day of March, 2008 by Dennis Jon Werner, and he acknowledged said instrument to be his voluntary act and deed.



  
 \_\_\_\_\_  
 Notary Public for Wells Fargo  
 My commission expires: July 2, 2013

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## EXHIBIT "A"

**Parcel 1:** (Tax Lot 200,700)

Land in Malheur County, Oregon:

In Township 22 South, Range 46 East of the Willamette Meridian:

Section 14: The SW1/4 NE1/4, NW1/4 SE1/4, and a parcel of land in the SW1/4 SE1/4 more particularly described as follows:

Beginning at the Northeast corner of the SW1/4 SE1/4 which is the TRUE POINT OF BEGINNING;

thence South 729.5 feet;

thence North 73° West, 505 feet;

thence South 47° 0' West, 200 feet;

thence South 65° 5' West, 296 feet;

thence South 87° 50' West, 425 feet;

thence North 859 feet to the Northwest corner of the SW1/4 SE1/4;

thence East to the Point of Beginning.

**Parcel 2:** (Tax Lot 1800)

Land in Malheur County, Oregon:

In Township 22 South, Range 46 East of the Willamette Meridian:

Section 11: A parcel of land in the SE1/4 SE1/4 more particularly described as follows:

Beginning at the Southwest corner of the SE1/4 SE1/4 of Section 11;

thence East 435 feet;

thence in a Northeasterly direction to a point 534 feet East of a point 600 feet North of the Southwest corner of said SE1/4 SE1/4;

thence in a Northwesterly direction to a point 776 feet North of the Southwest corner of said SE1/4 SE1/4;

thence South to the Point of Beginning.

ALSO the SW1/4 SE1/4, EXCEPTING THEREFROM a parcel of land described as follows:

Beginning at a point 544 feet South of the Northeast corner of the SW1/4 SE1/4 of Section 11;

thence in a Northwesterly direction to a point 100 feet South of the Northwest corner of said SW1/4 SE1/4;

thence North 100 feet;

thence East 1320 feet;

thence South 544 feet to the Point of Beginning.

Section 14: NW1/4 NE1/4, NE1/4 NW1/4,

EXCEPTING THEREFROM a parcel deeded to the State of Oregon, by and through its State Highway Commission, by deed dated January 28, 1947, recorded Mar, 17, 1947, in Book 70, Page 183, Deed Records, for highway right of way.

ALSO a parcel of land in the SE1/4 NW1/4 more particularly described as follows:

Beginning at the Northeast corner of the SE1/4 NW1/4 of Section 14;

thence South along the East line of said SE1/4 NW1/4, 671.3 feet;

thence West 460 feet;

thence North 0° 25' East, 200 feet;

thence North 30° 54' West, 535 feet to the North boundary line of said SE1/4 NW1/4;

thence East along said North boundary line 716 feet to the Point of Beginning.

**Parcel 3:** (Tax Lot 300)

Land in Malheur County, Oregon, as follows:

In Township 22 South, Range 46 East of the Willamette Meridian:

Section 14: A parcel of land in the South 1/2 SE1/4 NW1/4 and NE1/4 SW1/4 described as follows:

Beginning at the Southeast corner of the said South 1/2 SE1/4 NW1/4;

thence North along the East boundary thereof, 650 feet to a point 671.3 feet South of the Northeast corner of the SE1/4 NW1/4;

thence West 460 feet;

thence South 0° 29' West, to a point on the South boundary of the said NE1/4 SW1/4, said point being 476 feet West of the Southeast corner thereof;

thence East, along the South boundary, 476 feet;

thence North along the East boundary of the said NE1/4 SW1/4, 1322 feet to the point of beginning.

EXCEPTING THEREFROM any portion thereof, lying within the boundaries of the Adrian-Homedale Highway No. 201 right of way.

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