



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: HPC Properties, Inc.  
First Last

Mailing Address: 3289 Neal Creek Mill Road  
Hood River Oregon 97031  
City State Zip

Phone: 541-354-3289 541-354-3289 541-490-1820  
Home Work Other

\*Fax: 541-354-3586 \*Email Address: bhanel.hdg@hrecn.net

*\*optional information*

### 2. LOCATION AND SOURCE

A. Reservoir Name: Fairway Estates 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: Farmers Irrigation Distributary to: Ferguson Creek

### C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
2N	10 E	3A	SE 1/4 of NE 1/4	1000

D. County of Use: Hood River

E. Dam: Maximum height of dam: Excavated 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: .30

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

App. No. R-87478 For Department Use Permit No. \_\_\_\_\_ Date \_\_\_\_\_

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4. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

XX Yes (please check appropriate box below then skip to section 5)

XX 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 if you described your use as "Mulitpurpose" in #3 above)

List Name and mailing addresses of all affected land owners:

No other affected landowners

5. ENVIRONMENTAL IMPACT

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

B. Wetland: is the project in a wetland? Yes XX No Don't know

C. Existing: is this an existing reservoir? Yes XX No

If yes how long has it been in place? n/a years

D. Fish Habitat: Is there fish habitat upstream from the proposed structure? Yes XX No Don't know

If yes, how much? miles

E. Partnerships: Have you been working with other agencies? Yes XX 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.

Robert L. Hand

7/17/09

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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## 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: HPC Properties, Inc.  
 Mailing Address: 3289 Neal Creek Mill Road  
 City: Hood River State: Oregon Zip: 97031 Day Phone: 541-354-3289

### 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	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
2N	10E	3A	SE 1/4	1000	Store Water	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" 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, or used. \_\_\_\_\_

### 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) \_\_\_\_\_

Estimated quantity of water needed: 30  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 Multipurpose

Briefly describe: \_\_\_\_\_

**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

### 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): 15.10(B) of the HOOD RIVER COUNTY ZONING ORDINANCE

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"/> Being pursued	<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued	<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued	<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued	<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued	<input type="checkbox"/> Denied	<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.

The proposed pond was approved as part of the overall development plan for the Fairway Estates Subdivision. (Planning File #07-397)

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Name: ERIC WALKER Title: PRINCIPAL PLANNER WATER RESOURCES DEPT SALEM, OREGON

Signature: (Eric) Walker Phone: (541)387-6840 Date: 7/15/09

Government Entity: HOOD RIVER COUNTY PLANNING DEPT.

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

# EXHIBIT "A"

**Indian Creek Golf, LLC  
Fairway Estates Subdivision  
(SUB #07-397)**

*(This Exhibit includes the January 16, 2008 staff recommendation and supporting attachments, as well as information received during the night of the hearing.)*

January 23, 2008

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# Memorandum

County Planning & Community Development Department

To: Hood River County Planning Commission

From: Michael Benedict, Director of Planning and Building Services  
Eric D. Walker, Principal Planner

Date: January 16, 2008 (For January 23, 2008 Public Hearing)

Enclosures: Attachment "A" – Written Comments Received  
Attachment "B" – Submitted Application  
Attachment "C" – Applicable Ordinance Provisions, Including Article 15 (Rural Residential Zone), Article 18 (Subdivision Ordinance), Article 60 (Administrative Procedures), and Article 66 (Variances).  
Attachment "D" – Conditional Use Permit #93-199 (Board of Commissioners Final Decision on the Indian Creek Golf Course)  
Attachment "E" – Miscellaneous Information

RE: Fairway Estates Subdivision, Property Line Adjustment, and Variance #07-397

## I. Background:

- A. Request: Bob Hanel, Hanel Development Group, LLC, and Indian Creek Golf, LLC, has made application for a 7-lot subdivision, called "Fairway Estates." The request also includes an application for a property line adjustment (*involving all four parcels that currently make up the subject tract*) and a variance to the minimum lot size requirement of 2½ acres.
- B. Location: The subject property is located at the end of Arrowhead Avenue, between Alameda and Indian Creek Roads. The property involved is further described as 2N 10E 3A, Tax Lots #800, #900, #1000, and #1100.
- C. Zoning: The subject property is zoned Rural Residential (RR2½) and Airport Height Combining (Conical).
- D. Legal Parcel Status: Based on the following information, staff finds that the subject tract is made up of 4 separate legal parcels:

Tax Lot #800: This parcel has been legally described in its current configuration since at least September 12, 1955 (WD #55-539), which predates the adoption of the County Subdivision Ordinance.

Tax Lot #900: This parcel was legally created on September 28, 1965 (via WD #84-65) when Tax Lot #1100 was originally segregated from it. Later, on March 12, 1989 (via WD #89-0926) additional land to the west was combined into Tax Lot #900 through a property line adjustment to form its current legal configuration.

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Tax Lot #1000: This parcel was legally created as Parcel #3 of Bargain and Sale Deed #77-42 on July 22, 1964, which pre-dates the County Subdivision Ordinance.

Tax Lot #1100: This parcel has been legally described in its current configuration since September 28, 1965 (WD #84-65), which pre-dates the County Subdivision Ordinance.

- E. Access: Arrowhead Avenue, a County maintained road.
- F. Sewer: Private Septic Systems.
- G. Water: Ice Fountain Water District.
- H. Fire Protection: West Side Rural Fire Protection District.
- I. On-site Land Use: Tax Lots #800, #900, and #1000 are all vacant. Tax Lot #1100 contains an existing doublewide manufactured dwelling and a detached garage. None of the parcels that make up the subject tract are receiving farm or forest deferral.
- J. Summary of Comments: As of the date of this report, written comments were received from following parties, which are included as part of the staff report as Attachment "A":

- Don Wiley, County Public Works Department
- Duane Ely, County Chief Appraiser
- Jess Jordan, Department of State Lands
- Christina Veverka, Department of State Lands
- Rick Brock, Farmers Irrigation District
- Mark Beam, Ice Fountain Water District
- Jim Trammell, West Side Rural Fire District
- Mike Matthew, County Environmental Health Department
- Jason Seals, Oregon Department of Fish and Wildlife
- Indian Springs Homeowners' Association:
  - Brent & Martha Holman, 3685 Arrowhead Avenue, Hood River
  - Scott & Jill Bennett, 3610 Arrowhead Avenue, Hood River
  - Don & Barbara Summers, 3630 Arrowhead Avenue, Hood River
  - Jimmy Stewart, 4087 Portland Drive, Hood River
  - Tim & Jill Benedict, 3670 Arrowhead Avenue, Hood River
  - Robert & Kim Spotts, 3690 Arrowhead Avenue, Hood River
  - Jeffery Carter, 3675 Arrowhead Avenue, Hood River
  - Michael Oates, 4200 Chamberlain Drive, Hood River
  - Nancy Maynard, 3625 Arrowhead Avenue, Hood River

**II. Findings of Fact and Conclusions of Law:** *(Most of the following findings will include the specific review criterion that it is referencing. A copy of the criteria involved can be obtained by either reviewing Attachment "C," looking at the Zoning Ordinance on the County's website: [www.co.hood-river.or.us](http://www.co.hood-river.or.us), or requesting to review the information at or purchase the information from the County Planning Department.)*

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58. After completing construction of the proposed street, but prior to recording the final plat, the applicant shall complete an engineering assessment to determine the extent of damage, if any, to Arrowhead Avenue that was caused by the additional amount of truck traffic resulting from the construction of the proposed stream crossing. Should significant damage be detected, reasonable mitigation will be required, as determined by the County Engineer.
59. The applicant is advised to contact the County Assessor's Office to determine assessed value changes that may result because of the proposed development. Further, it is advised that the applicant review ORS 92.095, which addresses payment of taxes, interest, or penalties before a plat can be recorded.
60. Any deviations proposed from the approved preliminary development plan shall require the plan to be re-examined by the Planning Commission pursuant to Article 60 (public hearing), unless they are considered by the Planning Director to be minor in nature. Minor amendments typically involve slight lot size and configuration changes and other similar modifications that are consistent with the original proposal and the Planning Commission's decision.
61. None of the proposed lots may be sold or otherwise conveyed separately prior to recording the final plat.
62. Failure to comply with any of the above conditions can void this approval.

IV. Dated this 16<sup>th</sup> Day of January, 2008.

Hood River County Planning Department

*Eric D. Walker*

Eric D. Walker, Principal Planner

cc: Bob Hanel, President, Hanel Development Group, LLC, and Indian Creek Golf, LLC,  
 LLC, Applicant/Property Owner  
 Dev Bell, Bell Design Company  
 Sandy Berry, County Assessor  
 Don Wiley, County Engineer  
 Randy Johnston, County Surveyor  
 Mike Matthews, County Environmental Health  
 Jason Seals, Oregon Department of Fish and Wildlife  
 Jess Jordan, Oregon Department of State Lands  
 Christina Veverka, Oregon Department of State Lands  
 Walt West, Oregon Department of Environmental Quality  
 Karla Ellis, Corps of Engineers  
 Mark Beam, Ice Fountain Water District  
 Rick Brock, Farmers Irrigation District  
 Jim Trammell, West Side Fire Marshal  
 Brent & Martha Holman, Adjacent Property Owners (3685 Arrowhead Ave., Hood River)  
 Scott & Jill Bennett, Adjacent Property Owners (3610 Arrowhead Ave., Hood River)  
 Don & Barbara Summers, Adjacent Property Owners (3630 Arrowhead Ave., Hood River)

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