



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**

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Applicant: Dennis Moss  
First Last

Mailing Address: 42226 Cupper Creek Road  
Kimberly Oregon 97848  
City State Zip

Phone: 541-934-2234  
Home Work Other

\*Fax: \_\_\_\_\_ \*Email Address: DRM@ortelco.net  
*\*optional information*

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**2. LOCATION AND SOURCE**

**A. Reservoir Name:** Pump House Reservoir

**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: Cupper Creek Tributary to: North Fork JDR

**C. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
9S	27E	5	NESW	1511

**D. County of Use:** Grant

**E. Dam:** Maximum height of dam: 5 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: 0.50

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.

Multi-Purpose Storage

App. No. R-87660 For Department Use Permit No. \_\_\_\_\_ Date \_\_\_\_\_

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

List Name and mailing addresses of all affected land owners:

Jack Thomas- 42224 Cupper Creek Road Kimberly, Or 97848

#### 5. ENVIRONMENTAL IMPACT

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**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? 10+ 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.

#### 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 \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

R-87660



# 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 Moss  
Mailing Address: 42226 Copper Creek Road  
City: Kimberly State: OR Zip: 97848 Day Phone: 541-934-2234

### 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:
9S	27E	5	NESW	1511	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" 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. Grant County, Oregon

### 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

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Source of water: Reservoir/Pond  Ground Water  Surface Water (name) Copper Creek

Estimated quantity of water needed: 0.50  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 Multi-Purpose storage

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

R-87660

Dennis Moss  
9-27 TL 1511

### 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): Art 64 GCLDC

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

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.

use allowed in exclusive farm use zone **RECEIVED**  
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Name: Shannon Springer Title: Assistant Planner  
Signature: Shannon Springer Phone: 541-575-1519 Date: 10/26/10  
Government Entity: Grant County Planning Department

**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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# Access Easement

This easement agreement this 6th day of July, 2004 by and between David L Lundy and Dorothy D Lundy and Dennis Moss.

See exhibit A for description

6) This agreement shall be a binding covenant upon the land and the parties hereto and shall be binding upon their respected successors and assigns of all parties unless terminated by mutual agreement by the owners of the properties listed herein.

7) In the event suit or action be instituted to enforce any of the terms and conditions of this agreement, the losing party shall pay to the prevailing party in addition to the cost and disbursement allowed by statute, such sum as the court may adjudge reasonable a attorneys fees in such suit or action, in both trial court and appellate court.

In Witness whereof the parties have executed the agreement the day and year first above written.

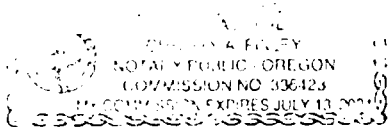
David L Lundy Jr. Date 07-06-04

Dorothy D Lundy Date 07-06-04

State of Oregon, Count of Grant,

This foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July 2004, by David L Lundy and Dorothy D Lundy

[Signature] Date 7-6-04  
Notary Republic of Oregon  
My commission expires 2-13-04



STATE OF OREGON }  
County of Grant } ss

I certify that this instrument was received and recorded in the book of records of said county.

KATHY HCKINNON

Grant County Clerk

by Alice Hunt Deputy

DOC#: 200417980 PAGES: 2  
RCPT: 41798 28.50  
7/07/2004 10:56 AM

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- 2 -

June 15, 2004

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
ACCESS EASEMENT**

GRANTOR: David L. Lundy, Jr. and Dorothy D. Lundy, husband and wife

GRANTEE: Dennis Moss

A private access easement, for the benefit of Parcel 1 of Land Partition Plat No. 1999-12 filed in the office of the Clerk of Grant County, Oregon, for the purpose of ingress and egress to Cupper Creek County Road No. 2. This easement runs coincident with a portion of an existing access easement created on said Land Partition Plat No. 1999-12 on and over a portion of Parcel 2 of said Land Partition Plat. Said Easement being 30.00 feet in width, 15.00 feet on each side of the following described centerline;

Beginning at a point on the east line of Parcel 2 of Land Partition Plat No. 1999-12, which is also on the centerline of this easement, said point being N.01°15'20"W., 77.23 feet from the SE corner of said Parcel 2.

thence S27°45'14"W., 88.31 feet along said centerline to a point on the south line of Parcel 2 of Land Partition Plat No. 1999-12, said point also being S.88°44'40"W., 42.83 feet from the SE corner of said Parcel 2.

The bearings contained in this description are based on Record Land Partition Plat No. 1999-12.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*M. Springer*  
OREGON  
JULY 9, 2002  
MICHAEL C. SPRINGER  
#70918

EXPIRES: 6/30/2004

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STATE OF OREGON } ss  
County of Grant

I certify that this instrument was received and recorded in the book of records of said county.

After recording return to: (Name, Address, Zip)

Land Title

Until requested otherwise, send all tax statements to:  
(Name, Address, Zip)

Dennis Moss  
2580 S.W. Butler Rd.  
Weslham OR 97080

**KATHY MCKINNON**

Grant County Clerk

by Kathy McKinnon Deputy.

DOC#: 200406300 PAGES: 3  
RCPT: 40630 33.58  
SPACE AE 3/08/2004 3:51 PM

### WARRANTY DEED (Individual Grantor)

David L. Lundy Jr. and Dorothy D. Lundy, husband and wife, Grantor, conveys and warrants to Dennis Moss, Grantee, the following described real property free of encumbrances, except as specifically set forth herein, situated in Grant County, State of Oregon, described as follows, to-wit:

See attached Exhibit "A"

17996

The property is free from encumbrances, except (if none, so state): **See attached Exhibit "B"**

The true consideration for this conveyance is \$125,000.00. (Here, comply with the requirements of ORS 93.030.)

Dated: March 5<sup>th</sup>, 2004.

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.

David L. Lundy Jr.  
David L. Lundy Jr.

Dorothy D. Lundy  
Dorothy D. Lundy

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State of Oregon, County of Grant ) ss.

I certify that on March 5<sup>th</sup>, 2004 I know or have satisfactory evidence that David L. Lundy Jr. and Dorothy D. Lundy are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dawn Kreps  
Notary Public in and for the State of Oregon  
My commission expires: ~~November 20, 2007~~

Aug 27, 2007



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**EXHIBIT "A"**

Township 9 South, Range 27 East of the Willamette Meridian, Grant County, Oregon:

Sections 5 and 8: **PARCEL 1 OF LAND PARTITION PLAT NO. 99-12**, as shown by the plat thereof on file and of record in the office of the clerk of said county and state on April 13, 1999. Said parcel is a re plat of a portion of Parcel 1 of Land Partition Plat No. 99-01 which is a re-plat of a portion of Parcel 1 of Land Partition Plat No. 94-04, which was a re-plat of a portion of Parcel 2 of Land Partition Plat No. 93-3.

SAVE & EXCEPT that portion conveyed to Robert P. and Dorothy A. Hawthorne by deed recorded July 13, 2000 in the records of Grant County, Oregon, as Instrument No. 201630 being described as follows: All that portion of **PARCEL 1 OF LAND PARTITION PLAT NO. 99-01**, filed for record in the office of the clerk of said county and state on January 11, 1999, lying and being Southerly of the Southerly right of way line of County Road No. 2 and Northerly of the Southerly right of way line of the Kimberly-Long Creek Highway. Said parcel is a replat of a portion of Parcel 1 of Land Partition Plat No. 94-04, which was a re-plat of a portion of Parcel 2 of Land Partition Plat No. 93-3.

(Tax Acct. 8 9-27 1511; Ref. 39041)

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EXHIBIT "B"

Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

Any and all matters, including easements and assessments, if any, pertaining to irrigation ditches that may traverse the herein described property.

Provisions in Deed from Percy A. Cupper, et ux, et al, to Morton C. Cupper, recorded August 29, 1924, in Book 35, page 436, regarding irrigation rights.

Agreement, including the terms and provision thereof:

Regarding : abandonment of certain portions of the old Kimberly-Long Creek Highway  
Between : State of Oregon, by and through its State Highway Commission  
And : Grant County, Oregon  
Recorded : November 12, 1946  
Book : "F" of Leases and Agreements  
Page : 273

Easements, including the terms and provisions thereof:

For : right to bury and maintain underground telephone facilities, together with all appurtenances thereto as more particularly described therein  
Granted to : Telephone Utilities of Eastern Oregon  
Recorded : May 5, 1986  
Book : 133  
Pages : 338, 339, 340, 341  
Affects : that portion of subject premises as more particularly described therein

Right of Way Deed, including the terms and provisions thereof, to Grant County, Oregon, recorded December 22, 1992, as Inst. No. 922503.

Matters, including easements, as, disclosed, delineated, and set forth in Declarations and on the Plats for Land Partition Plat No's. 93-3, 94-4, 99-01 and 99-12 filed in the office of the Grant County Clerk on February 12, 1993, July 26, 1994, and January 11, 1999, April 13, 1999, respectively.

Agreement, including the terms and provision thereof:

Regarding : Irrigation Pump  
Between : David L. Lundy, Jr. and Dorothy D. Lundy, husband and wife  
And : Brad A. Smith and Julie M. Smith, husband and wife  
Recorded : December 18, 1997  
Instr. No. : 972484

Agreement, including the terms and provision thereof:

Regarding : Well  
Between : David L. Lundy, Jr. and Dorothy D. Lundy, husband and wife  
And : Brad A. Smith and Julie M. Smith, husband and wife  
Recorded : December 18, 1997  
Instr. No. : 972485

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