



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

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

Standard Review Process (ORS 537): You must use this form for any reservoir
storing more than 9.2 acre-feet and with a dam more 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.

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1. APPLICANT INFORMATION

Applicant: Joel Rue
First Last
Mailing Address: 1316 Victor Point Rd. S.E.
Silverton OR 97381
City State Zip
Phone: 503-873-4333 503-588-7176 cell 503-930-5759
Home Work Other
*Fax: 503-588-7142 *E-Mail Address: _____

*Optional Information

I(We) make application for a permit to construct a reservoir and store the following described
waters of the State of Oregon. The name of the reservoir is _____.

2. SOURCE OF WATER for the proposed use: _____,
a tributary of Unnamed tributary to Pudding River.

Is the proposed use an enlargement of an existing dam/reservoir? ☐ YES ☒ NO

If the reservoir is not in channel of a stream, state how it is to be filled: _____
Natural runoff

For Department Use		
App. No. <u>R-87705</u>	Permit No. _____	Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 9 feet above streambed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): ☒ Earthfill ☐ Concrete ☐ Flash board ☐ Other

If "other" give description: _____

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: The outlet pipe will be 12". It will cross the center of the dike. It will extend 6' beyond the toe of dike on both sides. It will have a valve and a tee on the pond side. The tee will have a stand pipe that extends to 18" below top of dike. The valve will be activated by a handle that extends to the dike.
NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel: The spillway will be installed on North end of dike. It will be 18" below top of dike and six feet wide. It will be armored with Class 100 rip-rap. The armor will extend to the toe of dike on both sides.

6. THE USE(s) of the impounded water will be: All uses allowable in the Basin Program

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7. **THE AMOUNT OF WATER** to be stored is: 9.2 acre-feet.
The area submerged by the reservoir, when filled, will be 1 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: August 15, 2011

Proposed date construction work will be completed: September 30, 2011

Proposed date water use will be completed: _____

9. PROPERTY OWNERSHIP

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

☒ Yes (*Skip to section 10*)

☐ 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).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners:

* *Attach additional sheet(s) if necessary.*

10. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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11. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and ...

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant:

Joel D Rue

Signature (If more than one applicant, all must sign.)

3-2-11

Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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Storage Water/4



Oregon

Theodore R. Kulonowski, 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.

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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: JOEL D. RUE
 Mailing Address: 12320 STATE STREET
 City: SALEM State: OR Zip: 97317 Day Phone: 503-588-7176

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:
<u>7 SOUTH</u>	<u>1 WEST</u>	<u>33</u>		<u>R21776</u>	<u>EFU</u> <u>Piney Ag</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. MARION

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: 9.2 ☐ 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 STORAGE OF WATER FOR MULTIPLE PURPOSE

Briefly describe: BUILD A SMALL FARM POND FOR MULTIPLE USES - PERSONAL, recreation use on farm

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): 7.136.020(a)

☐ 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: Brandon Beck Title: At-Large Planner
Signature: [Signature] Phone: 503-5038 Date: 3-11-11
Government Entity: Marion Co.

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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LEGAL DESCRIPTION

PARCEL 1

Beginning at the Southwest corner of the John S. Hunt Donation Land Claim in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence North 1 1/2° East along the West line of said Claim 57.48 chains to the Northwest corner thereof; thence North 89° 45' East 55.53 chains along the North line of said Claim; thence South 1 1/2° West 30.00 chains to the middle line of a County Road; thence south 77° West 34.1

chains; thence South 74° West 15.15 chains; thence south 61 1/2° West 8.67 chains; thence south 46° East 17.40 chains; thence North 89° 45' West 13.00 chains to the place of beginning, being situated in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon.

SAVE AND EXCEPT from the above described premises 1.87 acres heretofore deeded to Mount Hope Cemetery Association of Marion County, Oregon, as by deeds recorded in Volume 59, Page 605 and Volume 98, Page 387, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT: Beginning at the Southwest corner of the John S. Hunt Donation Land Claim in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 89° 45' East along the South line of said Claim 13.00 chains; thence North 46° West 17.40 chains more or less, to the center line of a County Road known as the Salem-Geer Road; thence Southwesterly along the center line of said road to the West line of said Donation Land Claim; thence Southerly along the West line of said Donation and Claim to the place of beginning.

ALSO SAVE AND EXCEPT: Beginning at a point at the Northeast corner of the Addition to Mt. Hope Cemetery said point being 1633.80 feet South 01° 30' West 222.40 feet North 85° 30' East from the Northwest corner of the J.S. Hunt Donation Land Claim No. 39 in Section 33, Township 7 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 85° 30' East along the Easterly projection of the North line of the Addition to Mt. Hope Cemetery 140.00 feet to a point; thence South 02° 54' 29" East parallel to the East line of said cemetery 348.29 feet to a point on the Easterly projection of the South line of said cemetery; thence South 85° 25' West along said projected line 140.00 feet to the Southeast corner of said cemetery; thence North 02° 54' 29" West 348.90 feet to the point of beginning.

PARCEL 2

Beginning on the south line of the James S. Hunt Donation Land Claim No. 39, in Township 7 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, at a point which is 2512.13 feet South 89° 33' 08" East from the Southwest corner of said Claim; thence South 89° 33' 08" East along said South line 1163.58 feet to the Southeast corner of a tract of land conveyed to Ralph Kuenzi, by deed recorded in Volume 683, Page 194, Deed Records for said County and State; thence North 1° 24' East along the East line of said tract of land 1851.09 feet to a point in the center of Market Road No. 22; thence south 77° 40' 15" West along the center of said Road 2613.46 feet; thence along the arc of a 2864.79 foot radius curve to the left, (the chord of which bears South 72° 07' 28" West 553.79 feet), a distance of 554.64 feet; thence South 0° 26' 52" West 796.02 feet; thence South 89° 33' 08" East 950.97 feet; thence South 60° 43' 36" East 627.99 feet to a point on the South line of said Claim; thence South 835.00 feet to a point in the center of the East Padding River; thence upstream along the center of

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said River to a point which bears South 0° 11' 52" West 775.00 feet from the place of beginning, (which point is on the East line of the tract described in Volume 683, Page 194), thence North 0° 11' 52" East 775.00 feet to the place of beginning.

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7/1/10-6/30/11 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R21776

MARION COUNTY, OREGON - 1115 COMMERCIAL ST NE - SALEM, OR 97301

PROPERTY DESCRIPTION

LAST YEAR'S TAX

2,149.46

12195 STATE ST

SALEM, OR 97317

ACRES: 196.82

MAP: 071W33 00801

CODE: 00400028

RUE, DONNA L 33.3% &

JAUQUET, BRUCE P 33.3% &

<RUE, JOEL D & DONNA

1316 VICTOR POINT RD SE

SILVERTON, OR 97381

See back for explanation of taxes marked with (*)

VALUES:	LAST YEAR	THIS YEAR
MARKET & SPECIAL USE VALUES:		
LAND - RMV	0	0
LAND - SPEC	102,770	104,560
IMPROVEMENT	47,620	46,610
TOTAL VALUE	150,390	151,170
TAXABLE VALUES:		
ASSESSED	150,390	151,170
NET TAXABLE:	150,390	151,170

POTENTIAL ADDITIONAL TAX LIABILITY EFU
ZONED FARMLAND

If a mortgage company pays your taxes,
This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
2,090.43	1,407.99	718.36

THIS YEAR'S TAX

EDUCATION:

SILVER FALLS SCHOOL	687.19
WILLAMETTE REG ESD	44.85
CHEMEKETA COM COL	94.62

EDUCATION TOTAL: 826.66

GENERAL GOVERNMENT:

MARION COUNTY	457.32
MARION SOIL & WTR	7.56
SILVERTON FD	157.17
SILVER FALLS LIBRARY	86.89
REGIONAL LIBRARY	12.37

GENERAL GOVERNMENT TOTAL 721.31

EXCLUDE FROM LIMIT:

SILVERTON FD	42.46
SILVER FALLS SCHOOL	179.02
SILVER FALLS SCHOOL BO	360.34
CHEMEKETA COM COL	12.00
CHEMEKETA COM COL, BON	13.29

EXCLUDE FROM

LIMIT TOTAL: 607.11

TAX TOTALS 2,155.08

TOTAL TAX (After Discount) 2,090.43

JOEL & DONNA RUE HAVE A PURCHASE CONTRACT
WITH BRUCE JAUQUET, A PREVIOUS 1/3 OWNER.

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Appraiser Certification

I certify that, to the best of my knowledge and belief:

1. the statements of fact contained in this report are true and correct;
2. the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions, and conclusions;
3. I have no (or the specified) present or prospective interest in the property that is the subject of this report, and no (or the specified) personal interest or bias with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment;
5. my engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
7. the appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan;
8. my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice;
9. I ☒ have ☐ have not made a personal inspection of the property that is the subject of this report;
10. no one provided significant real property appraisal assistance to the person signing this certification. (If there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)

Others: Appraiser Assistant Tricia Chastain provided significant assistance to this report in the following areas. A) Define the appraisal problem; B) Conduct preliminary analysis, select and collect applicable data; C) Conduct an analysis of the subject property; D) Conduct Highest and Best Use analysis; E) Estimate land value, including on-site improvements; F) Estimate value of the property using the three approaches of value - cost, sales comparison and income capitalization; G) Reconcile each indication and reconcile the final value estimate; H) Report estimate(s) of value(s) defined.

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Effective Date of Appraisal: 01/04/06

Opinion of Value: \$ 1,550,000

Appraiser:

Signature:

Name:

Michael W. Wheeler

License#:

Certification#: OR #C000709

Date Signed: 01/13/06

Property
Inspection☒ Yes
☐ NoInspection
Date

01/04/06

Qualifications
Attached☐ Yes
☒ NoAppraiser has ☒ inspected ☐ verified ☒ analyzed
the sales contained herein.

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History	☒ Ownership Longer Than <u>3</u> Years					
		Owner	Recording/Reference	Date	Price Paid	Terms
	Previous:				\$	
	Present:				\$	
Zoning	Currently: ☐ Optioned ☐ Under Contract Contract Price: \$ _____ Buyer: ☐ Currently Listed Listing Price: \$ _____ Listing Date: _____ Owner has owned a portion of the subject for more than 3 years. See page 17 under Sale #4 for detailed information on recent sale of the South Property.					
	Current Zoning: <u>Exclusive Farm Use</u> Zoning Conformity: ☒ Yes ☐ No					
	Zoning Change: ☒ Unlikely ☐ Probable To: _____					
	Comments: A zoning change is possible but not likely due to restrictive Oregon land use laws.					
Taxes	Tax Basis: ☒ Agricultural ☐ _____ ☐ _____		Assessment Year <u>2004-05</u> Land \$ <u>151,260</u> Building(s) \$ <u>102,170</u> _____ \$ _____ Total Assessed Value \$ <u>253,430</u>		Forecast: Current Tax \$ <u>3,175</u> Estimated/Stabilized \$ <u>3,175</u> Or (<u>299.82</u> Ac.) = \$ <u>10.59</u> /acre Trend: ☐ Up ☐ Down ☒ Stable	
	Parcel #: <u>Parcel R21776 & R28084</u>					
	Comments: Taxes are expected to remain relatively stable with some slight increase due to recent passage of tax limitation measures and added improvements. There is a slight chance that taxes will increase once the house is completed.					
	Highest & Best Use is defined as that reasonable and probable use that supports the highest present value, as defined, as of the effective date of the appraisal. Alternatively, that use, from among reasonably probable and legally alternative uses, found to be physically possible, appropriately supported, financially feasible, and which results in the highest land value.					
Highest & Best Use Analysis	Analysis: <i>(Discuss legally permissible, physically possible, financially feasible, and maximally productive uses)</i> Physically Possible: The property is a nearly 300 acre dry crop tract currently used for grass seed production. There are no physical limitations for using the property for dry crop production. There are grass and Christmas trees grown on comparable type property. Legally Permissible: The property is zoned by the county as "EFU", exclusive farm use. This zoning allows for the property to be cultivated. Financially Feasible: The subject cropland is used for grass seed production. This use is typical for the area indicating financial feasibility. The subject dwellings are habitable and could be rented. Maximally Productive: Use of this property as a rural residence and part time farm is considered it's maximally productive use. Demand for rural residences and part time farms in the area is strong.					
	Highest and Best Use: "As if" Vacant <u>Dry Crop Tract</u> "As Improved" <u>Part Time Farm/Dry Crop Tract</u>					
	Discussion: This area is considered the grass seed capital of the world. Most operations are commercial farms with major crops being grass seed, Christmas trees, row crops, orchards and hay products. There is some influence from part time and rural residential sites in the area. The zoning, EFU, is not expected to change. Present use is the Highest and Best Use of the property.					
	Valuation Methods: ☒ Cost Approach ☒ Income Approach ☐ Sales Comparison Approach (Explain and support exclusion of one or more approaches) All three approaches to value were considered for this appraisal.					
Value Methods	CONTINUED ON NEXT PAGE					
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