



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

Applicant: JOHN C. and WESLEY S. HILL
First Last

Mailing Address: 14850 Highway 238

Grants Pass OR 97527
City State Zip

Phone: (541) 846-6391
Home Work Other

Fax: _____ E-Mail Address*: _____

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Agent: _____
First Last

Mailing Address: _____

City State Zip

Phone: _____
Home Work Other

Fax: _____ E-Mail Address*: _____

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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3. LOCATION AND SOURCE

A. Reservoir Name: Blue Heron 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: surface seepage, runoff, springs Tributary to: Applegate River

C. County in which diversion occurs: Jackson

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App. No. _____	For Department Use	Date _____
	Permit No. _____	

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
38S	4W	7	NE/NW, NW/NW	301

E. Dam: Maximum height of dam: 0 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 20

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

4. 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

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5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

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, right of way, roads of way, roads or other encumbrances

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 "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

6. 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? 1 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.

7. WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The reservoir is an excavated facility filled by a permitted spring, minor springs within the reservoir area, surface seepage and runoff. The reservoir is not in channel. The reservoir may be used to facilitate pumping spring water for water right certificate 65601, so there should be no need to bypass any flow from the spring. The reservoir could be emptied using an existing pump currently at the spring or by siphon.

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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

No dam

9. SIGNATURE

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

John Hill *Wesley Hill*
Landowner Signature

5/25/2012
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 \$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).

98-13245

9:52 15.00
10.00
20.00

BARGAIN AND SALE DEED

JOHN C. HILL and WESLEY S. HILL, Co-Successor Trustees of the BESSIE BERTEENA HILL REVOCABLE LIVING TRUST, (Grantors), do grant, sell, release and transfer to JOHN C. HILL, Trustee of the JOHN C. HILL REVOCABLE LIVING TRUST, u.a.d. April 3, 1998, as to an undivided one-half interest, and to WESLEY S. HILL, Trustee of the WESLEY S. HILL REVOCABLE LIVING TRUST, u.a.d. April 3, 1998, as to an undivided one-half interest, all right, title and interest in and to the real property located in Jackson County, Oregon, described as follows:

(SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION)

The true consideration for this conveyance is valuable, but not expressed in dollars; the conveyance is made to organize the estates of JOHN C. HILL and WESLEY S. HILL for improved administration of assets while alive and competent, and ease of transition thereafter.

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 PERSONS 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 OR LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until change is requested, all tax statements shall be sent to the following address:

MR. JOHN C. HILL and MR. WESLEY S. HILL
14850 Highway 238, Grants Pass, Oregon 97527

After recording return to:

MR. JOHN C. HILL and MR. WESLEY S. HILL
14850 Highway 238, Grants Pass, Oregon 97527

DATED this 3rd day of April, 1998.

John C. Hill

JOHN C. HILL, Co-Successor Trustee
BESSIE BERTEENA HILL
REVOCABLE LIVING TRUST

Wesley S. Hill

WESLEY S. HILL, Co-Successor Trustee
BESSIE BERTEENA HILL
REVOCABLE LIVING TRUST

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98-13245

STATE OF OREGON)
)ss.
County of Jackson)

On this 3rd day of April, 1998, personally appeared the above-named and identified JOHN C. HILL, Co-Successor Trustee of the BESSIE BERTEENA HILL REVOCABLE LIVING TRUST, and acknowledged the foregoing to be his/her/their voluntary act and deed.

Before me:

Shirley M. Madden
Notary Public for Oregon

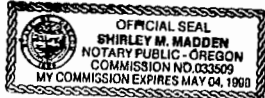


STATE OF OREGON)
)ss.
County of Jackson)

On this 3rd day of April, 1998, personally appeared the above-named and identified WESLEY S. HILL, Co-Successor Trustee of the BESSIE BERTEENA HILL REVOCABLE LIVING TRUST, and acknowledged the foregoing to be his/her/their voluntary act and deed.

Before me:

Shirley M. Madden
Notary Public for Oregon



2'

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant: John C. and Wesley S. Hill
First Last

Mailing Address: 14850 Highway 238

Grants Pass OR 97527 Daytime Phone: (541) 846-6391
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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:
38S	4W	7	NE/NW	301		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm pond
			NW/NW	301		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm pond
						<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, and/or used or developed:

Jackson

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) Springs, runoff, seepage

Estimated quantity of water needed: 20 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:

We are applying to obtain a permit to store water in an existing reservoir. The reservoir will collect spring water, surface seepage and runoff. The reservoir may also be used to facilitate pumping for an existing spring water right.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 4.2 (1)
- Land uses to be served by the 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.

Farm use in EFU zoning is outright permitted.

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JACKSON COUNTY
PLANNING

Name: Youngsook Kim Title: Planner
 Signature: *Youngsook Kim* Phone: 774-6946 Date: 5/23/2012
 Government Entity: Jackson 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: _____

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WATER RESOURCES DEPT
SALEM, OREGON

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: *John Hill + Wesley S. Hill*

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain: **However, multiple agencies filed protest against an alt. reservoir application at the same location. See attached letter from DOGAMI.**

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

Measurement Device - *STAFF PLATE*

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Ted Zuk

Agency: Jackson County

Date: 5-23-2012

Who: Ben Mundy

Agency: DOGAMI

Date: 4-26-2012

Watermaster signature:



Date: *5-23-12*

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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SALEM, OREGON**

NOTE: This completed form must be returned to the applicant



Oregon

John A. Kitzhaber, MD, Governor

Department of Geology and Mineral Industries

Mineral Land Regulation and Reclamation

229 Broadalbin Street SW

Albany, OR 97321-2246

(541) 967-2039

Fax: (541) 967-2075

www.oregongeology.org

April 25, 2012

Received

APR 27 2012

Watermaster's Office

Robert Copeland
Copeland Sand & Gravel, Inc.
695 SE J Street
Grants Pass OR 97526

RE: Reclamation of Hill Irrigation Pond DOGAMI ID #15-0250

Dear Mr. Copeland;

The mining disturbance that occurred on the Hill property in Jackson County has not been adequately reclaimed and Copeland Sand and Gravel has not fully complied with the Notice of Violation issued for the Hill Irrigation site (DOGAMI ID # 15-0250).

According to email and phone correspondence with Oregon Department of Water Resources the excavation area has the potential to impound surface water and was impounding water as of April 13, 2012 in violation of Oregon water law. The DOGAMI Notice of Violation issued to Copeland Sand and Gravel on January 1, 2011 required the site to be backfilled per specifications laid out in the DOGAMI August 10, 2010 letter. The DOGAMI August 10, 2010 letter, from Ben Mundie, required the pond to be backfilled with clean sand and gravel to one foot above the ground water level and the remainder of the pit backfilled to original ground surface and seeded with pasture grass. This has not occurred, water is impounded at the site and the site has not been reclaimed to pasture.

The site will need to be backfilled and graded in such manner that surface and ground water are not impounded and planted with pasture grass. After consultation with David Haight of Oregon Department of Fish and Wildlife the backfilling and grading cannot begin until August 1 to protect the Great Blue Heron rookery on the site.

Please contact Isaac Sanders at (541) 967-2081 with any questions.

Sincerely,

Gary W. Lynch
Assistant Director
Mineral Land Regulation & Reclamation

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WATER RESOURCES DEPT
SALEM, OREGON

c: Jackson County Planning
John Hill, landowner
Larry Menteer, WRD
David Haight, ODFW
Dan O'Connor, Huycke, O'Connor, Jarvis, & Lohman LLP
Mark Amrhein, Amrhein Assoc.





Oregon

John A. Kitzhaber, MD, Governor

Department of Geology and Mineral Industries
Mineral Land Regulation and Reclamation
229 Broadalbin Street SW
Albany, OR 97321-2246
(541) 967-2039
Fax: (541) 967-2075
www.oregongeology.org

May 11, 2012

Copeland Sand & Gravel, Inc.
695 SE J Street
Grants Pass OR 97526

re: DOGAMI MLRR ID# 15-0250, Hill Irrigation

Dear Permittee,

Per phone conversation with Don Miller on May 10, 2012 a permit will be filed with Oregon Department of Water Resources (ODWR) for the pond/bulge/sump, the excavation is that is impounding water at the Hill property. DOGAMI informed Mr. Miller that if ODWR is satisfied with the condition of the excavation then DOGAMI would be satisfied with site reclamation and could begin closure of the DOGAMI permit.

DOGAMI called ODWR on May 10, 2012 and spoke with Shavon Haynes about the site. Mr. Haynes confirmed that ODWR informed them they can apply for a permit and that if the permit application was submitted within the next week or so a decision would likely be rendered around the beginning of August.

No grading can occur under the DOGAMI permit until August 1 per permit condition intended to protect the Great Blue Heron rookery nearby. If a water right is secured from ODWR for the excavation, or the site is otherwise corrected to satisfy Oregon water law, DOGAMI's needs to bring the site into compliance will be satisfied. If a permit is not secured by early August, 2012 the pond will need to be filled to original ground surface, graded and planted to return the disturbed area to pasture.

Sincerely,

Isaac Sanders
Fish & Wildlife Biologist/Reclamationist
Mineral Land Regulation & Reclamation

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SALEM, OREGON**

- c. John Hill, Landowner
Ted Zuk, Jackson County Planning Dept.
Larry Menteer, ODWR
David Haight, ODFW

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.	
Applicant Name/Address/Phone/Email: <u>John C. Hill, Wesley S. Hill, 14850 Highway 238, Grants Pass, OR 97527</u>	
<u>(541) 846-6391</u>	
Reservoir Name: <u>Blue Heron</u> Source: <u>surface seepage, runoff, springs</u> Volume (AF): <u>20</u>	
Twp Rng Sec QQ: <u>38S 4W - 7, NE/NW, NW/NW</u> Basin Name: <u>Applegate</u> <input type="checkbox"/> in-channel <input checked="" type="checkbox"/> off-channel	
Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.	
This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.	

- 1) Is the proposed project and AO² off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF³ are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource?..... YES NO
-
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

See Attached

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² AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

³ NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

Hill Pond

4) Native migratory fish species use the Applegate River for spawning, rearing, and migration, including summer steelhead (State Sensitive) and coho salmon (Federally listed as Threatened).

The applicant states the pond will be filled with surface seepage, runoff, minor springs, and water from certificate 65601. However, the pond is located in close proximity to the Applegate River and the elevation of the two water bodies is very similar.

If WRD determines the source of water filling the pond to be groundwater, ODFW believes the interaction between the pond and the Applegate River could potentially result in negative interference with Instream Water Rights in the Applegate River and associated fish habitat and water quality.

Additionally, if WRD determines that interaction between the two water bodies exists, ODFW believes that the pond could pose detrimental impacts to fisheries in the Applegate River by contributing warmer water during the summer months when the Applegate River is currently DEQ listed as water quality impaired for temperature.

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Lined area for handwritten notes or responses.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
 NO (explain) YES (select from Menu of Conditions on next page)

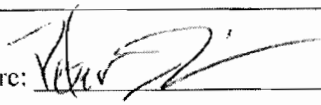
Should WRD determine that 1) the pond is not appropriating ground water, and 2) there is no interference between the pond and the Applegate River; ODFW would recommend the period for storage December through May.

Additional conditions to be included: Riparian, Fishmay.

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ODFW Signature:  Print Name: Peter Samarin

ODFW Title: Assistant District Fish Biologist Date: 5/24/2012

NOTE: This completed form must be returned to the applicant.

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, F or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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MAY 23 2012
WATER RESOURCES DEPT
SALEM, OREGON



Superior Water Right Consulting, LLC

NORM DAFT
"The Water Guy"

245 Glenoak Lane
Grants Pass, OR 97526

Phone (Cell): 541 761-1057
Fax/Home phone: 541 479-9866
normthewaterguy@charter.net

May 25, 2012

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RE: Reservoir Application - Alternate Review

Dear Case Worker,

Please accept this application to store water in a reservoir (alternate-review) submitted by John Hill and Wesley Hill.

The following documents are enclosed:

1. Alternate review application for 20 acre-foot reservoir
2. Application map
3. Property deed
4. Land Use Information Form completed by Jackson County
5. Watermaster review sheet signed by Watermaster
6. ODF&W review sheet signed by fish biologist
7. Check in the amount of \$1,200.00

This has been a long process for the applicants to comply with various agencies. A storage permit will be the final compliance. The applicant was required to fill in the pond to a level so that no ground water enters it. The bottom elevation is above normal river level so that it will not be filled by the Applegate River.

Please let me know if there are any issues with this application. I would also appreciate knowing any proposed conditions prior to permit issuance.

Thank you.


Norman E. Daft

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
Use _____ Caseworker _____
Amount (AF) _____ Watermaster _____

Minimum Requirements (ORS 537.409)

Completed Watermaster review sheet signed and dated by Watermaster.

Will the reservoir injure an existing water right? YES NO

If YES, can conditions be applied to mitigate the injury? YES NO **If NO, return the application.**

Did the watermaster determine when water is available for the proposed use? YES NO

The Watermaster review sheet must have been completed within the last 6 months.

If the watermaster determined that water is NOT available, return the application.

Completed ODFW review sheet signed and dated by ODFW representative.

Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO

If YES, can conditions be applied to mitigate the impact? YES NO **If NO, return the application.**

The ODFW review sheet must have been completed within the last 6 months.

Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?

Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.

Landowner Name, Mailing Address and Telephone Number.

Source and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**

Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot

Dam height, if applicable

Total Quantity of Storage Requested: _____

Proposed Use of the water....Cannot accept application for use of this stored water at the same time (E2)

Property ownership indicated? If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)

Provide 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 to meet this requirement

Environmental Impact section completed?

Application signed by the landowner(s)? All parties noted as applicants must sign the application.

Must be an original "wet" signature.

Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.

Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*

Scale of the Map (not less than 1" = 1320') **

Reference corner on map

North Directional Symbol **

1/4's clearly identified

Reservoir clearly identified **

Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**

Fees enclosed*** Examination: Base Fee\$ _____ Permit Recording Fee\$ _____

plus\$ _____

plus\$ _____

Total Paid \$ _____

Total Fees \$ _____

Completeness Check by: _____ Date: _____

Revised 2011-3-3

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