



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

**RECEIVED**

MAY 31 2012

WATER RESOURCES DEPT  
 SALEM, OREGON

**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: Bob Death  
First Last  
 Mailing Address: 22340 SW Aebischer Rd.  
Sherwood OR 97340  
City State Zip  
 Phone: 503-625-6035  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: bobdeuth@aol.com  
 \* 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: Graham Peters  
First Last  
 Mailing Address: 17800 SW Mill Plain Blvd. Ste. 120  
Vancouver WA 98683  
City State Zip  
 Phone: 503-949-5851 360-885-2011  
Home Work Other

Fax: 360-885-2088 E-Mail Address\*: gpeters@ducks.org  
 \* 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.)

**3. LOCATION AND SOURCE**

**A. Reservoir Name:** Lab Hill Wetland

**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: Precipitation Tributary to: S. Fork Yamhill River

**C. County in which diversion occurs:** Yamhill

|                                |                           |                   |
|--------------------------------|---------------------------|-------------------|
| <b>App. No.</b> <u>R-27812</u> | <b>For Department Use</b> | <b>Date</b> _____ |
|                                | <b>Permit No.</b> _____   |                   |

**D. Reservoir Location**

| Township<br>(N or S) | Range<br>(E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 5S                   | 5W                | 24      | NW/SW           | R5524 00200    |

E. **Dam:** Maximum height of dam: 3 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: 18

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.

Wetland restoration, wildlife habitat, and recreational waterfowl hunting.

**5. 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, right of way, roads 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 "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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**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? \_\_\_\_\_ years.

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SALEM, OREGON**

**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.

Lab Hill is a 23 acre palustrine emergent wetland restoration project. We proposed to strip, regrade, and compact the existing perimeter berm that was constructed prior to regulation in the 1970s. We will also be excavating a swale through the wetland for positive drainage and microtopography. Finally, we will install an agri-drain water control structure at the outlet. The perimeter berm and water control structure will be approximately 2.5-3 ft tall. A complete plan set is included in this permit application. The reservoir will store water via precipitation only. We propose to begin a gradual drawdown beginning in late May and it may take up to two weeks to gradually discharge water to promote the desired native emergent wetland plant community. Depending on annual climatic variability the wetland may become dry by evaporation alone. Water discharge will be considerably less than the maximum 18 acre feet the wetland will store due to evaporation prior to human induced drawdown.

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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).

Cross sections and plan details are provided in the attached plan set. This project is only designed to store precipitation.

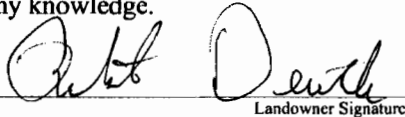
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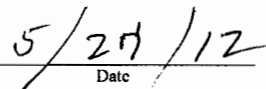
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SALEM, OREGON**

**9. 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-87812

# 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: *Bob Death Agent Graham Peters*

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

Explain: *Limit storage season to Nov through June*

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

If YES, which conditions are recommended:

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

Who:                          Agency:                          Date:  
Who:                          Agency:                          Date:

Watermaster signature: *[Signature]*                          Date: *5-22-12*

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**

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ODFW Alternate Reservoir Application Review Sheet

WATER RESOURCES DEPT SALEM

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Bob Deuth, 22340 SW Aebischer Rd. Sherwood, OR 97140, 503-625-6035

Reservoir Name: Lab Hill Source: precipitation Volume (AF): 18

Twp Rng Sec QQ: 5N 5W 24 NW/SW Basin Name: Yamhill in-channel 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
2) Is the proposed project or AO located where NMF3 are or were historically present? YES NO
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 July through October 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.

ESA-listed winter steelhead reat in the South Yamhill River year-round. Reducing summer flows may negatively impact these fish & other native species.

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)

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)

6519 November - June  
WQ  
riparian

WQ, RIPARIAN; Water should only be diverted to fill the reservoir when state and federal water quality standards and downstream instream water rights are being met. Once the reservoir is full, all live flow should be bypassed in a manner that does not impact water quality.

ODFW Signature: Danette L Faucel Print Name: Danette L Faucel  
ODFW Title: Asst. District Fish Biologist Date: 5-17-12  
NOTE: This completed form must be returned to the applicant.

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SALEM, OREGON

R-07012

# 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: Bob Deuth  
First Last

Mailing Address: 22340 SW Aebischer Rd  
Sherwood OR 97140 Daytime Phone: 503-625-6035  
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       | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                      |                                   |                               | Proposed Land Use: |
|----------|-------|---------|---------|-----------|---|-----------------------------------|-----------------------------------|-------------------------------|--------------------|
| 5N       | 5W    | 24      | NW/SWSE | 200       |   | <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 |                    |
|          |       |         |         |           |   | <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:

YAMHILL COUNTY

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

Estimated quantity of water needed: 18  cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other wetlands, wildlife

Briefly describe:

Store precipitation for wetland restoration, wild life habitat + recreational hunting. Regrade berms and install swales and outlet.

**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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 SALEM, OREGON

R-07912



# LAB HILL FARMS OR-199-1



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UNLIMITED**

*DUCKS UNLIMITED, INC.  
PACIFIC NORTHWEST FIELD OFFICE  
1101 S. E. TECH CENTER DRIVE  
VANCOUVER, WA. 98683 PH.  
(360) 885-2011*


North American Wetlands Conservation Council



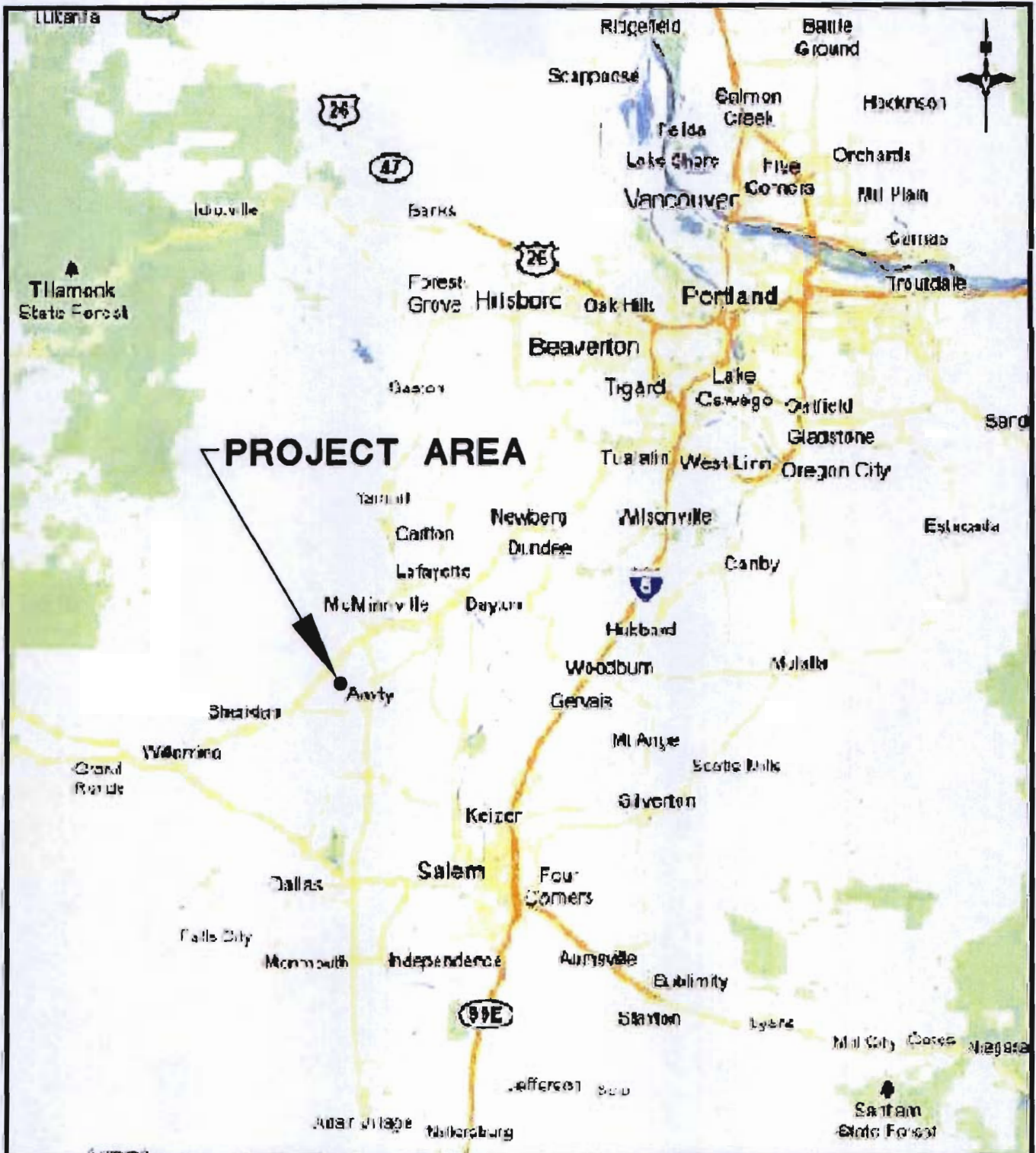
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SALEM, OREGON

|   |                      |                     |
|---|----------------------|---------------------|
|  <p><b>DUCKS<br/>UNLIMITED<br/>INC.</b><br/><i>PacNW Field Office<br/>(360) 885-2011</i></p> | PROJECT NO. OR-199-1 | GENERAL INFORMATION |
|   | LAB HILL WETLANDS    | DESIGNED BY: RVH    |
|   |                      | DRAWN BY: DMC       |
|   |                      | SURVEYED BY: JPS    |
|   |                      | CHECKED BY:         |
| DATE:<br>APRIL 2012   | SHEET NO.<br>1       | APPROVED BY:        |

R-8782



**DUCKS  
UNLIMITED  
INC.**

PacNW Field Office  
(360) 885-2011

PROJECT NO. OR-199-1

**LAB HILL WETLANDS  
VICINITY MAP**

GENERAL INFORMATION

DESIGNED BY: RVH

DRAWN BY: DMC

SURVEYED BY: JPS

CHECKED BY:

DATE:  
**APRIL 2012**

SHEET NO.  
**2**

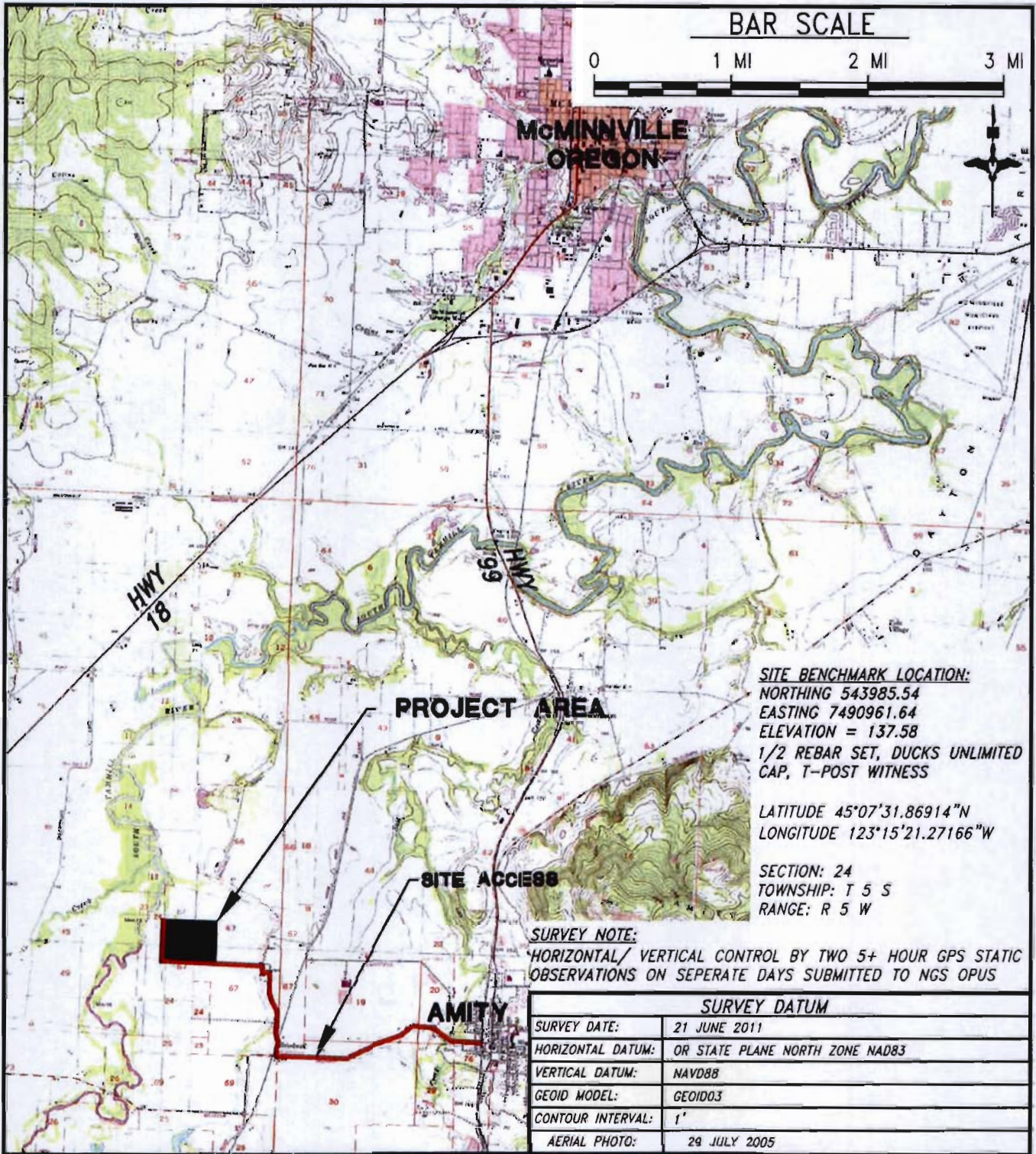
APPROVED BY:

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**MAY 3 1 2012**

**WATER RESOURCES DEPT  
SALEM, OREGON**

R-8782



**SITE BENCHMARK LOCATION:**  
 NORTHING 543985.54  
 EASTING 7490961.64  
 ELEVATION = 137.58  
 1/2 REBAR SET, DUCKS UNLIMITED  
 CAP, T-POST WITNESS

LATITUDE 45°07'31.86914"N  
 LONGITUDE 123°15'21.27166"W

SECTION: 24  
 TOWNSHIP: T 5 S  
 RANGE: R 5 W

**SURVEY NOTE:**  
 HORIZONTAL/ VERTICAL CONTROL BY TWO 5+ HOUR GPS STATIC  
 OBSERVATIONS ON SEPERATE DAYS SUBMITTED TO NGS OPUS

| SURVEY DATUM      |                                 |
|-------------------|---------------------------------|
| SURVEY DATE:      | 21 JUNE 2011                    |
| HORIZONTAL DATUM: | OR STATE PLANE NORTH ZONE NAD83 |
| VERTICAL DATUM:   | NAVD88                          |
| GEOID MODEL:      | GEOID03                         |
| CONTOUR INTERVAL: | 1'                              |
| AERIAL PHOTO:     | 29 JULY 2005                    |



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 (360) 885-2011

PROJECT NO. OR-199-1

**LAB HILL WETLANDS  
 SITE MAP  
 YAMHILL COUNTY, OREGON**

GENERAL INFORMATION

DESIGNED BY: RVH  
 DRAWN BY: DMC  
 SURVEYED BY: JPS  
 CHECKED BY:

DATE:  
**APRIL 2012**

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**3**

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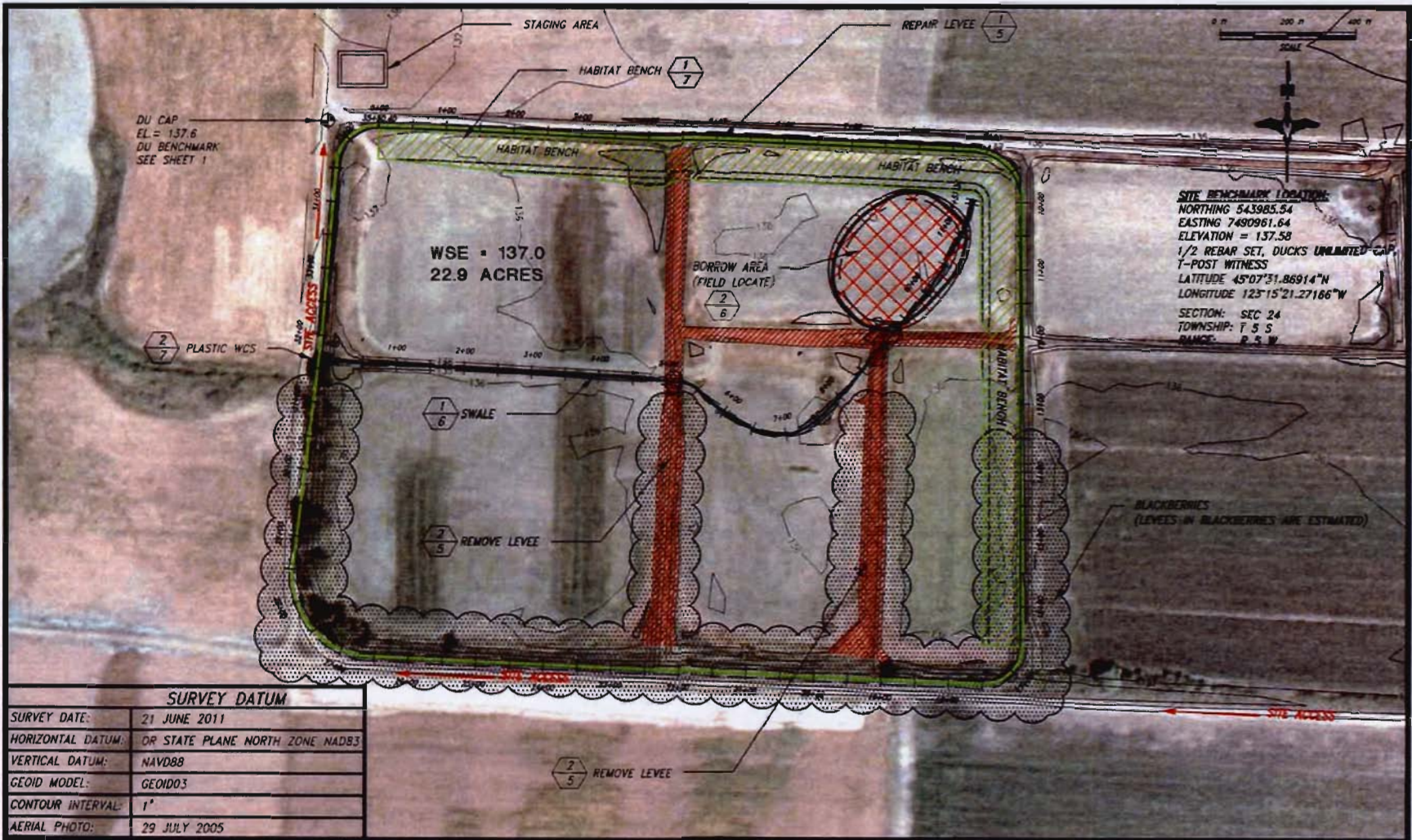
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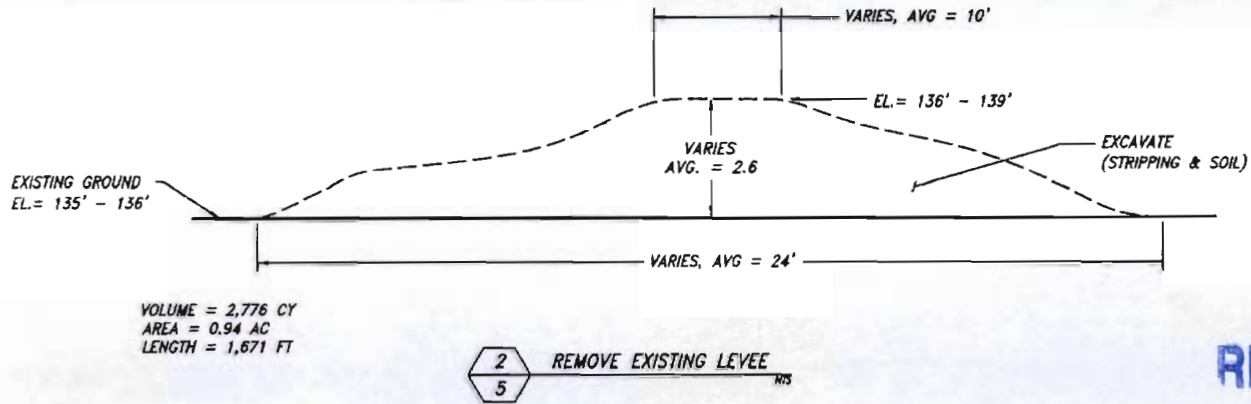
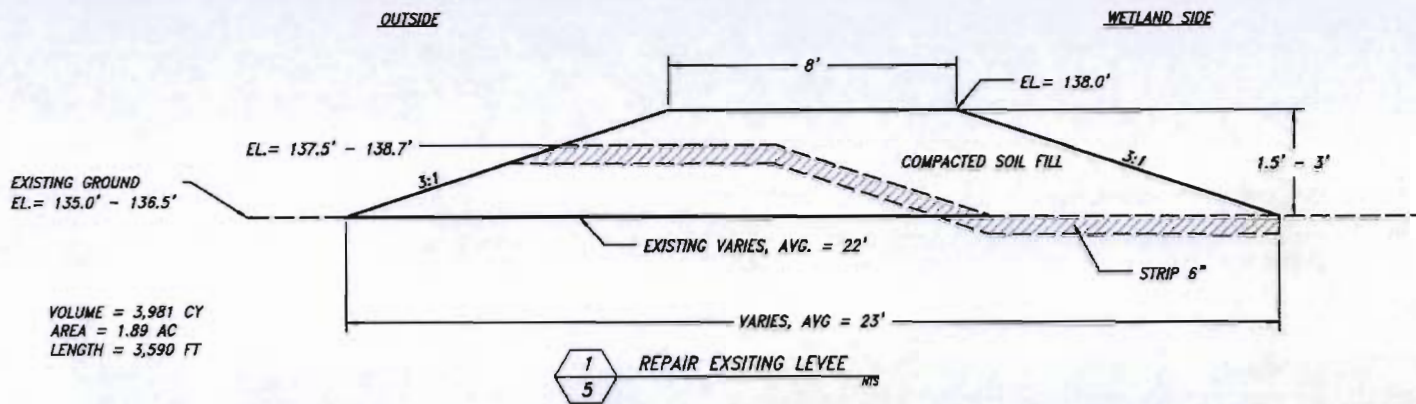
R-87012

R-07812



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|  |  |                     |                  |
|--|--|---------------------|------------------|
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|  |  | SURVEYED BY: JPS    |                  |
|  |  | CHECKED BY:         |                  |



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DATE:  
APRIL 2012

SHEET NO.  
5

PROJECT NO. OR-199-1

LAB HILL WETLANDS

GENERAL INFORMATION

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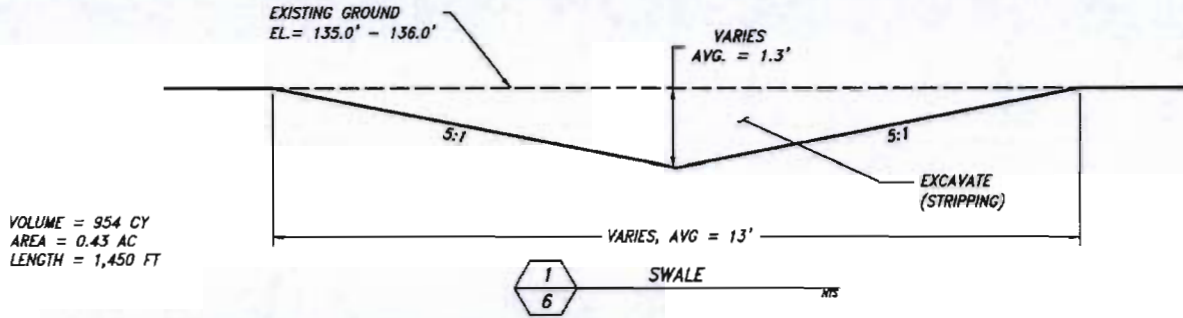
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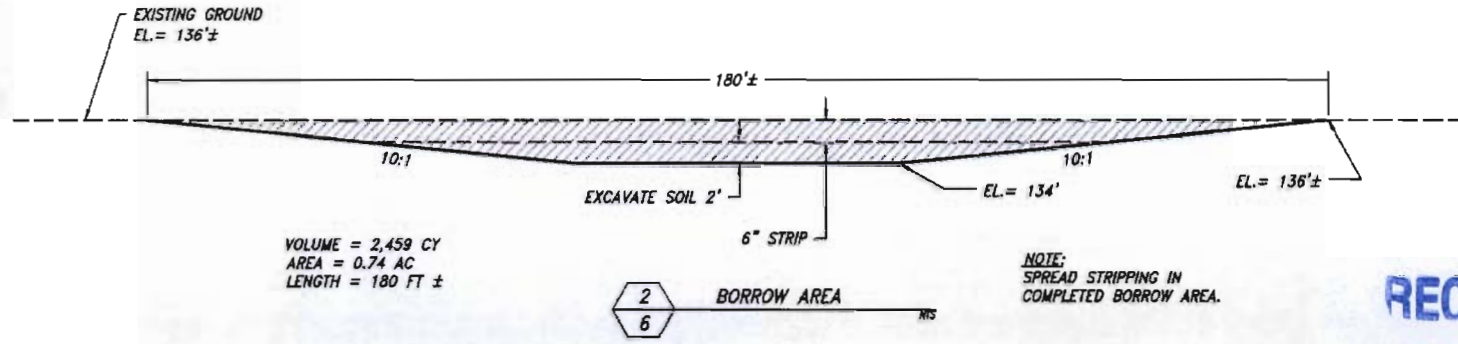
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R-8702

R 9702



VOLUME = 954 CY  
 AREA = 0.43 AC  
 LENGTH = 1,450 FT



VOLUME = 2,459 CY  
 AREA = 0.74 AC  
 LENGTH = 180 FT ±

NOTE:  
 SPREAD STRIPPING IN  
 COMPLETED BORROW AREA.

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**LAB HILL WETLANDS**

DATE:  
**APRIL 2012**

SHEET NO.  
**6**

GENERAL INFORMATION

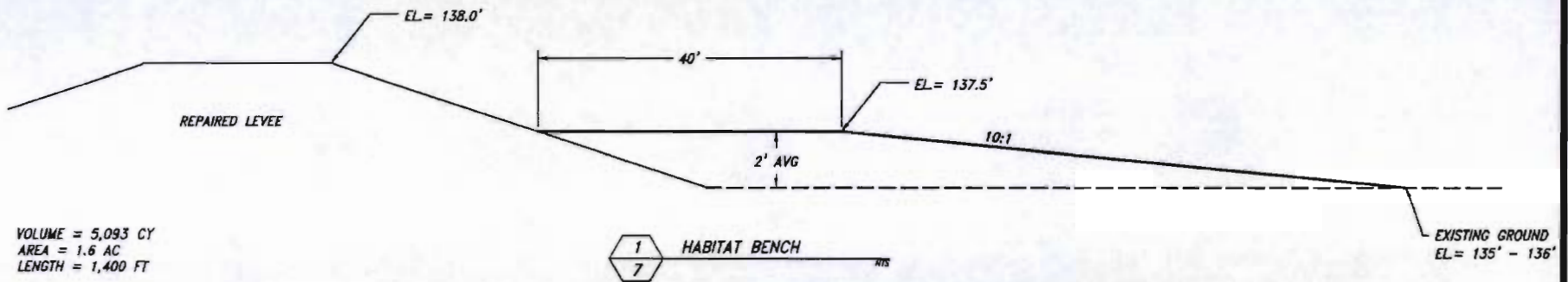
DESIGNED BY: RVH

DRAWN BY: DMC

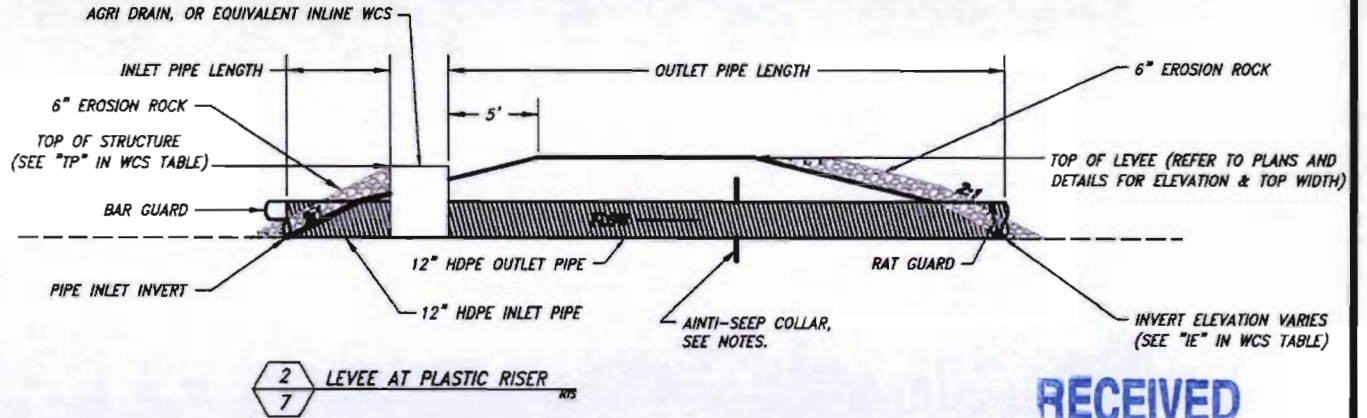
SURVEYED BY: JPS

CHECKED BY:

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VOLUME = 5,093 CY  
 AREA = 1.6 AC  
 LENGTH = 1,400 FT



**HDPE WCS INSTALLATION NOTES:**

1. BACKFILL MATERIAL SHALL BE IMPORTED CLAY OR APPROVED LOCAL BORROW, FREE OF STONES OR OTHER DELETERIOUS MATERIAL.
2. BACKFILL SHALL BE PLACED IN MAXIMUM 4" LIFTS AND MANUALLY COMPACTED WITHOUT THE USE OF MACHINERY.
3. STOP LOGS SHALL BE INSTALLED WITHIN THE STRUCTURE TO AT LEAST ONE BOARD LEVEL ABOVE THE EXTERIOR COMPACTION LEVEL, TO PREVENT DISTORTION OF THE STRUCTURE DURING COMPACTION.
4. BOARDS SHALL BE FREQUENTLY CHECKED FOR FREEDOM OF MOVEMENT WHILE BACKFILLING. ANY BINDING SHALL BE REMEDIED PRIOR TO CONTINUING WITH BACKFILL OPERATION.

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**APRIL 2012**

SHEET NO.  
**7**

PROJECT NO. OR-199-1

**LAB HILL WETLANDS**

GENERAL INFORMATION

DESIGNED BY: RVH

DRAWN BY: DMC

SURVEYED BY: JPS

CHECKED BY:


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R-87812

| QUANTITY TABLE        |           |       |
|-----------------------|-----------|-------|
| ITEM                  | STRIPPING | SOIL  |
| LEVEE REMOVAL         | 1,254     | 1,522 |
| LEVEE REPAIR-EXISTING | 2,885     |       |
| TOTAL                 | 4,139     | 1,522 |
| BORROW                | 0         | 2,459 |
| LEVEE FILL REQUIRED   |           | 3,981 |
| SWALE                 | 954       | 0     |
| STRIPPING TOTAL       | 5,093     |       |
| HABITAT BENCH         | 5,093     |       |

| WATER CONTROL STRUCTURE TABLE |             |         |                |             |                   |                    |
|-------------------------------|-------------|---------|----------------|-------------|-------------------|--------------------|
| NO.                           | HEIGHT (FT) | TP (FT) | PIPE DIA. (IN) | INVERT (FT) | INLET LENGTH (FT) | OUTLET LENGTH (FT) |
| #1                            | 4.0         | 138.0   | 12             | 134.0       | 12                | 20                 |

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|   | <b>LAB HILL WETLANDS</b> |                     |
|   |                          | DRAWN BY: DMC       |
|   |                          | SURVEYED BY: JPS    |
|   |                          | CHECKED BY:         |
| DATE:<br><b>APRIL 2012</b>  | SHEET NO.<br><b>8</b>    |                     |

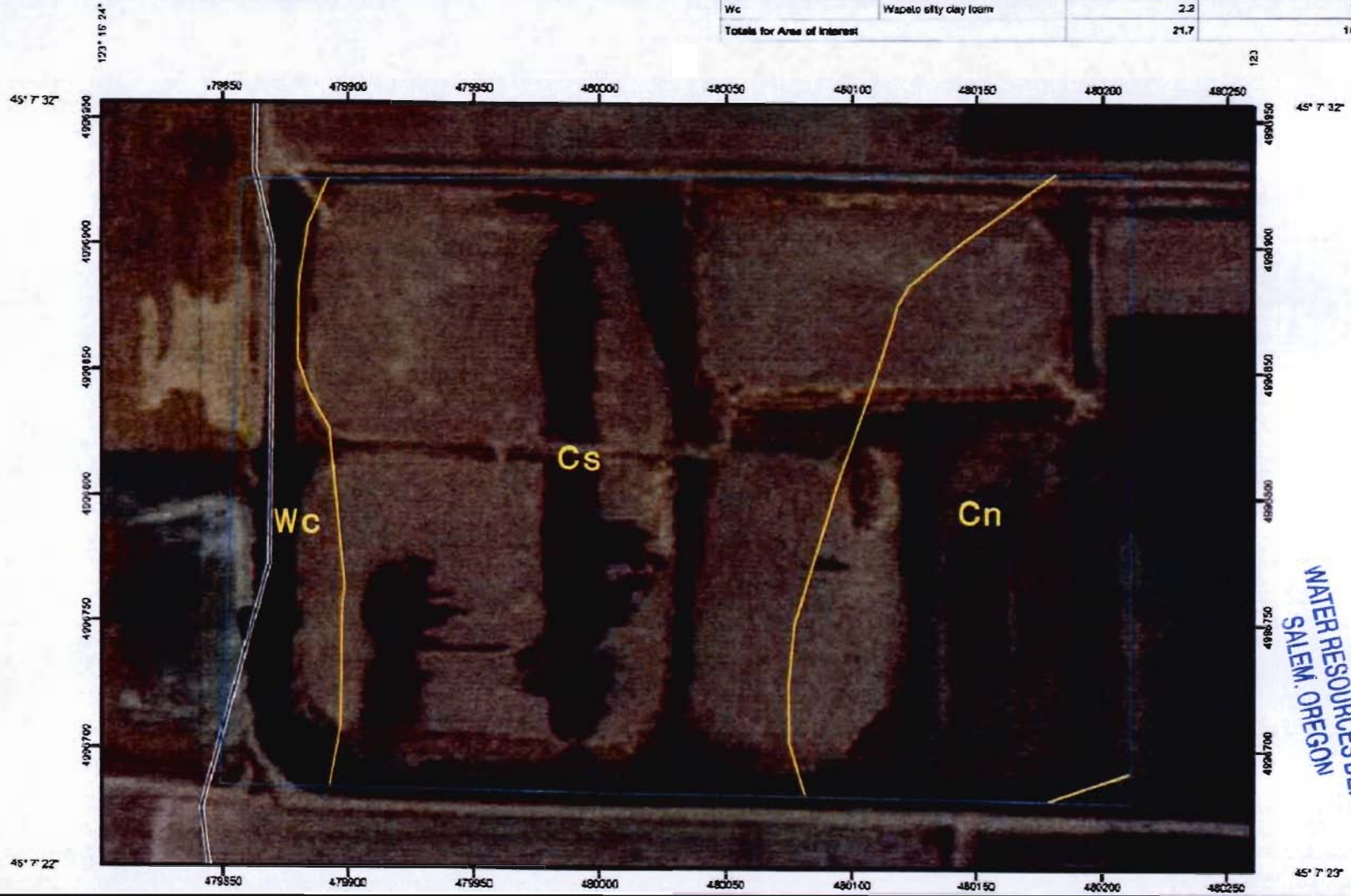
R-9792

C:\Users\jcollin\Documents\Project\LAB HILL WETLANDS\map\ACE OR-199-1\_006.dwg, 4/25/2012 3:00:28 PM, DMC



Custom Soil Resource Report  
Soil Map

| Yamhill Area, Oregon (OR878) |                                     |              |                |
|------------------------------|-------------------------------------|--------------|----------------|
| Map Unit Symbol              | Map Unit Name                       | Acres in AOI | Percent of AOI |
| Cn                           | Cove silty clay loam                | 6.7          | 30.7%          |
| Cs                           | Cove silty clay loam, thick surface | 12.8         | 59.0%          |
| Wc                           | Wacoto silty clay loam              | 2.2          | 10.3%          |
| Totals for Area of Interest  |                                     | 21.7         | 100.0%         |



R 87812

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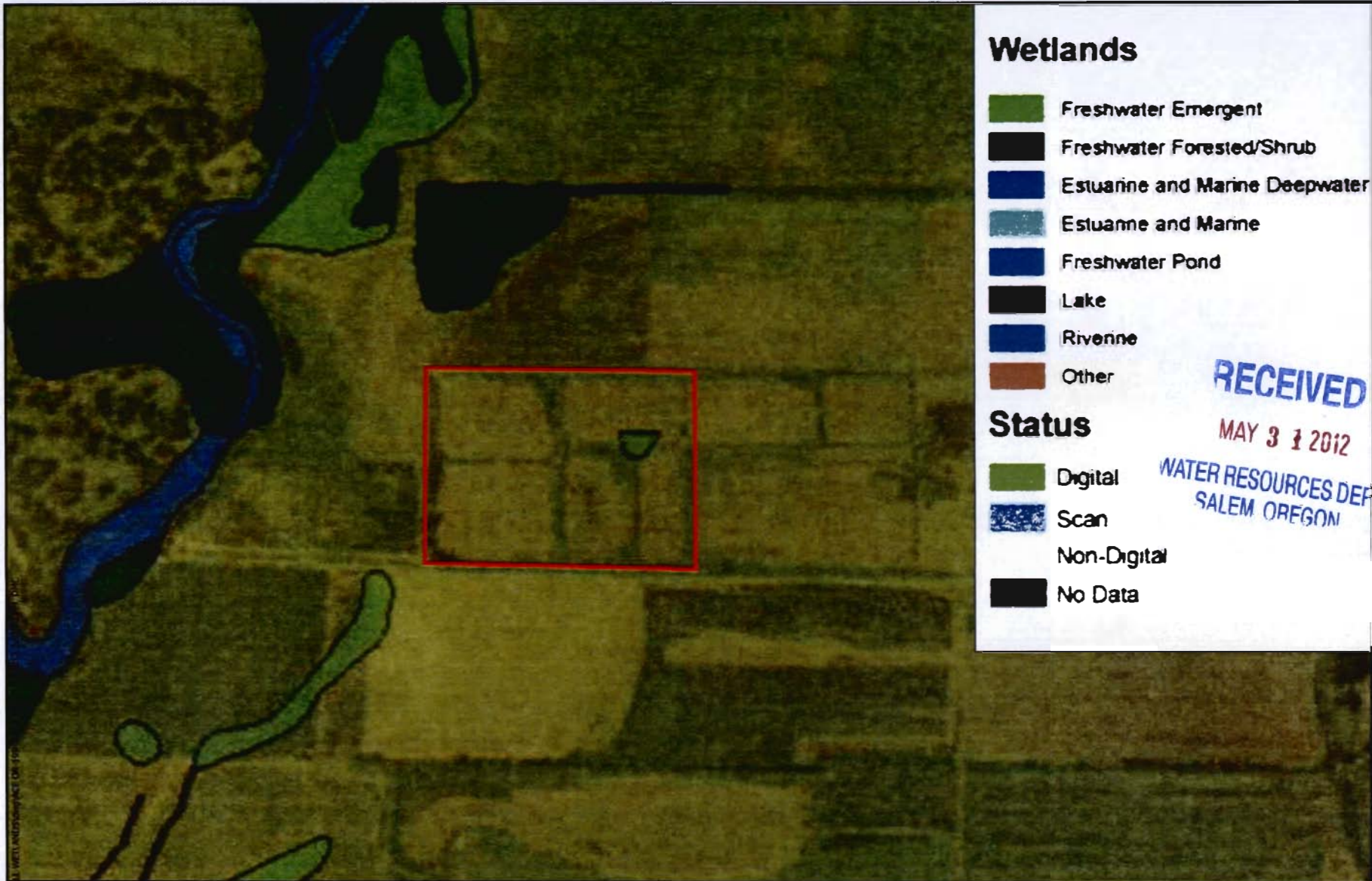
PacNW Field Office  
(360) 885-2011

|                      |                |                     |
|----------------------|----------------|---------------------|
| PROJECT NO. OR-199-1 |                | GENERAL INFORMATION |
| LAB HILL WETLANDS    |                | DESIGNED BY: RVH    |
| DATE:<br>APRIL 2012  | SHEET NO.<br>9 | DRAWN BY: DMC       |
|                      |                | SURVEYED BY: JPS    |
|                      |                | CHECKED BY:         |

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R-87012



### Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other


### Status

- Digital
- Scan
- Non-Digital
- No Data

**RECEIVED**

MAY 31 2012

WATER RESOURCES DEPT  
SALEM OREGON

|  |   |              |                     |
|--|---|--------------|---------------------|
|  <p><b>DUCKS UNLIMITED INC.</b><br/>PacNW Field Office<br/>(360) 885-2011</p> | PROJECT NO. OR-199-1                        |              | GENERAL INFORMATION |
|  | <b>LAB HILL WETLANDS WETLANDS INVENTORY</b> |              | DESIGNED BY: RVH    |
|  | DATE: APRIL 2012                            | SHEET NO. 11 | DRAWN BY: DMC       |
|  |   |              | SURVEYED BY: JPS    |
|  |   | CHECKED BY:  |                     |