



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. However, to obtain authorization for multiple reservoirs,
multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you.
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: Randy Both
Mailing Address: 28600 Jones Rd
Foster OR 97345
Phone: (541) 367-1506
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.)

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 Big Pond, Catfish Pond, Trout Pond,
Dike Pond, Orchard Pond.

2. SOURCE OF WATER for the proposed use: Spring fed / Stream
a tributary of Gedney Cr.

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:

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For Department Use

App. No. R-87815

Permit No. _____

Date _____

Last updated: 8/8/2011

Big Pond: 24'
Cattfish Pond: 14'
Trout Pond: 16'

Dike Pond 16'
Orchard Pond 5'
WR

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be _____ 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:

- * Big Pond: ~~ABS~~ Conduit is center on dike (18"), with concrete overflow to the North
- * Cattfish Pond: Steel Conduit is center of dike/dam
- * Orchard Pond: Same
- * Trout Pond: Steel Conduit is center of dike/dam
- * Dike Pond: Same

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:

- Big Pond - Concrete 36" wide 27" tall with removable slots
- Cattfish Pond - None
- Trout Pond - None
- Dike Pond - None
- Orchard Pond - None

6. THE USE(s) of the impounded water will be:

Multi-Purpose

Actual Pond
Easement Plans

7. THE AMOUNT OF WATER to be stored is: 5 SEE EXHIBIT 'A' acre-feet.

The area submerged by the reservoir, when filled, will be Big Pond .4 acres.
Carl Rich Pond .2
Trout Pond .15
Dike Pond .15
Orchard Pond .05

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: Construction Completed 10 yrs prior to our purchase

Proposed date construction work ^{was} will be completed: 13 yrs ago see above

Proposed date water use ^{was} will be completed: Structures are permanent in nature

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

9. 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 10)

No But No section 10

☐ 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 an 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 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:

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11. mis numbered should read 10
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

Storage Water/3

R-87815

11. 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.

12. 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, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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: _____

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

Date

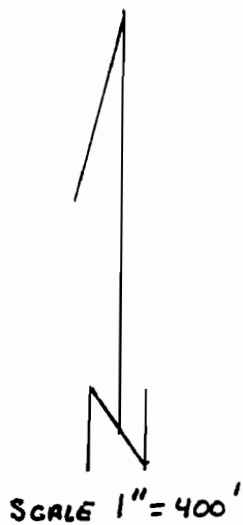
April 5, 2012

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.

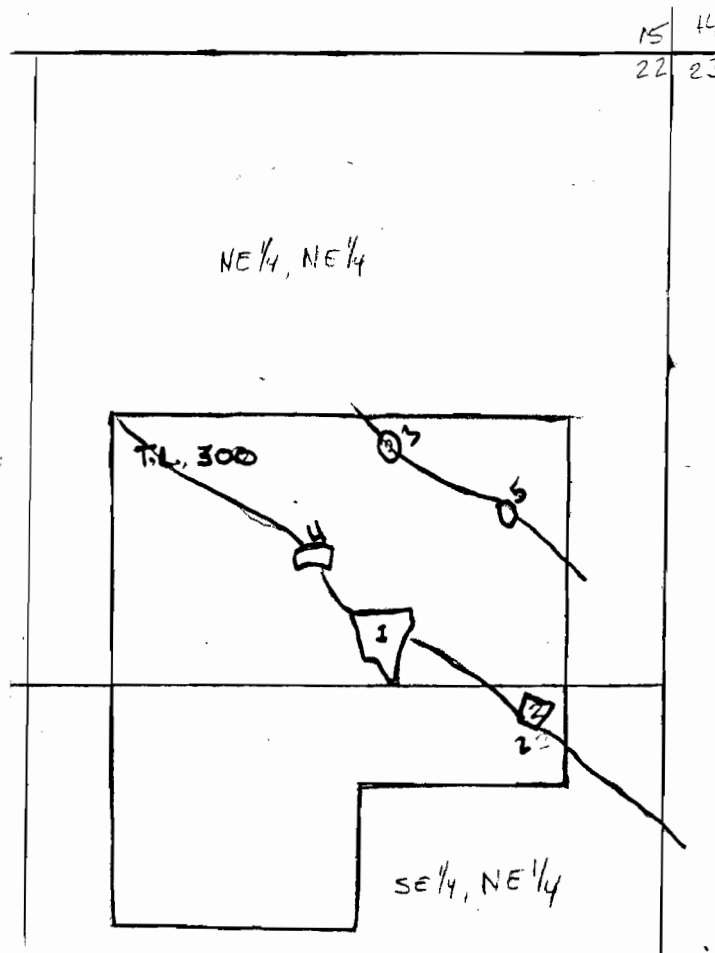
Reservoir Name	Dam Composition	Dam Height (ft)	Reservoir Depth (ft)	Reservoir Surface Area (ac)	Volume (acft)	Distance (ft) South of NE corner Sect 22, 13 S, 1 E	Distance (ft) West of NE corner Sect 22, 13 S, 1 E
1 Big Pond	Earth fill	24	16.2	0.4	2.59	1208	648
2 Catfish Pond	Earth fill	14	8.1	0.2	0.65	1365	268
3 Trout Pond	Earth fill	16	7.3	0.15	0.44	822	428
4 Dike Pond	Earth fill	16	6.4	0.15	0.38	1073	796
5 Orchard Pond	Earth fill	5	2.8	0.5	0.56	1064	328
Total AcFt					4.62		

NE¹/₄, NE¹/₄ & SE¹/₄, NE¹/₄
 SECTION 22
 TOWNSHIP 13 SOUTH, RANGE 1 EAST, W.M.



1. Big Pond - Located 1208 ft. South and 648 ft. West
2. Catfish pond - Located 1365 ft. South and 268 ft. West
3. Trout Pond - Located 822 ft. South and 428 ft. West
4. Dike Pond - Located 1073 ft. South and 796 ft. West
5. Orchard Pond - Located 1064 ft. South and 328 ft. West

All from the Northeast Section Corner,
 Section 22



ROBERTS



After recording return to:
Randel S. Roth
28600 Jones Rd
Foster, OR 97345

Until a change is requested, all tax statements shall be sent
to the following address:
Randel S. Roth
28600 Jones Rd
Foster, OR 97345

LINN COUNTY, OREGON 2009-08498
D-WD 05/08/2009 03:56:33 PM
Crt=1 Stn=7 M. FISHER
\$15.00 \$11.00 \$10.00 \$38.00



00109268200900084980030039

I, Steve Druckenmiller, County Clerk for Linn
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk
records.
Steve Druckenmiller - County Clerk



STATUTORY WARRANTY DEED

Raymond K. Watts, Successor Trustee of the Ralph and Minnie Watts Revocable Living Trust dtd Dec.
10, 1990, Grantor, conveys and warrants to Randel S. Roth and Tonya K. Roth, husband and wife,
Grantee, the following described real property free of encumbrances except as specifically set forth
herein:

SEE ATTACHED EXHIBIT "A"

Tax Account No. 0232690

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$230,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS
INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING
TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR
215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON
LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE
ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301
AND 195.305 TO 195.336 AND SECTIONS 5 TO 11 CHAPTER 424, OREGON LAWS 2007.

Dated 6th day of May, 2009

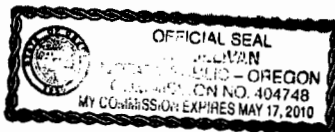
Ralph and Minnie Watts Revocable Living Trust
dtd Dec. 10, 1990

Raymond K. Watts
BY Raymond K. Watts, Trustee

STATE OF OREGON
COUNTY OF Linn

The foregoing instrument was acknowledged before me this 6 day of May, 2009 by
Raymond K. Watts, Trustee of the Ralph and Minnie Watts Revocable Living Trust dtd Dec. 10, 1990
on its behalf.

[Signature]
Notary Public State of Oregon
My commission expires: 5/17/2010



Order No. 25g0036252

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Warranty Deed
ORRQ 6/2005; Rev. 12/2007

R-87815

259 036252
AFTER RECORDING RETURN TO:
LAWYERS TITLE INSURANCE CORPORATION

Exhibit "A" with Exceptions

Beginning at a point on the East line of Section 22, Township 13 South, Range 1 East, of the Willamette Meridian, in the County of Linn and State of Oregon, that is 1,288 feet South of the Northeast corner of said Section 22, said beginning point being marked by an iron pipe and being the Southeast corner of a tract conveyed by Edson L. Jones and Cassie Jones to Jack E. Ballweber and Emma L. Ballweber by deed recorded April 20, 1951, in Deed Book 220, Page 633; thence West 208 feet to an iron pipe which marks the Southwest corner of said Ballweber tract; thence North 555 feet along the West line of said Ballweber tract to an iron pipe; thence West 990 feet to an iron pipe; thence South 1,090 feet to an iron pipe; thence East 1,198 feet to an iron pipe on the East line of said Section 22; thence North 535 feet to the point of beginning.

EXCEPT:

Beginning at a point on the East line of Section 22, Township 13 South, Range 1 East, of the Willamette Meridian, in the County of Linn and State of Oregon, that is 1,288 feet South of the Northeast corner of said Section 22, said beginning point being marked by an iron pipe and being the Southeast corner of the tract conveyed by Edson Jones, et ux, to Jack E. Ballweber, et ux, by deed recorded in Book 220, Page 633, Deed Records; thence West 208 feet to an iron pipe which marks the Southwest corner of the Ballweber tract; thence Southeast approximately 284 feet to an iron pipe on the East line of said Section 22, said point being 188 feet South of the point of beginning; thence North 188 feet to the point of beginning.

ALSO EXCEPT:

Beginning at an iron rod on the East line of and South 1,502.96 feet from the Northeast corner of Section 22, Township 13 South, Range 1 East, of the Willamette Meridian, in the County of Linn and State of Oregon; thence North 47° 53' 30" West, 280.37 feet to an iron rod; thence South, parallel to the East line of said section, 208.04 feet to an iron rod; thence West 439.00 feet to an iron rod; thence South 300.00 feet to an iron rod; thence East 647.00 feet to an iron rod on the East line of said Section 22; thence North along said East line 320.04 feet to the point of beginning.

Subject to:

SPECIAL EXCEPTIONS:

1. An easement created by Instrument, including the terms and provisions thereof,
Recorded : April 20, 2051
As : V 220 P 633
In favor of : Adjacent property owner to the East
For : Water pipeline
2. An easement created by Instrument, including the terms and provisions thereof,
Recorded : July 26, 2055
As : V 244 P 325
For : Access purposes

Amended by Instrument
Recorded : 7/8/68
As : V 331 P 806
3. An easement created by Instrument, including the terms and provisions thereof,
Recorded : January 27, 1971
As : V 8 P 877
In favor of : Consumers Power, Inc., an Oregon corporation
For : Electric and telephone transmission and distribution lines and all appurtenances thereto
4. Terms and provisions of Road Easement Agreement
Recorded : November 27, 1975
As : V 121 P 287
By and between : Timber Service Company, a Minnesota corporation AND Dee DeWolf
5. An easement created by Instrument, including the terms and provisions thereof,
Recorded : August 27, 1976
As : V 143 P 564
In favor of : Consumers Power, Inc., an Oregon corporation
For : Electrical and telephone transmission and distribution lines and all appurtenances thereto
6. An easement created by Instrument, including the terms and provisions thereof,
Recorded : November 19, 1979

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As : V 250 P 145
In favor of : Consumers Power, Inc., an Oregon corporation
For : Electrical and telephone transmission and distribution lines and
all appurtenances thereto

7. An easement created by instrument, including the terms and provisions thereof,
Recorded : October 15, 1980
As : V 273 P 887
In favor of : Consumers Power, Inc., an Oregon corporation
For : Electrical and telephone transmission and distribution lines and
all appurtenances thereto

8. An easement created by instrument, including the terms and provisions thereof,
Recorded : January 11, 1984
As : V 351 P 296
In favor of : Consumers Power, Inc., an Oregon corporation
For : Electrical and telephone transmission and distribution lines and
all appurtenances thereto

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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

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 jurisdiction(s) 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. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying 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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WR / FS

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: Randy Rosh
First Last
Mailing Address: 29600 Jones Rd
Foster OR Daytime Phone: _____
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:
13 S	1 E	22		300		☒ Diverted ☐ Conveyed ☐ Used	Reservoir
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

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) unnamed stream

Estimated quantity of water needed: 5 acre ft. ☐ 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

Briefly describe:

Storing water in ponds. These ponds were created and put into use 10 yrs prior to our purchase 3 yrs ago.

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): LCC 928.610(B)(4)(5)

☐ 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:	
		☐ 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: DEBORAH J. PINKERTON Title: SENIOR PLANNER
 Signature: Deborah Pinkerton Phone: 541-967-3816 Date: 5/3/12
 Government Entity: LINN 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: Randy Roth
 City or County: Linn County Staff contact: _____
 Signature: Randy Roth Phone: 367-1506 Date: April 25, 2012

A-87815