



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

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Applicant: Ronald Kapp
First Last
Mailing Address: P.O. Box 97
Ashland Oregon 97520
City State Zip **SALEM, OR**
Phone: 541-601-2599
Home Work Other
Fax: _____ E-Mail Address*: drkapp@yahoo.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: Michael Thornton
First Last
Mailing Address: PO Box 476
Jacksonville Oregon 97530
City State Zip
Phone: _____
Home Work Other
Fax: 541-899-3419 E-Mail Address*: mikethornton@qwestoffice.net
* 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: N/A
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: Unnamed spring Tributary to: Dead Indian Creek
C. County in which diversion occurs: Jackson

App. No. <u>R-87840</u>	For Department Use Permit No. _____	Date _____	RECEIVED BY OWRD
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
38 S	3 E	2	NE/NW	300

E. Dam: Maximum height of dam: 15 feet 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: 2.0 ac-ft

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.

Multi-purpose use.

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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? _____ 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.

ODFW, Charles Fustish, STEP Biologist, ODFW Alternate Reservoir Application Review Sheet

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 will have a primary and emergency spillway. The reservoir will also include a valved drain pipe. See Engineer's plans.

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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).

See separate plans prepared by Engineer.

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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

7-27-12

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).

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: Ron Kapp

Pond Location: 38S-3E-2-NE/NE
Tax lot: 300

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

Water is available

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☐ YES

N/A

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:



Date:

8-16-2012

WRD Contact:

Caseworker:

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

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NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Ronald Kapp, PO Box 97, Ashland, OR 97520

Reservoir Name: No Name Source: Unnamed Spring Volume (AF): 2.0ac-ft

Twp Rng Sec QQ: 38S R3E 2 NE/NW Basin Name: Dead Indian Cr ☐ 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
(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 June
through December 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.

Federally Threatened Coho Salmon + State Sensitive
Summer Steelhead are present annually in Dead Indian
Creek

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)

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below this Proposed Project. Water diverted From tributaries
OF Dead Indian Creek during June through December could
Negatively impact Spawning, Rearing + migration OF the
S+T Species Present in Dead Indian Creek.

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)

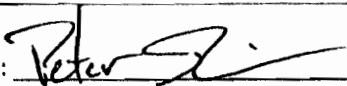
b51a - The period OF use has been limited to January
through May, Riparian.

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ODFW Signature:



Print Name:

Peter Samarin

ODFW Title:

Assistant District Fish Biologist

Date:

Aug 28 2012

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

Revised 8/2/11



THORNTON ENGINEERING INC.

August 28, 2012

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

Subject: ODFW Review of Application for a Permit to Store Water in a Reservoir
38S 3E SEC 2 Tax Lot 300
Applicant: Ron Kapp – Agent: Michael Thornton

This letter summarizes my telephone conversation today with Peter Samarin, Assistant District Fish Biologist, ODFW. I called Peter to follow-up on the condition he placed on the ODFW Review Sheet for the subject application. Peter stated the following in his review:

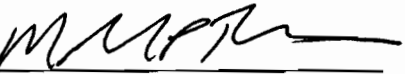
"The period of use has been limited to January through May. Riparian."

I asked Peter the following clarifying questions in order to understand the proper design and operation of the dam and reservoir (*Peter's summarized response is in italics*):

1. Does the reservoir need to be drained from June through December?
No. The reservoir may impound water during this period.
2. The pond is primarily fed by a spring - do we need to construct a bypass to convey the spring water around the reservoir during this period?
No. The spring water may pass through the reservoir as long as there is an outlet/spillway for the outflow.
3. There will be some evaporation loss from the pond during the stated period – will that be a problem.
No, as long as there is an outlet for the overflow.

The proposed dam and reservoir will be constructed with a spillway capable of conveying the inflow downstream of the dam less any seepage or evaporation.

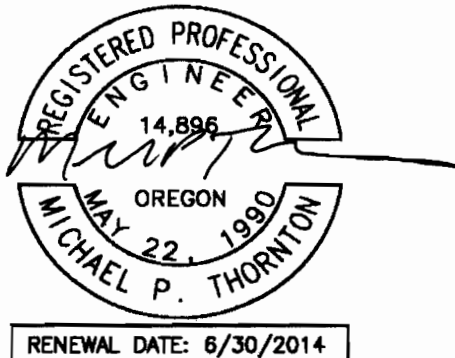
Sincerely,
Thornton Engineering, Inc.

By: 
Michael P. Thornton, President

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R-87840

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: Ronald Kapp
First Last

Mailing Address: PO Box 97

Ashland OR 97520 541-601-2599
City State Zip Daytime Phone:

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:
38 S	3 E	2	NE/NW	300	Forest Res.	☐ Diverted ☐ Conveyed ☒ Used	Pond
						☐ 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:

Jackson County, Oregon

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 Spring

Estimated quantity of water needed: approx. 2.0 ☐ 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:

Pond for fire protection, resource land, fish and wildlife, irrigation, aesthetics, and recreation.

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): _____
- ☒ 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:	
Reservoir	OAR 660-006-26(4)(1) (5), 4.3.4	☐ 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.

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Name: Tracie Nickel Title: Planner III

Signature: [Signature] Phone: 541-774-6951 Date: 8-1-12

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: _____ Date: _____

787496-EV/ACCOM



After recording return to:
THE RONALD KAPP TRUST DATED
SEPTEMBER 24, 2008
PO Box 97
Ashland, OR 97520

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

THE RONALD KAPP TRUST DATED
SEPTEMBER 24, 2008
PO Box 97
Ashland, OR 97520

Escrow No. AS0787496
Title No. 0787496
SWD

THIS SPACE RESERVED FOR

Jackson County Official Records 2008-040830
R-WD
Cnt=1 Str=5 SHINGLES 11/12/2008 08:03:00 AM
\$5.00 \$5.00 \$5.00 \$11.00 Total: \$26.00



I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk's
records.
Christine Walker - County Clerk

STATUTORY WARRANTY DEED

RONALD KAPP, Grantor(s) hereby convey and warrant to RONALD KAPP, TRUSTEE OF THE
RONALD KAPP TRUST DATED SEPTEMBER 24, 2008, Grantee(s) the following described real
property in the County of JACKSON and State of Oregon free of encumbrances except as specifically set
forth herein:

The Northwest Quarter of Section 2 in Township 38 South, Range 3 East of the Willamette
Meridian in Jackson County, Oregon.

For Informational purposes only, the following is included:
(Map No. 383E, Tax Lot 300, Account No. 1-009764-5, Code 5-02)

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The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and
those shown below, if any:

The true and actual consideration for this conveyance is \$0.00.

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 this 11th day of November, 2008.

Ronald Kapp
RONALD KAPP



State of Oregon
County of JACKSON

This instrument was acknowledged before me on 11/7/2008 by RONALD KAPP.

[Signature]
Notary Public for Oregon

My commission expires 4/30/2012

R-87840



**THORNTON
ENGINEERING INC.**

September 24, 2012

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

Subject: Revised Application for a Permit to Store Water in a Reservoir (Alternate Review)

38S 3E SEC 2 Tax Lot 300

Applicant: Ron Kapp – Agent: Michael Thornton

Please find enclosed with this letter the following:

1. OWRD Letter and Checklist, 8-7-2012
2. Completed Current Watermaster Review Sheet.
3. Completed Current ODFW Review Sheet.
4. Letter Thornton Engineering, 8-28-12, ODFW Telephone Conversation.
5. Completed Land-Use form prepared by Jackson County.
6. Completed Application for a Permit to Store Water in a Reservoir (Alt. Review).
7. Map prepared to application standards.
8. Fee payment of \$750.00 (\$300 base fee, \$50 for 2.0 ac-ft, \$400 recording fee).
9. Copy of Assessors Map for T38S R3E.
10. Copy of Deed.
11. Draft engineered plans for reservoir construction.
12. Fee payment of \$750.00 (\$300 base fee, \$50 for 2.0 ac-ft, \$400 recording fee).

Please contact me if you have any questions or any further needs including technical data, calculations, drawings or surveying.

Sincerely,

Thornton Engineering, Inc.

By: 
Michael P. Thornton, President

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