



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

RECEIVED BY OWRD

Applicant: Michael Hilton
First Last
 Mailing Address: 8087 Blackwell Road
Central Point Oregon 97502
City State Zip
 Phone: 541-210-1516
Home Work Other

OCT 25 2012

SALEM, OR

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: Matt Ropp
First Last
 Mailing Address: 107 Newtown Street
Medford Oregon 97501
City State Zip
 Phone: _____
Home Work Other
 Fax: 541-857-2614 E-Mail Address*: matt@mropplanduse.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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Jacob's 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: Two unnamed springs Tributary to: Upton Slough

C. County in which diversion occurs: Jackson

Submitted By
 MATT ROPP
 LAND USE CONSULTING, INC.

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

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
36S	2W	27	SENW & NESW	2600

E. Dam: Maximum height of dam: zero 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: 10 acre feet

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.

The stored water will be for multipurpose use.

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:

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? Approx. 15 years.

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~~R-878~~
R-87842

Submitted By
MATT ROPP
LAND USE CONSULTING, INC.



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 Rogue River Valley Irrigation District	Address 3139 Merriman Road	
City Medford	State Oregon	Zip 97501

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.

Jacob's Reservoir is supplied by Rogue River Valley Irrigation District water during irrigation season. Irrigation district water is diverted from the Dean Owens Lateral to fill an existing small pond approximately 100 feet east of the Reservoir; water is then delivered via a buried pipe to a point near the south end of the reservoir as depicted on the enclosed site plan prepared by Matt Ropp Land Use Consulting, Inc.

Jacob's Reservoir is also supplied by two unnamed springs along the east bank as depicted on the enclosed site plan prepared by Matt Ropp Land Use Consulting, Inc.

Outflow is discharged via a pipe on the north end of the reservoir, into a ditch that ultimately discharges into Upton Slough to the north and west.

Submitted By
MATT ROPP
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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).

The diversion does not include a dam.

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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.

By Agent: Matt Ropp
Landowner Signature

10/22/12
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.

Submitted By
MATT ROPP
LAND USE CONSULTING, INC.

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-07848

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:

Hilton (Tax lot 2600)

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

NO YES

Explain:

Within Rogue River Valley Irrigation District

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:

Kelly

Date:

8-15-2012

WRD Contact:

Caseworker:

D-B Assistant Watermaster

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

Submitted By
MATT ROPP
LAND USE CONSULTING, INC.

NOTE: This completed form must be returned to the applicant

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R-87848

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.		
Applicant Name/Address/Phone/Email: <u>Michael Hilton/8087 Blackwell Road, Central Point, OR,</u> <u>97502/541-210-1516</u>		
Reservoir Name: <u>Jake Reservoir</u>	Source: <u>Unnamed Stream</u>	Volume (AF): <u>10</u>
Twp Rng Sec QQ: <u>362W27 SENW & NESW</u> <u>TL 2600</u>	Basin Name: <u>Rogue River</u>	<input type="checkbox"/> in-channel <input 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.
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- 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.

Submitted By
MATT ROPP
LAND USE CONSULTING, INC.



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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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)

Lined area for handwritten notes or responses.

Submitted By
MATT ROPP
 LAND USE CONSULTING, INC.

ODFW Signature: [Signature] Print Name: Peter Soman

ODFW Title: Asst District Fish Biologist Date: Sept 20 2012

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

Revised 8/2/11

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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: Michael Hilton
First Last

Mailing Address: 8087 Blackwell Road

Central Point Oregon 97502 Daytime Phone: 541-210-1516
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:
36S	2W	27	SE NW and NE SW	2600	EFU	<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:

Jackson County

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Submitted By
MATT ROPP
LAND USE CONSULTING, INC.

B. Description of Proposed Use

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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) _____

Estimated quantity of water needed: _____ 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 _____

Briefly describe:

Existing pond within irrigation district. Pond is currently used for irrigation of farm crops, and livestock, during irrigation season. Proposal is to store water outside of irrigation season.



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): LDO table 4.2-1 "Farm Use".
- 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.

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Submitted By
MATT ROPP
LAND USE CONSULTING, INC.

Name: Kenneth D. Skyles Title: Planner II

Signature: *[Signature]* Phone: 541-774-6958 Date: 2/15/2012

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: _____ Date: _____



October 8, 2012

Oregon Department of Water Resources
Water Rights Section
725 Summer Street NE, Suite A
Salem, Oregon 97301

Re: Water Rights Applications
Jackson County
36-2W-27 TL(s) 500 & 2600

I authorize Matt Ropp Land Use Consulting, Inc. as my agent for water rights related applications and process on the above referenced parcels.



Michael R. Hilton
8087 Blackwell Road
Central Point, Oregon 97502

Submitted By
MATT ROPP
LAND USE CONSULTING, INC.



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R-87840



MATT ROPP LAND USE CONSULTING, INC.

Specializing in Oregon County Land Use Planning and Permitting Assistance

October 22, 2012

Oregon Department of Water Resources
Water Rights Section
725 Summer Street NE, Suite A
Salem, Oregon 97301

Re: Alternate Reservoir Application - 36-2W-27 TL 2600 - Jackson County

Dear Staff,

Attached, please find documents in support of an Application for a Permit to Store Water in a Reservoir, Alternate Review.

If you have any questions during the review of this request, please do not hesitate to contact me at any time.

Regards,

Matt Ropp
Matt Ropp Land Use Consulting, Inc.

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Att: Application fee in the amount of \$550.00 (check # 2059)
Recording fee in the amount of \$400.00 (check # 2060)
Letter of Authorization from Michael Hilton designating Matt Ropp Land Use Consulting, Inc. as agent.
Application for a permit to Store Water in a Reservoir, Alternate Review (4 pgs)
Signed Watermaster Alternate Reservoir Application Review Sheet (1 pg)
Signed ODFW Alternate Reservoir Application Review Sheet (2 pgs)
Signed Land Use Information Form (2 pgs)
Site Plan- Alternate Reservoir - Prepared by Matt Ropp Land Use Consulting, Inc.

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 _____

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Minimum Requirements (ORS 537.409)

OCT 25 2012

Completed Watermaster review sheet signed and dated by Watermaster.

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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.)

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

Submitted By
MATT ROPP
LAND USE CONSULTING, INC.

R-9784E