



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

Application for a Permit to Store Water in a Reservoir

(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: GERALD WRUCK
First Last

Mailing Address: 12505 AIRLIE RD
MONMOUTH OR 97361
City State Zip

Phone: 503-838-4636 503 917 9801
Home Work Other

Fax: E-Mail Address*: mwjwrwaw@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.
SAME AS ABOVE

Agent:
First Last

Mailing Address:

Phone:
City State Zip

Home Work Other

Fax: E-Mail Address*:

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

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3. LOCATION AND SOURCE

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A. Reservoir Name: NA **SALEM, OR**

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: run off Tributary to:

C. County in which diversion occurs: POLK

App. No. <u>R-87870</u>	For Department Use Permit No. <u></u>	Date <u></u>
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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 *SEASONAL*
If yes, how long has it been in place? *> 20* 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.

Jerry Sorte LAND USE PERK COUNTY 503-623-9237
ALEX FARRAND FISH + WILDLIFE 541-757-4186
Water master Mike McCord 503-986-0889 *ex 239*

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.

*We get domestic water from LUKAMUTE CO-OP
They don't allow irrigation.*

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.

see 2 attached diagrams

Pond filled from runoff, overflow will only be seasonal and would go into seasonal ditch

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

No Diversion. It will catch seasonal runoff.
115' x 200' x 9 ft deep = 1,548,567 gallons
~ 4.5⁻⁵ acre ft.
4.5 to 5 acre ft.

We will have a way of letting water out without erosion issues + controlling water level with a spillway.

Any dam height will be less than 10 ft.

NOTE: NO WORKING WELLS ON OUR PROPERTY

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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.

Gerald Knuck

Landowner Signature

2-24-2013

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).

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: GERALD WRUCK 12805 AIRLIE RD
MONMOUTH OR 97361 503-838-4636 mwjwruck@yahoo.com
 C: 503 917 9801

Reservoir Name: PA Source: run off Volume (AF): _____

Twp Rng Sec QQ: 9S 5W 34 TL 201 Basin Name: _____ 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 AO¹ 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 NMF² 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 project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... 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.

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¹ 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)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

R-07878

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: *Gerald Wruck, Marcia Wruck*

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

Explain: *Water is not available June - Oct.*

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

If YES, which conditions are recommended:

Limit storage season to Nov 1 through May 31

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

Who: *Aly Farand* Agency: *ODFW* Date: *Feb '13*
Who: Agency: Date:

Watermaster signature: *Michael J. McLeod* Date: *2/19/13*

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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R-8787E

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: GERALD WRUCK
First Last

Mailing Address: 12505 AIRLIE RN
MONMOUTH OR 97361 Daytime Phone: 503 838 4636
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:
9s	5w	34		201	EFH	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	MULTI
						<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:

POLK

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) _____

Estimated quantity of water needed: up to 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 Livestock

Briefly describe:

Agricultural purposes.

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): PCZO 136.030(A)

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.

No floodplain or wetlands inventoried on the NWI maps

Name: Jerry Sorte Title: Planning Manager

Signature: *[Signature]* Phone: 503 623 9237 Date: 2/27/13

Government Entity: Polk Co.

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: _____

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Signature: _____ Phone: _____ Date: _____

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FIRST AMERICAN TITLE 343450



After recording return to:
Marcia A. Wruck and Gerald Evan
Wruck
12505 Airlie Rd
Monmouth, OR 97361

Until a change is requested all tax statements
shall be sent to the following address:
Marcia A. Wruck and Gerald Evan
Wruck
12505 Airlie Rd
Monmouth, OR 97361
File No.: 7101-343450 (WKM)
Date: March 25, 2004

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2004-004976



\$36.00

04/01/2004 03:52:54 PM

REC-WD Cnt=1 Stn=1 A. CAPTAIN
\$15.00 \$10.00 \$11.00

STATUTORY WARRANTY DEED

Lisbeth Meunier-Goddik and Patrick C.B. Meunier as tenants by the entirety, Grantor, conveys and warrants to **Marcia A. Wruck and Gerald Evan Wruck, wife and husband**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin, to the extent such covenant, conditions of restrictions violate Title 42, Section 3604(c), of the United States Codes.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$395,000.00**. (Here comply with requirements of ORS 93.030)

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Lisbeth Meunier-Goddik

Lisbeth Meunier-Goddik

Patrick C.B. Meunier

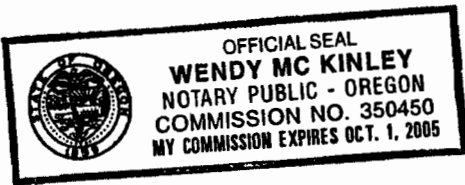
Patrick C.B. Meunier

STATE OF Oregon)
County of *Benton*)ss.
)

This instrument was acknowledged before me on this 31st day of March, 2004
by **Lisbeth Meunier-Goddik and Patrick C.B. Meunier.**

Wendy Mc Kinley

Notary Public for Oregon.
My commission expires: 10.01.05



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EXHIBIT A

LEGAL DESCRIPTION:

Beginning at a point in the tangent centerline of Market Road No. 7, which point is 3559.37 feet South 00° 22' West from the quarter corner of the North line of Section 34, Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon, said point of beginning being the Southeast corner of that certain tract of land conveyed to Carl V. Loosley and Monica D. Loosley, by deed recorded in Volume 136, Page 413, Polk County Deed Records; and running thence South 77° 47' West, along the centerline of said Road, 870.13 feet to a point; thence North 12° 13' West 203.34 feet to an iron rod; thence Northerly on a 652.07 foot radius curve right, (the chord of which bears North 05° 56' 30" West 142.54 feet) an arc distance of 142.83 feet to an iron rod; thence North 00° 20' East 748.94 feet to an iron rod; thence South 89° 40' East 909.61 feet to an iron rod in the East line of said Loosley tract; thence South 00° 22' West 900.00 feet to the point of beginning.

SAVE AND EXCEPT for the rights of the public in and to that portion lying within the public roadway.

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- 21. Any encroachments, unrecorded easements, violations of conditions, covenants and restrictions, and any other matters which would be disclosed by a correct survey.
- 22. Proof that there are no parties in possession, or claiming the right to be in possession, other than the vestees herein.
- 23. Any statutory liens for labor or material, including liens for contributions due to the State of Oregon for unemployment compensation and for workmen's compensation, which have now gained or hereafter may gain priority over the lien of the insured mortgage, which liens do not now appear of record.

End of Exceptions

**NOTE: The following is for information purposes only:
The following deed(s) affecting said land were recorded within 24 months of the date of this report.**

NONE

The following is the last deed affecting said land,

Document : Bargain and Sale Deed
 Grantor(s) : Marcia A. Wruck and Gerald E. Wruck, wife and husband
 Grantee(s) : Gerald E. Wruck and Marcia A. Wruck, Trustees of the Gerald E. Wruck Revocable Living Trust, u/a dated November 8, 2004, as to an undivided one-half interest, and Marcia A. Wruck and Gerald E. Wruck, Trustees of the Marcia A. Wruck Revocable Living Trust, u/a dated November 8, 2004, as to an undivided one-half interest
 Recorded : May 4, 2009 2009-005253

NOTE: Property taxes for the year 2011-2012, PAID IN FULL
 Amount : \$2,907.62
 Map and Tax Lot No.: 9-5-34 201
 Account No. : 220147
 Affects : Real Property

NOTE: We find no judgments or United States Internal Revenue Liens against Gerald E. Wruck and/or Marcia A. Wruck.

The standard recording charges for Polk County are as follows:
\$46.00 for the first page plus \$5.00 for each additional page. Please contact your Title Officer or Escrow Officer for further information.

Note: Underwriter's portion of the total title insurance premium (including endorsements and additional risk premiums, if any) 10%.

NOTE: The legal description contained in this commitment is based on information provided with the application for title insurance and the public records as defined in the policy to issue. The parties to the forthcoming transaction must notify the title company prior to closing if the legal description does not conform to their expectations.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

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