



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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: Daniel Battaglia  
First Last  
 Mailing Address: 1385 SW Oakdale Ave  
Dallas OR 97338  
City State Zip  
 Phone: 503-881-7136 NA NA  
Home Work Other  
 Fax: \_\_\_\_\_ E-Mail Address\*: Skylarkguy@hotmail.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.

**RECEIVED**

Agent: \_\_\_\_\_  
First Last  
 Mailing Address: \_\_\_\_\_ APR 04 2013  
 \_\_\_\_\_  
City State Zip  
 Phone: \_\_\_\_\_  
Home Work Other  
 Fax: \_\_\_\_\_ E-Mail Address\*: \_\_\_\_\_

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 SALEM, OREGON

\* 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: unnamed 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 Creek Tributary to: Ash Creek watershed.

C. County in which diversion occurs: Polk

App. No. <u>R-07884</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
<del>South</del> 8 S	5W	5	NW/NW	1100

**E. Dam:** Maximum height of dam: 4 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: 0.6

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.

"Multipurpose"

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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:

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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? > 25 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.

**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.

*This pond was already in existence when we purchased property in 2009. The pond was created by placing a dam of approximately 4ft in height and 90 ft in length. The total surface area is about 0.16 acres. The depth is variable with a maximum of about 4 ft. Live flow comes into the pond from the west by a small unnamed creek. Live flow out of the pond is achieved via a spillway of approximately 4 feet in width. The water drops into the spillway over a concrete wall of about 3 feet in height. Flow is present year around.*

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R-07884

# 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: Daniel Battaglia  
First Last

Mailing Address: 1385 SW Outlook Ave

Dallas OR 97338 Daytime Phone: 503-881-7136  
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:
8S	5W	5	NW/NW	1100	UGB	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Agriculture
						<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, 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) unnamed Creek

Estimated quantity of water needed: 0.6     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 mult. use

Briefly describe:  
 \_\_\_\_\_

**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 127.020 (D)(1)

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.

Name: Linsay Payne Title: Planner Trainee  
 Signature: Linsay Payne Phone: 503-623-9237 Date: 8/23/12  
 Government Entity: Polk County, Community Development Dept.

**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**

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Applicant name: \_\_\_\_\_ APR 04 2013  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ WATER RESOURCES DEPT  
 SALEM, OREGON



Oregon  
John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Fish Division  
3406 Cherry Avenue NE  
Salem, OR 97303  
503-947-6200  
Fax: 503-947-6202  
[www.dfw.state.or.us](http://www.dfw.state.or.us)

January 14<sup>th</sup>, 2013

Daniel Battaglia  
1385 SW Oakdale Ave  
Dallas, OR 97338



**Re: Unnamed Tributary of North Fork Ash Creek; Fish Passage Exemption Request E-02-0025**

Dear Mr. Battaglia,

The application (# E-02-0025; cover sheet attached) for a fish passage exemption request for your private in-stream dam on an unnamed tributary to North Fork Ash Creek, located in Polk County has been approved by the Oregon Department of Fish and Wildlife (ODFW) pursuant to ORS 509.585(9)(a)(C) and OAR 635-412-0025(4)(c) and (10)(aA). Therefore, you do not have to provide fish passage at your dam on the unnamed tributary to NF Ash Creek. An appreciable benefit analysis performed by ODFW Mid Willamette District staff showed that providing fish passage at this site would not result in an appreciable benefit to native migratory fish. Please note that this exemption is valid until the next triggering event occurs (construction, abandonment, fundamental change in permit status). Also, if stream conditions change in the future to the extent that providing passage at this site results in an appreciable benefit to native migratory fish, this exemption can be revoked (ORS 509.585(9)(a)(C)(b) and (OAR 635-412-0025(6))), and fish passage will need to be addressed.

Please keep a copy of this fish passage exemption approval letter with the attachment as a record of the fish exemption approval. Please contact me at 503-947-6256 if you have any questions regarding this fish passage exemption approval letter.

Sincerely,

Ken Loffink  
Assistant Fish Passage Coordinator

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cc: Greg Apke, ODFW Fish Passage Coordinator  
Alan Ritchey, ODFW Fish Screening and Passage Program Manager  
Alex Farrand, ODFW Mid Willamette District  
Project File: E-02-0025

R-07884



OREGON DEPARTMENT OF FISH AND WILDLIFE

Fish Passage EXEMPTION Application

- Use this form if a waiver has already been granted for the artificial obstruction for which an Exemption is being requested, fish passage mitigation has already been provided for the artificial obstruction, or if there would be no appreciable benefit for native migratory fish if passage were provided at the artificial obstruction.
• Use the "Fish Passage WAIVER Application" if providing fish passage at the artificial obstruction would benefit native migratory fish.
• If you unlock and re-lock this Form, information already entered may be lost in certain versions of MS Word.

APPLICANT INFORMATION

The Applicant must be the owner or operator of the artificial obstruction for which an Exemption is sought.

ORGANIZATION/APPLICANT: Private Landowner
CONTACT: Daniel Battaglia TITLE:
ADDRESS: 1385 SW Oakdale Ave
Dallas, OR 97338
FAX:
E-MAIL ADDRESS: skylarkguy@hotmail.com
SIGNATURE: DATE:

OWNER (if different than Applicant):
CONTACT: TITLE:
ADDRESS: STATE: ZIP:
CITY:
PHONE:
FAX:
E-MAIL ADDRESS:
SIGNATURE: DATE:
Signature indicates that you understand and do not dispute this request.

APPLICATION COMPLETED BY (if different than Applicant):
TITLE:
ORGANIZATION:
ADDRESS: STATE: ZIP:
CITY:
PHONE:
FAX:
E-MAIL ADDRESS:
SIGNATURE: DATE:

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To Be Completed by ODFW Fish Passage Coordinator
APPLICATION #: 02-0025 DATE RECEIVED: 8/28/12
FILE NAME: Unnamed Tributary to NF Ash Creek Exemption
APPROVED [X] SIGNATURE: [Signature] DATE: 1/14/12
DENIED [ ] TITLE: Assistant Fish Passage Coordinator



OREGON DEPARTMENT OF FISH AND WILDLIFE

Fish Passage EXEMPTION Application

- Use this form if a waiver has already been granted for the artificial obstruction for which an Exemption is being requested, fish passage mitigation has already been provided for the artificial obstruction, or if there would be no appreciable benefit for native migratory fish if passage were provided at the artificial obstruction.
• Use the "Fish Passage WAIVER Application" if providing fish passage at the artificial obstruction would benefit native migratory fish.
• If you unlock and re-lock this Form, information already entered may be lost in certain versions of MS Word.

APPLICANT INFORMATION

The Applicant must be the owner or operator of the artificial obstruction for which an Exemption is sought.

ORGANIZATION/APPLICANT: Daniel Battaglia

CONTACT:

TITLE:

ADDRESS:

1385 SW Oakdale Ave

CITY:

Dallas

STATE: OR

ZIP: 97338

PHONE:

503-881-7136

FAX:

E-MAIL ADDRESS:

skylarkguy@hotmail.com

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

OWNER (if different than Applicant):

CONTACT:

TITLE:

ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

FAX:

E-MAIL ADDRESS:

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Signature indicates that you understand and do not dispute this request.

APPLICATION COMPLETED BY (if different than Applicant):

TITLE:

ORGANIZATION:

ADDRESS:

CITY:

STATE:

PHONE:

FAX:

E-MAIL ADDRESS:

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

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ZIP:

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To Be Completed by ODFW Fish Passage Coordinator

APPLICATION #:

DATE RECEIVED:

FILE NAME:

APPROVED [ ]

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

DENIED [ ]

TITLE:



**ARTIFICIAL OBSTRUCTION** (for which an Exemption is being requested)

1. TYPE OF ARTIFICIAL OBSTRUCTION:
- |                                     |                   |          |                                     |
|-------------------------------------|-------------------|----------|-------------------------------------|
| <input checked="" type="checkbox"/> | Dam               | New      | <input type="checkbox"/>            |
| <input type="checkbox"/>            | Culvert/Bridge    | Existing | <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            | Tidegate          |          |                                     |
| <input type="checkbox"/>            | Other (describe): |          |                                     |

2. PLEASE PROVIDE A BACKGROUND AND DESCRIPTION OF THE PROPOSED ACTION TRIGGERING THE NEED TO ADDRESS FISH PASSAGE: I am applying for water rights on this pond that was created by damming an unnamed creek, a tributary to North Fork Ash Creek. The pond was created by previous land owners. Currently the creek is inaccessible to NMF, which may have been here historically, due to other downstream activities on the creek.

3. PASSAGE WILL NOT BE PROVIDED FOR THE FOLLOWING REASON(S):

- Already Mitigated\*\*  
 Already Granted a Waiver\*\*  
 No Appreciable Benefit for Native Migratory Fish

\*\* Attach supporting documentation, a description of mitigation, and past ODFW approvals. The description of mitigation should include information detailed in the "Fish Passage WAIVER Application".

4. DATE THE TRIGGER ACTION IS SCHEDULED TO BEGIN (a minimum of one month should be planned for the exemption process after ODFW receives your application; requests that require detailed ODFW review or must go before the Commission will take longer): 10/1/2012

5. LOCATION

COUNTY: Polk  
 ROAD CROSSING (if applicable): NA  
 RIVER/STREAM: Unnamed  
 TRIBUTARY OF: North Fork Ash Creek  
 BASIN: Willamette  
 COORDINATES<sup>a</sup>: Longitude: 44° 54' 43.296"W Latitude: 123° 20' 8.646"N

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<sup>a</sup> Geographic projection using NAD\_83 and formatted as decimal degrees to at least 4 places.

6. STREAM DESCRIPTION

6A. BARRIER TABLE (please provide the following information for barriers, which will help determine the benefit of providing passage at the Artificial Obstruction; indicate measurement units if applicable):

Locations	DOWNSTREAM			AO	UPSTREAM			example	
	3	C/N	2		1	1	2		E
Type			C	C	D	N			C
Length			60 ft	30 ft	14 ft	20 ft			80 ft
Distance		3715 ft	1670 ft	275 ft		200 ft		450 ft	1,200 ft
Level			5	3	5	4			5

Type = C (culvert/bridge), D (dam), T (tide gate), N (natural; describe below), O (other; describe below)  
 Length = length of the barrier in the stream (e.g., culvert's length, dam's width/footprint)  
 Distance = distance from the Artificial Obstruction (to closest point of other barriers)  
 Level = amount of passage at the barrier using the following codes:  
 5 - barrier to all native migratory fish

- 4 - barrier to some native migratory fish adults and/or species
- 3 - barrier to some native migratory fish adults and/or species for only part of migration period
- 2 - barrier to all native migratory fish juveniles
- 1 - barrier to some native migratory fish juveniles and/or for only part of migration period

**LOCATIONS:**

- AO = the existing or proposed Artificial Obstruction
- 1,2 = other barriers in the same stream as the Artificial Obstruction
- 3 = downstream barrier outside the immediate stream in which the Artificial Obstruction is located (*only needed if C/N is a confluence rather than a complete natural barrier*)
- E = end of historic native migratory fish use, including all tributaries (i.e., potential range without any artificial barriers in place)
- C/N = first downstream confluence or complete natural barrier, whichever comes first

NOTE: The *example* indicates that there is culvert which is 80 feet long, is located 1,200 feet from the Artificial Obstruction in question, and is a complete fish passage barrier.

**PLEASE PROVIDE ADDITIONAL DESCRIPTIONS FOR THOSE BARRIERS INCLUDED IN THE BARRIER TABLE OR FOR OTHER BARRIERS AFFECTING NATIVE MIGRATORY FISH MOVEMENT TO OR FROM THE ARTIFICIAL OBSTRUCTION:** The information presented on the Barrier table is approximate. Most barriers are undocumented and on property owned by others. Most distances are obtained from Google Maps.

Downstream from the AO:

Downstream-1- Culvert, this is a metal ribbed culvert that runs under the service road to the Dallas cemetery. It is approximately 2 feet in diameter.

Downstream-2 –Culvert, this is a small, smooth concrete culvert that runs under Highway 223. It appears to be completely dry during summer months.

In addition to the 2 culverts documented above there are 2 water impoundments seen on aerial photos, one of which is undocumented. Both of these likely were created with some dam structure, and fish passage is unknown. Obstructions east of Highway 223 to the confluence with North Fork Ash Creek are unknown.

Upstream from the AO:

The first obstruction is the lack of channel as the water flows through a small woodland. The stream apparently is fed by a spring and the water emerges in this area. In high flow conditions fish might make it beyond this point but the end of the creek appears to be approximately only 200 feet further up.

**6B. SUMMARY TABLE** (please provide the following information relative to the Artificial Obstruction, which will help determine the benefit of providing passage at it):

	DOWNSTREAM	UPSTREAM
NMF Species Present Currently	None	None
NMF Species Present Historically	Unknown, possibly cutthroat	Unknown
Habitat Quality	Low	Low
Flows	Seasonal	Seasonal
Water Quality	Fair	Fair
Water Right Availability	Water Rights Available	Water rights available
Land Use/Zoning	Urban Growth / Suburban Residential	Urban Growth / Suburban Residential

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NMF = native migratory fish

**PLEASE PROVIDE ADDITIONAL DETAILS REGARDING THE INFORMATION PROVIDED IN THE SUMMARY TABLE** (such as species listed under the state or federal ESA and descriptions of the stream channel and riparian habitat):

No fish have been observed in the creek or the impoundment created by the AO. At least 1 semi-formal survey has been conducted by students at OSU and no evidence of fish was observed. There is a large population of bull frogs in the impoundment.

The channel downstream of the AO is highly entrenched clay bottom. There are some large rocks about 10 feet downstream from the AO but the remainder of the creek is smooth bottomed. There are 2 small pools formed by flowing of water over roots of trees. One pool is about midway between the AO and the property line and the other is right at the property line immediately in front of the first culvert. The condition of the creek between our property line and Highway 223 is unknown. At the highway crossing, the creek is currently dry and runs through a ditch before crossing under the highway in a concrete culvert.

The flows on this creek are highly seasonal, although there has been a trickle of water emerging from the spring even in July and August. The flow is low but present. Flow out of the AO is small to nonexistent in the summer time.

This property is in the urban growth boundary of Dallas, Oregon. Our planned use of the land is for small scale agriculture.

**6C. PROVIDE THE SOURCE FOR INFORMATION CONTAINED IN THE BARRIER AND SUMMARY TABLES:** Information for these sections were obtained primarily from visual observation, Google maps and Polk County Webmap

**MAP(S)**

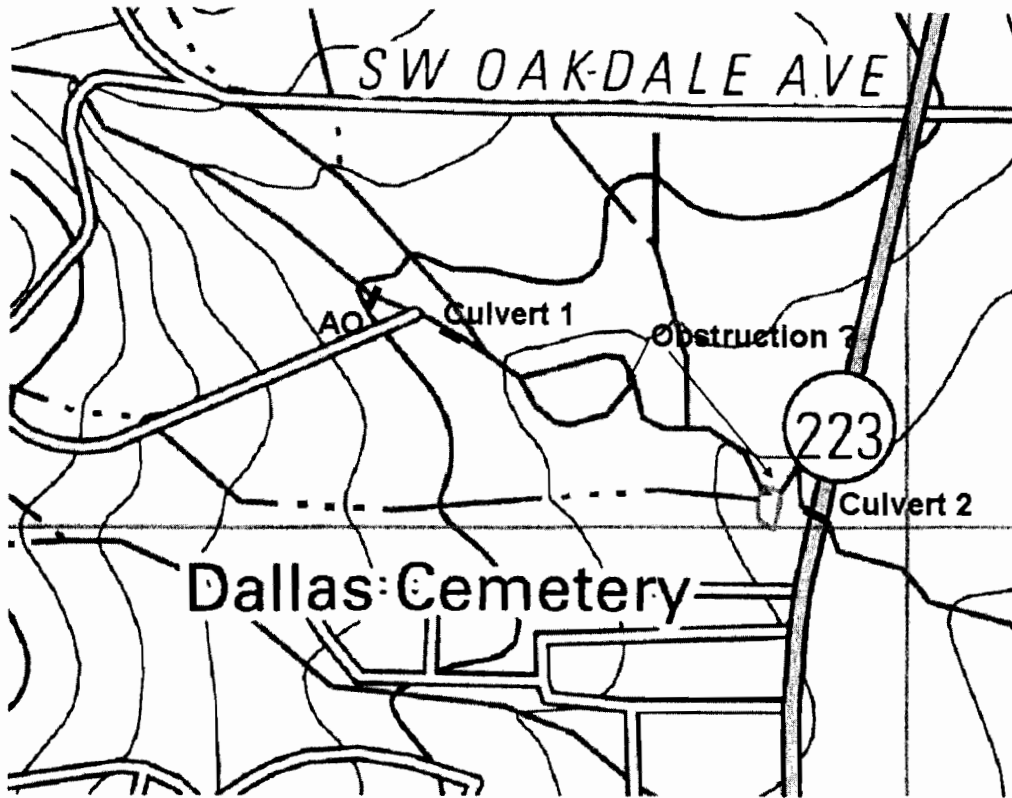
- Please attach one or more maps indicating the Artificial Obstruction, the stream on which it is located, and other barriers in the stream. A 7.5 minute USGS quad map is sufficient.

-- Map(s) included

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**PHOTOS**

- Please include photographs of the following (.JPG files are preferred):

- Artificial Obstruction
- up- and downstream habitat at the Artificial Obstruction
- other barriers up- and downstream of the Artificial Obstruction

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**Please submit this application electronically to the ODFW Fish Passage Coordinator at [greg.d.apke@state.or.us](mailto:greg.d.apke@state.or.us) and send one signed original paper copy of the application to the ODFW Fish Passage Coordinator at 3406 Cherry Avenue NE, Salem, OR 97303.**

**For ODFW Use Only**

**PRELIMINARY BENEFIT ANALYSIS**

	<b>True</b>	<b>False</b>
1. The information contained in this application is accurate:	<input type="checkbox"/>	<input type="checkbox"/>
2. State or federal ESA-listed fish species can <u>NOT</u> currently access the site:	<input type="checkbox"/>	<input type="checkbox"/>
3. One or more of the following situations exist for the site ( <i>check those that apply</i> ):	<input type="checkbox"/>	<input type="checkbox"/>
a. a complete downstream barrier (artificial or natural) prevents access to the site <u>and</u> there are no resident native migratory fish which currently have access to the site:	<input type="checkbox"/>	
b. a complete downstream barrier (artificial or natural) prevents access to the site <u>and</u> is within 100 feet of the site:	<input type="checkbox"/>	
c. <u>total</u> distance of habitat (including tributaries) upstream of the site to another complete barrier (artificial or natural) or up to the end of historic fish use is less than 100 feet in length:	<input type="checkbox"/>	
d. <u>all</u> habitat upstream of the site will not be utilized by any native migratory fish because of its poor or degraded condition:	<input type="checkbox"/>	
4. The artificial obstruction (absent passage) will <u>NOT</u> preclude access to any "Habitat Category I" (as defined in OAR 635-415-0025(1)) habitat for native migratory fish:	<input type="checkbox"/>	<input type="checkbox"/>
5. Based on distances with which you concur in <b>6A. BARRIER TABLE</b> , <u>one</u> of the following is true:	<input type="checkbox"/>	<input type="checkbox"/>
a. the distance "E" is less than 1 mile from the artificial obstruction, <u>or</u>		
b. if "C/N" is a complete natural barrier, the distance to it is less than 1 mile from the artificial obstruction		

- If all answers are "True", this suffices as the Final Benefit Analysis when filled in below.
- If any answers are "False" or you wish to provide further information, please provide a full Benefit Analysis and do not fill in below.
- Electronically return this form and a full Benefit Analysis, if needed, to the Fish Passage Coordinator when completed.

*By filling in the following information, I determine that under the current conditions there is "no appreciable benefit" for native migratory fish by providing passage at this Artificial Obstruction.*

**NAME:**  
**TITLE:**  
**ODFW OFFICE:**  
**DATE:**

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# 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: *Daniel Battaglia*

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

Explain:      *Water is not available all year.*

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 - June 30*

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

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

Watermaster signature: *Michael J. McCord*      Date: *8/23/12*

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

**RECEIVED**  
**APR 04 2013**  
WATER RESOURCES DEPT  
SALEM, OREGON

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

5  
*R-87884*