



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: Peter Dinsdale  
First Last  
 Mailing Address: PO Box 357  
Independence OR 97351  
City State Zip  
 Phone: \_\_\_\_\_  
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.)

### 2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

Agent: Ben Dinsdale  
First Last  
 Mailing Address: PO Box 357  
Independence OR 97351  
City State Zip  
 Phone: 503-367-6365 503 838-3779  
Home Work Other  
 Fax: 503-838-1050 E-Mail Address\*: dinsdaba@gmail.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: Alan East

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: South Fork Ash Creek Tributary to: Ash Creek / Willamette River

C. County in which diversion occurs: Polk

RECEIVED

App. No. R-87910

For Department Use  
 Permit No. \_\_\_\_\_

Date \_\_\_\_\_

JUN 20 2013

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
85	4W	31	SE NW	1100

**E. Dam:** Maximum height of dam: 9.99 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: 50

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: Agriculture & Irrigation*

**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:

**RECEIVED**

JUN 20 2013

WATER RESOURCES DEPT.  
SALEM, OREGON R-87910

**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.

**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 diversion is already in place and serves two existing reservoirs.

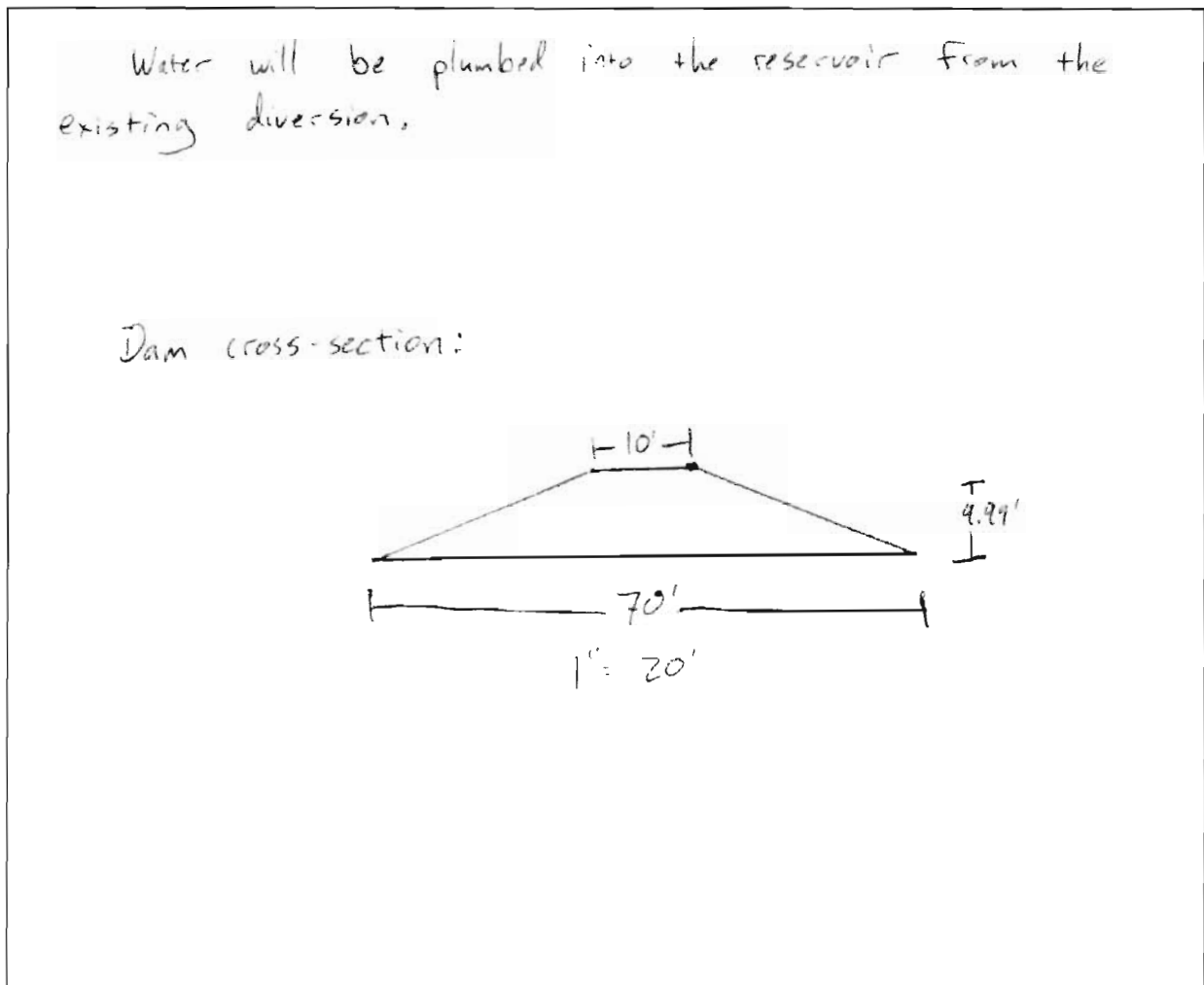
**RECEIVED**

JUN 20 2013

WATER RESOURCES DEPT  
SALEM, OREGON

R-87910

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).



**9. SIGNATURE**

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

*[Handwritten Signature]*  
 Landowner Signature

5-24-2013  
 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.

**RECEIVED**

JUN 20 2013

**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).

WATER RESOURCES DEPT  
 SALEM, OREGON R-87910

# 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:

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

Explain:

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

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:

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

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

RECEIVED

JUN 20 2013

5

R-87910

WATER RESOURCES DEPT  
SALEM, OREGON

# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

RECEIVED

JUN 20 2013

R-87910

WATER RESOURCES DEPT  
SALEM, OREGON

# 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: Peter Dinsdale  
First Last

Mailing Address: PO Box 357  
Independence OR 97351 Daytime Phone: 503-838-3779  
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
85	4W	31	NWSE	1000	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
85	4W	31	NESW	1100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
						<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) South Fork Ash Creek

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:

A reservoir will be built to store runoff and S.F. Ash Creek water for seasonal use. Irrigation of seed crops, berries, and hay will utilize the water.

**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. →

**RECEIVED**

JUN 20 2013

R-87910

10

WATER RESOURCES DEPT  
SALEM, OREGON

## 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(
- 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:	
Riparian Area Management Plan (File Number: LUD 12-34. See Attached – 4 pages)	PCZO 182.040(E), 182.050(B), 182.070(C)	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Non-Structural Floodplain Development (File Number: LUD 13-02. See Attached – 8 Pages)	PCZO 178.060(A)(2) and (B)	<input checked="" 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.

The applicant's map depicts a reservoir that spans to the west further than the reservoir that was reviewed in LUD 12-34 and LUD 13-02. This is permitted provided that the additional reservoir area is more than 100 feet from the South Fork of Ash Creek stream bank and is not located within the floodplain. Activities such as vegetation removal within the 100-foot riparian setback to the South Fork of Ash Creek, or non-structural floodplain development within the floodplain of the South Fork of Ash Creek, that were not approved under Polk County Land Use Authorizations LUD 12-34 and LUD 13-02 would require additional permits from the Polk County Planning Division. See PCZO 182.040(E), 182.050(B), 182.070(C); and 178.060(A)(2) and (B). Polk County recommends that WRD and the applicant coordinate with the Oregon Department of Transportation regarding the construction of the portion of the proposed reservoir that would be located in close proximity to State Highway 99W. Use of the reservoir for "farm use" is outright permitted under PCZO 136.030(A). Use of the reservoir for uses other than "farm use" may require additional permits.

Name: Jerry Sorte Title: Planning Manager  
 Signature: [Signature] Phone: 503-623-9237 Date: 5/30/13  
 Government Entity: Polk 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: \_\_\_\_\_

R-87910

JUN 20 2013



# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: Peter Dinsdale / PO Box 357, Independence, OR, 97351  
503-367-6365 / dinsdaba@gmail.com

Reservoir Name: Alan East Source: South Fork Ash Creek Volume (AF): 50

Twp Rng Sec QQ: 8S4W31SE NW Basin Name: Willamette  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 AO<sup>1</sup> 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 NMF<sup>2</sup> 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 June 1 through October 31 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.

Ash Creek provides habitat for native migratory as well as listed fish species. During summer this creek suffers from

<sup>1</sup> 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)

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

R-87910

RECEIVED

JUN 20 2013

WATER RESOURCES DEPT  
SALEM, OREGON

low water and high temperatures that approach and potentially exceed lethal thresholds for salmonids including cutthroat trout and steelhead.

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)

fishself: POB needs to be screened to prevent entrainment of fish according to ODFW standards

b51a: appropriations of water from SF Ash Creek limited to period Nov. 1 to June 1

wg: except for ordinary bypass flows or in an emergency, we recommend no release of water from the proposed reservoir into Ash Creek from June 1 to Oct 31 to prevent warm water from entering the creek

ODFW Signature:

*Alex Farrand*

Print Name:

Alex Farrand

ODFW Title:

Assistant District Fish Biologist

Date:

6/13/13

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

Revised 10/4/12

RECEIVED

JUN 20 2013

WATER RESOURCES DEPT  
SALEM, OREGON

R-87910

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

**fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

**fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

**fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

**fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

**fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to \_\_\_\_\_ through \_\_\_\_\_.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

**futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

**riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

**wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

**fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

**blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

JUN 20 2013

# 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: *Blue Heron Farms*

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

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

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

If YES, which conditions are recommended:      *This Res. will be filled by the POS  
In Permit R-14988. Condition Permit with the same  
Conditions as R-14988*

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

Who:      Agency: *Polk SWCD, Polk*      Date: *2012*

Who:      Agency: *Co. Planning Dept.*      Date: *2012*

Watermaster signature: *Michael J. M. Cord*      Date: *6/4/13*

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

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

RECEIVED  
JUN 20 2013

*R-87910*

WATER RESOURCES DEPT  
SALEM, OREGON

**SEND TAX STATEMENTS TO:**

BH Land LLC  
PO Box 357  
Independence, OR 97351

**AFTER RECORDING, RETURN TO:**

Evans ❖ Batlan, Attorneys at Law  
969 - 13th Street SE  
Salem, OR 97302-2504

The true and actual consideration for this transfer is contribution to a limited liability company.

\*\*\*RE RECORDING DEED TO CORRECT LEGAL DESCRIPTION

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2012-013385



\$51.00

00265809201200133850020025

12/27/2012 03:00:32 PM

REC-BS Cnt=1 Stn=1 K. WILLIAMS  
\$10.00 \$10.00 \$11.00 \$15.00 \$5.00

**BARGAIN AND SALE DEED**

**PETER B. DINSDALE, GRANTOR**

Conveys to

**BH LAND LLC, an Oregon limited liability company, GRANTEE**

All the following described real property situated in Polk County, Oregon described on Exhibit "A" attached hereto and by this reference incorporated herein.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 21st day of December, 2012

PETER B. DINSDALE

STATE OF OREGON, County of Marion ) ss.

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2013-005172



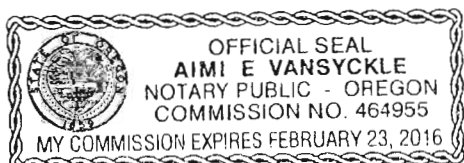
\$56.00

00271584201300051720030032

05/13/2013 11:20:52 AM

REC-COR Cnt=1 Stn=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00 \$15.00 \$5.00

PERSONALLY appeared before me this 21st day of December, 2012, the above named PETER B. DINSDALE and acknowledged the foregoing instrument to be his voluntary act and deed.



NOTARY PUBLIC FOR OREGON

My Commission Expires

Feb. 23, 2016



12.21.12 10:52 F:\WORDDOC\EST\WC\Client Documents\Dinsdale, Peter\LLC\Deed Polk County.wpd

JUN 20 2013

R-87910

WATER RESOURCES DEPT  
SALEM, OREGON

**EXHIBIT "A"**  
**Legal Description**

**Ash Creek Farm**      Tax Account Numbers 216045, 216058, 307363

---

**PARCEL 1:**

Beginning at a iron pipe in the center of the County Road on the South boundary of the William Myers (Meyers) Donation Land Claim, Notification 1638, Claim No. 61, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon, which point is 22.55 chains North 89° 26' West of the Southeast corner of said Claim No. 61; thence North 89° 26' West 17.58 chains to an iron pipe in the County Road; thence North 0° 25' East 33.32 chains to an iron pipe; thence South 89° 25' East 2.184 chains to an iron pipe; thence North 0° 20' East 2.86 chains to an iron pipe; thence North 89° 57' East 15.15 chains to an iron pipe; thence South 0° 3' East 36.14 chains to the place of beginning.

**PARCEL 2:**

Beginning at an iron pipe in the center of the County Road, on the South boundary of the William Myers (Meyers) Donation Land Claim No. 61, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon, which pipe is North 89° 26' West 40.13 chains from the Southeast corner of said Claim No. 61; ~~thence North 89° 26' West 40.13 chains from the Southeast corner of said Claim No. 61;~~ DELETE LINE thence North 89° 26' West 9.01 chains to an iron pipe in the County Road; thence North 0° 25' East 33.32 chains to an iron pipe; thence South 89° 25' East 9.01 chains to an iron pipe; thence South 0° 25' West 33.32 chains to the place of beginning.

**PARCEL 3:**

Beginning at a rock in the center fo the County Road, on the South boundary of the William Myers Donation Land Claim No. 61, in Township 8 South, Range 4 West of the Willamette Meridian, which rock is 12.41 chains South 89° 26' East of the Southwest corner of said Claim No. 61; thence North 0° 25' East 33.32 chains to an iron pipe; thence South 89° 25' East 18.87 chains to an iron pipe; thence South 0° 25' West 33.32 chains to an iron pipe in the County Road; thence North 89° 26' West 18.87 chains to the place of beginning.

**ALSO:**

Beginning at an iron pipe in the South fork of Ash Creek, at the Northwest corner of the land formerly owned by J.R. Craven as recorded on Page 479 of Volume 73, Deed Records of Polk County, Oregon, which iron pipe is 12.41 chains South 89° 26' East and 33.32 chains North 0° 25' East from the Southwest corner of the William Meyer Donation Land Claim No. 61 in Section 31 of Township 8 South, Range 4 West of the Willamette Meridian, In Polk County, Oregon; thence South 0° 25' West 4.21 chains to an iron pipe in a drain ditch; thence West 1.70 chains to an iron pipe on the East boundary of the new State Highway 99W; thence North 0° 25" East 4.21 chains, along the East boundary of said highway, to an iron ippe; thence East 1.70 chains to the place of beginning.

**ALSO:**

**RECEIVED**

JUN 20 2013

WATER RESOURCES DEPT  
SALEM, OREGON

2-8790

**6705 S Pacific Hwy W, Monmouth, OR 97361**

**Tax Lot No.: 216061**

Beginning at a point on the Western boundary line of the William Myers Donation Land Claim No. 61, Notification NO. 1638, in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, which is 8.856 chains North from the Southwest corner of said Myers Donation Land Claim; running thence North on the Western boundary line of said Myers Donation Land Claim 35.865 chains to a pipe driven in the ground; thence North 89° 54' East 12.41 chains to a pipe driven in the ground; thence South 35.865 chains; thence South 89° 54' West 12.41 chains to the place of beginning, all in Section 31.

SAVE AND EXCEPT that portion of said land described in deed to the State of Oregon, recorded June 27, 1942 in Volume 110, Page 526, Deed Records for Polk County, Oregon.

ALSO SAVE AND EXCEPT that portion of said land described in deed to A. F. Courter, recorded May 29, 1945 in Volume 120, Page 177, Deed Records for Polk County, Oregon.

ALSO SAVE AND EXCEPT that portion of said land described in deed to George F. Heck, recorded November 15, 1951 in Volume 146, Page 214 and recorded December 6, 1954 in Volume 155, Page 284, Deed Records for Polk County, Oregon.

ALSO SAVE AND EXCEPT that portion of said land described in deed to Gordon V. Nelson, recorded June 1, 1961 in Volume 177, Page 521, Deed Records for Polk County, Oregon.

**PARCEL 2:**

Beginning at the Southwest corner of the Wm. Myers Donation Land Claim No. 61, Notification No. 1638 in Section 31, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon ; running thence North 8.856 chains; thence North 89° 54' East 12.41 chains; thence South 8.856 chains to a stone on the South boundary line of said Claim; thence South 89° 54' West 12.41 chains to the place of beginning.

SAVE AND EXCEPT that portion of said land described in deed to the State of Oregon, recorded June 27, 1942 at Volume 110, Page 526, Deed Records for Polk County, Oregon.

SAVE AND EXCEPT FROM THE ABOVE PARCELS, THE FOLLOWING: Beginning at the Southwest corner of the William Myers Donation Land Claim No. 61, in Section 31, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North 0° 14' 52" East along the West line of said Claim 1451.51 feet; thence South 89° 36' 30" East parallel with the South line of said Claim 605.15 feet to the West right of way line of Pacific Highway 99W; thence along said right of way South 0° 25' West 645.94 feet, along a 400 foot offset spiral curve left, the long chord of which bears South 0° 25' West 400.96 feet and on a 5779.58 curve left, the chord of which bears South 2° 49' 34" East 404.95 feet to a point on the South line of said Claim; thence North 89° 36' 30" West 634.84 feet to the point of beginning.

ALSO SAVE AND EXCEPT all portion of said land lying within County Roads and Highways.

SAVE AND EXCEPT all the above lying West of easterly boundary of State Highway 99W.

**RECEIVED**

JUN 20 2013

WATER RESOURCES DEPT  
SALEM, OREGON

R-879W