



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

RECEIVED BY OWRD

SEP 15 2014

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

SALEM, OR

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: KENNETH HIDAY
First Last
 Mailing Address: 1033 SHARON WAY
EUGENE OR 97401
City State Zip
 Phone: 541-687-5731
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: _____
First Last
 Mailing Address: _____
 Phone: _____
City State Zip Home Work Other

RECEIVED BY OWRD

SEP 29 2014

SALEM, OR

Fax: _____ E-Mail Address*: _____

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

3. LOCATION AND SOURCE

A. Reservoir Name: CATS EAR

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 & Spring Tributary to: Coast Fork Willamette R.

C. County in which diversion occurs: spring is intermittent LANE

App. No. <u>R-88015</u>	For Department Use Permit No. _____	Date _____
-------------------------	--	------------

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
18 S	3 W	25	SE NE	113

E. Dam: Maximum height of dam: 3 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: ~~0.15~~ < 1.0

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

RECEIVED BY OWRD

SEP 29 2014

SALEM, OR

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 BY OWRD

SEP 15 2014

SALEM, OR

R-88015

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. *N/A*

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.

*Excavate to 8 foot Max
Construct Berm 3 foot High
Will Pass Water through a
gated conduit or
siphon if necessary
This is in a Swale*

RECEIVED BY OWRD

SEP 29 2014

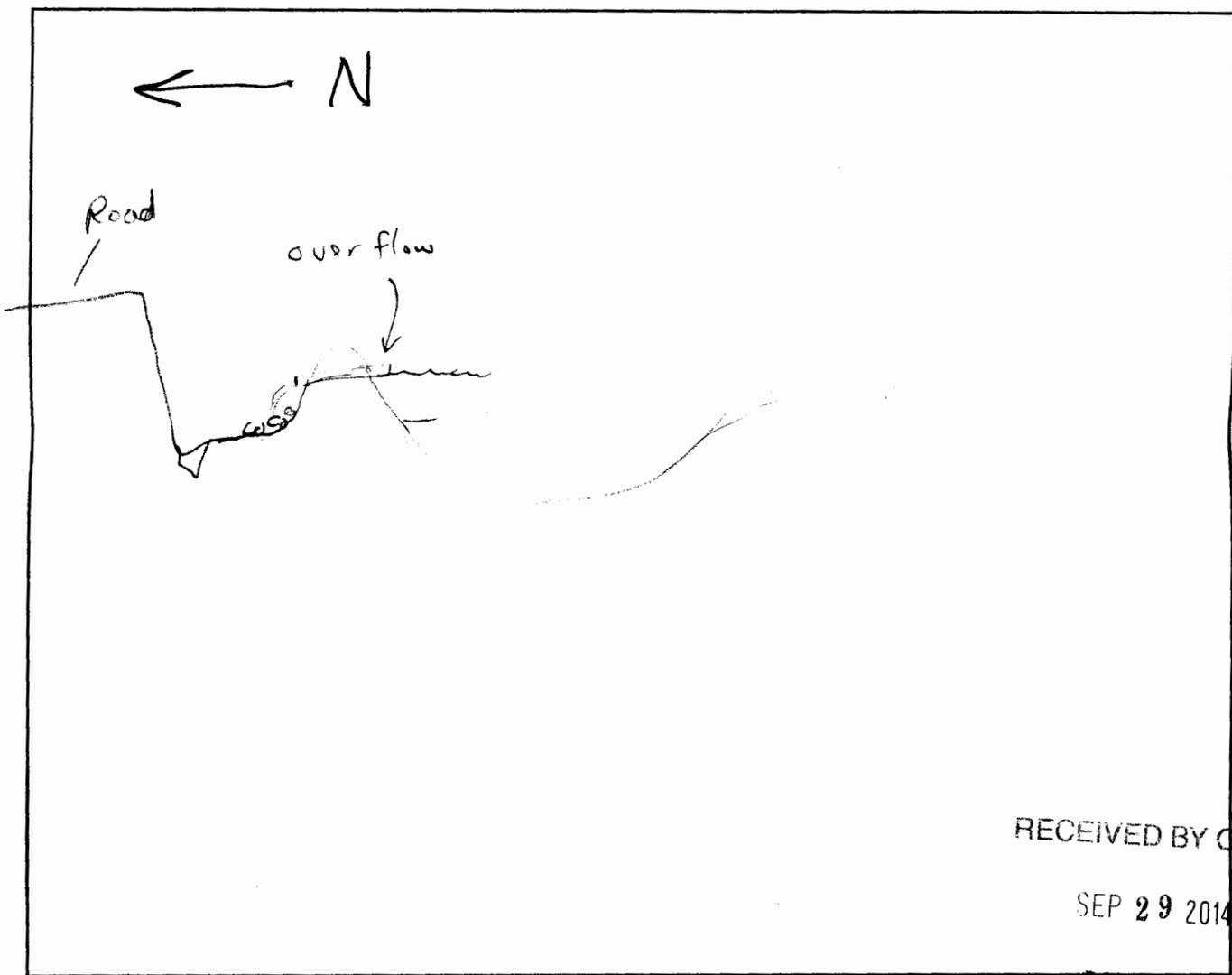
SALEM, OR

RECEIVED BY OWRD

SEP 15 2014

SALEM, OR

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).



RECEIVED BY OWRD

SEP 29 2014

SALEM, OR

9. SIGNATURE

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

Ken Hickey

Landowner Signature

9-2014

Date

RECEIVED BY OWRD

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.

SEP 15 2014

SALEM, OR

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

R-88015

Land Use Information Form



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

Applicant: Ken Hiday
First Last

Mailing Address: 1033 Sharon Way
Eugene OR 97401 Daytime Phone: 541-687-5731
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:
185	3W	25	SE NE	113		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Pond Multi Purpose
						<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:

Lane County RECEIVED BY OWRD
SEP 29 2014

B. Description of Proposed Use

SALEM, OR

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) Run off

Estimated quantity of water needed: to 5 < 1.0 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

Multi purpose Pond; fire Protection, Fish & wild life; Aesthetic

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 BY OWRD

SEP 15 2014

SALEM, OR

R-88015

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): LC 16.290
- 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.

POND STORING LESS THAN ONE ACRE FEET IS PERMITTED OUTRIGHT.

Name: JERRY KENDALL Title: ASSC. PLANNER
 Signature: J. Kendall Phone: 541-682-4057 Date: 8-11-14
 Government Entity: LANE COUNTY LWCD

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: RECEIVED BY OWRD RECEIVED BY OWRD Staff contact: _____
 Signature: SEP 29 2014 SEP 15 2014 Phone: _____ Date: _____

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

After recording return to:
CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401

RECEIVED BY OWRD

SEP 29 2014

WARRANTY DEED -- STATUTORY FORM

SALEM, OR

PATRICIA J. LOMONT AND ROBERT B. THOMPSON, Trustees of the LOMONT-THOMPSON FAMILY TRUST, Grantor,

conveys and warrants to

/ as tenants by the entirety

KENNETH H. HIDAY and ELLEN P. TYKESON, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

Lot 10, Block 1, SHADE OAKS, as platted and recorded in Book 43, Page 9,
Lane County Oregon Plat Records, in Lane County, Oregon.

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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Except the following encumbrances:
Covenants, Conditions, Restrictions and Easements of record.

The true consideration for this conveyance is \$475,000.00.

Dated this 6th day of June, 2014.

LOMONT-THOMPSON FAMILY TRUST

BY: Pat Lomont
PATRICIA J. LOMONT, TRUSTEE

BY: Robert B. Thompson
ROBERT B. THOMPSON, TRUSTEE

State of Oregon
County of Lane

This instrument was acknowledged before me on June 6, 2014 by PATRICIA J. LOMONT AND ROBERT B. THOMPSON, Trustees of the LOMONT-THOMPSON FAMILY TRUST.



M. Mitchell
(Notary Public for Oregon)
My commission expires 9-16-17

WRD

R-88015

AFTER RECORDING RETURN TO:
CASCADE TITLE COMPANY
811 WILLAMETTE ST., EUGENE, OR 97401



RECEIVED BY OWRD

SEP 29 2014

SALEM, OR
Lane County Clerk
Lane County Deeds and Records

2014-021582

TITLE NO. 0285510 *MM*
ESCROW NO. EU14-1203
TAX ACCT. NO. 0690519
MAP/TAX LOT NO. 18 03 25 #113



\$47.00

RPR-DEED Cnt=1 Stn=15 CASHIER 02
\$5.00 \$11.00 \$21.00 \$10.00

06/11/2014 03:40:24 PM

GRANTOR
LOMONT-THOMPSON FAMILY TRUST

GRANTEE
KENNETH H. HIDAY and ELLEN P. TYKESON
1033 SHARON WAY
EUGENE, OR 97401

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

After recording return to:
CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401

WARRANTY DEED -- STATUTORY FORM

PATRICIA J. LOMONT AND ROBERT B. THOMPSON, Trustees of the LOMONT-THOMPSON FAMILY TRUST, Grantor,

conveys and warrants to

/ as tenants by the entirety

KENNETH H. HIDAY and ELLEN P. TYKESON, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

Lot 10, Block 1, SHADE OAKS, as platted and recorded in Book 43, Page 9,
Lane County Oregon Plat Records, in Lane County, Oregon.

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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Except the following encumbrances:
Covenants, Conditions, Restrictions and Easements of record.

The true consideration for this conveyance is \$475,000.00.

Dated this 6th day of June, 2014

R-88015

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: *Ken Hiday*

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

Explain: *In a swale - no downstream water rights before West Fork Willamette R.*

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

If YES, which conditions are recommended: *If necessary*

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

Who: Agency:

Date:

Who: Agency:

Date:

RECEIVED BY OWRD

SEP 29 2014

SALEM, OR

Watermaster signature: *Michael J. Mathis* Date: *8-5-2015*

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

RECEIVED BY OWRD

SEP 15 2014

SALEM, OR

5

NOTE: This completed form must be returned to the applicant

R-88015



LAND MANAGEMENT DIVISION

Date Received:

RECEIVED AUG 08 2014

LAND USE APPLICATION - ADMINISTRATIVE
Land Use Compatibility Statement

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97401 Planning: 682-3577

For Office Use Only: FILE # 509-PARK-05492 FEE: \$ 130

Applicant (print name): Kenneth H. Hiday JK
Mailing address: 1033 Sharon Way Eugene OR. 97401
Phone: 541-687-5731 Email:

Applicant Signature: Kenneth Hiday

PROPERTY LOCATION

18-03-25 #113 SHADY PARK / LOT 10 / BLK 1
Township Range Section Taxlot Subdivision/partition lot/parcel block

Site address

The Land Use Compatibility Statement (LUCS) is the form used when a customer needs a written response from the Planning Program, including State permit sign-offs. It is intended to assist customers who have a question that can not be answered in 10 minutes by the Planner at the front desk.

In the space below, write the question/request you have for the Planner. Attach additional pages if necessary.

Attached Water Master LUCS

Route to JK (call when ready).

RECEIVED BY OWRD

SEP 15 2014

RECEIVED BY OWRD

SEP 29 2014

SALEM, OR

Version 1/2013

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Ken Hiday 541-687-5731

1033 Sharon Way Eugene OR 97401

Reservoir Name: CATS EAR Source: Rain water drainage & spring Volume (AF):

Twp Rng Sec QQ: T18S R3W Sec. 25 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

2) Is the proposed project or AO located where NMF2 are or were historically present? YES NO

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.

RECEIVED BY OWRD

RECEIVED BY OWRD

SEP 29 2014

SEP 15 2014

SALEM, OR

SALEM, OR

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)

R-88015

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)

N/A

RECEIVED BY OWRD

SEP 29 2014

SALEM, OR

ODFW Signature: Kelley Reiss Print Name: Kelley Reiss

ODFW Title: Assistant District Fish Biologist Date: 28 Aug 2014

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

Revised 10/4/12

R-88015

RECEIVED BY OWRD

SEP 15 2014

SALEM, OR