



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

RECEIVED BY OWRD

MAR 23 2015

SALEM, OR

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: _____
First Last

Mailing Address: _____

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: Mark Bryant ^{For} (Vannoy Creek Prop)
First Last

Mailing Address: 576 S. Vannoy Creek Rd

Grants Pass OR 97526
City State Zip

Phone: 541-761-6787
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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Steinhous Pond

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: Surface Runoff Tributary to: Vannoy Creek

C. County in which diversion occurs: Josephine

App. No. <u>R-88065</u>	For Department Use Permit No. _____	Date _____
-------------------------	--	------------

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
36 S	6 W	3	SW NE	127

E. Dam: Maximum height of dam: zero feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 0.67

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

MAR 23 2015

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:

R-080065

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.

RECEIVED BY OWRD

MAR 23 2015

SALEM, OR

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.

Existing pond has a maximum outflow pipe at the surface and will have an pipe installed at the bottom with a slide gate to pass water outside of permitted storage season

R-88065

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

MAR 23 2015

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.

McBryen (for Yammy Creek properties) 2/17/15
Landowner Signature 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.

R-88065

Land Use Information Form

RECEIVED BY OWRD

MAR 23 2015



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

Applicant: Mark SALEM, OR Bryant
First Last

Mailing Address: 576 S Vannoy Creek Rd
Grants Pass OR 97526 Daytime Phone: 541-761-6787
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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
36S	6W	3	SWNE	127		☒ Diverted	☐ Conveyed	☐ Used	Pond
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Josephine

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: _____ ☐ 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 Aesthetics

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. →

R-88065

MAR 23 2015

For Local Government Use Only

SALEM, OR

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): JOSE. CO. RURAL LAND DEV. CODE, ARTICLE 61
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: GRACE M. ZILVERBERG Title: PLANNER II

Signature: Grace M. Zilverberg Phone: 541-474-5427 Date: 2/17/15

Government Entity: JOSEPHINE COUNTY PLANNING 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

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

R-98065

After recording, return to:

William D. Brewer
Hershner Hunter, LLP
180 East 11th Avenue
P.O. Box 1475
Eugene, OR 97440-1475

**Until a change is requested,
mail all tax statements to:**
Vannoy Creek Properties, LLC
c/o Charles D. and Regina M. Steinhaus
4925 Via Contento
Yorba Linda, CA 92886-7304

Tax Account No. R340818
Map & Tax Lot No. 36-06-03-TL 127

JOSEPHINE COUNTY OFFICIAL RECORDS
GEORGETTE BROWN, COUNTY CLERK

2008-005103



\$30.00

00199869200800051030030033

03/26/2008 11:42:00 AM

DED-WRD Cnt=1 Stn=4 RECEIPTS
\$15.00 \$11.00 \$4.00

WARRANTY DEED

Charles D. Steinhaus and Regina M. Steinhaus, husband and wife, Grantors, convey and warrant to Vannoy Creek Properties, LLC, an Oregon limited liability company, Grantee, the real property situated in Josephine County, State of Oregon, described on the attached Exhibit A, free of encumbrances except as specifically set forth herein.

The true consideration for this conveyance is none.

The liability and obligations of Grantors to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature and terms of any right of indemnification available to Grantors under any title insurance policy, and Grantors shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantors under any such title insurance policy. The limitations contained herein expressly do not relieve Grantors of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

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. 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

Page 1—WARRANTY DEED

RECEIVED BY OWRD

MAR 23 2015

SALEM, OR

R-88065 2008-005103

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.

DATED: March 7, 2008.

Charles D. Steinhaus
Charles D. Steinhaus
Regina M. Steinhaus
Regina M. Steinhaus

RECEIVED BY OWRD

STATE OF CALIFORNIA)
COUNTY OF Orange) ss.

MAR 23 2015

SALEM, OR

On 3/7, 2008, before me Melinda E. Bening, personally
(Name and title of notary public)

appeared Charles D. Steinhaus and Regina M. Steinhaus, husband and wife, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Melinda E. Bening
Notary Public for California
My commission expires: 3/9/08



Page 2—WARRANTY DEED

EXHIBIT A

PARCEL 1

Parcel 2 of Partition Plat No. 1999-36, located in the Southwest quarter of the Northeast quarter of Section 3, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon.

PARCEL 2

An easement for ingress and egress created by instruments recorded July 3, 1985, as document no. 85-07692, Records of Josephine County, Oregon.

TOGETHER WITH AND SUBJECT TO Grantors' interests in that certain Well Agreement recorded October 17, 2007, as Document No. 2007-020042, in the Official Records of Josephine County, and Grantors' interests in that certain non-exclusive easement granted by Statutory Bargain and Sale Deed recorded October 17, 2007, as Document No. 2007-020043, in the Official Records of Josephine County.

Tax Account No. R340818
Map & Tax Lot No. 36-06-03-TL 127

✓

EXHIBIT A

RECEIVED BY OWRD

MAR 29 2008

SALEM, OR

ODFW Alternate Reservoir Application Review Sheet

Pete Samarin ODFW
826-8774
Ext 222

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Mark Bryant (agent for Vannoy Creek Properties LLC)
576 Vannoy Crk Rd. Grants Pass, OR 97526 541-761-6787

Reservoir Name: STEINHUS Pond Source: Surface Runoff Volume (AF): 0.67

Twp Rng Sec QQ: T36S R6W NE quarter Sec 3 Basin Name: Willamette ~~Willamette~~ ^{Rogue} ☐ in-channel ☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

1) Is the proposed project and AO¹ off channel? ☒ YES ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

2) Is the proposed project or AO located where NMF² are or were historically present? ☐ YES ☐ NO
(if yes then proceed to #3; if no then proceed to #4)

RECEIVED BY OWRD

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 through November 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.

This Pond is a part of the Vannoy Creek Watershed.
Vannoy Creek provides habitat for state sensitive t

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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

R-88005

Federally Threatened Fish Species. ODFW believes that if the permit is conditioned to the storage period on the previous page, impacts to downstream fisheries resources will be lessened.

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)

b51a: The period of use has been limited to December - May.

RECEIVED BY OWRD

MAR 23 2015

SALEM, OR

ODFW Signature:

Peter Samarin

Print Name:

Peter Samarin

ODFW Title:

Asst District Fish Biologist

Date:

March 2 2015

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

Revised 10/4/12

R-880065

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:

Mark Bryant agent for
chuck steinhaus (property owner)

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

☒ NO ☐ YES

Explain:

RECEIVED BY OWRD

MAR 28 2015

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☐ YES

SALEM, OR

If YES, which conditions are recommended:

N/A

3) Did you meet with staff from another agency to discuss this application?

☐ NO ☒ YES

Who: Pete Samarin

Agency: ODFW

Date: Dec 2014

Who:

Agency:

Date:

Pete went out to check for fish issues.

Watermaster signature:

Bethy Smith

Date:

2-17-2015

WRD Contact:

Caseworker:

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

NOTE: This completed form must be returned to the applicant