



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

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AUG 03 2015

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

WATER RESOURCES DEPT
 SALEM, OREGON

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: Joseph Piekutoski
First Last
 Mailing Address: 24386 Bunker Hill Road
Monroe OR 97456
City State Zip
 Phone: 541-424-2271
Home Work Other
 Fax: _____ E-Mail Address*: josephpiek@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.)

2. AGENT INFORMATION

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

Agent: Steven Applegate
First Last
 Mailing Address: 3395 Huckleberry Ct S
Salem OR 97302
City State Zip
 Phone: 503-362-4040
Home Work Other
 Fax: _____ E-Mail Address*: steve.applegsp@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: _____

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: Reese Creek Tributary to: Oliver Creek

C. County in which diversion occurs: Benton

App. No. <u>R-98115</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
13 S	6 W	34	SESE	1300

E. Dam: Maximum height of dam: 9 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: 1.5

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 Use

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SALEM, OREGON

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:

None

R-0815

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 N/A	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.

Reservoir to be built off channel, and some 10+ feet above the elevation of the creek channel. Stored water and live flow from the creek (see transfer application to allow for use of direct flow filed at the same time as this application) to be released from the reservoir using gravity to deliver water for irrigation of approximately 2.7 acres under the 1945 right from the creek.

Pump intake from the creek to be screened to prevent fish from suction into the pump. An emergency spillway around the right side of the dam to protect the dam from failure due to heavy rainfall or runoff from upper lands.

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AUG 03 2015

WATER RESOURCES DEPT
SALEM, OREGON

R-88815

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).

Note - PWD is a pump, Reservoir is ^{to be} off-channel.
- Surface area expected to be about 0.3 ac.
- Max depth of up to 10 ft., mostly excavated.

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9. SIGNATURE

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

X Joseph [Signature]
Landowner Signature

6-24-15
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-88115

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(s): Joseph Piekutoski

Mailing Address: 24386 Bunker Hill Road

City: Monroe

State: OR

Zip Code: 97456

Daytime Phone: 541-424-2271

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:
<u>13 S</u>	<u>6 W</u>	<u>34</u>	<u>SESE</u>	<u>1300</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<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:

Benton

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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 Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

WATER RESOURCES DEPT
SALEM, OREGON

Source of water: Reservoir/Pond Ground Water Surface Water (name) Reese Creek

Estimated quantity of water needed: 0.03 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:

2.7 acres of existing water right from Reese Creek to be transferred to TL1300 as described above for irrigation. Small reservoir to be constructed on TL1300 as well for multipurpose uses and as a holding facility irrigation.

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-98215

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):
- 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.

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AUG 03 2015

WATER RESOURCES DEPT
SALEM, OREGON

Name: Linsay Godwin Title: Planner
 Signature: Linsay Godwin Phone: 503 766 6819 Date: 8/15/15
 Government Entity: Benton 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: _____

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: Plekutoski

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:

No diversion of water from June 1 through October 31

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:  Date: 6/22/15

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

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R-00115

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ODFW Alternate Reservoir Application Review Sheet

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This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Joseph Piekutski

24396 BUNKER HILL RD, MONROE, OR 97456

Reservoir Name: POND Source: Rose Cr. Volume (AF): 1.5

Twp Rng Sec QQ: 135/6W-SEC. 34 SESE 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) staff.

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

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

3) If NMF are or were historically present:
a. Is there an ODFW-approved fish-passage plan?..... YES NO
b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period AUGUST 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.

THE DETRIMENTAL IMPACT WOULD ARISE FROM WATER WITHDRAWAL FROM THE STREAM.

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that...

R-88115

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)

BSIA: PUMPING OF WATER OUT OF THE STREAM
AND INTO THE POND WOULD BE
ALLOWED NOVEMBER 1ST TO JULY 31ST

WATER MAY BE RELEASED FROM THE
POND INTO THE STREAM FROM OCTOBER
1 TO MAY 31ST.

WR, RIPARIAN: WATER SHOULD ONLY BE DIVERTED TO
FILL THE RESERVOIR WHEN STATE AND FEDERAL
WATER QUALITY STANDARDS AND DOWNSTREAM
INSTREAM WATER RIGHTS ARE BEING MET.

ODFW Signature: 

Print Name: ELISE KELLEY

ODFW Title: DISTRICT FISH BIOLOGIST

Date: 7/23/15

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

Revised 10/4/12

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WATER RESOURCES DEPT
SALEM, OREGON

R-08115

Exhibit "A"

Real property in the County of Benton, State of Oregon, described as follows:

The Easterly 300.00 feet of even width of the following described premises:

Beginning at a 3/4 inch iron rod which is 1.511 chains West and 0.442 of a chain North of an iron bar, the Southeast corner of Section 34, Township 13 South, Range 6 West, Willamette Meridian, Benton County, Oregon; running thence North 0°31' East parallel with and 1.515 chains Westerly at right angles from the East line of said Section 34, 7.476 chains to an 3/4 inch iron rod on the centerline of the County Road; thence along said centerline, North 61°17' West 8.227 chains to a 3/4 inch iron rod and North 70°43 1/4' West 5.773 chains to a 3/4 inch iron rod; thence South 0°31' West parallel with the East line of said Section 34, 7.727 chains to a 3/4 inch iron rod; thence South 66°06' East 13.844 chains to the point of beginning.

NOTE: This legal description was created prior to January 1, 2008.

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SALEM, OREGON

First American Title

R-88115