



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

June 23, 2015

RECEIVED BY OWRD

SEP 30 2015

James Ian McCarty
84784 Christensen Rd.
Eugene, OR 97405

SALEM, OR

Dear James:

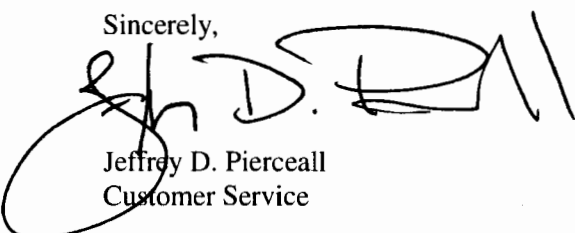
The Water Resources Department has received your application to use or store water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are hereby returning the incomplete application and the fees submitted. It appears by the fees submitted and the information included in your application that your intent was likely to file for the Alternate review process. We have prepared a new Alternate Reservoir application base on the information submitted on your Standard Reservoir application and have included it in this mailing. Please review the new application filling in any missing information and return it to the department for consideration.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact Customer Service at the address above or by telephone at 503-986-0801.

Sincerely,



Jeffrey D. Pierceall
Customer Service

Cc: OWRD Fiscal

R-00135



84784 Christensen Road
Eugene, OR 97405

September 25, 2015

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Mr. Jeffrey D. Pierceall
Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301

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SALEM, OR

Dear Mr. Pierceall,

Enclosed please find our application to use or store water with corrections and additions as you requested.

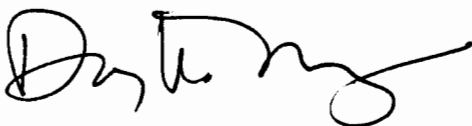
It has taken me a while to get more of these details because I want them to be correct. I have made certain notations to page 3 of the application and initialed them. Basically, rather than have a single 8-inch outlet pipe we will use three 4-inch pipes, each with separate intakes and outlet valves. In this way, if one fails, we still have two functioning. Also, we have decided to add a second spillway at the northern end of the earthen structure, so there will be two 8-foot wide spillways, similarly constructed of 6-inch minus rock to a one foot depth, and grouted in with concrete.

On page 4 I have drawn a rough plan of the water storage with an earthen structure on the eastern side running roughly north to south. The exact outline of the pond, when finished, will lie within the 400' by 400' limits on the drawing but will follow a more natural line and depend in part on what large (immovable) rocks we find when excavating.

On the Section drawing, I have mapped the distance from the center point of Section 29 by GPS and calculated the south and west lines mathematically. The center point of the dam, as noted, is at the ~~GPS~~ point of 10T 0493483, 4868679 WGS 84, as noted on the page. 6

I hope that this is satisfactory. Please let me know if I need to provide anything further, either via email to dmc197807@gmail.com or by telephone to 541-359-9871.

Thank you.



Douglas W. McCarty, Attorney in Fact for James Ian McCarty

R-88135



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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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: James Ian McCarty
First Last

Mailing Address: 84784 Christensen Road

Eugene Oregon 97405
City State Zip

Phone: 541-359-9871 541-342-6962
Home Work Other

Fax: _____ E-Mail Address*: dmc197807@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: _____
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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Spencer Shadow 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: rainfall run-off and seas. drainage Tributary to: unnamed creek

C. County in which diversion occurs: Lane

App. No. 2-8015 For Department Use
Permit No. _____ Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
18S	3W	29	NESW	1003

E. **Dam:** Maximum height of dam: 9.9 feet 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: 48

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

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

☒ **Yes** (please check appropriate box below then skip to section 5)

☒ There are no encumbrances

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ **No** (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: ☐ in-stream or ☒ off channel?
- B. **Wetland:** Is the project in a wetland? ☐ Yes ☐ No ☐ Don't know
- C. **Existing:** Is this an existing reservoir? ☐ Yes ☒ No
If yes, how long has it been in place? _____ 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.

Earthfill dam measuring 9.9 feet high. ^{Three 4-inch} ~~Two 8-inch~~ outlet pipes will be installed. ^{Two} ~~An~~ 8 foot wide spillway will be constructed. It is planned for the southern end of the dam, and will be constructed of 6-inch minus rock to a one foot depth, grouted in with concrete.

Don't know
and northern
(See rough plan drawing-over)

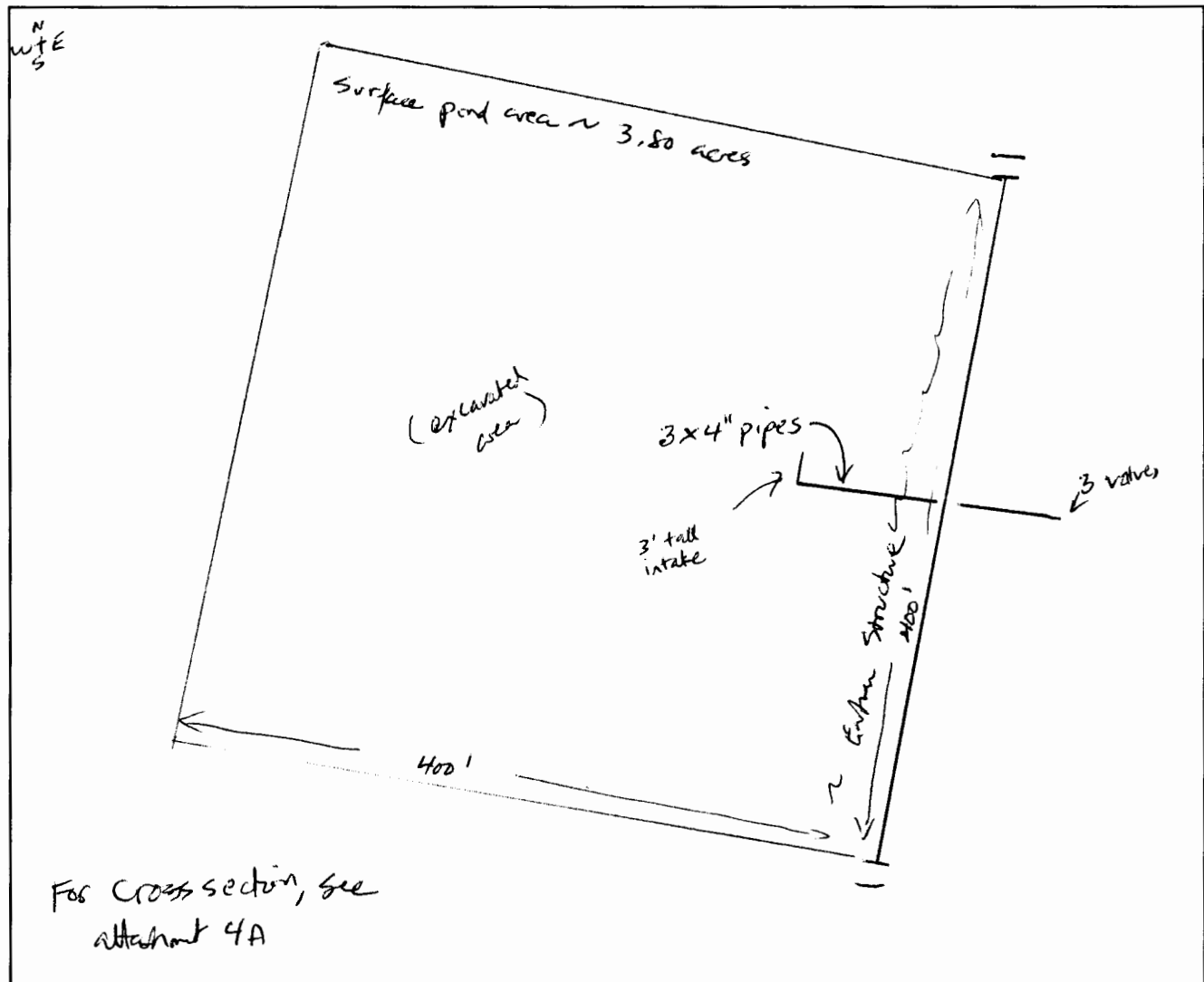
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means 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.

James Ian McLaughlin by David J. [Signature] September 25, 2015
 Landowner Signature Attorney-in-fact 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.

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name:

Doug McCarty / James McCarty

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

☒ NO ☐ YES

Explain:

Source is Run off
Trib to an unnamed st
Trib to Camus Swale

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

☐ NO ☐ YES

If YES, which conditions are recommended:

if necessary
Limit Storage to Nov 1 through Jun 30

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

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

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Watermaster signature:

Michael J. Hettich Date: 3-2-2015

SEP 30 2015

WRD Contact:

Caseworker:

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

SALEM, OR

NOTE: This completed form must be returned to the applicant

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R-88135

Kelly Reis

726-3515 x 29

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: James Ian McCarty
84784 Christensen Road, Eugene, OR 97405 541-359-4871
dmc197807@gmail.com

Reservoir Name: Spencer Shadow Pond Source: Rain runoff Volume (AF): 48

Twp Rng Sec QQ: _____ 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
 (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 reservoir pose any other significant detrimental impact to an existing fishery resource? ☐ 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.

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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 63511412110005 (32)

R-00135

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)

ODFW Signature: Kelly Reis Print Name: Kelly Reis

ODFW Title: Assistant District Fish Biologist Date: 15 June 2015

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

Revised 8/2/11

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SALEM, OREGON



LAND MANAGEMENT DIVISION

Date Received:

RECEIVED MAR 09 2015

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-PA15-05127 FEE: \$130.00
RYS

Applicant (print name): James Ian McCarty
Mailing address: 84784 Christensen Road, Eugene, OR 97405
Phone: 541-359-9871 Email: dmc197807@gmail.com
Applicant Signature: James Ian McCarty attorney-in-fact

PROPERTY LOCATION

18-03-29-00-01003
Township Range Section Taxlot Subdivision/partition lot/parcel block
84784 Christensen Road, Eugene, OR 97405
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.

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Version 1/2013

R-88135

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: James Ian McCarthy
First Last
Mailing Address: 84784 Christensen Road
Eugene OR 97405 Daytime Phone: 541-359-9871
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:
18	03	29		1003	EXCLUSIVE FARM USE E-40	☐ Diverted	☐ Conveyed	☐ Used	multi-purpose
						☐ 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:

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) rainfall/runoff

Estimated quantity of water needed: 48 acre-feet ☐ 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 multi-purpose

Briefly describe:

Enhance pastures, drought prevention, fire prevention, erosion control, livestock watering

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.

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See bottom of Page 3.

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): AGRICULTURAL USE ALLOWED PER LC 16.212(2)(c)
- ☐ 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.

BUILDING PERMITS MAY BE REQUIRED IF OVER FOUR FEET IN HEIGHT.

Name: RAFAEL SEBBA Title: ASSOCIATE PLANNER
 Signature: RCI SIL Phone: 541.602.4620 Date: 3.9.14
 Government Entity: LANE COUNTY

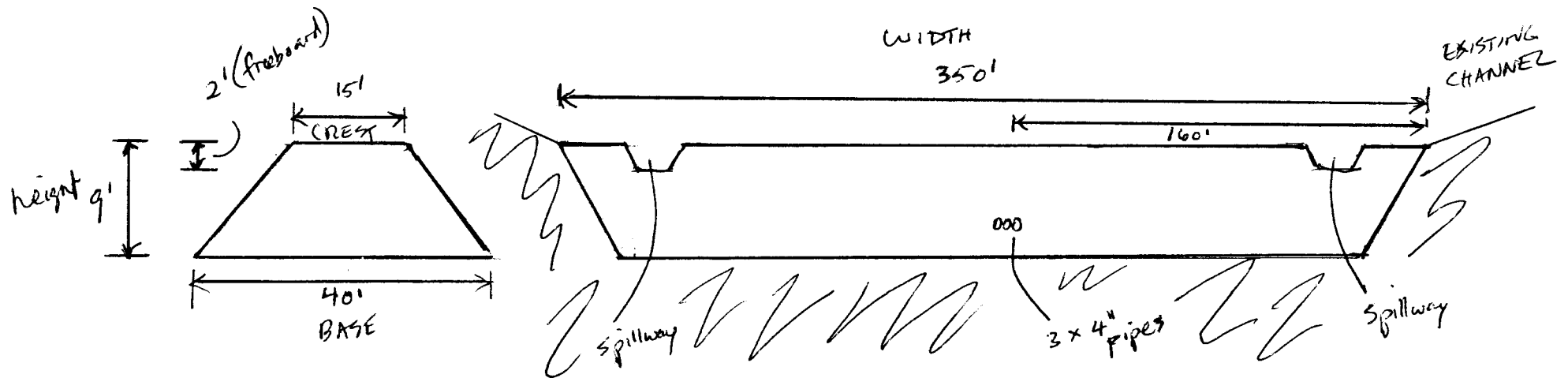
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use 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: _____
 Signature: _____
 Date: _____


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Attachment 4A
CROSS SECTION



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SALEM, OR

A-0015

EXHIBIT "A"**RECEIVED**

**Tax Lot 1003, Assessors Map 18-03-29-00
Tax Lot 101, Assessors Map 18-03-29-20 &
A Portion of Tax Lot 301, Assessors Map 18-03-29-00**

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Lots 6, 7, 8, 9, 20, 21, 22, 23, 34 and 35 of PORTER ACRES, as platted and recorded in Book 5, Page 6, Lane County Oregon Plat Records, in Lane County, Oregon.

TOGETHER WITH a parcel of land situated in the Southwest Quarter of Section 29, Township 18 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon, said parcel being a portion of Lot 5 of PORTER ACRES, as platted and recorded in Book 5, Page 6, Lane County Oregon Plat Records, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 5 of the Plat of Porter Acres, as platted and recorded in Book 5, Page 6, Lane County Oregon Plat Records, and running thence South 0°54'36" East, 322.05 feet to the Southeast corner of said Lot 5; thence along the South line of said Lot 5 run South 55°24'49" West, 103.65 feet; thence leaving said South line run North 7°08'21" East, 26.75 feet to the Southeasterly corner of County Road No. 759 (Christensen Road) as described in Dedication of Public Road Easement document recorded February 12, 2003, Reception No. 2003-012839, Lane County Deeds and Records; run thence along the East line of said County Road the following three (3) courses: 1) North 7°08'21" East, 140.19 feet; thence 2) along the arc of a 1176.22 foot radius curve to the right, the chord of which bears North 10°46'51" East, 149.42 feet, a distance of 149.52 feet; thence 3) North 14°25'21" East, 70.41 feet to a point on the North line of said Lot 5; thence leaving the East line of said County Road and running along the North line of said Lot 5 North 89°48'11" East, 13.78 feet to the Point of Beginning, in Lane County, Oregon.

Bearings and distances in the foregoing description are based upon Property Line Adjustment Survey for R.S.T. Ranch, Inc. filed on March 7, 2014 as County Surveyor's File No. 42900.

EXCEPTING THEREFROM that portion of Lots 22, 34 and 35 in said PORTER ACRES lying Southeasterly and Southerly of the following described lines:

Beginning at an iron rod bearing South 18°02'20" West, 1866.70 feet from a point in the North line of Section 32, Township 18 South, Range 3 West of the Willamette Meridian, said last mentioned point being 484.96 feet South 89°43'46" West from the Northeast corner thereof; from the point of beginning run thence South 35°58'45" West, 1925.04 feet to an iron rod in a fence line (said fence line bears North 12°30' East); thence North 70°37'30" West, 1090.00 feet to an iron rod bearing South 70°37'30" East, 5 feet, more or less from a fence corner; thence continue North 70°37'30" West along a fence line, 781 feet, more or less, to the West line of said Lot 34 and the point of termination of the line herein described, in Lane County, Oregon.

Bearings used in the foregoing description are based upon the North line of said Section 32, from the Northeast corner to the Northwest corner thereof, as bearing South 89°43'46" West per Record of Survey for R.S.T. Ranch, Inc. filed on April 18,

R-08135

2015 as County Surveyor's File No. 42575.

ALSO: That portion of Lot 2 of PORTER ACRES, as platted and recorded in Book 5, Page 6, Lane County Oregon Plat Records, in Lane County, Oregon, lying East of County Road No. 759 (Christensen Road) as relocated by Dedication of Public Road Easement document recorded February 12, 2003, Instrument No. 2003-012839, Lane County Deeds and Records, and lying South of that certain real property described in Oregon Statutory Bargain and Sale Deed recorded November 12, 1998, Reception No. 9890460, Lane County Official Records, said portion of Lot 2 being more particularly described as follows:

Beginning at the Northeast corner of Lot 5 of said PORTER ACRES; thence along the North line of said Lot 5 South $89^{\circ}48'11''$ W, 13.78 feet to a point on the East margin of said County Road No. 759 (Christensen Road), said East margin being 30.00 feet from the centerline thereof when measured at right angles thereto; thence along said East margin the following five (5) courses: 1) North $14^{\circ}25'21''$ E, 10.07 feet; thence 2) along the arc of a 198.41 foot radius curve to the left, the chord of which bears North $7^{\circ}07'39''$ West, 145.76 feet, a distance of 149.26 feet; thence 3) North $28^{\circ}40'39''$ West, 94.53 feet; thence 4) along the arc of a 106.16 foot radius curve to the right, the chord of which bears North $2^{\circ}53'51''$ East, 111.16 feet, a distance of 116.99 feet; thence 5) along the arc of a 445.33 foot radius curve to the left, the chord of which bears North $21^{\circ}33'29''$ East, 199.06 feet, a distance of 200.76 feet to the intersection of said East margin of County Road No. 759 (Christensen Road) with the South line of said Deed No. 9890460; thence along said South line North $89^{\circ}50'08''$ East, 23.74 feet to the intersection of said South line with the West line of Lot 7 of said PORTER ACRES; thence along said West line of Lot 7 run South $2^{\circ}58'53''$ West, 534.22 feet to the Point of Beginning, in Lane County, Oregon.

Bearings and distances in the foregoing description are based upon Property Line Adjustment Survey for R.S.T. Ranch, Inc. filed on March 7, 2014 as County Surveyor's File No. 42900.

ALSO: That portion of that certain real property described in Oregon Statutory Bargain and Sale Deed recorded November 12, 1998, Reception No. 9890460, Lane County Official Records, lying East of County Road No. 759 (Christensen Road) as relocated by Dedication of Public Road Easement document recorded February 12, 2003, Instrument No. 2003-012839, Lane County Deeds and Records.

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