



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

Store Water in a Reservoir

(Alternate Review)

Application for a Permit to

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: Steven First Torchia Last

Mailing Address: 8365 Dallas Street

La Mesa City CA State 91942 Zip

Phone: _____ Home 619-200-4913 Work _____ Other _____

Fax: _____ E-Mail Address*: stevetorchia@hotmail.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: Leland First Hardy Last

Mailing Address: 690 Loring Drive NW

Salem City OR State 97304 Zip

Phone: _____ Home 503-581-9272 Work _____ Cell: 503-559-0551 Other _____

Fax: 503-581-9272 E-Mail Address*: hardyeng@comcast.net

* 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.)

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3. LOCATION AND SOURCE

A. Reservoir Name: Unnamed

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: Diverse field and roof runoff Tributary to: Not a tributary

C. County in which diversion occurs: Yamhill

App. No. _____	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
2 South	5 West	15	SE SE	700

E. Dam: Maximum height of dam: 7 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:
3.0 acre feet

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.

~~Year-round storage~~ *Multi purpose*

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5. PROPERTY OWNERSHIP

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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:

6. ENVIRONMENTAL IMPACT

- A. Channel:** Is the reservoir: in-stream or X off channel?
 - B. Wetland:** Is the project in a wetland? Yes X No Don't know
 - C. Existing:** Is this an existing reservoir? X Yes No If yes, how long has it been in place? 30+ years.
 - D. Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes x No Don't know
 If yes, how much? _____ miles.
 - E. Partnerships:** Have you been working with other agencies? Yes X 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

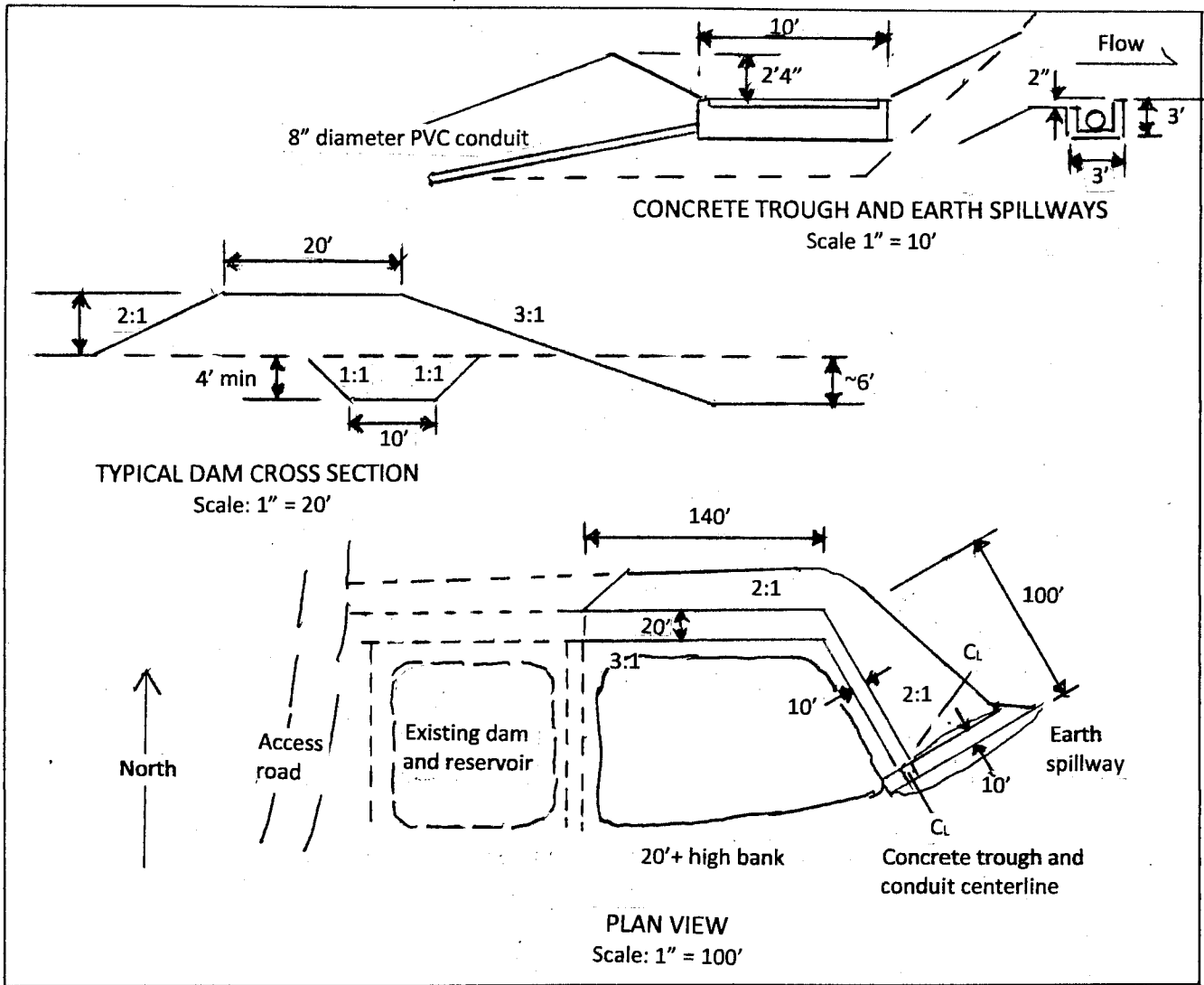
8. DESCRIPTION

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.

There is an existing approximately one-acre foot off-channel reservoir. This Permit application is to enlarge the existing reservoir to 3.0 acre feet by extending the embankment to the east and intersecting the right abutment further downgrade. As now, the expanded embankment will parallel the field slope toe and surround stored water on three sides. Maximum embankment height of the existing reservoir and proposed reservoir is about 6 feet.

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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.

Stevan Torchio
 Landowner Signature

7-14-16
 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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Property Address:

**16301 NW Greenhoot Rd, Yamhill, OR
97148**

LEGAL DESCRIPTION
"EXHIBIT A"

PARCEL I:

That portion of the following described property lying Southerly of and adjacent to the center line of that certain easement described in instrument recorded December 20, 1966 in Film Volume 57, Page 224, Deed Records of Yamhill County, part of the Thomas Wilson Donation Land Claim No. 40 in Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Quarter section corner between Section 15 and 22 in said Township and Range; thence North 66° East, 37.00 chains; thence South 88° East, 25.00 chains to the center of Creek; thence up center of creek, 20.0 chains, more or less, to the Southeast corner of tract conveyed to Benjamin F. Simmons by Deed recorded January 18, 1889 in Book 2, Page 326, Deed Records; thence North 84° West along the South line of said Simmons tract, 26.25 chains; thence South 66° West along the South line of said Simmons tract, 66.0 chains to the West line of said claim; thence South 46°30' East (historically shown incorrectly as South 46°30' West) along the West line of said Claim; 12.50 chains to the South line of Section 15 in said Township and Range; thence East along the South line of said Section 15, 23.60 chains to the Point of Beginning.

EXCEPTING THEREFROM that tract conveyed to G.A. Redner by Deed recorded August 10, 1959 in Film Volume 6, Page 738, Deed Records.

FURTHER EXCEPTING THEREFROM that portion conveyed to Paul Hebb, Jr., by Deed recorded July 8, 1974 in Film Volume 100, Page 2082, Deed Records.

FURTHER EXCEPTING THEREFROM a tract of land in Section 15, Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, being part of that tract of land conveyed from Paul Hebb to Harry and Judith Jeffery, by Deed recorded in Film Volume 158, Page 831, Yamhill County Deed Records, and being more particularly described as follows:

BEGINNING at the South one-quarter corner of said Section 15; thence North 64° 36' East, 1276.9 feet to the Southwest corner of said Jeffery tract; thence North 17° 09' 30" West, 386.50 feet along the Westerly line of said Jeffery tract to an iron rod and the True Point of Beginning; thence North 60° 10' East, 524.46 feet to an iron rod; thence North 29° 50' West, 601.96 feet to an iron rod; thence continuing North 29° 50' West 10.0 feet to the North line of said Jeffery tract; thence South 81° 36' West 381.85 feet along said North line to the Westerly line of said Jeffery tract; thence South 17° 09' 30" East, 770.27 feet to the True Point of Beginning, and being the premises described in Deed to Dee Goldman, recorded January 13, 1989 in Film Volume 229, Page 175. Deed Records.

PARCEL II:

A non-exclusive easement for right of way, 20 feet in width, the center line of which is described as follows:

Beginning at a point in the center of County Road, 503 feet North and 0.5 feet East of an iron pin at the angle corner of the Thomas Wilson Donation Land Claim No. 40 in Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, said angle corner being North 32° West, 21.30 chains from the Southeast corner of said Claim; thence South 69°15' West, 340 feet to the center of Creek.

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Land Use 725 Summer Street NE, Suite A
Salem, Oregon 97301-1266



Information Form (503) 986-0900

www.wrd.state.or.us

Applicant: Steven Torchia
First Last

Mailing Address: 8365 Dallas Street

La Mesa CA 91942 Daytime Phone: 619-200-4913
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:
2 S	5 W	15	SE SE	700		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
						<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:

Yamhill

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B. Description of Proposed Use

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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 Conserved Water Exchange of Water

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

Estimated quantity of water needed: 3 acre feet cubic feet per second gallons per minute acre-feet

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

Briefly describe:

Plant nursery 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. →

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): 402 of the Yamhill Co. Zoning Ord.
- 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

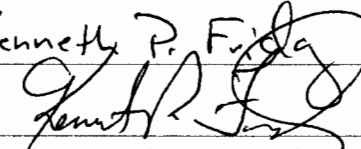
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Kenneth P. Fugle Title: P.D.

Signature:  Phone: 503 434-7510 Date: 8/1/2016

Government Entity: Yamhill 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.



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: 16301 NW Greenwood RD 2S5W Sec15 TL700

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: Limit the fill season to December 1 through April of each year

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:  Date: 8-9-16

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

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SALEM OREGON

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Steven Torchia, 8365 Dallas Street, La Mesa CA
stevetorchia@hotmail.com

Reservoir Name: Unnamed Source: _____ Volume (AF): 3.0

Twp Rng Sec QQ: 2 S, 5W, Section 15, SE SE Basin Name Turner Creek
in-channel X 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 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.

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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 635041210005 (32)

F. 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.

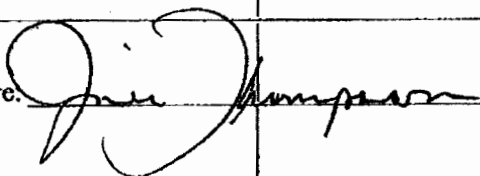
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
NO (explain) YES (select from Menu of Conditions on next page)

wq/riparian: water should only be captured in reservoir when state and water quality standards and downstream, instream water rights are being met. Once the reservoir is full, all live flow should be bypassed in a manner that does not effect water quality.

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ODFW Signature: 

Print Name: Josie Thompson

ODFW Title: Asst District Fish Date: 8/10/16
Biologist

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

Revised 10/4/12

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised June 24, 2011

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

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

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

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

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

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

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

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

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

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