



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

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SEP 09 2016

SALEM, OR

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

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. 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: Dave First Rogers Last

Mailing Address: 26366 Gap Road

Brownsville City OR State 97327 Zip

Phone: _____ Home 541.466.5309 Work 541.990.2687 Other

Fax: NA = Not Applicable E-Mail Address*: riverefugeseed@gmail.com and

ericurstadt@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.)

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoirs are 1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 2E, & 3A
10 small reservoirs in total.

2. SOURCE OF WATER for the proposed use: Pierce Creek and Tub Run,
a tributary of Little Muddy Creek.

Is the proposed use an enlargement of an existing dam/reservoir? Yes No

If the reservoir is not in channel of a stream, state how it is to be filled: sheet flow from surface runoff.

Also, reservoirs will be maintained in dry periods by pumping out of Pierce and Tub Creeks.

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For Department Use		
App. No. <u>R-88284</u>	Permit No. _____	Date _____

Last updated: 3/12/2014

NOTE: SEE WR ITEM #2

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 4.0 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill ~~Concrete~~ Flash board ~~Other~~

If "other" give description:

This project will consist of 10 different dams all with maximum height being 4.0 feet or less; this application is utilized to save on application fees. Each dam will be an earthen dam utilizing flashboards in front of a 12 inch culvert to regulate depth. Dam width shall be 10 feet, sideslopes shall be 2:1. The surface areas of the dams vary, but will cover all of the site.

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: each dam will have 12 inch diameter culverts with flashboards to control water flow

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

Each dam will have a rock lined emergency spillway that will be 30 feet wide (measured along the length of the dam) and which will have its base be 6 inches below the lowest part of the dam.

6. THE USE(s) of the impounded water will be: To provide a submerged area suitable for certain crops; the main crop is intended to be wild rice.

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Storage Water/2

SALEM, OR

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7. THE AMOUNT OF WATER to be stored is: (212.3 x 1.5feet average depth =) 318.4 acre-feet.

The area submerged by the reservoir, when filled, will be 212.3 acres.

These numbers are full the total of all 10 reservoirs, the dams will reduce this volume and area.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: Summer 2016

Proposed date construction work will be completed: Summer 2020

Proposed date water use will be completed: Summer 2021

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

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9. PROPERTY OWNERSHIP

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 10)

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

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 an 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 irrigation and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners:

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11. 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	
No Districts are know to be in the area.			
City	State	Zip	


11. MAP REQUIREMENTS The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

12. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant:  8-15-16
Signature (If more than one applicant, all must sign.) Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- | | |
|---|---|
| <input checked="" type="checkbox"/> SECTION 1: applicant information | <input checked="" type="checkbox"/> SECTION 7: the amount of water to be stored |
| <input checked="" type="checkbox"/> SECTION 2: source of water | <input checked="" type="checkbox"/> SECTION 8: project schedule |
| <input checked="" type="checkbox"/> SECTION 3: dam height and composition | <input checked="" type="checkbox"/> SECTION 9: property ownership |
| <input checked="" type="checkbox"/> SECTION 4: primary outlet works | <input checked="" type="checkbox"/> SECTION 10: within a district |
| <input checked="" type="checkbox"/> SECTION 5: emergency spillway | <input checked="" type="checkbox"/> SECTION 11: map requirements |
| <input checked="" type="checkbox"/> SECTION 6: the use of the impounded water | <input checked="" type="checkbox"/> SECTION 12: signature |

Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property on which the water is to be stored, and (2) any property crossed by the proposed ditch, canal or other work
- Fees - Amount enclosed: \$ 3274 - SEE ITEM #7
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir

Provide a map and check that each of the following items is included:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Map must be prepared by Certified Water Rights Examiner | RECEIVED BY OWRD

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| <input checked="" type="checkbox"/> Permanent quality and drawn in ink | |
| <input checked="" type="checkbox"/> Even map scale not less than 4" = 1 mile (examples: 1" = 400 ft, 1" = 1320 ft.) | |
| <input checked="" type="checkbox"/> North Directional Symbol | SALEM, OR

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| <input checked="" type="checkbox"/> Township, Range, Section, Quarter/Quarter, Tax Lots | |
| <input checked="" type="checkbox"/> Reference public-land survey corner on map | |
| <input checked="" type="checkbox"/> Location of each dam if applicable, by reference to a recognized public-land survey corner (distances north/south and east/west) | |
| <input checked="" type="checkbox"/> Indicate the area of use by Quarter/Quarter and tax lot identified clearly | |
| <input checked="" type="checkbox"/> Number of acres per Quarter/Quarter and hachuring to indicate area of use if for primary irrigation, supplemental irrigation, or nursery | SALEM, OR |
| <input checked="" type="checkbox"/> Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use) | |
| <input type="checkbox"/> Other _____ | |

***Please note a secondary application is necessary if there will be out-of-reservoir uses associated with this application.**

Item #2 1/1

Aspen

Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

Water Resources Department
Attn: New Water Right Applications
725 Summer Street NE, Ste. A
Salem, OR, 97301

August 10, 2016

**Subject: Addendum to Section 3 - Application to Store Water;
Preliminary Plans for the dams and impoundment areas**

To Whom It May Concern,

The following is a table of the reservoirs (impoundment areas) and the associated surface area and volumes.

Reservoir Name	Surf Area, Acres	Reservoir Volume*, AF
1A	39.8	59.6
1B	19.4	29.1
1C	13.3	20.0
1D	5.2	7.8
2A	23.2	34.8
2B	33.6	50.5
2C	24.8	37.1
2D	18.5	27.7
2E	28.4	42.7
3A	6.0	9.1

10 212.2 318.4 Totals

* 1.5 feet average depth

Each dam will be a maximum of 4 feet high; the topwidth shall be 10 feet; the sideslopes are to be 2:1 (horizontal distance to vertical distance); the surface areas are listed; the lengths of the crest of the dams varies. The dams and reservoirs are shown on the application map. The reservoir and dam locations are approximate and will change when the reservoirs are constructed. Each dam will have a gravel-lined emergency spillway being 30 foot wide (measured along the dam centerline) at an elevation 6" below the top of the lowest part of the dam. 12" culverts below the elevation of the emergency spillways will be placed to be able to drain the reservoirs.

Respectfully,

Aspen Rural Land Consulting,

Eric Urstadt, PE, PLS

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Exhibit "A"

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

Parcel I:

Parcels 2 and 3, PARTITION PLAT 2014-43, Partition Plat Records of Linn County, Oregon.

Parcel II:

Lots No. 1 and 2 in Section 2, Township 15 South, Range 3 West of the Willamette Meridian, Oregon.

ALSO beginning at the Southeast corner of the Donation Land Claim of John M. Wigle, Notification No. 2067, Claim No. 38, in Township 15 South, Range 3 West of the Willamette Meridian, Oregon, and running thence North 21.80 chains to the township line between Townships 14 and 15 South, Range 3 West; thence West 19 chains; thence South 21.86 chains to the South boundary line of said D.L.C.; thence East 19 chains to the place of beginning.

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

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ITEM 46 Y2

Land Use Information Form



Oregon Water Resources Department
725 Summer Street, NE, Salem, Oregon 97301-1260
503-598-6000
www.owrd.oregon.gov

Applicant: Franklin Electric

Mailing Address: Franklin Electric

Franklin Electric Daytime Phone: 503-770-1600

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.

Taxship	Range	Section	Tax Lot	Plan Designation (e.g. Rural Residential R2.5)	Water to be	Proposed Land Use
<u>Franklin Electric</u>	<u>SW</u>	<u>3</u>	<u>100</u>	<u>R2.5</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Industrial</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.

Franklin

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 (stream) Franklin River

Estimated quantity of water needed: 100 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for non-irrigation Municipal Quasi-Municipal Instream Other

Briefly describe:

Franklin Electric is proposing to divert water from the Franklin River to use for industrial purposes.

Note to applicants: 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.

Revised 3/1/2012

Surface Water 9

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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 deal 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): LCC 928.310(B)(1))

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"/> Allowed <input type="checkbox"/> Being Pursued <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Pursued <input type="checkbox"/> Obtained <input type="checkbox"/> Being Disputed <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Disputed <input type="checkbox"/> Obtained <input type="checkbox"/> Being Disputed <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Disputed <input type="checkbox"/> Obtained <input type="checkbox"/> Being Disputed <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Disputed <input type="checkbox"/> Obtained <input type="checkbox"/> Being Disputed <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Disputed <input type="checkbox"/> Obtained <input type="checkbox"/> Being Disputed <input type="checkbox"/> Denied <input type="checkbox"/> Not Being Disputed

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.

Farm use as defined in LCC 920.100(B)(105)

PO16-0211

Name: Alyssa Boles Title: Planner
Signature: [Signature] Phone: 541-967-3816 Date: 8/11/16
Government Entity: Linn 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 plan.

Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

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ITEM #7 1/2



Oregon Water Resources Department
Permit to Appropriate Surface Water for Storage -Standard Reservoir Application

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Wednesday, August 10, 2016

Base Application Fee.		\$800.00
Number of acre feet to be diverted for Storage.	318.4	\$899.00
Number of reservoirs.	10	\$1,125.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$3,274.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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

Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

Fees: Store Water

Base Fee	\$ 800.00	Permit Recording Fees	\$ 450.00
20 AF	\$ 600.00		
Addtnl /AF__299_____ =	\$ 299.00		
Addtnl POD/POA _____ =	\$ _____		
Addtnl Reservoir 8 x \$125_____ =	\$ 1,125.00		
Exam Fee Total	\$ 2824.00	Total	\$ 3274.00

Fees: Permit Use Surface Water

Base Fee	\$ 800.00	Permit Recording Fees	\$ 450.00
1st CFS or AF	\$ 300.00		
20 AF up to 20 AF	= \$ 600.00		
Addtnl AF 87 _____ =	\$ 87.00		
Addtnl 1 Use and 1 POD \$300ea_=\$	\$ 600.00		
Exam Fee Total	\$ 2387.00	Total	\$ 2837.00

Total Both **\$ 6111.00**

Total submitted \$ 5124.00

See attached fee schedules

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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

August 30, 2016

Dave Rogers
26366 Gap Road
Brownsville, OR 97327

Dear Dave Rogers:

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

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the enclosed checklist(s).

Should you have any questions, please contact Water Right Customer Service at 503-986-0801.

Sincerely,

Scott
Customer Service Group

Cc: OWRD Fiscal

See next page for details

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R-88284

Application Number: _____

Standard Reservoir Application Completeness Checklist

Minimum Requirements

This is the checklist used by WRD staff

County: LINN Township: 15s Range: 3w Section: S # 3

Amount: 318.4 AF Use: IR WM Dist # 2

Applicant Name: Dave Rogers

Receipt Number: ~~15555~~ Case Worker: _____

- Applicant/Organization Name, Mailing Address, and Telephone Number.
- All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*
- Source of water.
- The proposed source is or is not ^{TBD} (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.
- Property ownership indicated.
- NA If applicant does not own all the land, the affected landowner's name and mailing address must be listed.
- NA If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.
- Proposed use of stored water.
- Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)
- Project schedule (If system is already completed, indicate "existing").
- Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir for all standard reservoir applications

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- ✓ You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.
- ✓ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*
- ✓ A map prepared by a CWRE for a standard reservoir application proposing to store more than 9.2 acre feet and having a dam height of more than 10 feet
- ✓ The map must meet all the minimum requirements of OAR 690-310-0050.
 - ✓ Township, Range, Section
 - ✓ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
 - ✓ Place of use, 1/4, 1/4=s and tax lot clearly identified
 - ✓ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
 - ✓ Location of **each** diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
 - ✓ Reference corner on map
 - ✓ North Directional Symbol
 - ✓ Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture
 - Other _____

Fees: Amount of water requested 318.4 AF

Base Fee \$ 800
 1st CFS/AF ²⁰ 600
 299 Addtnl CFS/AF @ \$1 = 299
 9 Addtnl ~~POA~~POA @ 125 = 1125
 Addtnl Use @ \$2824
 Reviewed by: Spot CSG

Total Exam Fees \$ \$450
 Permit Recording Fees \$ _____
 Total Paid \$ 450 \$3274
 Amount Due \$ _____
 Amount Returned \$ _____
 Date: 8/29/16

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