



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

\$380

mail to

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: Paul Schofield
Mailing Address: 1698 Davis Creek St.
Selma OR 97538
City State Zip
Phone: 541 592 4337
Home Work Other

Fax: _____ E-Mail Address*: Bodhisr Hughes.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.)

2. AGENT INFORMATION

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

Agent: _____
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: Paul's 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: runoff Tributary to: Davis Cr

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C. County in which diversion occurs: _____

App. No. <u>R-88292</u>	For Department Use Permit No. _____ Date _____	SALEM, OR
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
38 S	7W	6	SWNW	500

E. Dam: Maximum height of dam: 8 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

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.

multi purpose

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

NA ☐ 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

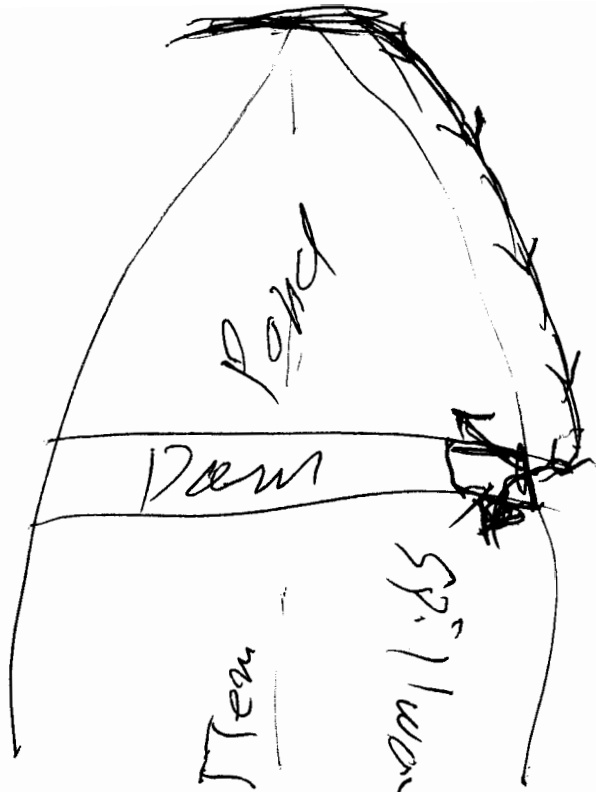
Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

A small canal will cross the
Kerrine and channel the water
around the pond to a control
gate at the spillway ~~the~~
dam. This gate will direct water
into the pond at the spillway ~~and~~
from the pond off season.
~~off~~ (over flows)

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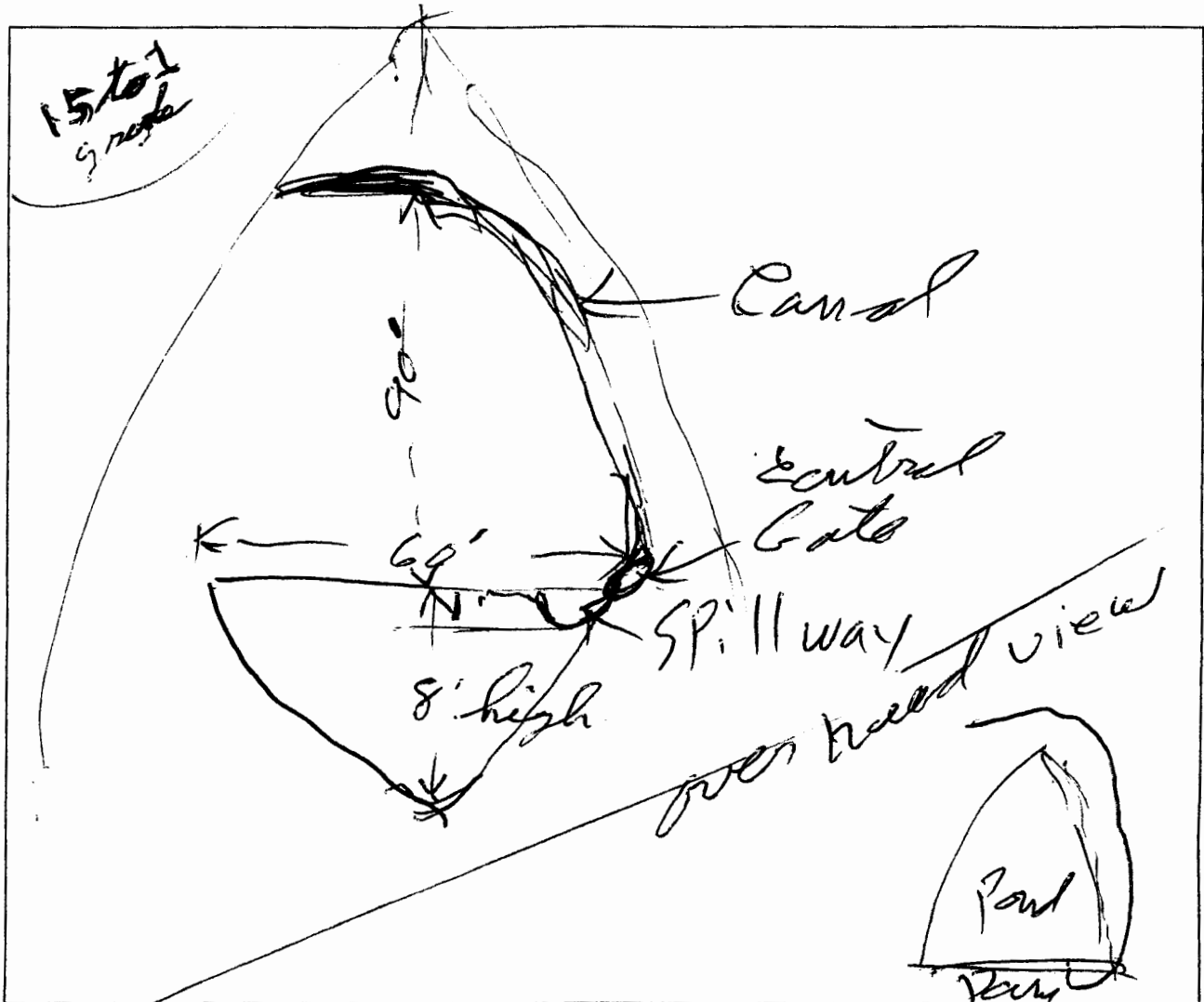
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Revinco Bot Team

SP. 1/way

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.

Barl Shofield
Landowner Signature

8/12/16
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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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:

Paul Schofield

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:

NA

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

☐ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

NA

Watermaster signature:

Kathy S.F.

Date:

8-12-2014

WRD Contact:

Caseworker:

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

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NOTE: This completed form must be returned to the applicant

Land Use & Information Form

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

Applicant: Paul Schofield
First Last
Josephine County Planning

Mailing Address: 1698 Davis Creek Rd
Selma OR 97538 Daytime Phone: 541 597 4337
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:
38S	7W	6	SWNW	500		☐ Diverted ☐ Conveyed ☐ Used	pond
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Josephine

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) surface runoff

Estimated quantity of water needed: 1 ☐ 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 pond

Briefly describe:

Pan the Bottom of a ravine, to store water, Ravine empties into a large pasture.

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 Josephine County Planning Commission 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): RLDC SECT. 65.020.B.5
- ☐ 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.

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Name: NORA SCHWARTZ Title: PLANNER SALEM, OR

Signature: [Signature] Phone: 541 474 5417 Date: 9-8-16

Government Entity: JOSEPHINE 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: Paul Schofield

City or County: Josephine Staff contact: Jeff Page

Signature: [Signature] Phone: 541-474-5420 Date: 9/8/16

RECEIVED ODFW Alternate Reservoir Application Review Sheet

Pete Samarin 826 8774

Ext 222

SEP 08 2016

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Josephine County Planning
Paul Schafeldt / 1698 Davis
Scio, OR 97538 / 5015974332 / Paul.Schafeldt@scio.or.us

Reservoir Name: Paul's Pond Source: Runoff Volume (AF): 1

Twp Rng Sec QQ: 38S/7W/4 Basin Name: Illinois ☐ 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 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 May through November poses a significant detrimental impact to existing fishery resources.
 (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
 If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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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 635 - 412 - 0005 (32)

R-88292

Davis Creek provides habitat for Coho salmon (federally threatened). ODFW believes if this permit is conditioned as recommended impacts to fishery resources can be lessened.

Additionally, this permit is junior to instream right 70992 (Deer Creek) and this pond should not appropriate water if the instream right is not met.

Juvenile salmon and steelhead require substantial stream flow to leave their natal streams and migrate to the ocean. ODFW recommendations for the period of use address this issue.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain)

☒ YES (select from Menu of Conditions on next page)

b51a. The period of use has been limited to December through April.

ODFW Signature: _____



Print Name: Peter Samarin

ODFW Title: Assistant District Fish Biologist

Date: 8/30/2016

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

Property Information



North Latitude
42 17 51.4

West Longitude
123 34 49.7

MAP NUMBER	38070600000500
OWNER NAME	SCHOFIELD, PAUL L &
SITUS	1698 DAVIS CREEK RD
OWNER ADDRESS	1698 DAVIS CREEK RD
CITY	SELMA
STATE	OR
ZIP	97538
ZONE	FC
ACRES	75.87
PROPERTY FLAGS	Fire Hazard Area, Slopes > 15%
IMPROVEMENTS	DECK FIR CARPORT ATTACHED FLAT R GENERAL PURPOSE SHED GENERAL PURPOSE BUILDIN MAIN.AREA (2 BEDROOMS) GENERAL PURPOSE SHED

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Josephine County Planning
700 NW Dimmick Street
Suite C
Grants Pass, OR 97526

9/8/2016

R-80292

2



Josephine County Title Division

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JOSEPHINE COUNTY OFFICIAL RECORDS
GEORGETTE BROWN, COUNTY CLERK

2003-015266



\$26.00

00045080200300152660030039

06/27/2003 09:59:43 AM

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

38-7-6 500-

Order # 10019484AP

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That MATTHEW WESTBROOK and WILLIAM WESTBROOK, Grantor, conveys and warrants to PAUL L. SCHOFIELD and DIANE J. SCHOFIELD, Husband and Wife as tenants by the entirety, Grantee, the following described real property, together with appurtenances, free of encumbrances except as specifically set forth herein, situated in Josephine County, State of Oregon, described as follows,
See Exhibit A attached hereto and made a part hereof.

SUBJECT TO:

For tax purposes, the herein described property has been classified as forest growth land and assessed at a lower valuation by the County Assessor pursuant to ORS 321.257 to 321.375. If the land becomes disqualified for the special assessment under the statute, an additional tax and interest thereon may be levied, which the Grantees herein agree to assume and pay. Rights of the public within the limits of public roadways, and/or rights of private parties within existing roadways or driveways. Rights of way of record. Easements of record. Any adverse claim based upon the movement of Davis Creek. Such rights and navigation and fishery which may exist over that portion of said land lying beneath the waters of Davis Creek.

The true consideration paid for this conveyance is One Hundred Thirty Thousand And 00/100 DOLLARS \$130,000.00.

☐ However, the whole consideration includes other value given or promised (check if other consideration statement applies).

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Dated this 19th day of June, 2003

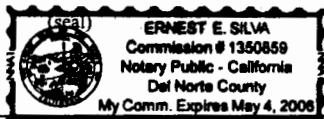
Matthew Westbrook
MATTHEW WESTBROOK

William Westbrook
WILLIAM WESTBROOK

STATE OF CALIFORNIA)

County of Del Norte) ss.

This instrument was acknowledged before me on the 19 day of June, 2003
by MATTHEW WESTBROOK and WILLIAM WESTBROOK.



Ernest E. Silva
Notary Public for CALIFORNIA
My commission expires: 5/4/08

Until a change is requested,
send all tax statements to:
Grantee at:
1698 Davis Creek Rd
Selma, OR 97538

Return document to:
Josephine County Title Company
210 West Lister Street, Cave Junction, OR 97523

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

2

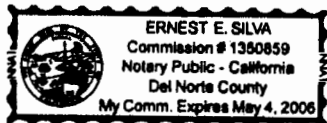
State of California

County of Del Norte } ss.

On 6/19/03, before me, Ernest E Silva Notary Public
Date Name and Title of Officer (e.g., Jane Doe, Notary Public)
 personally appeared Matthew Westbrook + William Westbrook,
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Ernest E Silva
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

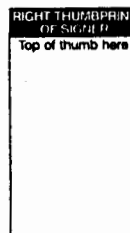
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



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(3)

EXHIBIT "A"

All of the Northwest Quarter of the Northwest Quarter of Section 6, Township 38 South, Range 7 West, of the Willamette Meridian, Josephine County, Oregon. ALSO: Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 6, Township 38 South, Range 7 West, of the Willamette Meridian, Josephine County, Oregon; thence South along the Section line 1601.5 feet to the center of Davis Creek; thence upstream along the centerline of Davis Creek, North 51°30'00" East 425 feet to the South line of the Southwest Quarter of the Northwest Quarter of said Section 6; thence East 190 feet; thence North 120 feet; thence along the centerline of Davis Creek, North 57°30'00" East 75 feet; thence East 320 feet; thence North 45° East 340 feet; thence North 81° East 165 feet to the East line of the Southwest Quarter of the Northwest Quarter of said Section 6; thence North along the subdivision line 916 feet to the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 6; thence West along the North line of the Southwest Quarter of the Northwest Quarter of said Section 6, a distance of 1307.5 feet to the point of beginning.

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
Use _____ Caseworker _____
Amount (AF) _____ Watermaster _____

Minimum Requirements (ORS 537.409)

☐ **Completed Watermaster review sheet** signed and dated by Watermaster.

Will the reservoir injure an existing water right? ☐ YES ☒ NO

If YES, can conditions be applied to mitigate the injury? ☐ YES ☐ NO **If NO, return the application.**

Did the watermaster determine when water is available for the proposed use? ☐ YES ☐ NO

The Watermaster review sheet must have been completed within the last 6 months.

If the watermaster determined that water is NOT available, return the application.

☐ **Completed ODFW review sheet** signed and dated by ODFW representative.

Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☐ YES ☐ NO

If YES, can conditions be applied to mitigate the impact? ☐ YES ☐ NO **If NO, return the application.**

The ODFW review sheet must have been completed within the last 6 months.

☐ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?

Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.

☐ **Landowner Name, Mailing Address** and Telephone Number.

☐ **Source** and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**

☐ **Reservoir Location**- Township, Range, Section, Quarter Quarter, Taxlot

☐ **Dam height**, if applicable

☐ **Total Quantity** of Storage Requested: 1 acre ft.

☐ **Proposed Use of the water....** Cannot accept application for use of this stored water at the same time (E2)

☐ **Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)

☒ **Provide 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 to meet this requirement

☐ **Environmental Impact** section completed?

☐ **Application signed by the landowner(s)?** All parties noted as applicants must sign the application.

Must be an original "wet" signature.

☐ **Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**

☐ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*

☐ Scale of the Map (not less than 1" = 1320') **

☐ Reference corner on map

☐ North Directional Symbol **

☐ 1/4's clearly identified

☐ Reservoir clearly identified **

☐ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**

☒ **Fees enclosed**?** Examination: Base Fee\$ 350.00 Permit Recording Fee\$ 450.00 RECEIVED BY OWRD

plus\$ 30.00

plus\$ _____

Total Paid \$ 830.00

Total Fees \$ 830.00

Completeness Check by: _____ Date: _____

Revised 2011-3-3

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