



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

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: Hamilton Farms, LLC
First Last

Mailing Address: 14190 Airlie Road

Monmouth Oregon 97361
City State Zip

Phone: _____
Home 503-838-1389 Work Other

Fax: _____ E-Mail Address*: hamiltonfarms@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: Steve Hamilton
First Last

Mailing Address: 14109 Airlie Road

Monmouth Oreogn 97361
City State Zip

Phone: _____
Home 503-838-1389 Work Other

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

3. LOCATION AND SOURCE

A. Reservoir Name: Reservoir 8

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: surface runoff & Peterson Creek Tributary to: Peterson Creek & Berry Creek

C. County in which diversion occurs: Polk

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 SALEM, OREGON

App. No. <u>2-88346</u>	For Department Use	Date _____
Permit No. _____		

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
See	Attached	List		

E. Dam: Maximum height of dam: 9 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 90

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.

MULTIPLE PURPOSE

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 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.

The dam is constructed off channel. It will be filled from 1) a small area of upland field runoff; 2) surface runoff from the roadside ditch along Sauerkraut Road; 3) pumped from Peterson Creek.

It is presumed that the main source of water for storage will be the roadside ditch. A concrete structure with a screened gate will be installed adjacent to the southerly side of the ditch. During the authorized storage season the gate will be opened to fill the reservoir by gravity flow. Once the reservoir is full and/or the end of the storage season has arrived, the gate will be closed. A small amount of surface run-off from the adjacent upland farm field will sheet flow into the reservoir. If the reservoir does not sufficiently fill from these two sources, the last option would be to pump from Peterson Creek through a screened intake. Screens installed on the ditch and/or pump intake will meet ODFW requirements.

Water from the ditch will be piped into the reservoir. Water from the upland field will sheet flow across the land surface. Water from Peterson Creek will be piped into the reservoir.

Live flow will be bypassed outside the authorized storage season by closing the gate on the ditch intake and/or turning off the pump on Peterson Creek.

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SANTA CRUZ COUNTY

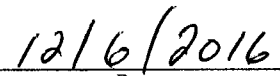
If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

See attached drawings.

9. SIGNATURE

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


Landowner Signature


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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BUREAU OF DIVISION

Hamilton Farms, LLC

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

ADDITIONAL INFORMATION

3. LOCATION AND SOURCE

D. Reservoir Location

Township (N or S)	Range(E or W)	Section	Quarter/Quarter	Tax lot number
9S	5W	32	NE-NE	9.5.32 1503
9S	5W	33	NW-NW	9.5.32 1503
9S	5W	33	NW-NW	9.5.33 300

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R-88340

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Hamilton Farms, LLC c/o Steve Hamilton 503-838-1389
14190 Airlie Rd, Monmouth OR 97361 hamiltonfarms@hotmail.com

Reservoir Name: Reservoir 8 Source: Surface Runoff Volume (AF): 90+/-
9S.5W 32 NE-NE &
 Twp Rng Sec QQ: 9S.5W 33 NW-NW Basin Name: Luckiamute/Willamette 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 _____ 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.

Fish approve:
PODIP - roadside ditch intake structure should have screen installed

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)

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R-88140

as indicated on engineer's drawing to prevent fish from becoming entrained; POD 2, if installed, ~~would~~ would also require an approved screen with 3/32 inch mesh.

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)

See above

ODFW Signature:

Alex Farnand

Print Name:

Alex Farnand

ODFW Title:

Assistant District Fish Biologist

Date:

4/4/16

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

Revised 10/4/12

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SALEM, OREGON

Land Use Information Form



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

Applicant(s): **Hamilton Farms, LLC**

Mailing Address: **14190 Airlie Road**

City: **Monmouth**

State: **OR**

Zip Code: **97361**

Daytime Phone: **503-838-1389**

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:
9S	5W	33	NW-NW	9.5.33 300	Ag/EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
9S	5W	33	NW-NW	9.5.32 1503	Ag/EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
9S	5W	32	NE-NE	9.5.32 1503	Ag/EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

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

Polk County

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) **Runoff tributary of Peterson Creek & Peterson Creek**

Estimated quantity of water needed: **90**
 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 **Multiple Purpose**

Briefly describe:

Construct a new off-channel storage reservoir that will support our farming practices.

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. →

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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): 136.030(A) *

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.

* Please see attached comments.

Name: Sidney Mulder Title: Associate Planner
 Signature: [Signature] Phone: 503-623-9237 Date: 11-28-16
 Government Entity: Polt County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

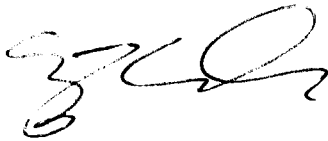
Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

Polk County's Additional Comments:

The proposed water use is only outright permitted if the project area is located outside of the regulated special flood hazard area. The applicant has submitted evidence that a LOMA has been submitted to remove the project area from the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) panel number 41053C0550F, dated December 19, 2006. If the project area is not ultimately removed from the regulated floodplain, a land use application and approval would be required to demonstrate compliance with PCZO 178.060, prior to constructing the proposed reservoir.

Additionally, the proposed reservoir may require a management plan if development would be within the wetland setback area. Pursuant to PCZO 182.050(B)(2), the width of the wetland setback area for lakes and significant wetlands less than 1 acre in size shall average 25 feet; for lakes and wetlands between 1 and 5 acres in size, the width shall average 50 feet; for lakes and wetlands between 5 and 10 acres in size shall average 75 feet in width; and, for lakes and wetlands over 10 acres in size, the width shall average 100 feet. Vegetation removal within the wetland setback area would require a management plan if the Department of State Lands (DSL) or the Oregon Department of Fish and Wildlife determine the wetland to be "significant". If all development is outside of the wetland setback area, a management plan would not be required.

Feel free to contact me with any additional questions.



Sidney Mulder,
Associate Planner

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WATER RESOURCES DEPT
SALM, OREGON

R-88340

November 18, 2016

LOMA Manager
LOMC CLEARINGHOUSE
847 SOUTH PICKETT STREET
ALEXANDRIA, VA 22304-4605



Boatwright Engineering Inc.

2613 12th ST SE, SALEM, OREGON 97302
civil engineers • land surveyors

503 363-9225 FAX 363-1051

Re: **FEMA FLOOD ZONE**

Dear LOMA Manger

The owner of this property is proposing to install an off-channel earthen dam reservoir in this area and found that the flood maps show the floodplain in this area. Peterson Creek is an intermittent stream. To the owner's knowledge, the property, which was also owned by his father, has not had any fill placed upon it.

I have been asked to assist in the determination of the base flood elevation and possible removal from the floodplain of land within the property identified as a portion of Polk County Assessor's Tax Lots 9 5W 32 01503 & 9 5W 33 00300 in Section 32 and Section 33, Township 9 South, Range 5 West, of the Willamette Meridian in Polk County, Oregon. The site does not have an address because there has never been a dwelling built upon it. However, it is located east of Sauerkraut Road and north of Peterson Creek. The property lies 2.05 miles north of the south line of Polk County, and 4.02 miles west of Oregon Highway 99W.

In evaluating this site, I used the Santa Barbara Urban Hydrograph Method to determine the rainfall runoff for the 1% storm event. The flow was then run in a HEC-RAS model. The model showed Sauerkraut Road would be overtopped. The flow that overtops the road was then checked with the roadside ditch capacity to confirm that no sheet flow existed into the field in this area.

The datum for the current Polk County FEMA maps is NAVD88. In this area of the map there are no elevations shown, so an assumed elevation was used when collecting the topography. This was than compared to LIDAR in the area and the conversion is shown on MT-1 Form 2 page 1 and how it compares to NAVD88.

The farm field is located on two tax lots. In evaluating the area on these tax lots, I broke the property into 'P' lots that correspond to the flood elevations moving across the property that match the cross sections in the HEC-RAS model data. The four 'P' lots extend, for the most part, to the top of the bank, except near the intersection of the creek and the road. The floodplain is elevated near the road due to the overtopping and falls again once within the downstream creek channel.

I have written descriptions for the areas to be removed that are above the 100-year flood level, with the lowest elevation as noted on the MT-1 form for each of the 'P' lots.

Sincerely,

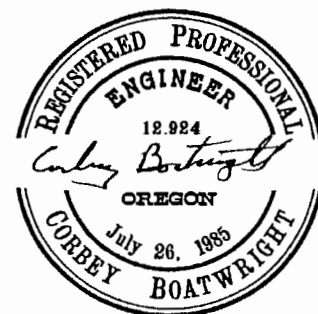
Corbey Boatwright, PE, LS

Enclosures: Supporting Documents
CC: Steve Hamilton

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351 E. 10TH ST
SALEM, OR 97302



Renewal Date: December 31, 2017

R-88340

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: Hamilton Farms, LLC c/o Steve Hamilton

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain:

The source is trib to Luckiamute River which has an ISWR dated 6/22/1964. Junior users were shutoff during summer of 2015

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

Limit storage season to November 1 through May 31. Require TFM on POD from Peterson Creek only. No meter required from POD 1/ditch. Require staff plate in reservoir.

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:  Date: 3/21/16

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