

**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem Oregon 97301  
(503) 986-0900  
[www.wrd.state.or.us](http://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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).*

## 1. APPLICANT INFORMATION

Applicant: Frank <sup>First</sup> Stephen <sup>Last</sup> Price

Mailing Address: 855 Christensen Road

Toledo <sup>City</sup> OR <sup>State</sup> 97391 <sup>Zip</sup>

Phone: 541 336 1212 <sup>Home</sup> cell 541 270 5572 <sup>Other</sup>

Fax: \_\_\_\_\_ E-Mail Address\*: stevenotfrank@gmail.com

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

## 2. AGENT INFORMATION

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

Agent: \_\_\_\_\_  

First
Last

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  

City
State
Zip

Phone: \_\_\_\_\_  

Home
Work
Other

Fax: \_\_\_\_\_ E-Mail Address\*: \_\_\_\_\_

**\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)**

### 3. LOCATION AND SOURCE

A. Reservoir Name: Pond 2

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: Spring Tributary to: N. A.

C. County in which diversion occurs: Lincoln

App. No. R-88352 For Department Use Permit No. \_\_\_\_\_ Date JAN 12 2017

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#### D. Reservoir Location

| Township<br>(N or S) | Range<br>(E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 11 S                 | 11 W              | 1       | SWSE            | 800            |

E. Dam: Maximum height of dam: zero 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: 0.7

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

#### 4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose use

#### 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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54-LUCS-16

# 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: Frank Stephen Price  
First Last

Mailing Address: 855 Christiansen Road

Toledo OR 97391 Daytime Phone: 541 336 1212  
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: |
|----------|-------|---------|------|-----------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------|
| 11 S     | 11 W  | 1       | SWSE | 800       |                                                 | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" 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            |                    |
|          |       |         |      |           |                                                 | <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:

Lincoln 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) \_\_\_\_\_

Estimated quantity of water needed: \_\_\_\_\_ ☐ 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 \_\_\_\_\_

Briefly describe:

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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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R-00352

## 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): LINCOLN COUNTY ORDINANCE #484
- ☐ 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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.

PRODUCTION OF RECREATIONAL MARIJUANA IS AN OUTRIGHT PERMITTED USE IN THE TIMBER CONSERVATION T-C ZONE TO WHICH THE APPLICANT'S PROPERTY IS SUBJECT SUBJECT TO SPECIAL STANDARDS. THE FACILITY IS AUTHORIZED AS 06-RMPS-16. ~~AND~~

Name: JOSHUA SHAKLEE Title: SENIOR PLANNER  
 Signature: [Signature] Phone: 541-265-0223 Date: 12/16/2016  
 Government Entity: LINCOLN 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.

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**Receipt for Request for Land Use Information**

**OWRD**

Applicant name: FRANK STEPHEN PRICE  
 City or County: LINCOLN Staff contact: JOSHUA SHAKLEE  
 Signature: [Signature] Phone: (541) 265-0223 Date: 12/16/16

# 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: Frank Steve Price

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

☒ NO ☐ YES

Explain: His exempt storage pond P-81307 is the only water right in the section. Off channel ponds with no instream right in Beaver Creek.

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

☐ NO ☒ YES

IF YES, which conditions are recommended: No additional storage potential in already existing ponds.

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

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

I did refer that he works very closely with Fish/Wildlife.

Watermaster signature:

*[Signature]*

Date: 12/9/14

WRD Contact:

Caseworker:

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

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

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R-99352



00107253201500070580030033

I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.

Dana W. Jenkins, Lincoln County Clerk



**Grantors Name & Address**

Frank Stephen Price  
Theresa Marie Wanner  
(aka Therese Marie Wanner Price)  
855 Christiansen Road  
Toledo, OR 97371

**Grantees Name & Address**

Frank Stephen Price and Therese  
Marie Wanner Price, trustee of the  
Price Family Trust  
855 Christiansen Road  
Toledo, OR 97371

**Situs Address:** 855 Christiansen Road, Toledo,  
Lincoln County, Oregon

**Until requested otherwise, send all tax statements to:**  
Frank Stephen Price and Therese Marie Wanner Price,  
Trustee  
855 Christiansen Road  
Toledo, OR 97371

**After recording return to:**

Stacey D. Mealer, Attorney  
401 Main Street Suite E  
Sweet Home, OR 97386

**WARRANTY DEED**

Frank Stephen Price and Theresa Marie Wanner (also known as Therese Marie Wanner Price), Grantors, convey and warrant to Frank Stephen Price and Therese Marie Wanner Price, trustee of the Price Family Trust, dated December 11, 2014, as amended, Grantees, the following described real property, free of encumbrances, except for matters of public record in Lincoln County, Oregon:

**See Attached Exhibit A – Legal Description**

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR TO GRANTEE AND GRANTEE'S HEIRS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD EXTENDED. IT IS THE INTENTION OF THE GRANTOR TO PRESERVE ANY EXISTING TITLE INSURANCE COVERAGE. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE, AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

The true consideration for this conveyance is \$0. (Transfer to Trust)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER

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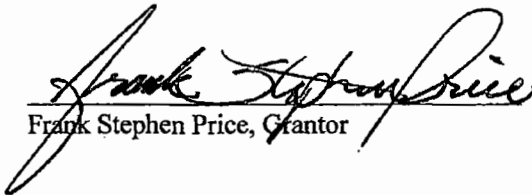
JAN 12 2017

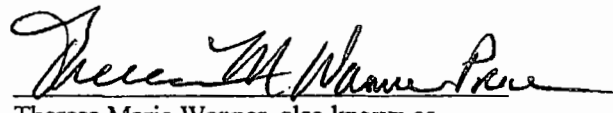
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424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 11<sup>th</sup> day of December, 2014.

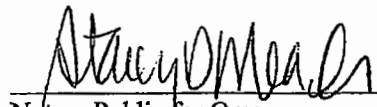
  
Frank Stephen Price, Grantor

  
Theresa Marie Wanner, also known as  
Therese Marie Wanner Price, Grantor

STATE OF OREGON            )  
                                          ) ss.  
County of Lincoln         )

Personally appeared before me this 11<sup>th</sup> day of December, 2014, the within named Frank Stephen Price and Theresa Marie Wanner, also known as Therese Marie Wanner Price, individually, Grantors, and acknowledged the foregoing instrument to be their voluntary act and deed.



  
Notary Public for Oregon  
My Commission Expires: 12/18/2014

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R-00052

### Exhibit A

A tract of land in Section 1, Township 11 South, Range 11 West, of the Willamette Meridian, in Lincoln County, Oregon, described as follows: Beginning at a point on the South line of said Section South 87° 17' 54" East, 899.65 feet from the South quarter corner; thence North 21° 54' 20" West, 214.19 feet to an iron rod; thence West 105 feet; thence South 50° 00' West, 150 feet; thence West 150 feet; thence North 12° 30' 30" West, 160 feet; thence North 36° 35' 50" West, 166.82 feet; thence North 14° 45' 04" East, 349.44 feet; thence North 18° 10' 20" West, 162.44 feet; thence North 00° 25' East, 266.43 feet; thence North 63° 32' 50" East 72.65 feet; thence North 46° 15' 30" East, 394.46 feet; thence North 26° 33' East, 222.93 feet; thence South 81° 40' 48" East, 486.93 feet to an iron rod set in the center of a road easement conveyed to Archie Glasscock recorded in Microfilm Volume 68, Page 1291, Deed Records for Lincoln County, Oregon; thence Southerly along the center of said easement as follows: South 8° 22' 58" West, 121.39 feet; thence South 20° 43' 44" West, 78.51 feet; thence South 31° 09' 30" West, 117.64 feet; thence South 16° 32' 10" West, 217.30 feet; thence South 4° 30' 55" East, 283.97 feet; thence South 22° 16' 03" East, 60.42 feet; thence South 35° 52' 26" East, 155.30 feet; thence South 37° 39' 19" East, 156.90 feet; thence South 15° 17' 42" East, 170.88 feet; thence South 24° 27' 05" East, 65.87 feet; thence South 7° 19' 13" East, 62.65 feet; thence South 12° 14' 30" West, 88.17 feet; thence South 41° 33' 10" West, 136.73 feet; thence South 38° 00' West, 46.85 feet to a point on the South line of the before mentioned Section 1; thence North 87° 17' 54" West, 394.25 feet to the point of beginning.

Together with an easement for roadway purposes and vehicle travel and not for parking of vehicles or other objects, said easement being appurtenant to the property described above and to be used in common with the seller and others to whom the Seller may grant a similar right, said easement being 50 feet in width, 25 feet on either side of the following described line: Beginning a point 973.54 feet North and 2422.57 feet West from the Southeast corner of Section 1, Township 11 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence South 18° 48' 20" East 281.59 feet; thence South 67° 00' 20" East 220.84 feet; thence South 38° 01' 20" East 311.15 feet; thence South 33° 22' 00" East 350.00 feet, more or less, to the South line of the before mentioned Section 1, at a point within the right of way of County Road No. 510. The above road alignment monumented at the points of intersection with iron rods; said road to have curves of appropriate radius with external distance not to exceed 8 feet.

Together with another easement to be used in common with the seller and others to whom the seller may grant a similar right and also subject to and beneficiary of an easement along the East as recorded in and described in Volume 68, page 1291 of the Deed Records of Lincoln County, to Archie, Betty, Gary and Wanda Glasscock, and amended in Book 180, page 296, of the Deed Records of Lincoln County, also as recorded in Book 181, page 204, of the Deed Records of Lincoln County.

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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? 25 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.

Oregon Dept Fish & Wildlife - Jitesh Pathni - 541 265 8306 ext 236  
Watermaster District 1 - Nikki Hendricks - 503 815 1967

## 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.

Both ponds are already existing and fed by springs.

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

Existing ponds - there is no dam.

#### 9. SIGNATURE

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

Frank Stephen Price  
Landowner Signature

Jan 12 2017  
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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R-88352

# ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Frank Stephen Price - 855 Christensen Road,

Toledo OR 97391 - 541 336-1212 - stevenotfrank@gmail.com

Reservoir Name: \_\_\_\_\_ Source: Springs Volume (AF): \_\_\_\_\_

Twp Rng Sec QQ: Twp 11S Rng 11W Sec 1 Basin Name: \_\_\_\_\_ ☐ in-channel  
QQ SWSE ☒ 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 AO<sup>1</sup> 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 NMF<sup>2</sup> 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.

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<sup>1</sup> 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)

<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

R-88352

# 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:

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:

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

☐ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Date:

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**

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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.

**b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

**futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the \_\_\_\_\_ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

**riparian:** 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.

**wq:** 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.

**fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

**blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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R-88352

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

ODFW Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

ODFW Title: \_\_\_\_\_

ASST. DISTRICT FISH BROWNT

Date: \_\_\_\_\_

12/19/16

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

Revised 10/4/12

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JAN 12 2017

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