



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: Lee Bischoff
First Last
 Mailing Address: 7695 Blanchard Road
Sheridan OR 97378
City State Zip
 Phone: 713-829-4118
Home Work Other

Fax: _____ E-Mail Address*: lee.bischoff@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: Steven Applegate
First Last
 Mailing Address: 3395 Huckleberry Ct S
Salem OR 97302
City State Zip
 Phone: 503-362-4040
Home Work Other

Fax: _____ E-Mail Address*: steve.applegsp@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.)

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: Unnamed Streams #1 & #2 Tributary to: S.Yamhill River

C. County in which diversion occurs: Polk

App. No. <u>R-88798</u>	For Department Use	Date <u>APR 24 2017</u>
	Permit No. _____	

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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
6 S	6 W	14	N1/2SE1/4	700

E. Dam: Maximum height of dam: 2 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: 5.0 AF

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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A-002728

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel? *(BOTH)*
- 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. *N/A*

Irrigation District Name <i>N/A</i>		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.

New Pond #2 is to be constructed entirely by excavation just above and off-channel of, unnamed Stream #2. The pond will have a 2' berm around the downstream end. Approximately 1.0 acre of surface area, a maximum depth of 10', and a storage capacity of 5.0 acre-feet.

Pond #2 will capture excess runoff from Stream #1 and Pond #1 (Certificate 41895). Water from Unnamed Stream #2 will be pumped, and/or ditched into Pond #2 as needed to complete the annual fill. A small centrifugal pump in a pool, with a screened intake to pump into ditch/pond as needed. Pond to have a trickle tube with an inclined outlet pipe with valve and screen to Unnamed Stream #2.

Both streams are seasonal.

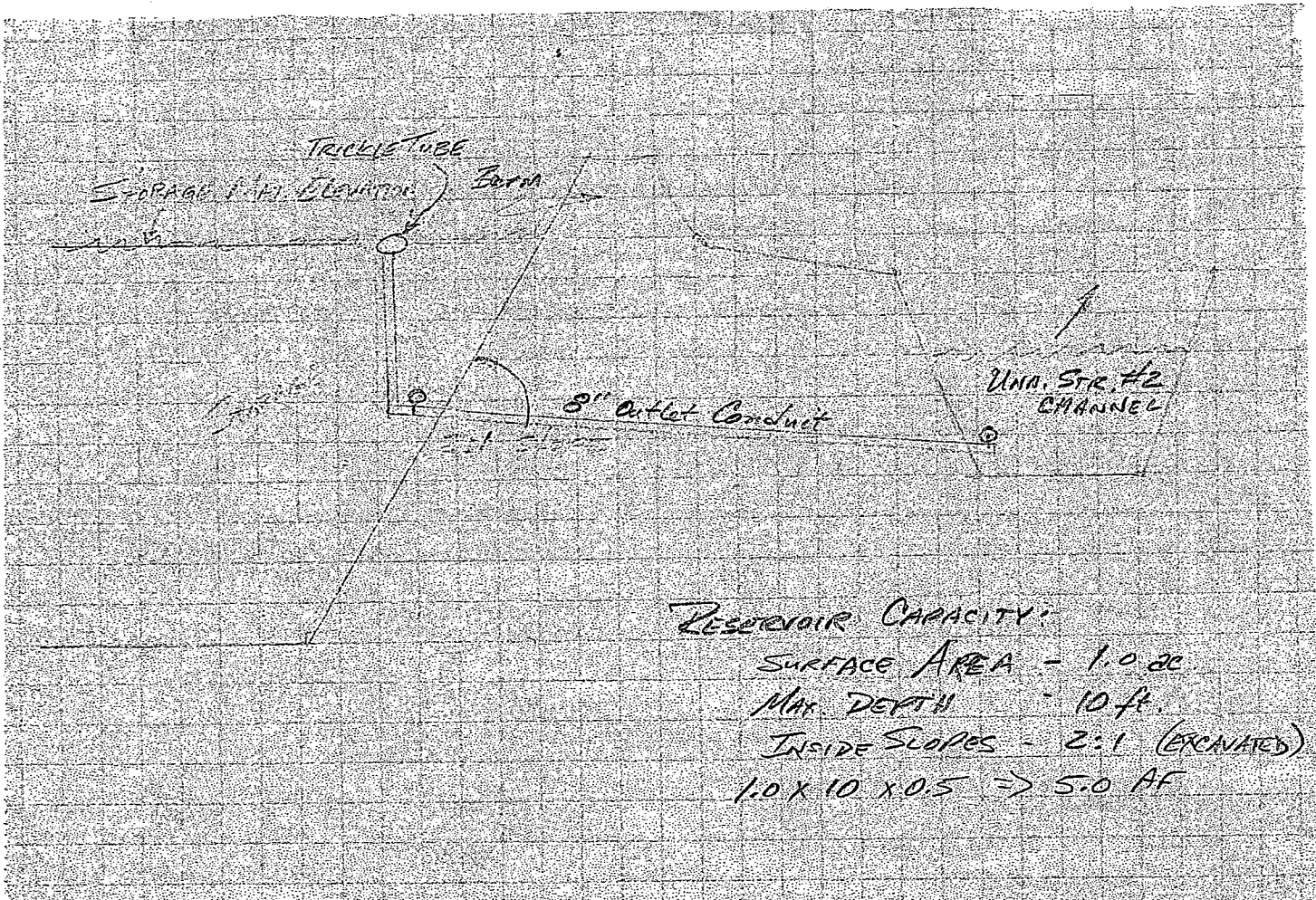
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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



RESERVOIR CAPACITY:
 SURFACE AREA - 1.0 ac
 MAX. DEPTH - 10 ft.
 INSIDE SLOPES - 2:1 (EXCAVATED)
 $1.0 \times 10 \times 0.5 \Rightarrow 5.0 \text{ AF}$

9. SIGNATURE

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

[Handwritten Signature]

Landowner Signature

4/20/17

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-88378

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: Lee Bischoff 6S 6W 14 TL 700

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 - no condition needed

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:  Date: 3-29-17

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-88395

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: LEE BISCHOFF
First Last

Mailing Address: 7695 BLANCHARD RD
SHERIDAN OR 97378 Daytime Phone: 713-829-4118
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:
6S	6W	14	N½ SE ¼	700		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Pond
						<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:

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) UNNAMED STR. #1 & 2

Estimated quantity of water needed: 5.0 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 Multipurpose Storage

Briefly describe:

Intend to store up to 5 AF annually in Reservoir on channel of unn. str. #1 & to complete filling, if needed from unn. str. #2 for multipurpose use.

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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QWRD

R-88578

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): 15K.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.

THE APPLICANT SATISFIED THE SIGNIFICANT RESOURCE MANAGEMENT CRITERIA IN P20152 THROUGH COORDINATION WITH STATE OSL & CDFW AGENCIES (EVIDENCE ATTACHED).

Name: MARK STANARD Title: SENIOR PLANNER
 Signature: *[Signature]* Phone: 503-623-9237 Date: 4/21/17
 Government Entity: BIK 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: APR 24 2017

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Steve Applegate <steve.applegsp@gmail.com>

Bischoff Wetland Issue

BROWN Lauren <lauren.brown@state.or.us>
To: Steve Applegate <steve.applegsp@gmail.com>

Tue, Apr 18, 2017 at 3:51 PM

I just got off the phone with him. I told him that a state permit would not be needed based on my site visit and the site plan you gave me. I also mentioned the only fill in wetlands/waters would be the berm crossing the small waterway. A permit would be needed if more than 50 cubic yards of material was placed/removed within wetlands and waterways.

He said he doesn't need anything else from me. Good luck on your project.

Lauren Brown, Wetland Ecologist
Jurisdiction Coordinator
Oregon Department of State Lands
503.986.5218 Desk
503.302.3290 Cell

From: Steve Applegate [mailto:steve.applegsp@gmail.com]
Sent: Tuesday, April 18, 2017 3:37 PM
To: BROWN Lauren
Subject: Re: Bischoff Wetland Issue

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Recess

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: LEE BISCHOFF, 7695 BLANCHARD RD,
SHERIDAN, OR 97378; 713-829-4118; lee.bischoff@gmail.com

Reservoir Name: Pond #2 Source: Unnamed Str. #1 & #2 Volume (AF): 5.0

Twp Rng Sec QQ: 6S/6W, Sec 14, NE 1/4 Basin Name: So. Yamhill 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 June 1st through September 30th 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.

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-88795

If more water is appropriated to reservoirs in the Yamhill watershed, it will further limit the availability of cool, clean water downstream, which is critical to the survival of the native, migratory fish species (ESA-listed winter steelhead, coho salmon, Pacific lamprey, Western brook lamprey and cutthroat trout) that spend their most sensitive life stages in the Yamhill basin. All of these species rely on cold, oxygenated water and healthy stream flows for migration and survival. Once water temperatures rise above 18 degrees centigrade, it can have significant impacts on their ability to survive. Holding water in reservoirs affects downstream habitat by increasing temperatures, decreasing water availability and dissolved oxygen, and raising concentrations of water quality limiting pollutants. The South Yamhill River, to which the waters of this reservoir will lead, has exceeded water quality standards and been listed as a water quality limited (303 (d)) stream by the Department of Environmental Quality for the following: iron (year-round), copper (year-round), lead (year-round), fecal coliform (year-round) and for temperature in the summer. It has also exceeded healthy phosphorus concentrations from May through October. Additionally, permitted water use in the lower Yamhill currently exceeds average, natural flow rates through the months of July, August and September.

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

NO (explain)

YES (select from Menu of Conditions on next page)

Wq/riparian: Water should only be diverted dammed to fill the reservoir when state and water quality standards are met. At all other times, once the reservoir is full, all live flow should be bypassed, preferably in a manner that does not impact water quality.

B51a: The period of use has been limited to October through May.

ODFW Signature: Josie Thompson

Print Name: Josie Thompson

ODFW Title: Asst. District Fish Biologist

Date: 4/19/17

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

Revised 10/4/12

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R-88395

BISCHOFF

Polk County Parcel Information



First American Title

Parcel Information

Parcel #: 230267
Tax Lot: 661400 700
Site Address: 7695 Blanchard Rd
 Sheridan OR 97378
Owner: Princess Properties LLC
Owner 2:
Owner Address: 7695 Blanchard Rd
 Sheridan, OR 97378
Phone:
Twn/Range/Section: T: 06S R: 06W S: 14
TCA: 2110
Parcel Size: 121.33 Acres (5285135 SqFt)
Plat/Subdivision: Partition Plat 2012-0004
Lot: PARCEL 1
Block:
Census Tract/Block: 020500/1062
Waterfront:
Levy Code Area: 2110
Levy Rate: 10.9594
Market Value Land: \$444,490
Market Value Imprv: \$248,780
Market Value Total: \$693,270
Assessed Value: \$271,050



Tax Information

Tax Year	Annual Tax
2016	\$2,869.11
2015	\$118.70
2014	\$113.02

Exemption Description:

Legal

PARTITION PLAT 2012-0004

Land

Land Use: 481 - IMPRVD H&B TRACT, MLTPL SPEC ASMT, ZONING NOT SIGNIFICANT
Zoning: County-EFU - Exclusive Farm Use Zone
Watershed: Deep Creek-South Yamhill River
School District: 21

Improvement

Year Built: 1979 **Eff Year Built:** 1986 **Build Type:** - Res - One story w/attic and basement
Bedrooms: 4 **Bathrooms:** 3.00 **Fin SqFt:** 3176 **Floor 1 SqFt:** 2226
Full Baths: 3 **Half Baths:** 0 **Stories:** **Floor 2 SqFt:** 0
Garage: 550 **Carpport SqFt:** 0 **Deck SqFt:** 0 **Porch SqFt:** 0
FirePlace: 1 **Heat:** -FORCED AIR HEATING

Transfer Information

Rec. Date: 06/07/16	Sale Price: \$700,000	Doc Num: 201600005986	Doc Type: Warranty Deed
Orig Loan Amt:			
Loan Type:	Finance Type:	Lender:	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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R-88375



After recording return to:
Princess Properties LLC
7695 Blanchard Road
Sheridan, OR 97378

Until a change is requested all tax
statements shall be sent to the
following address:
Princess Properties LLC
7695 Blanchard Road
Sheridan, OR 97378

File No.: 1031-2660096 (LZ)
Date: May 20, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY **2016-005986**
Valerie Unger, County Clerk 06/07/2016 01:01:56 PM
REC-WD Cnt=1 Str=11 K. WILLIAMS
\$15.00 \$11.00 \$10.00 \$5.00 \$20.00 \$61.00

FIRST AMERICAN TITLE 2-660096-4C

STATUTORY WARRANTY DEED

Morris Engle Bart, III and Pamela F. Bart, as tenants by the entirety, Vincent Jude Bart and Lydia Bart, as tenants by the entirety and Anthony Benjamin Bart, Jr., Grantor, conveys and warrants to **Princess Properties LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon, described as follows:

Parcel 1 of Partition Plat 2012-0004, recorded April 03, 2012, in Book of Partition Plats and in Book 2012, Page 04, Deed Records, Polk County, Oregon.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
3. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

The true consideration for this conveyance is **\$700,000.00**. (Here comply with requirements of ORS 93.030)

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