

# 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: Sarbanand Enterprises, LLC			<u> </u>
Mailing Address: 786 Rd. 188		Last	
Delano	CA	93215	
Phone:	State 661-725-6458	Zip	
Home	Work	Other	
Fax:	E-Mail Address*:	1	
* By providing an e-mail address, conse electronically. (paper copies of the final			<b>II</b>
	2 ACENT INCODMATION	,	
	2. AGENT INFORMATION	s valating to this applica	tion
The agent is authorized to repr	resent the applicant in all matter	s relating to this applica	иоп.
Agent: GSI Water Solutions, Inc.	Attn: Kimbe	rly Grigsby	
First	·	Last	<u> </u>
Mailing Address: 1600 SW Western Blv	/d., Suite 240	F	ECEIVED BY O
Corvallis	OR	97333	
City Phone:	State 541-257-9004	Zip	JUN 1 4 2017
Fax:	Work E-Mail Address*: kgrigsby@g	Other Usiws.com	SALEM, OR
* By providing an e-mail address, conse electronically. (paper copies of the final	nt is given to receive all correspor	dence from the departmen	nt
3	3. LOCATION AND SOURCE		·
A. Reservoir Name: South Airport Por	nd #1		
<b>B. Source:</b> Provide the name of the water of the stream or lake it flows into. Indic Source: Run-off and intermittent stream	ate if source is run-off, seepage, o	r an unnamed stream or sp	
C. County in which diversion occurs:	Yamhill County		
App. No. <u>R-<b>6</b>9</u> 417-	For Department Use Permit No.	Date	·

### D. Reservoir Location - See Attachment A (Map)

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
48	4W	35	NW NE	500

E. Dam: Maximum height of dam: : 9.9 feet. If excavated, write "zero fe	eet".
F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List acre-feet: 30 AF	t volume in
Is this project fully or partially funded by the American Recovery and Reinvestment Addollars) Yes 🗸 No	ct? (Federal stimulus
4. WATER USE	
Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider for use" for your reservoir. Multipurpose use does not limit the types of future uses for Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, do agriculture, fire protection and pollution abatement. If any use will be out of reserve the type of storage listed, a secondary application must be filed to appropriate the stored	or the stored water. omestic, irrigation, voir use, regardless of
The water will be stored for multipurpose use, including but not limited to	o irrigation.
	·
5. PROPERTY OWNERSHIP	RECEIVED BY OWRD
Please provide a copy of the recorded deed(s). See Attachment B	JUN 1 4 2017
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)	SALEM, OR
There are no encumbrances	September 1919 (1)
This land is encumbered by easements, right of way, roads of way, roads or oth	ner 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 state-owned submersible lands, and this application is for irrigated and/or domestic use (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:	
N/A	

#### 6. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir:  in-stream or	off channel?	
<b>B.</b> Wetland: Is the project in a wetland?  Yes	No 🔽 Don't know	
	No	•
If yes, how long has it been in place? ye	ars.	
D. Fish Habitat: Is there fish habitat upstream of the p	proposed structure? Yes	No Don't know
If yes, how much? miles.		
E. Partnerships: Have you been working with other a	gencies? Yes 🗸 N	lo
Indicate agency, staff and phone numbers of those invol	ved. Also indicate any agend	cies 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 se	erved by an irrigation or
other water district.	• •	
	•	-
Irrigation District Name	Address	
N/A	`	
City	State	Zip
City	State	<b>Z</b> 1p .
<u> </u>		

#### 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 proposed reservoir is to be located on an unnamed, intermittent stream that is tributary to the South Yamhill River. The source of water for the reservoir will be runoff impounded behind the reservoir berm.

The anticipated design for the reservoir includes the following elements:

- An earthen berm constructed on the downstream side of the reservoir footprint, across the existing natural drainage way (refer to the enclosed application map).
- The berm will be a maximum height of approximately 9.9 feet above natural grade.
- The length of the berm will be approximately 120 feet.
- The interior of the reservoir will be excavated up to 5 feet below the existing land surface.
- An outlet pipe will be installed though the berm to allow draining of the reservoir when needed.
- Based on discussions with ODFW, fish passage will not be needed.

A generalized cross section through the longitudinal axis of the reservoir is provide in Attachment C. NOTE: This cross-section is intended as a conceptual drawing for the purpose of applying for a water right but is not intended to be an engineering design of the reservoir for the purposes of construction.

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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). See Attachment C 9. SIGNATURE I swear that all statements made and information provided in this application are true and correct to the best of my knowledge. 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. Attachment A

Included a check payable to Oregon Water Resources Department for the appropriate amplicative BY OWRD

Included a land use form or receipt stub signed by a local planning official. Attachment D

The map must meet map requirements to be accepted.

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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 significan	it detrimental impact to existin	g fishery resour	ces. (ORS 5	37.409 (5))
T	he review of alternate	reservoirs is limited to t	these criteria	only.	
Application #: R-	Applicant's Name: Sarbana	nd Enterprises, LLC			
1) Does the proposed reser	4 S 4 W voir have the potential to inj	Sec 35 South Airport #1 jure existing water rights?	Мио	☐ YES	
Explain:					•
,		injury to existing water rights?	□NO	YES	
If YES, which conditions a	are recommended:				
3) Did you meet with staff	from another agency to disc	cuss this application?	□ ио □	YE\$	
Who:	Agency:	•	Date:	•	
Who:	Agency:		Date:		
From looking at topog	raphic maps it appears	the reservoir is not locat	ed in a strean	n and would	only collect
surface water runoff.	1/				
Watermaster signature:	1/1 KM	Date: 12/1/201	6		
WRD Contact: Caseworl	ker: Water Rights Div	ision, 503-986-0900 / Fax 503-98	6-0901	RECE	EIVED BY OWRD
Nome my	10	7. 4	•	•	JUN 1 4 2017
NUTE: This complet	ed form must be retur	ned to the applicant			CALEAS AE

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## **ODFW** Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.
Applicant Name/Address/Phone/Email: Sarbanand Enterprises, LLC
Reservoir Name: South Airport Pond #1 Source: South Yamhill River Volume (AF): 30
Twp Rng Sec QQ: 4S 4W 35 NW NE Basin Name: Willamette E 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?
2) Is the proposed project or AO located where NMF <sup>2</sup> are or were historically present?
3) If NMF are or were historically present:  a. Is there an ODFW-approved fish-passage plan?
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?
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.

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)

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

			,
□ NO (explain)	olied to mitigate the significant	f Conditions on next page	)
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	·		
V Signature: Jan M	Myay Print	Name: John M	nertach

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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:** Not withstanding 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.
- The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove section to the stream.
- b51a The period of use has been limited to \_\_\_\_\_ through \_\_\_\_.

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b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

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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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Attachment A

Application Map
Application for a Permit to Store Water – Sarbanand Enterprises, LLC

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## Attachment B

Legal Description
Application for a Permit to Store Water – Sarbanand Enterprises, LLC

Sarbanand Enterprises, LLC Loan No. 8128200 November 22, 2013 Page 10 of 10 Deed of Trust and Assignment of Rents County of Yamhill, and Polk Description of Real Property

#### TRACT F ("SOUTH AIRPORT") REVISED

#### Parcel I:

Beginning at the Northeast corner of the C.B. Hawley Donation Land Claim No. 67 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South 17°30' West 48.02 chains; thence North 72°30' West 58.73 chains; thence North 17°30' East .29 of a chain; thence West 4.29 chains to the re-entrant angle on the West line of said Claim; thence North 20°17' East 49.30 chains to the Northwest corner of said Hawley Donation Land Claim; thence South 72°16' East 60.43 chains to the point of beginning.

#### Parcel II: .

United States Government Lots 1 and 2 of Section 36, Township 4 South, Range 4 West of the Williamette Meridian in Yamhill County, Oregon.

EXCEPT that portion of the premises conveyed to Wallace Goodrich by Deed recorded January 27, 1910 in Book 56, Page 236, Deed Records.

(APN R4435 00100)

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Attachment C Dam Cross-Section

Application for a Permit to Store Water – Sarbanand Enterprises, LLC

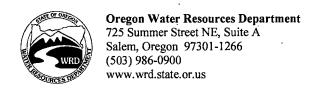
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Attachment D Land Use Form

Application for a Permit to Store Water - Sarbanand Enterprises, LLC

## Land Use **Information Form**



#### NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

#### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district:
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

### NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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## **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): Sarbanand Enterprises LLC

Mailing Address: 768 Rd. 188

City: Delano

State: CA

Zip Code: <u>93215</u>

Daytime Phone: (661) 725-6458

#### 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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
48	4W	35	NW NE	500		☑ Diverted	☑ Conveyed	☑ Used	Multipurpose storage

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:  Yamhill 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 tributary to South Yamhill Rive
Estimated quantity of water needed: <u>30</u> □ cubic feet per second □ gallons per minute ⊠ acre-feet
Intended use of water:
Briefly describe:
The Applicant is requesting a permit to store up to 30 acre-feet of water in South Airport Pond # 1 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.

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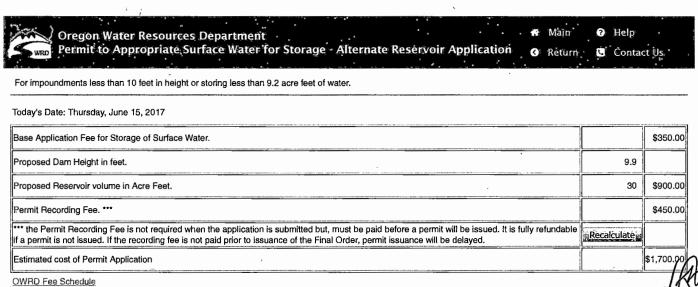
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## For Local Government Use Only

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 be	low and provide the requested infor	<u>mation</u>	
Land uses to be served by the proposed water by your comprehensive plan. Cite applicable  Land uses to be served by the proposed water	r uses (including proposed construction) are all ordinance section(s): Section 40	lowed outright Z & VaM	or are not regulated ThIV County Co
approvals as listed in the table below. (Please	e attach documentation of applicable land-use ecision and accompanying findings are sufficients.	approvais which	en nave aiready
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	I-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 specia regarding this proposed use of water below, or o	on a separate sheet.	REC	JUN 1 4 2017
Name: LANCE (NOODS	Title: A	7530C/A	O Lolean
Government Entity: YAMHILL CO	DUNTY PLANNING !		
Note to local government representative: Pleasign the receipt, you will have 30 days from the Information Form or WRD may presume the land comprehensive plans.	Water Resources Department's notice date to	return the comp	oleted Land Use
Receipt for	Request for Land Use Informati	<u>on</u>	
Applicant name:	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
City or County:	Staff contact:		
Signature:	Phone:	Date:	



Fee Calculator Version: B20130709



June 8, 2017

Tim Wallin Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301

Re: Application for a Permit to Store Water - Sarbanand Enterprises, LLC

Dear Mr. Wallin:

Sarbanand Enterprises LLC (Sarbanand) is submitting an application for a permit to store water in a small reservoirs on their "South Airport" property. South Airport Pond # 1 will store a maximum of 30.0 acre-feet of runoff for multipurpose use. The reservoir will have a maximum dam height of 9.9 feet.

Please find enclosed an application for a permit to store water. Also enclosed is the required fee of \$1,700, which was calculated as follows:

\$ 350.00 -Base Fee

\$ 900.00 **-**\$30.00 per acre foot x 30

\$450.00 -Permit recording fee

Total = \$1,700.00

Please contact me if you have any questions. My number is 541-257-9004.

Sincerely,

Kimberly Grigsby

**GSI** Water Solutions

Senior Water Resources Consultant

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Enclosures: Application for a Permit to Store Water; SALEM, OR Check in the amount of \$1,700 for application fee.

R-88417