

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

•	I. APPLICANT INFORMATION	R	ECEIVED BY
Applicant: Sarbanand Enterprises, LL	<u> </u>	· · · · · · · · · · · · · · · · · · ·	
Mailing Address: 786 Rd. 188		Last	JUN 1 4 20
Delano	CA .	93215	SALEM, O
Phone:	State 661-725-6458	Zip	
Home Fax:	Work E-Mail Address*:	Otl	ier
* By providing an e-mail address, conselectronically. (paper copies of the fine		led.)	
Agent: GSI Water Solutions, Inc.	Attn: Kimbe		
Mailing Address: 1600 SW Western B		Last	
Corvallis	OR	97333	·
City Phone:	State 541-257-9004	Zip	
Home Fax:	Work E-Mail Address*: kgrigsby@g	•	her
* By providing an e-mail address, conselectronically. (paper copies of the fin	sent is given to receive all correspon	dence from the departr	nent
A. Reservoir Name: South Airport Po	ond #2		
B. Source: Provide the name of the wa of the stream or lake it flows into. Ind Source: Run-off C. County in which diversion occurs	icate if source is run-off, seepage, or Tributary to: South Yamhill R	r an unnamed stream of	
	For Department Use		
App. No. R-8349	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	NE quarter	500

		1 33	INE quarter	
E. Dam: Maxim	um height of dam: : 9.9	feet. If exc	cavated, write "zero fo	eet".
F. Quantity: Anacre-feet: 10 AF	nount of water to be stored	d in the reservoir at ma	aximum capacity. Lis	t volume in
	ly or partially funded by the Yes 🔽 No	he American Recovery	and Reinvestment A	ct? (Federal stimulus
		4. WATER USE		
use" for your re Multipurpose co agriculture, fire	osed use(s) of the stored vectories. Multipurpose users all uses including: sprotection and pollution to listed, a secondary application of the stored vectories.	se does not limit the stockwater, fish and value abatement. If any u	types of future uses t wildlife, aesthetics, d se will be out of reser	omestic, irrigation, voir use, regardless of
The water wil	l be stored for multipu	urpose use, includi	ng but not limited t	o irrigation.
				RECEIVED BY OW
1	5.]	PROPERTY OWNE	RSHIP	RECEIVED BY OW JUN 1 4 2017
Please provide a	5. I a copy of the recorded d			JUN 1 4 2017
Do you own all t		leed(s). <u>See Attachm</u> e to divert, transport, a	nent B and use water?	
Do you own all the Zame of the	a copy of the recorded d	leed(s). <u>See Attachm</u> e to divert, transport, a	nent B and use water?	JUN 1 4 2017
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6. ENVIRONMENTAL IMPACT A. Channel: Is the reservoir: ☑ in-stream or ☐ off channel?

B. Wetland: Is the project in a wetland? ☐ Yes ☐ No ☐ Don't know C. Existing: Is this an existing reservoir? ☐ Yes ☐ No

If yes, how long has it been in place? ______ years.

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? Yes No Don't know lf yes, how much?

E. Partnerships: Have you been working with other agencies? Yes V 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 N/A	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 proposed reservoir is to be located in a intermittent drainage (which is not defined as a stream by USGS NHD) that is tributary to 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 60 feet.
- An outlet pipe will be installed through 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.

11/16/16

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
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official. Attachment D
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

	The review of alternate rese	ervoirs is limited to th	nese criteria	only.
Application #: R-	Applicant's Name: Sarbanand En	terprises, LLC		
1) Does the proposed r	4 S 4 W Sec eservoir have the potential to injure e	35 South Airport #2 existing water rights?	⊠vo	YES
Explain:				
2) Can conditions be a	pplied to mitigate the potential injury	y to existing water rights?	□NO	□ YES
If YES, which condition	ons are recommended: NA			
3) Did you meet with s	taff from another agency to discuss t	his application?	□NO □	YES
Who:	Agency:		Date:	
Who:	Agency:		Date:	
From looking at top	oographic maps it appears the	reservoir is not locate	d in a streaı	m and would only collect
surface water runo	ff.			
Watermaster signature	fr fn	Date: 12/1/2016	;	
WRD Contact: Case	worker: Water Rights Division,	503-986-0900 / Fax 503-986	-0901	
		,		RECEIVED BY OWRD
NOTE: This comp	oleted form must be returned	to the applicant		JUN 1 4 2017
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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
786 Rd. 188, Delano CA 93215
Reservoir Name: South Airport Pond #2 Source: South Yamhill River Volume (AF): 10
Twp Rng Sec QQ: 4S 4W 35 NE quarter Basin Name: Willamette Ein-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 ² are or were historically present? YES XNO (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?
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 <u>does not meet</u> the requirements of Oregon Fish Passage Law and <u>shall not</u> 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 cate 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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If YES, can conditions be app NO (explain)	olied to mitigate □ YES (sele	e the significant of ect from Menu of	letrimental impact t f Conditions on nex	to an existing fis at page)	hery resource
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W Signature: John V	Meyag	Print	Name: 1010 Feb 28	Murk	Roya

Revised 10/4/12

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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.

052	water may be diverted only when Department of Environmental Quanty sediment standards are being met.	RECEIVED BY OWR
b5	The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remwater to the stream.	ove sediment before returning the JUN 1 4 2017
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.	SALEM, OR
b58	Before water use may begin under this permit, a staff gage that measures the entire range and stage between full storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelai 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 comer of the C.B. Hawley Donation Land Claim No. 67 in Township 4 South, Range 4 West of the Williamette 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 Willamette 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

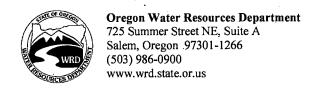
JUN 1 4 2017

SALEM, OR

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 <u>all</u> 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



Applicant(s): Sarbanand Enterprises LLC

Mailing Address: 768 Rd. 188

City: Delano

State: <u>CA</u>

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:
4S	4W	35	NW NE, NE NE, SE NE, SW NE	500		☑ Diverted	☑ Conveyed	☑ Used	Multipurpose storage

	NE NE, SE NE, SW NE				storage
List all counties and cit		roposed to be divert	ed. conveyed, and	or used or developed:	
Yamhill County					
B. Description of	Proposed Use				
Type of application to ☑ Permit to Use or Ste ☐ Limited Water Use	ore Water	ter Resources Depar er Right Transfer cation of Conserved V	Permit	Amendment or Ground Wat	er Registration Modification
Source of water:	eservoir/Pond	Ground Water	☑ Surface Water (n	ame) <u>unnamed tributar</u>	y to South Yamhill Rive
Estimated quantity of v	vater needed: 10	cubic feet per second	gallons per mir	nute 🛛 acre-feet	
Intended use of water:	= ~ :	☐ Commercial ☐ Quasi-Municipal	☐ Industrial ☐ Instream	☐ Domestic for	
Briefly describe:					
The Applicant is r multipurpose use.		nit to store up t	o 10 acre-feet	of water in South Ai	rport Pond # 2 for
	· ·	-	= =	ou wait, please have a loc	al government representative rees Department.

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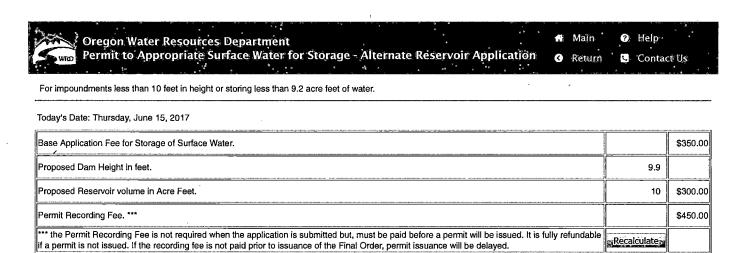
For Local Government Use Only

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 bel	ow and provide the requested info	<u>mation</u>	
Land uses to be served by the proposed water your comprehensive plan. Cite applicable ord	uses (including proposed construction) are a inance section(s): 402 ct yam	lowed outright	or are not regulated by
Land uses to be served by the proposed water listed in the table below. (Please attach docum Record of Action/land-use decision and accorperiods have not ended, check "Being purs	nentation of applicable land-use approvals when the substitution of applicable land-use approvations approve the substitution of approvations are sufficient.) If approvations are sufficient.	nich have alread	ly been obtained.
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land	-Use Approval:
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursucd
•		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
regarding this proposed use of water below, or or	i a separate succi.		
Name: LANCE WOODS	Title:	ATE Y	LANNER
Signature:	Phone: 503 43 4	<i>17516</i> 1	Date: <u>03/17/201</u> 1
Government Entity: YAMH/	LL COUNTY PLA	NNING	
Note to local government representative: Plea sign the receipt, you will have 30 days from the V Form or WRD may presume the land use associa	Water Resources Department's notice date to	return the comp	leted Land Use Information
Receipt fo	or Request for Land Use Informa	<u>ition</u>	·
Applicant name:			· · · · · · · · · · · · · · · · · · ·
City or County:	Staff contact	:	·
Signature:	Phone:	I	Date:
Revised 2/8/2010	Land Use Information Form - Page 3 of 3		WR/FS

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\$1,100.00



OWRD Fee Schedule

Fee Calculator Version: B20130709

Estimated cost of Permit Application



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 a small reservoir on their "South Airport" property. South Airport Pond # 2 will store a maximum of 10.0 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 \$1,100, which was calculated as follows:

\$ 350.00 -Base Fee

\$ 300.00 -\$30.00 per acre foot x 10

\$450.00 -Permit recording fee

Total = \$1,100.00

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

Sincerely,

Kimberly Grigsby

GSI Water Solutions

Senior Water Resources Consultant

Enclosures: Application for a Permit to Store Water;

Check in the amount of \$1,100 for application fee

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