



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: Joe TOKATLY
First Last
Mailing Address: P.O. Box 2121
Jasper OR 97438
City State Zip
Phone: (541) 510-8454
Home Work Other
Fax: E-Mail Address*: joet@tkttranch.net
* 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.)

RECEIVED BY OWRD

JUN 23 2017

3. LOCATION AND SOURCE

A. Reservoir Name: SALEM, OR

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: None

RECEIVED

C. County in which diversion occurs: Lane JUN 26 2017

App. No. 6-88421

For Department Use
Permit No.

Date OWRD

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
18	02	12	00 SW, NW	00303

E. **Dam:** Maximum height of dam: 3 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: 1/4 acre

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.

RECEIVED BY OWRD

JUN 23 2017

5. PROPERTY OWNERSHIP

SALEM, OR

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 *Mortgage*

☐ **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:

None

RECEIVED

JUN 26 2017

2-88421

OWRD

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? 37+ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? ☐ Yes ☒ No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

☒ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

This is not a man made reservoir. It is an historically existing pond, fed by a natural underground spring. It existed prior to our ownership of 20 years. The previous owners used it for their primary water source for 17 years, and traced its use back to the original homestead family of R R Baker.

RECEIVED RECEIVED BY OWRD

JUN 26 2017

JUN 23 2017

OWRD

SALEM, OR
3

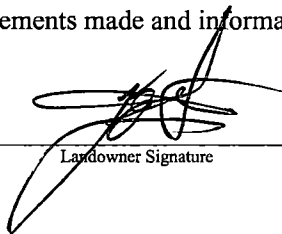
R-88421

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).

N/A

9. SIGNATURE

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



Landowner Signature

04-24-2017

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.

RECEIVED BY OWRD

JUN 23 2017

SALEM, OR

RECEIVED

JUN 26 2017

4
OWRD

2-88421

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:

Joe ToKathy

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

Explain:

spring feed, spring come up on his land, pond outflow under into ground on next tax lot which he also owns

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

NA

If YES, which conditions are recommended:

year round storage is OK

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

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Mike J. Smith Date: 5-10-2017

WRD Contact:

Caseworker:

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

RECEIVED BY OWRD

NOTE: This completed form must be returned to the applicant

JUN 23 2017

RECEIVED

SALEM, OR

JUN 26 2017

5

OWRD

1288421

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: Joe TOKATLY
First Last

Mailing Address: P.O. Box 2121

Jasper OR 97438 Daytime Phone: (541) 510-8454
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:
18	02	12	00	00303		☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Lane RECEIVED BY OWRD
JUN 23 2017

B. Description of Proposed Use

SALEM, OR

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: 14 ☐ 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:

Existing natural pond created by an underground spring.

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. →

RECEIVED

JUN 26 2017

10 OWRD

2-88421

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): 16.214

☐ 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:	
		☐ 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
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

AESTHETIC USES

RECEIVED BY OWRD

JUN 23 2017

LANE COUNTY
LAND MANAGEMENT DIVISION
3050 NORTH DELTA HWY.
EUGENE, OR 97408

Name: ERIK FORSELL SALEM, OR Title: PLANNER

Signature: *Erik Forsell* Phone: 541.682.4054 Date: 5.2.17

Government Entity: LANE 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: _____

RECEIVED

JUN 26 2017

OWRD

2-88421

ODFW Alternate Reservoir Application Review Sheet

JUN 23 2017

This portion to be completed by the applicant.

SALEM, OR

Applicant Name/Address/Phone/Email: Joe TOKATLY
(541) 510-8454
joet@ttranch.netReservoir Name: Pond Source: Spring Volume (AF): _____Twp Rng Sec QQ: 18-02-12-00-000303 Basin Name: _____ ☐ 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 N/A 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.

Pond is spring-fed w/no defined channels from runoff inflow or flow downstream. No fish are present and the waterbody is isolated with¹ 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)

R-88421

RECEIVED

JUN 26 2017

OWRD

no surface connection of water flow downstream.

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: Jeremy D. Romer

Print Name: Jeremy D. Romer

ODFW Title: Asst. Dist. Fish Bio

Date: 5/2/17

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

Revised 10/4/12

RECEIVED

RECEIVED BY OWRD

JUN 26 2017

JUN 23 2017

OWRD

SALEM, OR

2-88421

FOR RECORDATION AND
TAXATION ONLY

SECTION 12 T.18S. R.2W. V.VI.

Lane County

1" = 400'

RECEIVED BY OWRD

JUN 23 2017

SALEM, OR

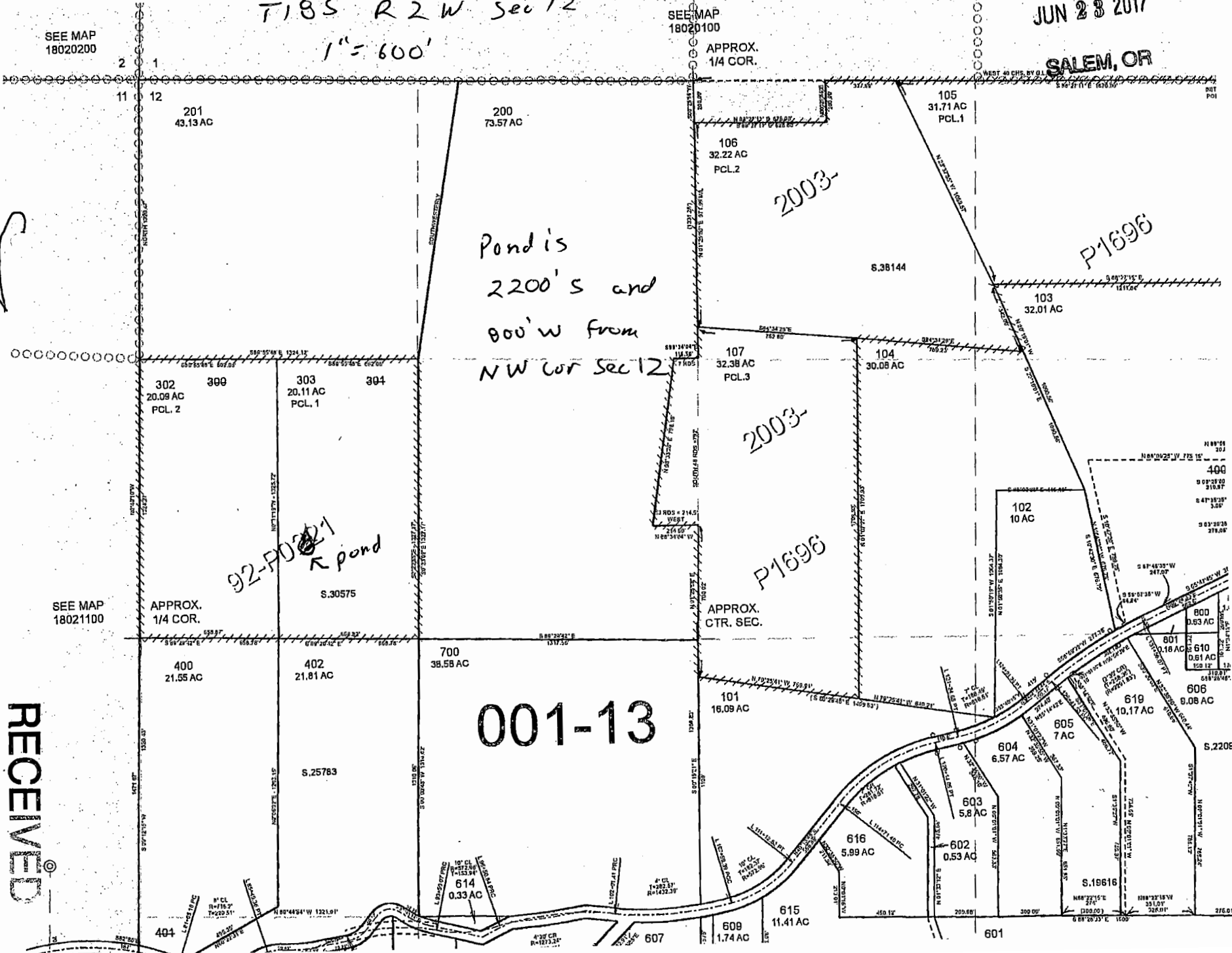
T18S R2W Sec 12
1" = 600'

SEE MAP
18020200

SEE MAP
18020100

APPROX.
1/4 COR.

2-88421



92-P0001
K pond

001-13

RECEIVED

JUN 26 2017

OWRPD

Dear Customer Service Group :

This application has received our assistance here in Watermaster District 2

by Michael Mattick Phone # 541-682-3620
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- ☒ Application
- ☒ Map
- ☐ Other

RECEIVED RECEIVED BY OWRD
JUN 26 2017 JUN 23 2017
OWRD SALEM, OR

12-88421



\$42.00

01278984201200129670010013 03/21/2012 01:15:26 PM

RPR-DEED Cnt=1 Stn=1 CASHIER 05
\$5.00 \$11.00 \$16.00 \$10.00



TITLE NO. 0274468 GL
ESCROW NO. EU12-0595
TAX ACCT. NO. 1478591
TAX ACCT. NO. 1570124
MAP/TAX LOT NO. 18 02 12 #303

BARGAIN AND SALE DEED

JOSPEH A. TOKATLY and MARLA K. TOKATLY, as tenants by the entirety, Grantor,
conveys to
**JOSEPH ANTOINE TOKATLY, TRUSTEE OF THE JOSEPH ANTOINE TOKATLY REVOCABLE
LIVING TRUST DATED MAY 17, 2006, Grantee**

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the
tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County
of Lane, State of Oregon, described as follows, to-wit:

Parcel 1, Land Partition Plat No. 92-P0221, filed May 21, 1992, Lane
County Official Records, all in Lane County, Oregon.

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 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON
LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND
SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is \$0.00 TO CHANGE VESTING.

Dated this 16th day of March, 2012.

JOSEPH A. TOKATLY

MARLA K. TOKATLY

State of Oregon
County of Lane

This instrument was acknowledged before me on march 16, 2012 by JOSPEH A. TOKATLY
and MARLA K. TOKATLY.



(Notary Public for Oregon)
My commission expires 1/28/16

JOSPEH A. TOKATLY and MARLA K.
TOKATLY
P O BOX 2121
JASPER, OR 97438
GRANTOR'S NAME AND ADDRESS

Until a change is requested
all tax statements shall be
sent to the following address:
SAME AS GRANTEE

JOSEPH ANTOINE TOKATLY, TRUSTEE
OF THE JOSEPH ANTOINE TOKATLY
REVOCABLE LIVING TRUST DATED
MAY 17, 2006
P O BOX 2121
JASPER, OR 97438
GRANTEE'S NAME AND ADDRESS

After recording return to:
CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401

RECEIVED

JUN 26 2017

OWRD