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JUL 24 2017

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Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301
 (503) 986-0900
 www.wrd.state.or.us

SALEM, OR

SALEM, OR
**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: Aaron Wilcott
First Last
 Mailing Address: PO Box 467
Donald Or 97020
City State Zip
 Phone: 503-969-3275
Home Work Other
 Fax: _____ E-Mail Address*: info@ryancreeknursery.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: Same as above
First Last
 Mailing Address: _____
City State Zip
 Phone: _____
Home Work Other
 Fax: _____ E-Mail Address*: _____
 * By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: Pond 1
 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: Run-off Tributary to: Cedar Creek
 C. County in which diversion occurs: Washington

App. No. <u>R-58420</u>	For Department Use Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	2W	1	SW of NE	3S201A000600

E. **Dam:** Maximum height of dam: 9.9 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: 2

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

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5. PROPERTY OWNERSHIP

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Please provide a copy of the recorded deed(s).

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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)

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☒ 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:

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
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.

Reservoir will be excavated into the earth in existing low point of property. A dam will be constructed out of excavated material only high enough to house a 30" culvert which will act as regulator of flow. In essence reservoir will be "self regulating". As water height reaches top of reservoir it will flow out of culvert and down stream. See drawing.

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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).

Proposed Layout

← Flow

30" pipe

native soil

1-20'

Excavated Area

Existing Site

Natural Grade to be excavated

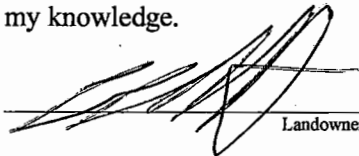
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9. SIGNATURE

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



 Landowner Signature

3-1-17

 Date

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- 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.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

R-8840

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:

Aaron Wilcott

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

☒ NO ☐ YES

Explain: reservoir will be filled with run-off, not in-channel, no stream diversion.

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

☒ NO ☐ YES

If YES, which conditions are recommended:

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

☒ NO ☐ YES

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Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

John Conner

Date:

02/28/17

WRD Contact:

Caseworker:

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

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NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Aaron Wilcott
19200 SW Chapman Rd, Sherwood, OR 97140
 Reservoir Name: _____ Source: Runoff Volume (AF): 5 AF
 Twp Rng Sec QQ: 3S 2W Sec 1 SW/NE Basin Name: Cedar Creek ☐ 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 _____ through _____ poses a significant detrimental impact to existing fishery resources.
 (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
 If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in water 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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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:

Tom Murtagh

Print Name:

Tom Murtagh

ODFW Title:

District Fish Biologist

Date:

6-20-2017

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

Revised 10/4/12

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Land Use Information Form

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SALEM, OR

Applicant: Aaran Wilcott
First Last

Mailing Address: PO Box 467

Donald OR 97020 Daytime Phone: 503-969-3275
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:
3S	2W	1	SW ¼ NE	AF-20		☒ Diverted ☐ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
				3S201A000600		☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Washington

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B. Description of Proposed Use

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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: 2 ☐ 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:

Irrigation pond. Runoff will be collected and reapplied to farm.

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. →

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): CDC SECTION 201-2.4
- ☐ 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
	RECEIVED BY OWRD	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	JUL 24 2017	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	SALEM, OR	☐ 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.

Name: CORINNE BARN Title: SENIOR PLANNER

Signature: [Signature] Phone: 503-846-3846 Date: 6-23-17

Government Entity: WASHINGTON 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: _____

R-88430

All that portion of real property hereinafter described which lies Westerly from the center line of the State Highway No. 99 West as now located, in the County of Washington and State of Oregon, to-wit:

Beginning at an iron pipe at the Northwest corner of the South one-half of the Northeast one-quarter of Section 1, Township 3 South, Range 2 West, of the Willamette Meridian, in the County of Washington and State of Oregon, and running thence East, 1799.4 feet to the center of the State Highway; thence South 38° 00' West, 1663.4 feet along the center of said Highway, thence West, 768.0 feet to an iron pipe at the Southeast corner of the Clyde Dewey land, thence North 0° 20' West, 1310.8 feet to the point of beginning.

EXCEPTING that portion conveyed to the State of Oregon for highway purposes by deed recorded January 14, 1959, in Book 413, Page 363.

This Agreement and Waiver shall in no way limit, restrict or pre-empt the authority of Washington County to exercise any of its governmental authority as regards the subject site.

It is hereby intended that this Agreement and Waiver shall be binding on ourselves and all subsequent owners of the hereinabove described property as well as any of the aforesaid's heirs, successors, assignees or purchasers of the hereinabove described property and shall run with the title to the said property.

The Agreement and Waiver shall immediately be recorded in the Deed Records of Washington County of the above-described property and shall not be removed until this waiver is no longer required by Washington County's zoning laws.

SIGNED AND DATED this 30 day of JANUARY,
20 14.
PRINT NAME: AARON Wilcott / ERIKA Wilcott
SIGNATURE: [Signature] / [Signature]



STATE OF OREGON)
County of Washington) ss.
BE IT REMEMBERED that on this 30 day of JANUARY, 2014,
before me, the undersigned, a Notary Public in and for said County and State,
personally appeared the within named AARON Wilcott; ERIKA Wilcott
known to me to be the identical individual(s) described in and who executed this
instrument and acknowledged to me that the same was executed freely and
voluntarily with full knowledge of the facts and circumstances regarding the
issuance of: this Document

Dinorah F. Metzger
Notary Public for Oregon
My commission expires: MARCH 23, 2014

Please return to the following address:

Name: Aaron Wilcott
Address: PO Box 467
Donald, OR 97020

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Oregon Water Resources Department
Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application

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[Return](#) [Contact Us](#)

For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Tuesday, July 25, 2017

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	2	\$70.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,000.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

AB

12-28430



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

July 5, 2017

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SALEM, OR

Aaron Wilcott
PO Box 467
DONALD, OR 97020

Dear Aaron Wilcott:

The Water Resources Department has received your application to use or store water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Revised Statutes (ORS 537.409).

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Tamera Smith
Water Rights Customer Service

Cc: OWRD Fiscal

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✓ **Provide a Legal Description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

✓ **Acceptable map** ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the *applicant*.

Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*

Scale of the Map (not less than 1" = 1320') **

Dam or POD (If off channel) Location coordinates referenced to a government landsurvey corner*

If no dam, use coordinates to center of reservoir.**

✓ Fees enclosed**? Examination: Base Fee \$410.00 Permit Recording Fee \$520.00
Plus \$70.00
plus\$ _____

Total Paid \$ _____ 750.00 _____

Total Fees \$ _____ 1,000.00 _____

(This reflects the new fees enacted as of July 1, 2017).