



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Store Water in a Reservoir (Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. 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: Eric Urstadt
First Last

Mailing Address: 39290 NWMurtaugh Road

North Plains OR 97133
City State Zip

Phone: 503.647.1919 971.250.1520 N/A
Home Work Other

Fax: N/A E-Mail Address*: ericurstadt@hotmail.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.)

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is Blacky Boy Reservoir.

2. SOURCE OF WATER for the proposed use: Runoff,
a tributary of East Fork of Dairy Creek.

Is the proposed use an enlargement of an existing dam/reservoir? ~~Yes~~ No

If the reservoir is not in channel of a stream, state how it is to be filled: Surface Runoff

The dam is in a low spot and is at the bottom of a series of other reservoirs. A very small stream channel exists below the dam but is hardly distinguishable due to the tall grass. There is typically no flow into the reservoir all summer, and the reservoir elevation goes down 2-3 feet over the summer due to seepage and evaporation.

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For Department Use

App. No. R-28456

Permit No. _____

Date _____

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 25* feet above streambed or ground surface at the centerline of the crest of the dam. *estimated from topographic survey of site prepared in 2017.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area. See description below in "other" section.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill ~~Concrete~~ ~~Rock~~ ~~Other~~

If "other" give description:

The dam has existed for 30 years or more. The length of the dam is 110 feet; the crest width is 11-13 feet; the embankment slopes are over 3:1 (upstream) and over 2.5:1 (downstream); the surface area is 1.8 acres; a 12" pipe and valve can drain the reservoir; an 18" pipe is the principal spillway; an emergency spillway is north of the dam.

NOTE: This site has already been carefully reviewed for fish issues by ODFW - see Attachment "D".

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

The primary outlet is an 18" corrugated metal pipe in the south end of the dam.

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

The emergency spillway a gravel lined earthen spillway to the north of the dam and it is 8 feet wide on the bottom with 2.5:1 sides (horizontal to vertical distance and is approximately 4 feet deep.

6. THE USE(s) of the impounded water will be:

Wildlife, domestic, livestock and/or irrigation.

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7. **THE AMOUNT OF WATER** to be stored is: 12.3 acre-feet.

The area submerged by the reservoir, when filled, will be 1.8 acres.

8. PROJECT SCHEDULE: (List **Month** and **Year**)

Proposed date construction work will begin: N/A - Reservoir is approximately 30 years old or more.

Proposed date construction work will be completed: N/A see above.

Proposed date water use will be completed: 2017

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) No

9. PROPERTY OWNERSHIP

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 10)

☒ There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

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 an 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 irrigation and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners:

Only the land owner is affected.

11. 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

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11. MAP REQUIREMENTS The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

12. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

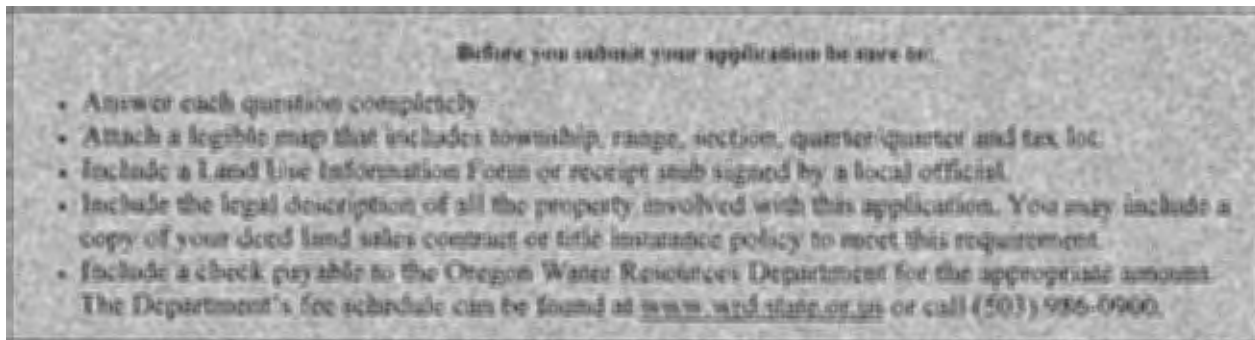
Applicant: _____



Signature (If more than one applicant, all must sign.)

SEP. 1, 2017

Date



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Storage Water/4

R-88456

Application for a Permit to Store Water in a Reservoir

(Standard Review)



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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.oar). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to *the protection of sensitive, threatened or endangered fish species*. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- | | |
|---|---|
| ☒ SECTION 1: applicant information | ☒ SECTION 7: the amount of water to be stored |
| ☒ SECTION 2: source of water | ☒ SECTION 8: project schedule |
| ☒ SECTION 3: dam height and composition | ☒ SECTION 9: property ownership |
| ☒ SECTION 4: primary outlet works | ☒ SECTION 10: within a district |
| ☒ SECTION 5: emergency spillway | ☒ SECTION 11: map requirements |
| ☒ SECTION 6: the use of the impounded water | ☒ SECTION 12: signature |

Attachments:

-
- ☒ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
 - ☒ Provide the legal description of: (1) the property on which the water is to be stored, and (2) any property crossed by the proposed ditch, canal or other work
 - ☒ Fees - Amount enclosed: \$ 1905.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
 - ☒ Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir

Provide a map and check that each of the following items is included:

-
- ☒ Map must be prepared by Certified Water Rights Examiner
 - ☒ Permanent quality and drawn in ink
 - ☒ Even map scale not less than 4" = 1 mile (examples: 1" = 400 ft, 1" = 1320 ft.)
 - ☒ North Directional Symbol
 - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☒ Reference public-land survey corner on map
 - ☒ Location of each dam if applicable, by reference to a recognized public-land survey corner (distances north/south and east/west)
 - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly
 - ☒ Number of acres per Quarter/Quarter and hachuring to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
 - ☐ Other _____

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*Please note a secondary application is necessary if there will be out-of-reservoir uses associated with this application.

ATTACH. A - 1/1

APN: R791753

Statutory Warranty Deed
- continued

File No.: 04-1157273 (SLI)
Date: 04/25/2011

EXHIBIT A

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

ALL OF THE FOLLOWING DESCRIBED PARCEL LYING SOUTHERLY OF MURTAUGH ROAD (COUNTY ROAD NO. 564):

GOVERNMENT LOTS 1 AND 2, SECTION 5, TOWNSHIP 2 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON

EXCEPT THAT PORTION OF GOVERNMENT LOT 1 LYING EAST OF THE WEST LINE OF THAT TRACT DESCRIBED IN DEED TO WARREN WHIPPLE, ET UX, RECORDED NOVEMBER 28, 1977 IN BOOK 1220, PAGE 154, WASHINGTON COUNTY, OREGON

AND ALSO EXCEPT THAT PORTION LYING WITHIN THE BOUNDARIES OF MURTAUGH ROAD (COUNTY ROAD NO. 564)

NOTE: This Legal Description was created prior to January 01, 2008.

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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

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



C-4/3
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Eric Urstadt
First Last

Mailing Address: 39290 NW Murtaugh Road

North Plains OR 97133 Daytime Phone: 971.250.1520
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:
2 W	3 S	5	NA	400	EFC	☒ Diverted	☒ Conveyed	☒ Used	See Note*
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

*Note: proposed uses are: wildlife, domestic, livestock, irrigation,
List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Washington 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) _____

Estimated quantity of water needed: 12.3 ☐ 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 See Note above

Briefly describe:

No construction or earth movement is being proposed or is needed.
The reservoir has existed for approximately 30 years or more based on available information.
ODFW has been contacted and has verified that there are no fish concerns near; owner can provide letter.
The owner just wished to have a water right permit for the existing reservoir.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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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): 201 - Farm Use Exempt
- ☐ 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.

Name: Kellie Crowder Title: Planning Assl.
 Signature: Kellie Crowder Phone: 503-846-6676 Date: 8-24-17
 Government Entity: Washington County Land Use & Transportation

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: _____

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ATTACH - D-1/2



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Northwest Region

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(971) 673-6000

FAX (971) 673-6070



April 12, 2012

Eric Urstadt, PE, PLS
Stuntzner Engineering & Forestry, LLC
2137 19th Ave.
Forest Grove, OR 97116

RE: Fish Passage Requirements

Eric,

ODFW has determined that fish are not currently nor were historically present in the tributary to East Fork Dairy Creek near Meacham Corner, as discussed. ODFW has made this determination based on review of fish distribution maps and knowledge of the area. Therefore, the pond located at 39290 NW Murtaugh Road in North Plains (tax lot 400; Section 5, T3N, R5W) will not need to meet state fish passage requirements nor will fish screening be required to prevent native fish from entering the diversion.

I appreciate you coordinating with ODFW prior to your application submittal.

Danette Faucera
Assistant District Fish Biologist
North Willamette Watershed District

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OWH 1/2

R-ARUC



Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

Water Resources Department
Attn: New Water Right Applications
725 Summer Street NE, Ste. A
Salem, OR, 97301

1 Sept. 2017

Subject: New Application to Store Water

To Whom It May Concern,

Enclosed is an application to store water with the following attachments:

- A. Legal Description
- B. Application Map
- C. Land Use Compatibility Form
- D. ODFW Fish Review
- E. On-Line fee computation form
- F. A check made out to Oregon Water Resources Department for \$1905.00 for application and recording fees.

Please let me know if there is any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting


Eric Urstadt, PE, PLS

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R-88486

ATTACH B-1/1



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

- Main
- Help
- Return
- Contact Us

Today's Date: Friday, September 1, 2017

Base Application Fee.		\$930.00
Number of acre feet to be diverted for Storage.	12.3	\$455.00
Number of reservoirs.	1	
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		\$1,905.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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R-88486

APPLICATION #: _____

CASEWORKER: _____

PLANS & SPECS: _____

DAM NAME: _____



PLANS RECEIVED

DATE RECEIVED: _____



SENT TO DAM SAFETY

DATE SENT: _____



PLANS APPROVED

DATE APPROVED: _____

APPLICATION #: _____

CASEWORKER: _____

PLANS & SPECS: _____

DAM NAME: _____



PLANS RECEIVED

DATE RECEIVED: _____



SENT TO DAM SAFETY

DATE SENT: _____



PLANS APPROVED

DATE APPROVED: _____