

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME Scott Rubel + Rachel Schatz		PHONE (HM) -	
PHONE (WK) -	CELL 503 891 9586 / 503	FAX -	
ADDRESS 37246 S BLUE RD 9130579			
CITY MOLALLA	STATE OR	ZIP 97038	E-MAIL * schatzr@gmail.com

Organization Information

NAME		PHONE		FAX	
ADDRESS		CELL		RECEIVED BY OWRD	
CITY	STATE	ZIP	E-MAIL *	DEC 07 2016	

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

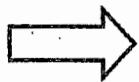
AGENT / BUSINESS NAME		PHONE		FAX	
ADDRESS		CELL		SALEM, OR	
CITY	STATE	ZIP	E-MAIL *		

Note: Attach multiple copies as needed

* 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.)

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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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 cancelled.
- 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 (we) affirm that the information contained in this application is true and accurate.

Scott Rubel
Applicant Signature
Rachel Schatz
Applicant Signature

Scott Rubel
Print Name and title if applicable
Rachel Schatz
Print Name and title if applicable

12-1-16
Date
12-1-16
Date

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Revised

App. No. S-88461	For Department Use Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes

- ☒ There are no encumbrances.
☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

- ☐ 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 irrigation and/or domestic use only (ORS 274.040).
☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

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.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Unnamed pond Tributary to: Rock Creek

Source 2: Tributary to:

Source 3: Tributary to:

Source 4: Tributary to:

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If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

☒ Yes.

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
unnamed pond	irrigation	Apr 1 - Oct 1	6.5 ☐ cfs ☐ gpm ☒ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 15 Acres Supplemental: Acres

List the Permit or Certificate number of the underlying primary water right(s): P79030?

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 7 af

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 1
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☒ Pump (give horsepower and type): 6hp portable pump☐ Other means (describe): _____Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. NA

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

drip, hoses

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Water will come from pond only & will have no impact on any nearby surface waters.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions:pump will be screened at uptake☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions:NA☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe:NA☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.Describe: We don't anticipate any erosion or run-off there was any, it would not flow toward creek

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: ~~not~~ already exists

Date construction will be completed: already complete

Date beneficial water use will begin: upon permitting

SECTION 8: 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

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

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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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Surface Water/8

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Land Use Information Form



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

Applicant: Scott Rubel
First Last
Mailing Address: 37246 S BLUE RD
Medalla OR 97038 Daytime Phone: 503-891-9586
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:
65	2EWN	8	SE NW 62E08900	TAR		☐ 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:

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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: 6.5 ☐ 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:

Want to use pond water to irrigate ~1/8 acres of fruits, vegetables, trees

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

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For Local Government Use Only

SALEM, OR

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): _____
- ☒ 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

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.

**SUBJECT TO SECTION 704 - LARGE STREAM REVIEW - PROTECTED
BUFFER/FILTER AREA ADJACENT TO ROCK CREEK.**

Name: GARY HEWITT Title: SIN. PLANNER
 Signature: [Signature] Phone: 503-742-4500 Date: 11-30-16
 Government Entity: CLACKAMAS COUNTY DTO 742 4519

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: _____
 Signature: _____ Phone: _____ Date: _____

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Surface Water/10

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First American

Owner's Policy of Title Insurance

ISSUED BY

Schedule A

First American Title Insurance Company

POLICY NUMBER

2489508

Name and Address of Title Insurance Company:

First American Title Insurance Company, 1 First American Way, Santa Ana, CA 92707.

File No.: 7072-2489508

Address Reference: 37246 S Blue Road, Molalla, OR 97038 Amount of Insurance: \$438,500.00

Premium: \$1,228.00

Date of Policy: August 28, 2015 at 8:57 a.m.

1. Name of Insured:

Scott E. Rubel and Rachel E. Schatz

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Scott E. Rubel and Rachel E. Schatz

4. The Land referred to in this policy is described as follows:

Parcel 1, Partition Plat No. 2011-074, in the County of Clackamas and State of Oregon.

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to ORLOWSKI, me

Greetings,

The exempt reservoir is "like" a permitted reservoir-it was grandfathered into the system.

You do not need to fill out the application for an alternate reservoir (Alt Res); instead, move straight to the permit to use that water, the Expedited Secondary application (E2), permit to use stored water.

Your local planning jurisdiction is usually your County Planning Office. When the Department receives the application, we look to see if the area is within an irrigation district but that usually has no effect, only that we have to copy them on the reports.

I don't feel we need a pre-app meeting. The form is very well explained and the E2 process is pretty simple. You are filing an application to use stored water (permitted under P-730501), and if the Reservoir has a name, go ahead and reference that (or give it a name of your choosing and that is what we will call it).

-Barbe

BARBARA PARK POAGE ♦ WATER RIGHTS

WATER RESOURCES DEPARTMENT ♦ 700 S. 10TH AVE. SUITE 100 DENVER, CO 80202

PHONE: 303.861.2000 FAX: 303.861.2001

Website: <http://www.wrd.state.co.us>

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to ORLOWSKI, me

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I don't feel we need a pre-app meeting. The form is very well explained and the E2 process is pretty simple. You are filing an application to use stored water (permitted under P-79030), and if the Reservoir has a name, go ahead and reference that (or give it a name of your choosing and that is what we will call it).

-Barbe

BARBARA PARK POAGE ♦ WATER RESOURCES

WATER RESOURCES DEPARTMENT 1700 BURNER ST NE SUITE 100 SEASIDE, OREGON 97138

PH: 503.725.2754 FAX: 503.725.2755

WEB: 503.725.2754 OR 503.725.2755 <http://www.wrd.state.or.us>