



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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: Michael Johnson  
First Last  
 Mailing Address: 9090 Red Prairie Rd  
Sheridan OR 97378  
City State Zip  
 Phone: 503-843-7175 541-992-2182  
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.)

**2. AGENT INFORMATION**

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

Agent: N/A  
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: None

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: Diffuse run off Tributary to: Un-Named intermittent stream

C. County in which diversion occurs: Polk

App. No. <u>R-88467</u>	<b>For Department Use</b>	Date _____
Permit No. _____		

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
06S	06W	10		1600

**E. Dam:** Maximum height of dam: 5 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: 8.92 acre feet

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.

**5. PROPERTY OWNERSHIP**

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

**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:

N/A

**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.

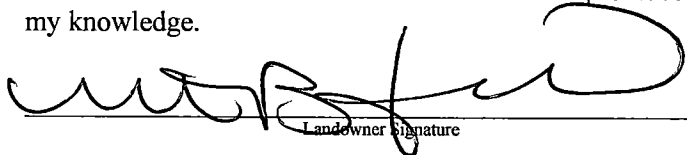
No diversion of stream flow, diffuse runoff only.

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

20 Jul 17  
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.





- As more water is appropriated to reservoirs in the Yamhill watershed, it will further limit the availability of cool, clean water downstream, which is critical to the survival of the native, migratory fish species (ESA-listed winter steelhead, coho salmon, Pacific lamprey, Western brook lamprey and cutthroat trout) all of which inhabit and spend their most sensitive life stages in the South Yamhill River.
- All of these species rely on cold, oxygenated water and healthy stream flows for migration and survival. Once water temperatures rise above 18 degrees centigrade, it can have significant impacts on their ability to survive.
- Holding water in reservoirs affects downstream habitat by increasing water temperatures, decreasing water availability (by evaporation as well as use) and dissolved oxygen concentrations, and raising concentrations of water quality limiting pollutants.
- The South Yamhill River, to which the waters of this reservoir will lead, has exceeded water quality standards and been listed as a water quality limited (303 (d)) stream by the Department of Environmental Quality for the following: iron (year-round), copper (year-round), lead (year-round), fecal coliform (year-round) and for temperature in the summer. It has also exceeded healthy phosphorus concentrations from May through October.
- Additionally, permitted water use in the Yamhill basin currently exceeds the amount of instream water needed to produce average, natural flow rates through the months of July, August and September.

---

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)

WQ / RIPARIAN: Water should only be diverted / dammed to fill the reservoir when state and water quality standards are met. At all other times, once the reservoir is full, all live flow should be bypassed, preferably in a manner that does not impact water quality.

---

ODFW Signature: \_\_\_\_\_



Print Name: Josie Thompson

ODFW Title: Assistant District Fish Biologist

Date: 9/7/17

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

Revised 10/4/12

R-88462

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:** Notwithstanding 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.

**b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.

**b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

**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.

**b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, 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.

**bly:** 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.

R-88462



# 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: Michael Johnson  
First Last

Mailing Address: 9090 Red Prairie Rd

Sheridan OR 97378 Daytime Phone: 541-992-2182  
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:
06S	06W	10		1600	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Polk

## 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: \_\_\_\_\_  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 Multipurpose use

Briefly describe:

We are applying for a permit to construct a multipurpose pond fed by run off.



**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): RCZO 13(C), 030(A) - "Farm Use", (M) Fire, (B) "Forest", (O) "Wetlands"
- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> 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.

All of the water uses listed under "Multi-Purpose" are not allowed in the Zone. Uses that are outright permitted pursuant to RCZO 13(C), 030(A), (B), (O), and (M) include:

- Farm Use
- Propagation or harvesting of forest products
- Creation, restoration and enhancement of wetlands
- Fire service facilities

\* If the pond is located within 30ft of the high water line (3x the width of the channel width) than a management plan would be required pursuant to RCZO 13(C), 050(E)

Name: Sidney Muller Title: Senior Planner  
 Signature: [Signature] Phone: 503-623-9237 Date: 9-29-17  
 Government Entity: Polk 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: \_\_\_\_\_



**EXHIBIT 'A'**Legal Description:

## PARCEL 1:

That portion of the Hankinson F. Read and wife Donation Land Claim No. 63 lying within Section 10, Township 6 South, Range 6 West of the Willamette Meridian, Polk County, Oregon, described as follows, to-wit: Beginning at a point in the North line of said Claim No. 63, 55.18 rods West of the Northeast corner thereof; thence West on said North line 168.22 rods to the Northwest corner of said claim; thence South on the West line of said claim 57.98 rods; thence East 168.22 rods; thence North 57.98 rods to the place of beginning.

— Four PARCELS

## PARCEL 2:

The North one-half of the following described property: Beginning at a stake at the Southeast corner of that tract of land conveyed to Joe J. Montez, et ux, by deed recorded February 12, 1973 in Volume 40, Page 83, Deed Records of Polk County, Oregon, said stake is set 22.02 chains East of the Southwest corner of the John Lynch Donation Land Claim No. 64 in Township 6 South, Range 6 West of the Willamette Meridian in Polk County, Oregon; thence North 00° 16' West along the East line of the said Montez tract 33 chains to the South line of that tract of land conveyed to Fred E. Spooner, et ux, by deed recorded March 14, 1960 in Book 1983, Page 112, Deed Records of Polk County, Oregon; thence East along said Spooner tract, 29.17 chains to the West line of that tract of land conveyed to John Cutbrod, et ux, by deed recorded on November 7, 1973 in Book of Records 51, Page 28, Deed Records of Polk County, Oregon; thence South along said Cutbrod tract and extension thereof, 33 chains to the South line of the S.C. Foster Donation Land Claim No. 62; thence West 29.02 chains to the place of beginning.

## PARCEL 3:

Situated in Section 10 of Township 6 South, Range 6 West, Polk County, Oregon, and further described as follows: Commencing at the Southwest corner of the John Lynch Donation Land Claim No. 64 in said Section 10; thence North 89° 58' 40" East along the South line of the said claim, 1456.52 feet to an iron pipe at the Southeast corner of that tract conveyed to Joe J. Montez, et ux, by deed recorded February 12, 1973 in BOR 40, Page 83, Deed Records, Polk County, Oregon, which is the true point of beginning herein; thence North 00° 16' West 1090.40 feet to an iron pipe at the Southwest corner of that tract conveyed to Marjory H. Mellinger by deed recorded August 21, 1980 in BOR 151, Page 37, Deed Records, Polk County, Oregon; thence South 89° 59' 30" East along the said Mellinger South line 1920.31 feet to an iron pipe at the Southeast corner of said Mellinger tract; thence South 00° 00' 30" East 1090.40 feet to an iron pipe set on the South line of the S.C. Foster Donation Land Claim No. 62; thence North 89° 57' West 755.09 feet to an iron pipe set for the common corner to said Foster and Lynch claims; thence South 89° 58' 40" West 1160.23 feet to the true point of beginning.

Subject to:

Taxes for the fiscal year 2005-2006, a lien in an amount to be determined, but not yet payable.

The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.



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

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

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

Today's Date: Friday, September 29, 2017

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	5	
Proposed Reservoir volume in Acre Feet.	8.92	\$315.00
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.		<a href="#">Recalculate</a>
Estimated cost of Permit Application		\$1,245.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

291008-2  
R-000462