

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 Mailing Address: Phone: phileo 54@ outlook.com 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: Mailing Address: Phone: Homo 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. LQCATION AND SOURCE A. Reservoir Name: 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: Seasonal ditch C. County in which diversion occurs: For Department Use App. No. Permit No. Date

D. Reservoir Location

Township (Nor-S)	Range (E.or-W)	Section	quarter/quarter	tax lot number
45	4W	36	SE/14 of the NE/4	01200

		7271011214
E. Dam: Maximum height of dam:	0	feet. If excavated, write "zero feet".
F. Quantity: Amount of water to be sto acre-feet:	red in the	reservoir at maximum capacity. List volume in
s this project fully or partially funded by lollars)	y the Ame	rican Recovery and Reinvestment Act? (Federal stimulus

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.

aesthetics, fish & wildlife

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? (please check appropriate box below then skip to section 5)
区	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.
state-ov (Do not	Written authorization or an easement is not necessary, because the only affected lands I do not own are wned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). check this box if you described your use as "Multipurpose" in #3 above.)
List the	names and mailing addresses of all affected landowners:

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6. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir: in-stream or	off channel? See Mas						
B. Wetland: Is the project in a wetland? Yes	No Don't know	•					
C. Existing: Is this an existing reservoir? Yes							
If yes, how long has it been in place? ye	ers.	mid Count					
D. Fish Habitat: Is there fish habitat upstream of the	proposed structure? Yes	No Don't know					
If yes, how much? miles.	hamited parting						
E. Partnerships: Have you been working with other a	agencies? Yes X 1	Чo					
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in							
this project.	- -						
•							
•							
e waterier	* ************	•					
7. WEIHIN	A DISTRICT						
Check here if the point of diversion or place of	use are located within or se	arred his an irrination or					
other water district.	190 are recared within or 90	31 Agg na an mrigarion or					
other water district.		•					
Irrigation District Name	Address						
		.1_					
City	State	Zip					
· ·		, — <u> </u>					

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.

Pond will be excurated to capture if retain winter run-off on my property. Rock lined overflow will allow live flows to pass through the pond to adjacent draining e swede.

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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).

no dam, excuvation only.

9. SIGNATURE

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

my knowledge.

downer Signature

3/29/2 12/5/17

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.

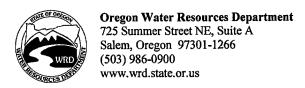
Included a land use form or receipt stub signed by a local planning official.

Included a check payable to Oregon Water Resources Department for the appropriate amount.

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Land Use Information Form



Applicant(s): Phil Lundy

Mailing Address: 11601 SE Amity Dayton Hwy

City: <u>Dayton</u>

State: OR

Zip Code: 97114

Daytime Phone: 707.205.7330

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	1/4 1/4	Tax Lot#	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
<u>4S</u>	<u>4W</u>	<u>36</u>	se of ne	<u>1200</u>	<u>RR-5</u>	☑ Diverted	☐ Conveyed	☐ Used	pond
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	Used	
						☐ Diverted	☐ Conveyed	☐ Used	
List all cou Yamhill		ities where	water is pro	oposed to be	diverted, conveyed, and	or used or d	eveloped:		
B. Descr	iption of	Propos	ed Use						
Permit	plication to to Use or S d Water Use	tore Water	☐ Water	r Resources I Right Transfer ation of Conser	r 🔲 Permit	Amendment	or Ground Wat	er Registrat	ion Modification
Source of v	vater: 🔲 P	Reservoir/Po	ond 🗆 C	Fround Water	Surface Water (r	ame) <u>surfac</u>	e drainage		
Estimated of	quantity of	water need	led: <u>3</u>	☐ cub	oic feet per second	gallons per m	ninute 🛭 🖾 a	acre-feet	
Intended us	se of water:	☐ Irriga ☐ Mun		Commercial Quasi-Munic	☐ Industrial		estic for		
Briefly des	cribe:								
Pond wi	ll be exca	evated to	capture ar	nd retain wi	nter runoff on my	property.	Rock lined	overflov	will all live
I					nage swale.				
	-			-					
L									
			:4560cmm=1505cm			*********			

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 Resource Department.

See bottom of Page 3. \rightarrow

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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.

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lan	d-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
rding this proposed use of water below, or o	al land-use concerns or make recommendation on a separate sheet.	s to the Water	Resources Departme
rding this proposed use of water below, or o	on a separate sheet.		Resources Departme
rding this proposed use of water below, or of the control of the c	Title:Phone: 563 43	ASSOCIA 14 Date:	TTE RANN
ne: LANCE WOOD!	on a separate sheet.	ASSOCIA 14 Date:	TTE RANN
ne: WOOD! nature: HANCE WOOD! nature: HANGE remment Entity: HANGE the receipt, you will have 30 days from the	Title:Phone: 563 43	ASSOCIA 74 Date: ow and return it	FITE PLANNS 6/6/20 to the applicant. If pleted Land Use Infe
ne: WOOD! nature: WANCE WOOD! nature: WANCE remment Entity: WANGE the receipt, you will have 30 days from the m or WRD may presume the land use associ	Title: Phone: 563 43 COWTY PCANNING rase complete this form or sign the receipt belowater Resources Department's notice date to	ASSOCIA 7 Date: ow and return if return the complible with local	FITE PLANNS 6/6/20 to the applicant. If pleted Land Use Infe
ne: WOOD! nature: WANCE WOOD! nature: WANCE remment Entity: WANGE the receipt, you will have 30 days from the m or WRD may presume the land use associ	Title: Phone: 563 43 COWTY PCANNING rase complete this form or sign the receipt belowater Resources Department's notice date to lated with the proposed use of water is compatible. For Request for Land Use Information	ASSOCIA 7 Date: ow and return if return the complible with local	FITE PLANNS 6/6/20 to the applicant. If pleted Land Use Infe
ne:	Title: Phone: 563 43 COWTY PCANNING rase complete this form or sign the receipt belowater Resources Department's notice date to lated with the proposed use of water is compatible. For Request for Land Use Information	ASSOCIA 74 Date: ow and return it return the com ible with local	6/6/20 to the applicant. If pleted Land Use Information

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:	Philip Lundy 4S 4\	W 36 TL120	90	
1) Does the proposed rese	ervoir have the poten	tial to injure existing wat	er rights?	⊠ NO ☐ YES	
Explain:					
		`.		•	
2) Can conditions be appl	ied to mitigate the po	otential injury to existing	; water rights?	□ NO □ YES	
If YES, which conditions	are recommended:	NA - no condition r	needed		
3) Did you meet with staff	f from another agenc	ey to discuss this applicati	on?	⊠ NO □ YES	
Who:	Agency:			Date:	
Who:	Agency:			Date:	
Watermaster signature:	John	Date:	3-29-1	7	
WRD Contact: Casewor	ker: Water R	ights Division, 503-986-090	0 / Fax 503-986	0901	

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the app	olicant.	
Applicant Name/Address/Phone/Email:	Philip Lundy 111601 SE Dayton Amity H 707-205-7330 phileo54@c	wy, Dayton, OR 97114 outlook.com
Reservoir Name: N/A	Source: Run-off	Volume (AF): 2.0
Twp Rng Sec QQ: 4S 4W 36 SE of NE	Basin Name: Palmer Creek,	Yamhill ☐ in-channel X off-channel
This portion to be completed by Oregon	Department of Fish and Wild	llife (ODFW) District staff.
1) Is the proposed project and AO¹ off channe (if yes then proceed to #4; if no then proce		X YES □ NO
2) Is the proposed project or AO located wher (if yes then proceed to #3; if no then proce	re NMF ² <u>are or were historically</u> eed to #4)	present? 🗆 YES 🗆 NO
3) If NMF are or were historically present: a. Is there an ODFW-approved fish-passage b. Is there an ODFW-approved fish-passage 	ge plan?ge waiver or exemption?	□ YES □ NO
If fish passage is required under ORS 509.580 forward with the application. If responses to 3 the requirements of Oregon Fish Passage Law	(a) and 3(b) are "No", then the p and <u>shall not</u> be constructed as p	proposed reservoir <u>does not meet</u> proposed.
4) Would the proposed project pose any other locally or downstream? Explain below (for example, list STE specinegatively.)	***************************************	X YES 🗆 NO
X Any diversion or appropriation of water through October 31st resources. (For example, if diversion of significant detrimental impact to an exilimitations.) If NMF fish are present at advised that a fish screen consistent with	poses a significant detr f water for storage during a certain sting fishery resource, then ODFW the project site or point of water d	imental impact to existing fishery in time period would cause a should recommend conditions or iversion then the applicant should be
 This proposed pond or reservoir contem Dam. ODFW has determined that additioning the proposed pond or reservoir contemps. 	tional diversions of water in this ar	ea pose a significant detrimental
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¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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 Yamhill basin. 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 Yamhill River, to which the waters of this reservoir would 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: dissolved oxygen (January 1 – May 15), E.Coli (fall – spring), iron (year-round), manganese (year-round) and temperature (year-round). It has also exceeded healthy chlorophyll-a concentrations year-round. Additionally, permitted water use in the lower Yamhill currently exceeds 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?

I NO (explain)

X 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.

B51a: The period of use has been limited to November through June.

ODFW Signature:

ODFW Title: Assistant District Fish Biologist

Print Name: Josie Thompson

Date: 4/30/17

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Revised 10/4/12

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

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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: Not withstanding 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.
	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.
	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	t: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow

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.

into a tributary of the ______ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

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. PECEVED

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an enclosed water delivery system. 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.

COURTY TITLE & ENCROW,

PECTIVA

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Beginning at a point in the County Road described in County Survey No. 114C as being the Northeast corner of Lot No. 2 of said Survey and being 11.63 chains East and 5.35 chains South 20° 30' West from the Northwest corner of the Mary Jeffries Donation Land Claim, Notification No. 1791, Claim No. 63 in Township 4 South, Range 4 West of the Willamette Meridian, in Yamhill County, Oregon; thence West 14.35 chains; thence South 5.71 chains; thence South 84° 11' East 11.705 chains to a point in the center of the County Road; thence North 21° 27' East along the road to the place of beginning.

YCTE 145952 3644-4

2/2

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3-22-99

\$1,035.00

	•		
Oregon Water Resources Department Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application Re		Help Contac	t Us
For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.	• • • •	9	
Today's Date: Tuesday, December 5, 2017			
Base Application Fee for Storage of Surface Water.			\$410.00
Proposed Dam Height in feet.		0	
Proposed Reservoir volume in Acre Feet.		3	\$105.00
Permit Recording Fee. ***		X	\$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 refund 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.	lable Reca	lculate :	

OWRD Fee Schedule

Fee Calculator Version: B20170117

Estimated cost of Permit Application