



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

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JUN 06 2018

SALEM, OR

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

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

**Use a separate form for each reservoir**

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: Guans Sublimity LLC Cuimei Niu (owner)

Mailing Address: 14242 Bridge Ct. RECEIVED BY OWRD

Lake Oswego Oregon 97034 DEC 18 2017

City State Zip

Phone: 1-425-306-2460 503-747-7238 Other

Home Work Other SALEM, OR

Fax: 503-747-6886 E-Mail Address\*: cuimei.niu@gmail.com

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

**2. AGENT INFORMATION**

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

Agent: Michelle Woods

First Last

Mailing Address: 16315 SW Barrows Rd. A209

Beaverton Oregon 97007

City State Zip

Phone: 503-496-6050 503-747-7238 Other

Home Work Other

Fax: 503-747-6886 E-Mail Address\*: michelle@guansusa.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.)

**3. LOCATION AND SOURCE**

A. Reservoir Name: Sublimity Ranch Reservoir

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: \_\_\_\_\_

C. County in which diversion occurs: Marion

App. No. <u>R-88484</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
8 south	1 west	27	NWNW	600

**E. Dam:** Maximum height of dam: 6 ft. 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: 10 acre

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

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**5. PROPERTY OWNERSHIP**

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

Do you own all the land where you propose to divert, transport, and use water?

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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:

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NA

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**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? 1 \_\_\_\_\_ 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 Santiam water district	Address 284 E water st.	
City Stayton	State Or.	Zip 97383

**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.

The water sits on top of the ground then follows the slope of the land to the pond.

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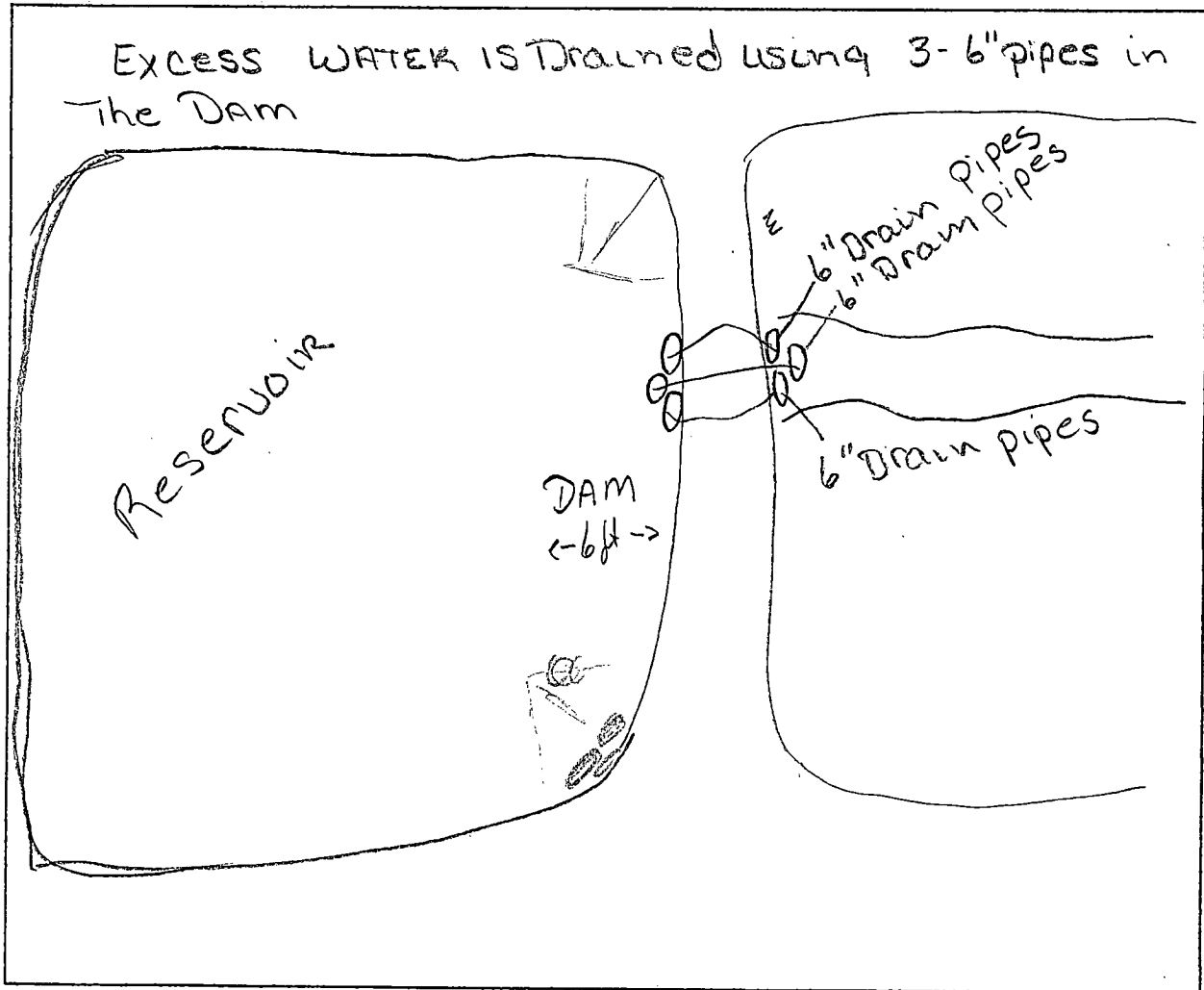
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



**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

5/24/16

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.

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# 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: GUAN'S Sublimity, LLC      851 W sec 27  
~~Michelle Woods~~

1) Does the proposed reservoir have the potential to injure existing water rights?       NO       YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?       NO       YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application?       NO       YES

Who:      Agency:      Date:      RECEIVED BY OWRD

Who:      Agency:      Date:      DEC 18 2017  
SALEM, OR

Watermaster signature: [Signature]      Date: 3/30/16

WRD Contact:      Caseworker:      Water Rights Division, 503-986-0900 / Fax 503-986-0901      RECEIVED BY OWRD

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NOTE: This completed form must be returned to the applicant      SALEM, OR

# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: Cuimei Niu 14242 Bridge Ct.  
Lake Oswego, OR 97034 Michelle@GLAUSUSA.COM

Reservoir Name: Sublimity Ranch Reservoir Source: Surface Water Volume (AF): 10 Acre-Foot

Twp Rng Sec QQ: OSS 1W Sec. 27 Basin Name: Beaver Creek  in-channel  
 off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.**

- 1) Is the proposed project and AO<sup>1</sup> off channel? .....  YES  NO  
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?.....  YES  NO  
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
  - a. Is there an ODFW-approved fish-passage plan?.....  YES  NO
  - b. Is there an ODFW-approved fish-passage waiver or exemption?.....  YES  NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?.....  YES  NO  
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)
  - Any diversion or appropriation of water for storage during the period \_\_\_\_\_ through \_\_\_\_\_ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
  - This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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<sup>1</sup> 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)

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

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Lined area for text entry.

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)

Lined area for text entry.

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ODFW Signature: Alex Farrard      Print Name: Alex Farrard  
ODFW Title: Assistant District Fish Biologist      Date: 2/25/16

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

Revised 10/4/12

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R-88484

# 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: Cumei Niu  
First Last

Mailing Address: 14242 Bridge ct.

LAKE OSWEGO OR 97034 Daytime Phone: 503-1425-306-2460  
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:
8 S	1 west	27	NW NW	600	FARM + Timber	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	AGRICULTURE
					EFD / PRIMARY AGRICULTURE	<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:

Marian County RECEIVED BY OWRD  
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## B. Description of Proposed Use

SALEM, OR

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) Diffuse Run off

Estimated quantity of water needed: 10 acre   
 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:

**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): IRRIGATION + FISH CULTURE MCC 17.136
- 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.

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Name: LISA MILLIMAN Title: ASSOCIATE PLANNER  
 Signature: Lisa Milliman Phone: 503 588 5038 Date: 12/12/17  
 Government Entity: MARION COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

*R-880009*

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## EXHIBIT A

SALEM, OR

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

**PARCEL 1:**

Beginning at the intersection of the center line of the Sublimity and Silverton Road (Market Road No. 42) and the South boundary line of the John Downing Donation Land Claim No. 57, in Township 8 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, said point being 27.40 chains East and 8.70 chains North 7° 15' East and 7.07 chains North 25° 00' East and 4.60 chains North 3° 30' East from the most Northerly Northwest corner of the Phillip Glover Donation Land Claim No. 65, in Section 27, Township 8 South, Range 1 West; thence North 3° 00' East along the center of said Market Road No. 42, a distance of 25.20 chains; thence West 33.09 chains to the West line of said John Downing Claim; thence South 25.07 chains to the Southwest corner thereof; thence South 89° 49' East along the South line of said John Downing Claim 2,080.00 feet, more or less, to the point of beginning.

**SAVE AND EXCEPT** the land described in deed dated February 18, 1952, recorded February 19, 1952, in Book 436, Page 783, Deed Records for Marion County, Oregon.

**PARCEL 2:**

Beginning at the most Northerly Northwest corner of the Phillip Glover Donation Land Claim No. 65 on the East line of the Larkin Price Donation Land Claim No. 55 in Section 27, Township 8 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; running thence East, along Glover's North line, 27.40 chains the middle of the Sublimity and Silverton Road (Market Road No. 42); thence North 7° 15' East, along the center of said Road, a distance of 8.70 chains; thence North 25° 00' East, along the center of said Road, a distance of 7.07 chains; thence North 3° 30' East, along the center of said Road, a distance of 4.60 chains to the South boundary line of the John Downing Donation Land Claim No. 57; thence North 89° 49' West, along the South boundary of said John Downing Claim, 2,080.00 feet, more or less, to the Southwest corner of said John Downing's Claim; thence South 19.83 chains to the point of beginning.

**PARCEL 3:**

Beginning at a point 296.04 feet North 7° 15' East from the Northeast corner of the Phillip Glover Donation Land Claim No. 65 in Township 8 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence North 7° 15' East 247.41 feet; thence North 72° 47' 03" West 203.47 feet; thence South 17° 12' 57" West 243.68 feet; thence South 72° 47' 03" East 246.27 feet to the place of beginning.

**SAVE AND EXCEPT** that portion lying within Market Road No. 42. Also a non-exclusive easement 30 feet in width, the Southerly line of which is described as follows: Beginning at the Northeast corner of the above described tract, which place of beginning is 543.45 feet North 7° 15' East from the Northeast corner of the Phillip Glover Donation Land Claim No. 65 in Township 8 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence North 72° 47' 03" West 203.47 feet, and there terminating.

**NOTE:** THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008

R-88484

Guan's Sublimity LLC  
14242 Bridge Court  
Lake Oswego, OR 97034

December 13, 2017

Water Resources Department  
North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301

Enclosed please find a resubmission of the application for the Water Rights to the property located at 7251 Cascade Hwy SE, Sublimity, OR 97385.

We have included all necessary paperwork along with the fees.

If you have further questions, please contact us at 503-747-7238.

Sincerely,



Michelle Woods

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SALEM, OR

R-88404



# Oregon

Kate Brown, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

June 6, 2016

Guans Sublimity LLC  
14242 Bridge Ct.  
Lake Oswego, OR 97034

Dear Guans Sublimity LLC:

The Water Resources Department has received your application(s) to use or store water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the enclosed checklist(s).

Should you have any questions, please contact Water Right Customer Service at 503-986-0801.

Sincerely,

Scott  
Customer Service Group

Cc: OWRD Fiscal

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R-88484

2-089894



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

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- [Contact Us](#)

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

Today's Date: Monday, June 06, 2016

Base Application Fee for Storage of Surface Water.		\$350.00
Proposed Dam Height in feet.	6	
Proposed Reservoir volume in Acre Feet.	10	\$300.00
Permit Recording Fee. ***		\$450.00
*** 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.		
	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,100.00

[OWRD Fee Schedule](#)

Fee Calculator Version: B20130709

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