



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

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

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

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

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml)

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## 1. APPLICANT INFORMATION

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Applicant: David and Suzanne Garcia  
First Last

Mailing Address: 2975 Ardilla Rd.

Atascadero Ca. 93422  
City State Zip

Phone: 805 423 5263 Retired  
Home Work Other

Fax: — E-Mail Address\*: dgumshu@msn.com

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

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

2. SOURCE OF WATER for the proposed use: Potter Gulch & Surface Runoff  
 a tributary of Deer Creek

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

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

\* Any Surface Runoff flowing into pond and water Pumped from Potter Gulch to Pond by 3" Pipe AND SHP Pump. POD TO BE SCREENED WITH SCREEN OPENINGS NOT TO EXCEED 3/32".

For Department Use		
App. No. _____	Permit No. _____	Date _____

**3. DAM HEIGHT AND COMPOSITION** No Dam

The maximum height of the structure will be No Dam feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including dam height, width, crest width and surface area.

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

The dam will be (check one):  Earthfill  Concrete  Flash board  Other

If "other" give description:

\* No Dam. Pond/Reservoir on near level ground by excavation. No gradient, therefore does NOT REQUIRE DAM.

**4. PRIMARY OUTLET WORKS**

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

No Dam

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

**5. EMERGENCY SPILLWAY**

Describe the location and the dimensions of the spillway channel:

No Dam

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

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Briefly describe:

"Irrigation"; "Agricultural Water Use"; Food processing and Fire protection as defined under "Commercial Water Use"; Agricultural or Forest product processing as defined under "Industrial Water Use"; "Nursery Operations Use". OAR, CH 690, DIV 300

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7. THE AMOUNT OF WATER to be stored is: 15.5 acre-feet.

The area submerged by the reservoir, when filled, will be 1 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: Once Permitted

Proposed date construction work will be completed: Within 5 years of Permit Issuance

Proposed date water use will be completed: Within 5 years of Permit Issuance

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)

9. PROPERTY OWNERSHIP

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

Yes (Please check appropriate box below then skip to section 10)

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or an easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

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

List the names and mailing addresses of all affected landowners:

N/A

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10. WITHIN A DISTRICT

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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

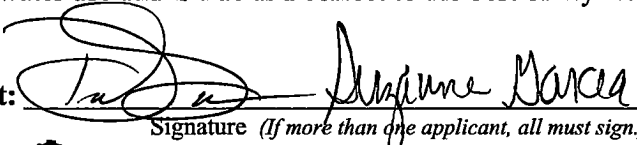
**11. MAP REQUIREMENTS** The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed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

**12. SIGNATURE**

By my signature below I confirm that I understand:

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

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

Applicant:  12-7-17  
Signature (If more than one applicant, all must sign.) Date

**Before you submit your application be sure to:**

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

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# Minimum Requirements Checklist

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

## Include this checklist with the application

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

- |                                     |   |                                     |   |
|-------------------------------------|---|-------------------------------------|---|
| <input checked="" type="checkbox"/> | SECTION 1: applicant information          | <input checked="" type="checkbox"/> | SECTION 7: the amount of water to be stored |
| <input checked="" type="checkbox"/> | SECTION 2: source of water                | <input checked="" type="checkbox"/> | SECTION 8: project schedule                 |
| N/A- <input type="checkbox"/>       | SECTION 3: dam height and composition     | <input checked="" type="checkbox"/> | SECTION 9: property ownership               |
| N/A- <input type="checkbox"/>       | SECTION 4: primary outlet works           | <input checked="" type="checkbox"/> | SECTION 10: within a district               |
| N/A- <input type="checkbox"/>       | SECTION 5: emergency spillway             | <input checked="" type="checkbox"/> | SECTION 11: map requirements                |
| <input checked="" type="checkbox"/> | SECTION 6: the use of the impounded water | <input checked="" type="checkbox"/> | SECTION 12: signature                       |

### Attachments:

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

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

FOR PART II - "USE"

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

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

# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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# Land Use Information Form



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

Applicant: David Garcia  
First Last

Mailing Address: 2975 Ardilla Rd.

Atascadero Ca 93422 Daytime Phone: 805 423 5263  
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:
38	07	08	cc	001400	EF	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	FARM
						<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:

JOSEPHINE

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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) POTTER GULCH & SURFACE RUNOFF

Estimated quantity of water needed: 15.5   
 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:

"Irrigation"; "Agricultural Water Use"; Food processing and Fire protection as defined under "Commercial Water Use"; Agricultural or Forest product processing as defined under "Industrial Water Use"; "Nursery Operations Use". OAR, CH 690, DIV 300

**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): Section 64.020.A – Agriculture, farming, and farm uses as these uses are defined in Section 11.030 of this code.
- 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:	
Permitted Uses Subject to Site Plan Review - Standards Only	Section 64.035.E - Farm Crop Processing Facility	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
Conditional Use Permit	Section 64.040.E - Commercial Activities in conjunction with farm uses as such activities are defined in Section 11.030.	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
	Section 64.040.M – Forest Products Processing Facility	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" 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.

Section 64.020.A - Agriculture, farming, and farm uses are listed as outright uses for this zone however structures placed in conjunction with outright uses (except film sets authorized by subsection C below) shall be permitted using Ministerial Review Procedures (Article 22), be subject to the applicable development standards of 64.095, and require a Development Permit (Article 41) for final approval.

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Name: Ranya Aboras Title: Planner II

Signature: *Ranya Aboras* Phone: 541-507-7932 Date: 1/16/18

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Government Entity: Josephine County Community Development – Planning Division

**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.





APN: R327110

Statutory Warranty Deed  
- continued

File No.: 7151-958770 (JA)  
Date: 01/24/2007

**EXHIBIT A**

**LEGAL DESCRIPTION:**

That portion of the East Half of the William Guest D.L.C. No. 40 in Section 8, Township 38 South, Range 7 West, of the Willamette Meridian, Josephine County, Oregon, which lies South of the North Deer Creek Valley County Road and North of the centerline of Deer Creek. EXCEPTING THEREFROM: Beginning on the South line of said Road 150 feet West of the East line of said D.L.C. No. 40 and run East along said Road 150 feet to the East line of said D.L.C. No. 40; thence South along said East line 325 feet; thence West 50 feet; thence Northwesterly 325 feet more or less to the point of beginning.

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# 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

**COPY**

February 6, 2018

David and Suzanne Garcia  
2975 Ardilla Rd.  
Atascadero, Ca. 93422

David and Suzanne,

The Water Resources Department has received your applications to use or store water. At this time however, we are unable to accept your applications, because the minimum filing requirements are not met according to the Oregon Revised Statutes (ORS 537.409).

We are hereby returning the incomplete application, and the fees submitted. Please return the applications, the required information, and the checklist (located on reverse of this letter), so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Analyst

Cc: OWRD Fiscal

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1900

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February 12, 2018

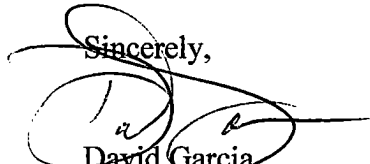
OWRD  
725 Summer St, NE, Suite A  
Salem, Or. 97301  
Attn: Jerry Sauter

Subject: Standard Water Storage Application for 2991 Deer Creek Rd., Selma, Or.

Mr. Sauter,

Thanks for taking the time to discuss the missing Qtr Qtr/POD Map distance information with me on 2/12/18. You asked that I send this directly to you as a reminder of our conversation. The Qtr Qtr POD distance information was added as you advised and I also added the North Arrow on the map.

Sincerely,



David Garcia  
(805) 423 5263

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

- [Main](#)
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- [Contact Us](#)

Today's Date: Friday, February 16, 2018

Base Application Fee.		\$930.00
Number of acre feet to be diverted for Storage.	15.5	\$560.00
Number of reservoirs.	1	
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<a href="#">Recalculate</a>	
Estimated cost of Permit Application		\$2,010.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

APPLICATION #: \_\_\_\_\_

CASEWORKER: \_\_\_\_\_

PLANS & SPECS: \_\_\_\_\_

DAM NAME: \_\_\_\_\_



PLANS RECEIVED

DATE RECEIVED: \_\_\_\_\_



SENT TO DAM SAFETY

DATE SENT: \_\_\_\_\_



PLANS APPROVED

DATE APPROVED: \_\_\_\_\_

\_\_\_\_\_

APPLICATION #: \_\_\_\_\_

CASEWORKER: \_\_\_\_\_

PLANS & SPECS: \_\_\_\_\_

DAM NAME: \_\_\_\_\_



PLANS RECEIVED

DATE RECEIVED: \_\_\_\_\_



SENT TO DAM SAFETY

DATE SENT: \_\_\_\_\_



PLANS APPROVED

DATE APPROVED: \_\_\_\_\_