



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.

1. APPLICANT INFORMATION

Applicant: Paul Ellsworth
First Last
 Mailing Address: 16010 W Perrydale Rd.
Sheridan OR 97378
City State Zip
 Phone: 408-892-9987
Home Work Other
 Fax: _____ E-Mail Address*: paulewog@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.)

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2. AGENT INFORMATION

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

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Agent: _____ **OWRD**
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: N/A

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: rain and run-off Tributary to: _____

C. County in which diversion occurs: Polk but no real diversion

App. No. <u>R-88590</u>	For Department Use	Permit No. _____	Date _____
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D. Reservoir Location

no 1/4 1/4 per county

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
6S	6 WWM	24	0	300

E. Dam: Maximum height of dam: 8 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 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

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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?

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:

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel? *neither?*
- 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.

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7. 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

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.

There isn't really a diversion; the water stored is from rainfall directly on the reservoir, and run-off from our own land above it. The dam height and max acre feet is larger than what we plan right now, but represents the max size we think would make sense at this reservoir location.

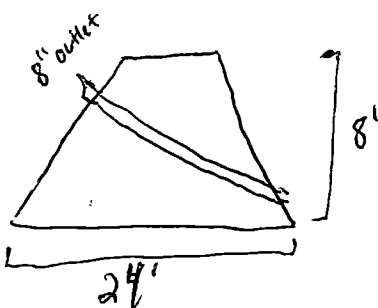
There are no fish, since there isn't a stream. The dam just provides one side, which may have been excavated in the past, it seems, or maybe naturally eroded before the driveway and drainage.

We only actually plan on using about 4 AF max. In the future, but want to account for some seepage, evaporation, and for not pumping it dry.

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).

~~The diversion~~ There isn't really a diversion. The dam is just for the water storage, but nothing except surface/ground runoff "flows" into it.

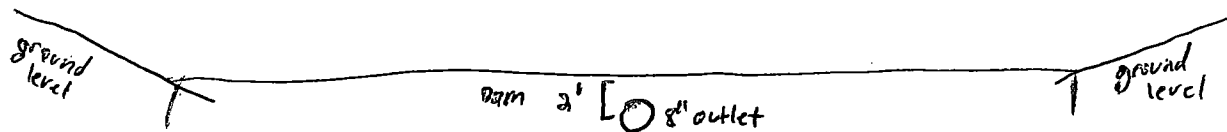
The max height would be 8'. base of dam will be 3x the height, 8" outlet near center of dam



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9. SIGNATURE

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

Paul Shuman
Landowner Signature

~~7/29/2017~~
Date
8/7/2017

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.

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: Paul Ellsworth 6S6W24TL300 SWSE

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: NA

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature:  Date: 8/24/2017

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

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NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Paul Ellsworth, 16010 W Perrydale Rd
Sheridan OR 97378

Reservoir Name: N/A Source: rain + run-off Volume (AF): 8

Twp Rng Sec QQ:T6S R6WWM Sec 24 Basin Name: N/A 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 AO¹ 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 NMF² 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 June through September 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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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)

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

R-88500

State sensitive + native, migratory fish are present in the Salt Creek watershed; Coastal cutthroat trout + coho salmon.

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 + water quality standards are met. Once the reservoir is full, all live flow should be bypassed in a manner that does not impact water quality.

* Also see attached recommendations from DEQ (Oregon Dept. of Environmental Quality)

** If removal/fill work exceeds 50 cubic yards ~~in~~ for pond construction and pond is located in a wetland, a Department of State Lands Removal-Fill permit may be required.

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ODFW Signature: Josie Thompson Print Name: Josie Thompson
ODFW Title: Asst. District Fish Bio. Date: 1/3/18

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

Revised 10/4/12

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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: Paul Ellsworth
First Last

Mailing Address: 16010 W Perrydale Rd.
Sheridan OR 97378 Daytime Phone: 408-892-9987
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:
6S	6W	WM 24	0	300	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	multi-purpose / farming
						<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 County, Sheridan RECEIVED MAY 11 2018

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) rain + run-off

Estimated quantity of water needed: Store 8, use 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 multi-purpose

Briefly describe:

We would like to store and use rain and run-off for summer irrigation and aesthetics. Our domestic source, Perrydale Domestic Water Association, would prefer we not use that much water.

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. →

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Land Use Information Form

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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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For Local Government Use Only

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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 136.030(A) "Farm Use" - Irrigation.

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
		<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.

*The wetland located on the property was determined to not be jurisdictional by DSC. Therefore, a management plan is not required.
 *Any uses classified as "multipurpose" that do not fall under our "Farm use" definition may need further review.

Name: Sidney Muller Title: Planning Supervisor

Signature: [Signature] Phone: 503-623-9237 Date: 3-15-18

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: _____

R-88880

FIRST AMERICAN TITLE 2445948



After recording return to:
Paul G. Ellsworth
16010 West Perrydale Road
Sheridan, OR 97378

Until a change is requested all tax
statements shall be sent to the
following address:
Paul G. Ellsworth
16010 West Perrydale Road
Sheridan, OR 97378

File No.: 7121-2445948 (CAT)
Date: July 01, 2015

THIS SPACE RESERVED FOR RECORDER'S USE	
<p>RECORDED IN POLK COUNTY Valerie Unger, County Clerk</p>	<p>2015-006889 07/08/2015 01:44:16 PM</p>
<p>REC-WD Cnt=1 Stn=12 K. WILLIAMS \$15.00 \$11.00 \$10.00 \$5.00 \$20.00</p>	<p>\$61.00</p>

STATUTORY WARRANTY DEED

Dale R. Davis and Kathy Davis, as tenants by the entirety, Grantor, conveys and warrants to **Paul G. Ellsworth, a married man**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. The **2015-2016** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$520,000.00**. (Here comply with requirements of ORS 93.030)

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R-08380

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 7th day of July, 2015.

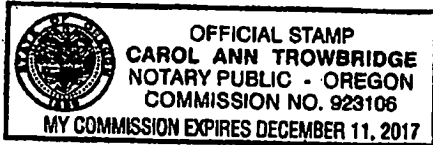
Dale R. Davis
Dale R. Davis

Kathy Davis
Kathy Davis

STATE OF Oregon)
)ss.
County of Polk)

This instrument was acknowledged before me on this 7th day of July, 2015
by **Dale R. Davis and Kathy Davis.**

Carol Ann Trowbridge



Notary Public for Oregon
My commission expires: 12/11/2017

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EXHIBIT A

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

A parcel of land lying in the Mason Seward Donation Land Claim No. 79 in Section 24, Township 6 South, Range 6 West of the Willamette Meridian in Polk County, Oregon, described as: Commencing at the corner of Sections 24 and 25 in Township 6 South, Range 6 West and Sections 19 and 30 in Township 6 South, Range 5 West; thence North 89°44'25" West 511.50 feet; thence North 00°06'48" East 561.00 feet to the true point of beginning; thence North 00°02'44" East 1509.43 feet to the Northwest corner of that property belonging to Jack Story; thence North 89°32'32" East along the North line of said Story property 513.34 feet to the intersection of the Range line between 5 and 6 West; thence North 00°06'48" East along said Range Line 682.27 feet to the center of an oak tree as per original government survey notes; thence continuing along said Range Line North 00°04'47" West 1107.94 feet to the North line of the Mason Seward Donation Land Claim No. 79, such point also being on the South line of the William Conner Donation Land Claim No. 57; thence North 89°52'35" West along said Claim Line 526.83 feet; thence South 00°21'08" East 1622.21 feet; thence South 39°24'39" West 1142.52 feet; thence North 89°56'12" West 2579.94 feet to the West line of the Mason Seward Donation Land Claim No. 79 in said Township and Range; thence South 00°05'35" West 1066.81 feet; such point also being on the North line of that property as belonging to Bentz as recorded in Book 50, Page 16, Polk County Deed Records; thence South 89°38'19" East along said North line of Bentz 1705.35 feet; thence North 45°17'02" East 532.08 feet; thence North 89°58'59" East 1225.80 feet to the true point of beginning.

Save and Except that part of that tract of land which is described in that deed recorded in Document No. 2005 015112, Deed Records for Polk County, Oregon, which is more particularly described as follows:

Beginning at an iron rod which is 333.47 feet North 89°55'07" West from the Southeast corner of the William Conner Donation Land Claim No. 73 in Section 19, Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence South 00°00'59" East 1686.40 feet to an iron pipe; thence South 89°06'59" West 347.99 feet to an iron rod; thence North 00°53'01" West 150.00 feet to an iron rod; thence South 89°06'59" West 82.67 feet to an iron rod; thence North 00°24'56" West 1543.73 feet to a point in the center of the County Road, from which an iron rod bears South 00°24'56" East 20.00 feet; thence South 89°55'07" East 443.63 feet, more or less, to the point of beginning.

ALSO SAVE AND EXCEPT that part of the above described tract of land which lies within public roads and/or right of ways.

NOTE: This legal description was created prior to January 01, 2008.

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Application #: NA

Applicant: Paul Ellsworth

DEQ Alt Reservoir

Basin & Subbasin: Willamette & Yamhill

Unnamed tributary to Salt Creek.

Salt Creek is tributary to S. Yamhill.

Requested water amount: Storage 8 AF/12 = .67 AF/month = .34 cfs/month

Requested time period: Unknown. States rain and runoff only.

Salt Creek is limited for the following:

Water Body	River Miles	Parameter	Season	Criteria	Beneficial Uses	Status
Salt Creek	0 to 32.8	Chlorophyll a	Summer	Reservoir, river, estuary, non-thermally stratified lake: 0.015 mg/l	Water supply; Water contact recreation; Aesthetics; Livestock watering; Fishing	Cat 5: Water quality limited, 303(d) list, TMDL needed
Salt Creek	0 to 32.8	Dissolved Oxygen	January 1 - May 15	Spawning: Not less than 11.0 mg/L or 95% of saturation		Cat 5: Water quality limited, 303(d) list, TMDL needed
Salt Creek	0 to 32.8	Dissolved Oxygen	Year Round (Non-spawning)	Cool water: Not less than 6.5 mg/l	Salmonid fish rearing; Resident fish and aquatic life	Cat 5: Water quality limited, 303(d) list, TMDL needed
Salt Creek	0 to 32.8	Fecal Coliform	Fall Winter Spring	Fecal coliform log mean of 200 organisms per 100 ml; no more than 10% > 400 per 100 ml	Water contact recreation	Cat 5: Water quality limited, 303(d) list, TMDL needed
Salt Creek	0 to 32.8	Phosphorus	May 1 - October 31	Biocriteria: Waters of the state must be of sufficient quality to support aquatic species without detrimental changes in the resident biological communities.	Aesthetics	Cat 4A: Water quality limited, TMDL approved
Salt Creek	0 to 32.8	Temperature	Summer	Rearing: 17.8 C	Anadromous fish passage; Salmonid fish rearing	Cat 5: Water quality limited, 303(d) list, TMDL needed



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R-8850

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.

blv: 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.

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Table 1. Percent of natural flow

Natural Stream Flow	Consumptive Use	Consumptive Use + .34 cfs	%Natural Flow	Month
345	18.7	19.04	5.420289855	Jan
295	16.4	16.74	5.559322034	Feb
239	13.8	14.14	5.774058577	Mar
142	6.09	6.43	4.288732394	Apr
59.6	6.99	7.33	11.72818792	May
29.5	14.5	14.84	49.15254237	Jun
22.3	17.8	18.14	79.8206278	July
11.9	14.2	14.54	119.3277311	Aug
11.8	7.14	7.48	60.50847458	Sept
16.1	1.18	1.52	7.329192547	Oct
58.1	5.03	5.37	8.657487091	Nov
314	17.3	17.64	5.50955414	Dec

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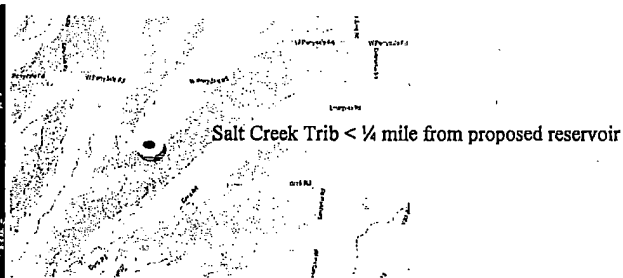
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Water quality impairment known: The assimilative capacity of a waterway is flow dependent. Reduced flows increase concentrations of bacteria, pesticides, nitrate and metals.

Biocriteria: Waters of the State must be of sufficient quality to support aquatic species without detrimental changes in the resident biological communities. Reduced flows, habitat loss, and increase in pollutant loads or concentrations may degrade the biological community onsite or downstream, and therefore result in the diminution of habitat of sensitive, threatened, or endangered fish species.

Recommend conditions:

- Limit capacity to 8 AF and fill from rain and overland flow.
- Permittee shall not release polluted off-channel stored water into waters of the state, unless under emergency situations. For routine maintenance, the Permittee must land apply stored water or provide treatment prior to releasing it in Nov-Apr and when Salt Creek is $\geq .4$ cfs. Permittee must comply with OAR 340-041 and ensure that water quality standards are not violated by releases from storage.
- If ditching and piping will be used to divert rain and runoff to reservoir that would otherwise flow to wetlands and/or trib to salt creek, limit diversion to 1 AF/month or total of 8 AF Oct-May or when Salt Creek Flow is $\geq .4$ cfs Instream Requirement.



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- **1200-C:** Permittee shall obtain a valid 1200-C Stormwater Discharge Permit for construction projects that disturb an acre or more of land.

- **If an army corps permit is required a 401 Certification may be required:** Permittee shall apply for a 401 Certification which may result in additional water quality conditions.
- **2300-A:** If chemical treatment is necessary, the Permittee is responsible for ensuring the pesticide application laws are met, and for being in compliance with the 2300-A pesticide general permit. Polluted return flows are not allowed to enter waters of the state per ORS 468B.025(1).
- **Riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee must restore and enhance such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415.
- **Water Quality:** The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flow.
- **Prohibited Activities:** If the Department of Environmental Quality notifies OWRD, the pollution of waters of the state is occurring and it is determined the permit holder is not in compliance with ORS 468B.025(1), OWRD shall withhold waters. Permittee may not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1).
- **Agricultural Management Plans:** Permittee must comply with basin specific Agricultural Management Plan rules in OAR 603-095.
- **Live Flow:** Once the allocated volume has been stored, all live flow must be passed downstream at a rate equal to that of the inflow.
- **Fence:** The stream and its adjacent riparian area, within the defined legal parcel, must be fenced to exclude livestock prior to diversion of water. Water must be diverted to a trough or tank through an enclosed water delivery system. The fencing is to be in place and functional, prior to diversion of water.

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
Use _____ Caseworker _____
Amount (AF) _____ Watermaster _____

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Minimum Requirements (ORS 537.409)

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- Completed Watermaster review sheet signed and dated by Watermaster.
Will the reservoir injure an existing water right? YES NO
If YES, can conditions be applied to mitigate the injury? YES NO **If NO, return the application.**
Did the watermaster determine when water is available for the proposed use? YES NO
The Watermaster review sheet must have been completed within the last 6 months.
If the watermaster determined that water is NOT available, return the application.
- Completed ODFW review sheet signed and dated by ODFW representative.
Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
If YES, can conditions be applied to mitigate the impact? YES NO **If NO, return the application.**
The ODFW review sheet must have been completed within the last 6 months.
- Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
- Landowner Name, Mailing Address and Telephone Number.
- Source and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**
- Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- Dam height, if applicable
- Total Quantity of Storage Requested: _____
- Proposed Use of the water....Cannot accept application for use of this stored water at the same time (E2)
- Property ownership indicated? If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
- Provide a Legal Description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.
- Environmental Impact section completed?
- Application signed by the landowner(s)? All parties noted as applicants must sign the application.
Must be an original "wet" signature.
- Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - Scale of the Map (not less than 1" = 1320') **
 - Reference corner on map
 - North Directional Symbol **
 - 1/4's clearly identified
 - Reservoir clearly identified **
 - Dam or POD (If off channel) Location coordinates referenced to a government landsurvey corner
*If no dam, use coordinates to center of reservoir.***
- Fees enclosed**?: Examination: Base Fee\$ _____ Permit Recording Fee\$ _____
plus\$ _____
plus\$ _____

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Total Paid \$ _____ Total Fees \$ _____
Completeness Check by: _____ Date: _____ Revised 2017-4-12

Appendix A

Developing your water right often entails grading trenching or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or county planning office. The following information was provided by the Oregon Division of State Lands.

Activities in Wetlands and Waterways are Regulated by:

- The Division of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

What Areas are Regulated?

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and seasonal wetlands
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise 'designated' to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance.

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What Activities are Regulated?

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

What Activities are Exempt

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

How are Laws Enforced?

The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.

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Paul Ellsworth <paulewog@gmail.com>

16010 W. Perrydale Rd., Sheridan, OR 97378

STEVENSON Christine <christine.stevenson@state.or.us>
To: "mulder.sidney@co.polk.or.us" <mulder.sidney@co.polk.or.us>
Cc: DEBLASI Michael <michael.deblasi@state.or.us>, Paul Ellsworth <paulewog@gmail.com>

Tue, Aug 1, 2017 at 12:25 PM

Sidney,

I was recently contacted by Paul Ellsworth at 16010 W. Perrydale Rd., Sheridan, OR 97378. He is working with Water Resources to improve/fix an existing pond and asked me to evaluate the jurisdiction of the ponded area. Based on a review of the available information, and a discussion with the Aquatic Resource Coordinator Mike De Blasi, the ponded area would not be considered jurisdictional for DSL. Please let me know if you have any questions.

Chris

Chris Stevenson
Jurisdictional Coordinator
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR, 97301-1297

Office: (503) 986-5246
Cell: (503) 798-7622

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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, May 11, 2018

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	8	
Proposed Reservoir volume in Acre Feet.	8	\$280.00
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.	Recalculate	
Estimated cost of Permit Application		\$1,210.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

289580

GOSSE Edward P * WRD

From: PLAHN Joel M * WRD
Sent: Tuesday, May 15, 2018 6:35 AM
To: GOSSE Edward P * WRD
Subject: RE: 16010 W Perrydale Rd. Sheridan, Or.

Its fine nothing changed on my review. Thanks

Thanks, Joel Plahn

From: GOSSE Edward P * WRD
Sent: Monday, May 14, 2018 9:41 AM
To: PLAHN Joel M * WRD
Subject: 16010 W Perrydale Rd. Sheridan, Or.

Joel,

I received an application for an Alt. Res. From Paul Ellsworth. You completed a Water Master Review Sheet for him last August. It is now well over 6months old. Is it ok for me to accept this review from him, or will he need to have you do another?

Edward Gosse | Water Rights Customer Service

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503.986.0801
Email: edward.p.gosse@oregon.gov | Web: Oregon.gov/owrd