

**Oregon Water Resources Department
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, October 5, 2018

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	14	
Proposed Reservoir volume in Acre Feet.	2.08	\$105.00
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		\$1,035.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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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: Giovanna Gellatly (Bogenhagen Family)
Mailing Address: 23961 Gellatly Way Philomath OR 97370 mgr
Phone: 541 609 0295
Fax: _____ E-Mail Address*: 23961gellatly@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: _____
Mailing Address: _____
Phone: _____
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: Summit pond
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: n/a Tributary to: many's River
C. County in which diversion occurs: Benton

App. No. R-00673

For Department Use
Permit No. _____

Date _____

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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
10 S	7 W	32	SE of SW	501

E. Dam: Maximum height of dam: 14 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: 2.08

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.**

Fire suppression, to use to suppress
fire in the surrounding forest.

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5. PROPERTY OWNERSHIP

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

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

☒ Yes (please check appropriate box below then skip to section 5)

☐ There are no encumbrances.

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

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

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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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? 3 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

- ☒ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

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Irrigation District Name NA	Address	
City	State	Zip

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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 pond has a drain to allow the water level to be adjusted. It has an overflow system in place that was designed with the help of Pacific Corregated's Engineering team. The pond simply drains into the same stream channel where it resides. See attached email description from the Engineer working with ODF. The flow is no more than originally occurred, flow rate is consistent.

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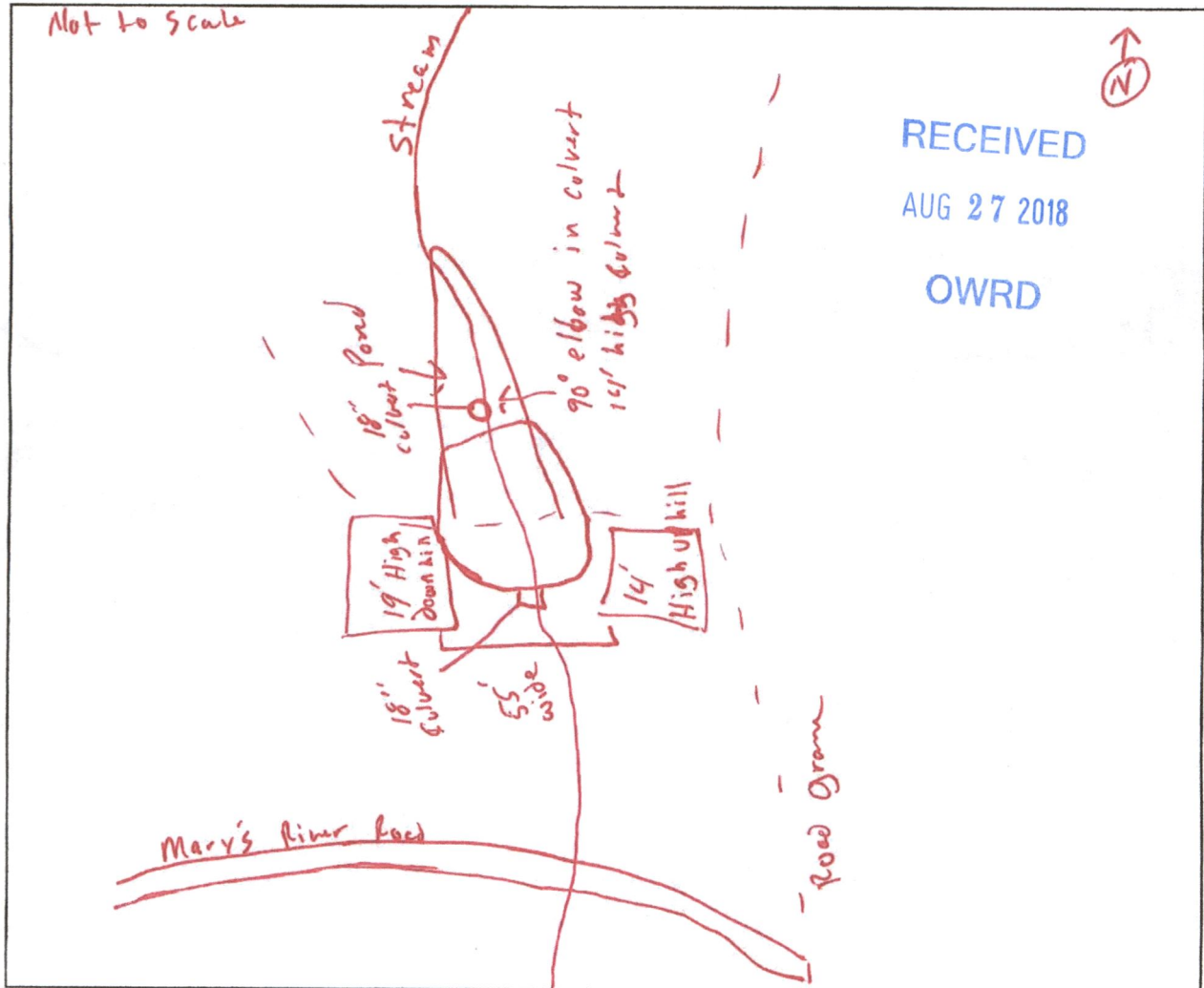
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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

Paul H. Matty Giovanna J. Matty 10-10-17 4-15-2018

Applicant Signature Date

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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 OWRD

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 Gellatly 10S7W32TL501

Giavanna Gellatly

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:

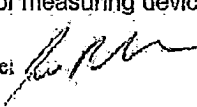
Date:

Who:

Agency:

Date:

No staff plate or measuring device needed.

Watermaster signature: 

Date: 10/3/2017

9-14-18

WRD Contact:

Caseworker

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET OWRD

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Applicant's Name: Paul Gellatly 10S7W32TL501

Giovanna Gellatly

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

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2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☐ YES

If YES, which conditions are recommended: NA

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3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

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No staff plate or measuring device needed.

Watermaster signature:

Date: 10/3/2017

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Giovanna Gellatly
2391a Gellatly Way Philomath OR 97370 541 609 0295

Reservoir Name: Summit Pond Source: _____ Volume (AF): 2.08

Twp Rng Sec QQ: 105 7W Sec 32 Basin Name: Old Mary's River ☒ 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) AS PER ODF SURVEY

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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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)

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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)

ODFW Signature: _____

Print Name: _____

ODFW Title: _____

Date: _____

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

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Giovanna Gellatly (Bergen Family Prop LLC)
2391a Gellatly Way Philomath OR 97370 541 609 0295Reservoir Name: Summit Pond Source: _____ Volume (AF): 2.08Twp Rng Sec QQ: 10S 7W Sec 32 Basin Name: Upper Mary's River ☒ 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) AS PER ODF SURVEY

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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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)

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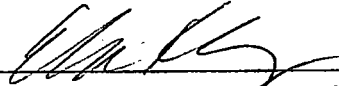
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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain)

☐ YES (select from Menu of Conditions on next page)

ODFW Signature: 

Print Name: ELISE KENNEY

ODFW Title: DISTRICT FISH BIOLOGIST

Date: 11/17/17

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised June 24, 2011

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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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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

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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.

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NOTE TO LOCAL GOVERNMENTS

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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

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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

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Applicant:

(Bogenhagen Family Prop LLC)
Giovanna Gellatly

First

Last

Mailing Address:

23961 Gellatly way

Philomath
City

OR
State

97370
Zip

Daytime Phone: 541-609-0295

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:
10 S	7 W	32	SESW	501		☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Benton

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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) Runoff

Estimated quantity of water needed: _____ ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Fire Suppression

Briefly describe:

Fire pond for use to suppress forest fire in the surrounding area forests.

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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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): _____

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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: Linsey Godwin Title: Associate Planner
 Signature: Linsey Godwin Phone: 541-766-6819 Date: 12/14/17
 Government Entity: Benton 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-82675

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BENTON COUNTY, OREGON 2015-528934
DE-WD
Clt=1 Sln=46 COUNTER1 03/20/2015 03:19:04 PM
\$20.00 \$11.00 \$22.00 \$10.00 \$20.00 \$83.00



00286680201505289340040048

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



STATUTORY WARRANTY DEED

Grantor's Name and Address:

Giovanna Gellatly, Charles Bopenhagen,
and Elizabeth Davis
23961 Gellatly Way
Philomath, OR 97370

Grantee's Name and Address:

Bopenhagen Family Property, LLC,
an Oregon limited liability company
23961 Gellatly Way
Philomath, OR 97370

After recording return to:

Evashevski, Elliott, Cihak & Hediger, PC
Attorneys at Law
PO Box 781
Corvallis, OR 97339

**The true and actual
consideration for this
conveyance is \$0.00.**

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**Until a change is requested
all tax statements shall be
sent to:**

Giovanna Gellatly
23961 Gellatly Way
Philomath, OR 97370

Tax Account Information:

Account No. 026983

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Conveyance

Giovanna Gellatly, Charles Bopenhagen, and Elizabeth Davis, Grantor, conveys and warrants to Bopenhagen Family Property, LLC, an Oregon limited liability company, Grantee, the following described real property located in Benton County, Oregon, free of encumbrances except as specifically set forth herein:

See Exhibit A attached hereto.

Grantor warrants that the aforesaid property is free of encumbrances except liens, encumbrances, easements, covenants, conditions, restrictions, and exceptions of

R-88673

STATE OF OREGON)

County of Benton)

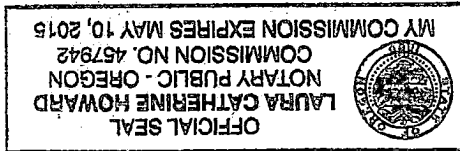
ss.

Date: March 18, 2015

Personally appeared the above-named Charles Bogenhagen and acknowledged the foregoing instrument to be his voluntary act and deed on the date written above.

Before Me:

Laura Catherine Howard
Notary Public for Oregon



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STATE OF OREGON)

County of Columbia)

ss.

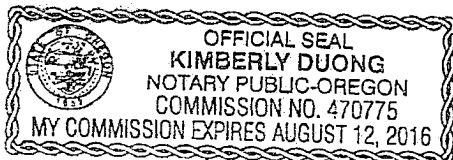
Date: January 20, 2015

OWRD

Personally appeared the above-named Elizabeth Davis and acknowledged the foregoing instrument to be her voluntary act and deed on the date written above.

Before Me:

Kimberly Duong
Notary Public for Oregon



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record.

Legal description created prior to January 1, 2008.

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, AND 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 18 day of MARCH, 2015.

Giovanna Gellatly
Giovanna Gellatly

Charles E. Bogenhagen
Charles Bogenhagen
Elizabeth Davis
Elizabeth Davis

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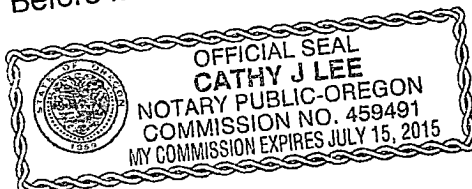
STATE OF OREGON)
County of Benton) ss.
)

Date: February 4, 2015

Personally appeared the above-named Giovanna Gellatly and acknowledged the foregoing instrument to be her voluntary act and deed on the date written above.

Before Me:

Cathy J. Lee
Notary Public for Oregon



R-88673

EXHIBIT A

Beginning at the Southwest corner of the Southeast quarter of the Southwest quarter of Section 32, Township 10 South, Range 7 West, which point is the Southwest corner of that certain tract of land conveyed to David F. Lister, et ux, by deed recorded January 3, 1952 in Deed Book 137, page 407, Records of Benton County, Oregon; thence East along the South line of said Section 32, to the intersection of said South line with the center line of County Route #55, as same existed February 1, 1967; thence Northerly along the center line of said road, 280 feet to a point; thence West parallel with the South line of said Section 32, to the North and South center line of said Section 32; thence Northeasterly 1480 feet, more or less, to a point 600 feet West of a point on the West right of way line of County Route #55, which last mentioned point is 640 feet Southerly along the West right of way line of said County Route #55 from its intersection with the North boundary line of that tract conveyed to David E. Lister, et ux, aforesaid; thence East, parallel with the East and West center line of said Section 32, to the Westerly right of way line of said County Route #55; thence Northerly along said right of way line 640 feet, more or less, to the North boundary line of said Lister tract; thence Westerly along said North boundary line to the Northwest corner of said Lister's tract; thence South along said Lister tract's West boundary line to the point of beginning, in the County of Benton and State of Oregon.

SUBJECT TO Easement, including the terms and provisions thereof, granted Consumers Power, Inc. by Adolph and Clara Donat, dated September 23, 1963, recorded December 24, 1963 in Deed Book 189, page 152, records of Benton County, Oregon.

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Appendix A

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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

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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.

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

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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.

2-68673



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: Wednesday, January 3, 2018

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	14	
Proposed Reservoir volume in Acre Feet.	2.08	\$105.00
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		\$1,435.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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R-88673



Oregon

Kate Brown, Governor

August 29, 2018

Giovanna Gellatly
23961 Gellatly Way
Philomath, Or. 97370

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.Oregon.gov/OWRD

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SEP 21 2018

Dear Giovanna,

OWRD

The Water Resources Department has received your application to use or store water. At this time however, we are unable to accept your application, 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 application, the required information, and this checklist, 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 503-986-0801.

Sincerely,

Edward P. Gosse
Water Rights Customer Service

Cc: OWRD Fiscal

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9/19/2018

(ck was from Boeghagen Family Prop. LLC)

I sent a ck in for fees - But when application was returned - another applicant's ck was returned to me in error. I called you about this - I returned to OWRD attn: Kim Hall as you instructed me to do - hopefully you have my ck.

Thank You

R-88673

**Alternate Reservoir Application Completeness Checklist
Minimum Requirements (ORS 537.409)**

- ☐ **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.*
-
- ☐ **Proposed Use of the water**....(please write in the proposed use of the stored water in the space provided)
-
- ☐ **Acceptable map:** ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
- ☐ Scale of the Map (not less than 1" = 1320') **
 - ☐ Reference corner on map
 - ☐ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir. **

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Geranna Jullath
Mgr. of
Bogenhagen Family Prop. LLC

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OCT 5 2018

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Oregon

Kate Brown, Governor

January 3, 2018

Giovanna Gellatly
23961 Gellatly Way
Philomath, OR 97370

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

Dear Giovanna:

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

We are hereby returning the incomplete application submitted. Please return the application, the required information, the fees, and this checklist, (see reverse of 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,

Tamera Smith
Water Rights Program Analyst

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Minimum Requirements (ORS 537.409)

☐ ☒ **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. SECTION 8 is INCOMPLETE.

☐ ☒ **Proposed Use of the water...**

☒ **Environmental Impact** section incomplete

☒ **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.**

☒ **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 land survey corner* If no dam, use coordinates to center of reservoir. **

☒ Fees enclosed**? Examination: Base Fee\$ _____ Permit Recording Fee\$ _____

plus\$ _____

plus\$ _____

Total Paid \$ 1035.00 Total Fees \$ 1035.00

See Printout, included in packet

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OCT 5 2018

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Cjovanna Gullatty
Property Mgr.
8/24/2018

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