

Main

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

Today's Date: Friday, November 16, 2018

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	16	
Proposed Reservoir volume in Acre Feet.	9.16	\$350.00
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		\$1,280.00

01	ΛI	R		Fee	Sc	had	11	
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Fee Calculator Version:	B20170117



TELEPHONE (503) 357-5717 FAX (503) 357-5698 WEBSITE: www.stuntzner.com 2318-B Pacific Avenue Forest Grove, OR 97116

COOS BAY - FOREST GROVE - DALLAS - JUNCTION CITY

November 12, 2018

Oregon Water Resources Department 725 Summer Street NE, Ste. A Salem, OR 97301-1266

RE: New Application for a Permit to Store Water in a Reservoir

To Whom It May Concern:

An Application for a Permit to Store Water in a Reservoir form has been completed. You will find the following enclosed:

- 1. Check #542 in the amount of \$1280.00 to cover the fees for the Application.
- 2. The completed and signed Application for a Permit to Store Water in a Reservoir.
- 3. Signed Land Use Information form.
- 4. Water Right Application map
- 5. Reservoir Plans
- 6. Property deed

If you have any questions on this submitted material, please contact Bill Flatz at 503-357-5717 or billflatz@stuntzner.com

Sincerely,

Stuntzner Engineering & Forestry LLC

Carol Taylor Office Assistant

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Y:\2016\316067 Rudy, Margit\SEF ltr to OWRD with submittals.doc

Page 1 of 1





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Application for a Permit to Store Water in a Reservoir

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(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: Margit		Rudy		
Mailing Address: 1503 Birch Street			Last	
Forest Grove	OR	, ,	97116	
Phone: 503-962-9629	State		Zip	
Home		_{Vork} margitrudy@gmail.cor	m	Other
Fax:* * By providing an e-mail address, consent				nartment
electronically. (paper copies of the final o		•	II the de	Jai tilloit
2	+ CENT DIEGO	5 - Tron		
The agent is authorized to repres	. AGENT INFORN sent the applicant i		to this a	annlication.
	the uppression	n an marrers remains	to this .	ippiication.
Agent: Stuntzner Engineering First			Lost	
Mailing Address: 2318-B Pacific Avenue			Last	
Forest Grove	OR		97116	
City Phone:	State 503-357-57	<u>'</u> 17	Zip 503-939	-8381
Home		Vork	arrang.	Other
Fax: 503-357-5698 * By providing an e-mail address, consent		billflatz@stuntzner.com		- anter ant
electronically. (paper copies of the final o			n the dep	partment
3.	LOCATION AND	SOURCE		
A. Reservoir Name: Rudy Reservoir				
B. Source: Provide the name of the water of the stream or lake it flows into. Indicate Source: ller Creek	e if source is run-off		ned strea	
C. County in which diversion occurs: W	/ashington			
App. No. <u>P88679</u>	For Department Permit No.		e	

D. Reservoir Location

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Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number	
1N	4W	6 + 7	SW/SW, NW/NW	800	

E. Dam: Maximum height of dam: 16' 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: 9.16 Acre Feet Acre-feet = (Average Length)(Average Width)(Average Depth) 43,560
Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes V 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.
The water in Rudy Reservoir will be multi-purpose.
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:
N/A



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6. ENVIRONMENTAL IMPACT

 A. Channel: Is the reservoir: in-stream or B. Wetland: Is the project in a wetland? Yes C. Existing: Is this an existing reservoir? Yes If yes, how long has it been in place? ye. D. Fish Habitat: Is there fish habitat upstream of the property of the pr	No ars. Proposed structure? Yes	
Indicate agency, staff and phone numbers of those involved		
this project.		
7. WITHIN A	A DISTRICT	
Check here if the point of diversion or place of u other water district.	use are located within or se	erved by an irrigation or
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.

The owner will construct a small alternate process reservoir off channel near ller Creek for multi-purpose use. The pond will collect some rain runoff during the winter and the pond will be filled from the existing point of diversion in ller Creek during the winter high rain season.

the owner will apply for irrigation rights for the remainder of tax lot 800 after this permit is issued.

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).

See attached engineered drawings.	

9. SIGNATURE

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

 $M1 \sim 110$

Applicant Signature

11/12/18

Before you submit your application be sure you have:

Answered each question completely.

Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.

The map must meet map requirements to be accepted.

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

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

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundme 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 ex resources; and c) potential injury to existing water rights. (ORS 537.409 (6))	isting fishery
Within 60 days after the department provides public noticeany person may submit detailed, legally obtained writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (Ol	ld result in injury to
The review of alternate reservoirs is limited to these criteria only.	
Application #: R- Applicant's Name: Marg & Rudy	
1) Does the proposed reservoir have the potential to injure existing water rights?	
Explain: As long as \$ storage season correlates with WAB an injury to existing water rights should not occur.	alysis,
2) Can conditions be applied to mitigate the potential injury to existing water rights?	
If YES, which conditions are recommended: Standard conditions should apply.	
3) Did you meet with staff from another agency to discuss this application?	
Who: Agency: Date:	
Who: Agency: Date:	
Watermaster signature: Julie Curities Date: 09/14/18	
WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901	RECEIVED
	NOV 1 5 2018
NOTE: This completed form must be returned to the applicant	OWRD

R-98679

ODFW Alternate Reservoir Application Review Sheet

Applicant Name/Address/Phone	e/Email:	
Reservoir Name:	Source;	Volume (AF):
Twp Rng Sec QQ:	Basin Name:	☐ in-channel☐ off-channel☐
	e able to complete this form while you wait, neve to provide any necessary clarifications. See pg. 6	
This portion to be completed l	oy Oregon Department of Fish and Wi	ldlife (ODFW) District staff.
Is the proposed project and AO ¹ (if yes then proceed to #4; if n	off channel?	VYES □ NO
s the proposed project or AO lo (if yes then proceed to #3; if n	cated where NMF ² are or were historicall to then proceed to #4)	y present? ☐ YES XNO
		5 VIDG 5 VIG
a. Is there an ODFW-approved b. Is there an ODFW-approved ish passage is required under O	d fish-passage plan?d fish-passage waiver or exemption?RS 509.580 through .910, then either 3(a)	or 3(b) must be "Yes" to move
a. Is there an ODFW-approved b. Is there an ODFW-approved b. Is there an ODFW-approved ish passage is required under Oleward with the application. If reserved in the proposed project pose ally or downstream?	d fish-passage plan?d fish-passage waiver or exemption?	or 3(b) must be "Yes" to move proposed reservoir does not meen sproposed.
b. Is there an ODFW-approved fish passage is required under OFF ward with the application. If rese requirements of Oregon Fish Paragraphic was ally or downstream? Explain below (for example, linegatively.) Any diversion or appropriate through October 31 strong for example, if diversion of detrimental impact to an example of NMF fish are present at	d fish-passage plan?d fish-passage waiver or exemption?	or 3(b) must be "Yes" to move e proposed reservoir does not mee as proposed. It to an existing fishery resource when the second would be impacted as impacted as impact to existing fishery resources. It is an existing fishery resource when the second would be impacted as ignificant recommend conditions or limitation.

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

12er creek is anoted spawning stream for winter steel head	
(ESA Threatened), coho Salmon (EFH+Gamefish) Culthroat	
trout, species that spawn at Various times of the year.	
many of these species also use I ler ex. for rearing as	
during Fall-winter-early spring could affect developing	
during Fall-winter-early spring could affect developing	ì
eggs in The gravels or displace juvenile fish into	
undestrable Habitat.	
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)	
period May 15th to oct 3/5+ to sustain surface flows in summer and early fall. (651a) (657)	
period May 15th to oct 3/st to sustain surface	
flows in summer and early fall. (651a) (657)	
2) modify withdrawals during Diversion period proposed (Nov 1- May 14th) to Keep viable fish Flows in the stream for seasonal spawning, rearing, an	
(Nov 1- May 14th) to Keep viable fish Flows in	
the stream for seasonal spanning, rearing, an	0
migration needs	
B) AN INTAKE points need to be adequately screened	1
to meet enteria mesh at or less than 3/32 nos meh	
B) AN intake points need to be adequately screened to meet enteria (mesh at or less than 3/32 nos meh (Fishself) (Fishapprove)	
4) Any sustream structure built to facilitate water	
Diversions may need to meet state Fish Passage	
4) Any instream structure built to facilitate water Diversions may need to meet state Fish Passage criteria (Fishpass)	
S) Fish Dw 33 Riparian restoration (riparian)	
ODFW Signature: Tom Murjag Print Name: Tom Murtagh	
The second of th	
ODFW Title: District Fish Biologist Date: Nov 7-2018	
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(s): Margit Rudy

Mailing Address: 1503 Birch St

City: Forest Grove

State: OR

Zip Code: 97116

Daytime Phone: (503) 962-9629

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	1/4 1/4	#	Rural Residential/RR-5)		water to be		Use:
<u>1N</u>	<u>4W</u>	7	NW/NW	800	EFC	☑ Diverted	○ Conveyed	☑ Used	Ag
					,	Diverted	☐ Conveyed	Used	
						☐ Diverted	☐ Conveyed	Used	
						☐ Diverted	☐ Conveyed	Used	
	nties and c	,		osed to be	diverted, conveyed, and	l/or used or d	leveloped:		
⊠ Permit	plication to t to Use or S ed Water Use	be filed water tore Water e License	vith the Water Water R Allocati	ight Transfe on of Conser	r Permit rved Water Excha	nge of Water		ter Registra	tion Modification
Source of v	water: 🛚 🖾 I	Reservoir/Po	ond Gro	ound Water	Surface Water (1	name) <u>Her C</u>	reek		
Estimated of	quantity of	water need	ded:	cut	pic feet per second] gallons per n	ninute 🖂	acre-feet	
Intended us	se of water			Commercial Quasi-Munio	☐ Industrial		estic for r Muli-Purp		ld(s)
Briefly des	scribe:						The second secon		
					rom OWRD to store v se, irrigation, agricult				be filled

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. \rightarrow

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Revised 2/8/2010

Land Use Information Form - Page 2 of 3



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 be	low and provide the requested info	rmation	
Land uses to be served by the proposed water your comprehensive plan. Cite applicable or	r uses (including proposed construction) are a dinance section(s):	llowed outright o	or are not regulated by
Land uses to be served by the proposed water listed in the table below. (Please attach docus Record of Action/land-use decision and according to the proposed water periods have not ended, check "Being pure pure the proposed water periods have not ended, check "Being pure pure pure the proposed water periods have not ended, check "Being pure pure pure pure pure pure pure pure	mentation of applicable land-use approvals whompanying findings are sufficient.) If approva	nich have already	been obtained.
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
Name: Chang Bones Signature: If Bank	Title: Phone: 503 846384	SEMUL	PLANNER
Signature: H Bus	Phone: 503 846384	Date:	11.8.18
Government Entity: WISHNGGTON	+ Country		
Note to local government representative: Ple sign the receipt, you will have 30 days from the Form or WRD may presume the land use associ	Water Resources Department's notice date to	return the compl	eted Land Use Information
	or Request for Land Use Informa	<u>ition</u>	
Applicant name:		1	
City or County:			
Signature:	Phone:	Date:	

Revised 2/8/2010

Land Use Information Form - Page 3 of 3

WR/FS



After recording return to:

Richard W. Miller Cosgrave Vergeer Kester LLP 888 SW 5th Ave., Suite 500 Portland, OR 97204

Until a change is requested, all tax statements shall be sent to the following address:

Margit Rudy 1503 Birch St. Forest Grove, OR 97116 Washington County, Oregon 2014-034499 06/10/2014 01:08:30 PM Cnt=1 Stn=29 RECORDS1 \$15.00 \$5.00 \$11.00 \$20.00 \$250.00 - Total County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and

WASHINGTON COUNTY REAL PROPERTY TRANSFER TAX 301-6-10-14 FEE PAID

Taxation, Ex-Officio County Clerk

BARGAIN AND SALE DEED

Elizabeth M. Rudy as Trustee of the Elizabeth M. Rudy Trust u/a April 7, 2006, Grantor, with an address of 15175 NW West Union Rd., Portland, OR 97229, conveys to Margit H. Rudy, Trustee of the Margit H. Rudy Trust, Grantee, with an address of 1503 Birch St., Forest Grove, OR 97116, the real property described on the attached Exhibit A ("Property").

The true consideration for this conveyance is \$250,000.

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.

[SIGNATURE ON FOLLOWING PAGE]

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1 - BARGAIN AND SALE DEED

Dated effective: 9th day of June, 2014

Grantor:

ELIZABETH M.RUDY TRUST u/a April 7, 2006

Elizabeth M. Rudy, Trustee

State of Oregon) ss.
County of <u>washington</u>)



Notary Public for Oregon
Commission No.: 926791

My Commission Expires: march 31, 2018

2 - BARGAIN AND SALE DEED

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R-88679

EXHIBIT A

Legal Description of the Property

The Northwest quarter of the Northwest quarter of Section 7, Township 1 North, Range 4 West of the Willamette Meridian, Washington County, Oregon and the Southwest quarter of the Southwest quarter or lot 3, of Section Township 1 North, Range 4 West of the Willamette Meridian, Washington County, Oregon;

EXCEPTING THEREFROM, however, the following described parcel of real property: Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter or Lot 3, of Section 6, Township 1 North, Range 4 West of the Willamette Meridian, and running thence South 196 feet; thence East 230 feet; thence North 196 feet to the North line of said Lot 3; thence West along the North line of said lot 230 feet to the place of beginning;

ALSO EXCEPTING THEREFROM the North 30 feet thereof which is nor within the boundaries of County Road No. 60;

ALSO EXCEPTING THEREFROM the West 15 feet of the aforesaid Southwest quarter of the Southwest quarter or Lot 3, of the aforesaid section, township and range; and also excepting the following described tract: Beginning at the Northwest corner of the aforesaid Northwest quarter of the Northwest quarter of Section 7, Township and Range aforesaid, and running thence South 225 feet; thence East 15 feet; thence North 225 feet; thence West 15 feet to the place of beginning;

ALSO EXCEPTING THEREFROM the following described tract:

A tract of land in Section 6, Township 1 North, Range 4 West of the Willamette Meridian, Washington County, Oregon, described as follows: Beginning at the Northeast corner of that tract conveyed to Thomas Seth et ux, by deed recorded January 4, 1949, in Book 292, page 1, Records of Washington County, Oregon, which point is on the centerline of County Road No. 60; thence East along the centerline of said road, to a point that is 100 feet West of the Northeast corner of that tract sold on contract of sale to Jay H. Wade et ux, recorded April 26, 1967, in Book 639, page 33 Records of Washington County, Oregon; thence South, parallel with the East line of said Wade tract, 365 feet; thence West, parallel with the North line of said Wade tract to the West line of same; thence North along said West line to the Southwest corner of said Seth tract; thence East along the South line of said Seth tract to the Southeast corner thereof; thence North along the East line of Seth tract to the point of beginning.

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