



**Oregon Water Resources Department**  
**Alternate Reservoir Application**

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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: Tuesday, December 18, 2018

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	3	\$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.	<a href="#">Recalculate</a>	
Estimated cost of Permit Application		\$1,035.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

*R-88684*



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 OWRD
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: NOAH MARQUIS c/o Sweetwater School
Mailing Address: 31620 NW Camp Ireland St. Hillsboro OR 97124
Phone: 503 333 2108 Home 503-846-0336 Work
E-Mail Address\*: noah.oak@gmail.com Other

\* 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.)

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3. LOCATION AND SOURCE

A. Reservoir Name: The 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: unnamed stream or spring Tributary to: Mc Kay

C. County in which diversion occurs: Washington

For Department Use
App. No. R-088684
Permit No.
Date

For Clarity by OWRD Staff  
 1N3W25, NENW/SEW  
 Tax Lot 100 E.G. 12/18/2018

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
1N3	25B	7-31	25T1NR36	100

E. Dam: Maximum height of dam: zero feet 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: 3  
 Acre-feet =  $\frac{\text{Average Length} \times \text{Average Width} \times \text{Average Depth}}{43,560}$

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

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? 50? 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.

TSWCD /o DWFB. Working to install a solar irrigation pump to replace existing electric.

Shane Smith 503-334-2288 TSWCD  
shane.smith@tvalatinswcd.org

**7. WITHIN A DISTRICT**

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

Irrigation District Name <u>Tualatin Valley Water District</u>		Address <u>1850 SW 170<sup>th</sup> Ave.</u>	
City <u>Beaverton</u>	State <u>OR.</u>	Zip <u>97003</u>	

phone # 503 848 3000

**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.

Existing pond is filled by surface water.  
Outflow channel is 2-3 feet lower than any in flow.

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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).

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Additional information  
to map and land  
use form Authorized  
by Anna Ruby -  
Office Manager for  
the school.  
Noah's title is  
"farm steward"

I swear that all statements made and  
my knowledge.

and correct to the best of

*Noah Ruby*  
Applicant Signature

*7/28/18*  
Date

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

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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# WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

**The review of alternate reservoirs is limited to these criteria only.**

Application #: R-                      Applicant's Name:

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

Explain: *reservoir is off-channel, filled with run-off*

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

If YES, which conditions are recommended:

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

Who:    Agency:    Date:

Who:    Agency:    Date:

Watermaster signature:



Date: *07/31/18*

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.

*noahout@gmail.com*

Applicant Name/Address/Phone/Email: Noah Murguis c/o Swallowtail School  
31610 NW Camp Ireland St Hillsboro OR 97124 503 333 2109 c

Reservoir Name: The Pond Source: unnamed trib Volume (AF): 3

Twp Rng Sec QQ: \_\_\_\_\_ Basin Name: Tualatin → Dairy → Mickey  
 in-channel  
 off-channel

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

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

- 1) Is the proposed project and AO<sup>1</sup> off channel? .....  YES  NO  
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?.....  YES  NO  
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF<sup>2</sup> 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 May through Nov poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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<sup>1</sup> AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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

*R-00604*

Lined area for text entry.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?  
 NO (explain)       YES (select from Menu of Conditions on next page)

b5/a: Dec - April  
riparian  
Wf.

ODFW Signature: Ben Walczak      Print Name: Ben Walczak  
ODFW Title: Asst. Dist. Fish Bio      Date: 07/18/18

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

Revised 10/4/12

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R-886884



# 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: NOAH First MARQUIS Last yo Swallowtail School  
 Mailing Address: 31620 NW Camp Ireland St.  
Hillsboro City OR State 97124 Zip Daytime Phone: 503 333 2108

## 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:
1N3	25B	7-31		100	recreation	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	agricultural
						<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:

Washington

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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) \_\_\_\_\_

Estimated quantity of water needed: 3/4  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

This pond has been in place for 30 years and has had water drawn from it for over 20 with electric pumps. We have an OWRD grant to put on a solar pump and would like to clean by use.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

# For Local Government Use Only

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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): \_\_\_\_\_.

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:	
Conditional Use	Case file no.: C-001-13	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Significant Natural Resource Permit	Case file no.: SNR 100-13	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
Flood Plain Alteration	Case file no.: FA 2-13	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Andrew Cranston Title: Planner

Signature: *Andrew Cranston* Phone: 5-3 681-6239 Date: 8-16-18

Government Entity: City of Hillsboro

**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: \_\_\_\_\_



**OREGON TITLE INSURANCE COMPANY**  
division of Lawyers Title Insurance Corporation

After Recording, Return to:  
Swallowtail School, Inc  
PO Box 3753  
Hillsboro, OR 97123

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

**STATUTORY WARRANTY DEED**  
(Individual)

(Above Space Reserved for Recorder's Use)

Dickie E Dunlap

conveys and warrants to  
Swallowtail School Inc., an Oregon Corporation

the following described real property in the State of Oregon and County of Washington  
free of encumbrances, except as specifically set forth herein:  
A portion of the West one-half of the Southwest one-quarter of Section 30, Township 2  
North, Range 4 West of the Willamette Meridian, in the County of Washington and State of  
Oregon, described as follows:

Beginning at a point on the West line of the Southwest one-quarter of Section 30, Township  
2 North, Range 4 West of the Willamette Meridian, and the center of County Road No. 901  
which is South 00° 40' 20" West 766.00 feet from an iron pipe at the Northwest corner of  
said Southwest one-quarter; thence South 89° 39' 00" East 475.43 feet to an iron rod;  
thence South 00° 10' 00" West 593.52 feet to a point in the center of County Road No. 901;  
thence North 72° 55' 00" West 145.30 feet in the center of County Road No. 901 to the P.C.  
of a curve to the right; thence along the arc of a curve to the right with a central angle  
(Continued)

Tax Account Number(s): R814293

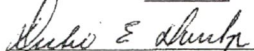
**This property is free of encumbrances, EXCEPT:**

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
2. The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.

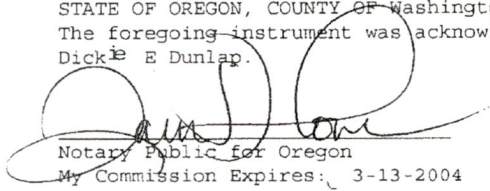
The true consideration for this conveyance is \$249,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLA-  
TION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRU-  
MENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY  
OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAW-  
SUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 20 day of November, 2000.

  
\_\_\_\_\_  
Dickie E Dunlap

STATE OF OREGON, COUNTY OF Washington)ss.  
The foregoing instrument was acknowledged before me this 20 day of November, 2000, by  
Dickie E Dunlap.

  
Notary Public for Oregon  
My Commission Expires: 3-13-2004



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Order No.: 665359w

R-88684

STATUTORY WARRANTY DEED  
(CONTINUED)

Order No.: 665359w

LEGAL DESCRIPTION (Continued)

of 33° 19' 00" and a radius of 334.20 feet a distance of 194.33 feet (the long chord bears North 56° 15' 30" West 191.61 feet) to a point in the center of County Road No. 901; thence North 39° 36' 00" West 179.54 feet along the center of County Road No. 901 to the P.C. of a curve to the right; thence along the arc of a curve to the right with a central angle of 40° 16' 20" and a radius of 272.77 feet a distance of 191.73 feet (the long chord bears North 19° 28' 10" West 187.80 feet) to a point on the west line of said Section 30 and the center of County Road No. 901; thence North 00° 40' 20" East 131.92 feet along the West line of said Section 30 and the center of County Road No. 901 to the place of beginning.

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