



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: Red Hills Farm, LLC
First Last
Mailing Address: PO Box 189
Dayton OR 97114
City State Zip
Phone: 503-726-6603 503-864-3404 Ext. 8037
Home Work Other
Fax: _____ E-Mail Address*: Jason@stollerfamilyestate.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: Ashley Cantlon
First Last
Mailing Address: Otak, Inc., 808 SW 3rd Ave. Ste. 300
Portland OR 97204
City State Zip
Phone: 503-415-2306 503-287-6825
Home Work Other
Fax: _____ E-Mail Address*: ashley.cantlon@otak.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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Reservoir BR-A

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.
Source: Run-off & seepage Tributary to: Cedar Creek

C. County in which diversion occurs: Washington County

App. No. 288695

For Department Use
Permit No. _____

Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	2W	11	B	301

E. **Dam:** Maximum height of dam: 9.8 feet. If excavated, write "zero feet".

F. **Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 3.80 Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

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.

This application is for Multipurpose Use.

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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:

Red Hills Farm, LLC, PO Box 189, Dayton, OR 97114

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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? _____ 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.

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 N/A	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 proposed Bell Road project site is a 120-acre property (3 tax lots) on Chehalem Mountain along Bell Road between Sherwood, OR and Newberg, OR. The property is located on the edge of Washington County. A small stream called Little Hells Canyon Creek originates on site just south of Bell Road and flows south to Little Hells Canyon Road. The creek eventually flows to Highway 99W and discharges to Cedar Creek. The Applicant wishes to pursue permitting and construction of a small earthen berm and reservoir within an existing depression to intercept surface water in the winter and store it for summer use.

A 9.8-foot berm will be constructed upstream of Little Hells Canyon Creek to retain surface water runoff inside the reservoir. The storage volume available inside the proposed reservoir will be approximately 3.80 ac-ft. Figure 1 (attached) shows the location and footprint of the proposed reservoir in relation to Little Hells Canyon Creek. An outflow structure and pipe system will be installed through the proposed berm to allow for controlled release of stored water when needed.

During the winter, surface water will be collected in the reservoir until the overflow structure is engaged. Flows entering the reservoir that exceed its capacity will flow through a riser located approximately 1 foot below the top of the berm. An outlet pipe will connect the riser structure to a manhole structure inside the berm, which will outfall through another pipe to the downstream side of the berm to the upper end of the stream. A secondary outlet pipe with flap gate will be installed at the bottom of the reservoir and will also connect to the manhole structure in the berm. This secondary outlet will be available for operation in the event that the pond needs to be drained, either for permitting or maintenance purposes.

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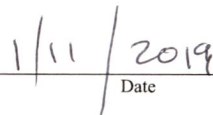
If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

Please refer to attached Figure 1.

9. SIGNATURE

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


Applicant Signature


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:

Red Hills Farm LLC

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

Explain: reservoir would be filled by runoff.

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:

Jake Caglieri

Date:

12/26/18

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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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Red Hills Farm, LLC , PO Box 189, Dayton, OR 97114
503-726-6603
Jason@stollerfamilyestate.com

Reservoir Name: Reservoir BR-A Source: Overland Runoff & Seepage Volume (AF): 3.8 acre-feet

Twp Rng Sec QQ: 3S 2W 11 B Basin Name: Cedar Creek 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 X 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 X NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan? YES NO
b. Is there an ODFW-approved fish-passage waiver or exemption? YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? X YES NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

X Any diversion or appropriation of water for storage during the period ___ May 1 ___ through ___ November 30 ___ 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) X YES (select from Menu of Conditions on next page)

_____wq: **Comments from DEQ. Pond releases:** Permittee shall not release off-channel stored water into waters of the state, unless under emergency situations. Permittee shall comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage. The reservoir will discharge water when full and water exits the overflow.

Water Quality: The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards. The container yard and banks of the reservoir will be graveled to prevent erosion.

Prohibited Activities: Permittee may not cause pollution to any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). The use may be restricted if the Department of Environmental Quality notifies the Water Resources Department that the permittee fails to meet corrective actions associated with the violation.

Period of Use: Water withdrawal is limited to the period: *December 1 through April 30.*

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ODFW Signature: _____ *Ben Walczak* _____ Print Name: Ben Walczak

ODFW Title: Assistant District Fish Biologist Date: 10-08-18

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

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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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R-8868

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: Jason Tosch
First Last

Mailing Address: Chehalem, Inc., 31190 NE Veritas Lane

Newberg OR 97132 Daytime Phone: (503)726-6603
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
3S	2W	11	B	301	AF-20	☒ Diverted	☐ Conveyed	☒ Used	Agriculture
						☐ 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:

Washington

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: 3.80 ☐ 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:

A reservoir will be constructed in a depression upstream of Little Hells Canyon Creek. A 10-foot tall berm will be constructed to retain surface water runoff inside the reservoir. The storage volume available inside the proposed reservoir will be approximately 3.80 ac-ft. An outflow structure and pipe system will be installed through the proposed berm to allow for controlled release of stored water when needed.

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:	
Type II DHA Alteration	S 344, 421, 422, 410, 426 (WASH. CO. COMMUNITY DEV. CODE)	☐ 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.

- Reservoir Permit required from District 18 Water Master
 - Grading Permit required prior to ground-disturbing activities
 * - Land Use Approval from Washington County for DHA Alteration prior to any activities on site

Name: MAITREYEE SINHA Title: ASSOCIATE PLANNER
 Signature: M. Sinha Phone: 503-846-3835 Date: 10-30-2018
 Government Entity: WASHINGTON COUNTY, LAND USE & TRANSPORTATION

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: _____

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Bell Road Project Site Legal Description:

The West sixty (60) acres of the West one-half of the Northwest Quarter of Section 11, Township 3 South, Range 2 West, W.M., Washington County, Oregon, SUBJECT TO rights of the public in any portion within roads, easements, restrictions and conditions of public record.

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R-8867S

Ashley Cantlon

From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Thursday, November 08, 2018 8:43 AM
To: Ashley Cantlon
Subject: RE: Alternative Reservoir Project Sites

Ashley,

That came from some stock language DEQ put in. I ask DEQ for water quality comments as I am not a water quality expert. If I remember correctly that sentence was specific to another alt res and not yours so it should be removed. Please ask Joel what he recommends. It might be easier for me to resubmit, which I would be happy to do, I should have caught that.

Ben

From: Ashley Cantlon [mailto:ashley.cantlon@otak.com]
Sent: Monday, November 05, 2018 3:03 PM
To: Ben Walczak <Ben.Walczak@state.or.us>; PLAHN Joel M <Joel.M.PLAHN@state.or.us>
Cc: Tom Murtagh <Tom.Murtagh@state.or.us>; 18911 <18911@otak.com>; 18784A <18784A@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Good afternoon Ben,

I hope this email finds you well. I wanted to find out if you've had a chance to consider my question about the container yards that were mentioned in the forms that you sent back to us. I highlighted the phrase in each form to help jog your memory – the question is: Under the Water Quality conditions there is reference to the container yard and requirements for the banks of the reservoir to be graveled. Can you clarify what a container yard is? Is there flexibility on the pond surfacing in case we preferred to plant or seed a portion of it?

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



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From: Ashley Cantlon
Sent: Monday, October 29, 2018 4:28 PM
To: 'Ben Walczak' <Ben.Walczak@state.or.us>; 'joel.m.plahn@wrd.state.or.us' <Joel.M.Plahn@state.or.us>
Cc: 'Tom Murtagh' <Tom.Murtagh@state.or.us>; 18911 <18911@otak.com>; 18784A <18784A@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Good afternoon, Ben,

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I wanted to touch base with you again regarding the questions that I had on the application reviews for our projects (below). Joel clarified the first two questions for me (thank you, Joel) that the window in which the reservoir can be filled is between November 1 and June 30, and that there is little concern if water happens to drain into the reservoir during the summer months via overland runoff. Joel, please correct me if I misstated anything.

The 3rd question is still up in the air, and I was wondering if you might be able to provide an answer when you have a moment.

Thank you for your consideration,
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



Please consider the environment before printing this email

From: Ashley Cantlon

Sent: Tuesday, October 09, 2018 4:47 PM

To: 'Ben Walczak' <Ben.Walczak@state.or.us>; joel.m.plahn@wrdd.state.or.us <Joel.M.Plahn@state.or.us>

Cc: Tom Murtagh <Tom.Murtagh@state.or.us>; 18911 <18911@otak.com>; 18784A <18784A@otak.com>

Subject: RE: Alternative Reservoir Project Sites

Good afternoon, Ben,

We do have a couple of follow up questions for you on these application reviews.

1. The ponds that we're proposing to construct would be intended for multiple uses, though primarily irrigation. Based on the dates that you've identified, it looks like water can be stored for Ridgecrest, for instance, between November 1 and June 30, however this is also listed as the allowable withdrawal date. I wanted to verify that "withdrawal" means withdrawal from the stream, and not withdrawal from the reservoir for use. Is this correct?
2. Our ponds are both located at the upper end of their respective streams, which means that they are located in a depression and intercept runoff uphill of where the definition of the streams begin. How can the client demonstrate that he won't be violating the conditions if, for example, a rain event occurs in August during the time that the client wishes to irrigate, water flows into the pond via sheet flow prior to flowing into the stream. Does this mean that a certain amount of water needs to be released? How can the client make sure that they remain in compliance if water ends up in the pond during the restricted months?
3. Under the Water Quality conditions there is reference to the container yard and requirements for the banks of the reservoir to be graveled. Can you clarify what a container yard is? Is there flexibility on the pond surfacing in case we preferred to plant or seed a portion of it?

Thank you for your consideration,
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com

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Please consider the environment before printing this email

From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Monday, October 08, 2018 1:10 PM
To: Ashley Cantlon <ashley.cantlon@otak.com>; joel.m.plahn@wrdd.state.or.us <Joel.M.Plahn@state.or.us>
Cc: Tom Murtagh <Tom.Murtagh@state.or.us>; ben.walczak@state.or.us
Subject: RE: Alternative Reservoir Project Sites

Ashley,

Attached are the completed ODFW Alternate Reservoir Application Reviews. Please feel free to contact me if you have questions or concerns,

Ben

From: Ashley Cantlon [<mailto:ashley.cantlon@otak.com>]
Sent: Friday, October 05, 2018 12:56 PM
To: Ben Walczak <Ben.Walczak@state.or.us>
Subject: RE: Alternative Reservoir Project Sites

Good afternoon Ben,

I thought I would check back to find out if you had been able to take a look at the materials I sent over last week. Let me know if you have any questions as you perform your review.

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



Please consider the environment before printing this email

From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Friday, September 28, 2018 3:46 PM
To: Ashley Cantlon <ashley.cantlon@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Ashley,

I received them. I will try to take a look at them late next week or early the following week. I'm in a meeting from Monday-Thursday next week. Please feel free to remind me,

Ben

From: Ashley Cantlon [<mailto:ashley.cantlon@otak.com>]
Sent: Friday, September 28, 2018 12:48 PM

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R-88675

To: Ben Walczak <Ben.Walczak@state.or.us>
Subject: RE: Alternative Reservoir Project Sites

Hi Ben,

I wanted to check back with you to make sure that you received the email with attachments.

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



Please consider the environment before printing this email

From: Ben Walczak <Ben.Walczak@state.or.us>
Sent: Thursday, September 27, 2018 8:28 AM
To: Ashley Cantlon <ashley.cantlon@otak.com>
Subject: FW: Alternative Reservoir Project Sites

Ashley,

Could you please resend me the email with the attachments that you provided Tom with originally? I will try and take a look at these in the next week or so.

Ben

From: Tom Murtagh
Sent: Wednesday, September 26, 2018 5:20 PM
To: Ben Walczak <Ben.Walczak@coho2.dfw.state.or.us>
Subject: FW: Alternative Reservoir Project Sites

Ben – any chance you can take a look? I can pick up on Tuesday when I get back in .

Tom Murtagh
District Fish Biologist
ODFW
17330 SE Evelyn Street
Clackamas, OR 97015
(W) 971-673-6044; (C) 971-678-4871
tom.murtagh@state.or.us

From: Ashley Cantlon <ashley.cantlon@otak.com>
Sent: Wednesday, September 26, 2018 11:31 AM
To: Tom.Murtagh@state.or.us
Cc: 18784A <18784A@otak.com>; 18911 <18911@otak.com>
Subject: RE: Alternative Reservoir Project Sites

Good morning, Tom,

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I hope this email finds you well. I thought I would check in with you again to find out if you've been able to consider the work that we're planning to do on these two sites. Please let me know if there is anything I need to clarify, or information that might be missing based on the files that I sent previously.

Thanks!
Ashley

Ashley Cantlon | Water Resources Engineer | Project Manager
Otak, Inc.

Direct: 503.415.2306
Ashley.Cantlon@otak.com



Please consider the environment before printing this email

From: Ashley Cantlon
Sent: Thursday, August 30, 2018 3:10 PM
To: 'Tom.Murtagh@state.or.us' <Tom.Murtagh@state.or.us>
Cc: 18784A <18784A@otak.com>; 18911 <18911@otak.com>
Subject: Alternative Reservoir Project Sites

Hello Tom,

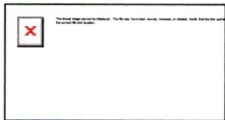
I've attached a plan and profile view and .kmz file for each of the sites that I mentioned over the phone. The Ridgecrest pond will be located on a vineyard in Yamhill county (see P18911_Sheets POND P&P (1).pdf) and the Bell Road pond will be located on a vineyard in Washington County (POND_P&P_FOR_GEOTECH_UPDATE.pdf).

We will be applying for water rights to construct these two reservoirs and also to withdraw water from them in our initial applications.

We are also planning to make improvements to the stream on only the Bell Road pond site inserting bioengineered woody debris to help stabilize the channel.

Please let me know if you have questions regarding either of these sites.

Thanks!
Ashley



Ashley Cantlon, PE, ENV SP | Water Resources Engineer | Project Manager
808 SW Third Ave., Suite 300 | Portland, OR 97204
Direct: 503.415.2306 | Main: 503.287.6825
Ashley.cantlon@otak.com | www.otak.com



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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	2W	11	B	301

E. Dam: Maximum height of dam: 9.8 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 3.80 $\text{Acre-feet} = \frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

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.

This application is for Multipurpose Use.

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:

Red Hills Farm, LLC, PO Box 189 , Dayton, OR 97114

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Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

January 14, 2019

Red Hills Farm, LLC
PO Box 189
Dayton, OR 97114

Dear Applicant:

The Water Resources Department has received your application for a permit to store water in a reservoir. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

The application identifies 3.80 Acre-Feet (AF) as the amount of water to be stored in the reservoir. However, the Land Use Information Form identifies 6.85 AF, which is inconsistent with the application. The application map also does not provide a reference corner, and the North arrow is not labeled.

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the enclosed checklist.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: OWRD Fiscal
Ashley Cantlon, Agent, Otak, Inc.

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

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12-88695



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, January 22, 2019

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9.8	
Proposed Reservoir volume in Acre Feet.	3.8	\$140.00
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		\$1,070.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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