



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: Wednesday, January 30, 2019

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9.0	
Proposed Reservoir volume in Acre Feet.	9	\$315.00
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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,245.00

OWRD Fee Schedule

Fee Calculator Version: B20170117



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: Robert Dion
First Last
 Mailing Address: 19700 NW Adcock Road
Yamhill OR 97148
City State Zip
 Phone: 503-994-4000
Home Work Other
 Fax: _____ E-Mail Address*: robertlupodion@me.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: Leland MacDonald
First Last
 Mailing Address: 3765 NE Riverside Dr.
McMinnville OR 97128
City State Zip
 Phone: _____ 503-472-7904 _____
Home Work Other
 Fax: 503-472-0367 E-Mail Address*: lee@macdonaldsurveying.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: N/A

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

C. County in which diversion occurs: YAMHILL

App. No. _____	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
2S	4W	33	NW/NE	2433 - 01500

E. Dam: Maximum height of dam: 9 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 8.96 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.

MULTIPURPOSE

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? _____ 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	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 diversion is a reservoir with a dam height of 9 feet and a storage capacity of 8.96 acre feet. The reservoir will be filled by natural surface water run-off and water collected from building roof drains. A spillway will be constructed on the western end of the dam that will send any live flow outside of the storage season into an existing drainage swale that feeds into an unnamed tributary of Rowland Creek.

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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 see Exhibits "A" & "B" for cross section data and plan view of the proposed reservoir.

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9. SIGNATURE

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



Applicant Signature

12/17/18

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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Alternate Reservoir Application Completeness Checklist Minimum Requirements (ORS 537.409)

Provide a Legal Description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

The application is missing a legal description of the property involved.

Please see warranty deed attached. Thank you!
We've also enclosed a copy of our
property survey, which has a much better
description of the boundaries. The text is tiny
so we've included an enlarged Narrative description
as well.

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After Recording, return to:
Dianne L. Haugeberg, Attorney
P.O. Box 480
McMinnville, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

201807549

Send Tax Statements to:
Rob Dion and Mary O'Malley, Co-Trustees
O'Malley Dion Trust
19700 N.W. Adcock Road
Yamhill, OR 97148



\$41.00

05/30/2018 11:41:50 AM

DMR-ODMR Cnt=1 Stn=2 MILLSA
\$5.00 \$5.00 \$11.00 \$20.00

SPECIAL WARRANTY DEED

MARY P. O'MALLEY and ROBERT LUPO DION, as tenants by the entirety, "Grantors", hereby convey and specially warrant to ROB DION and MARY O'MALLEY, CO-TRUSTEES OF THE O'MALLEY DION TRUST DATED MAY 10, 2018, including any amendments thereto, or to such Successor Trustee(s) of such trusts created under such instruments as may hereafter be appointed, as "Grantees", the following described real property situated in Yamhill County, State of Oregon, free of encumbrances created or suffered by Grantors and except for matters of public record, to-wit:

Lots 7 and 8, GOODRICH ORCHARD TRACTS, Yamhill County, Oregon.

Subject to and excepting: CCRs, reservations, set back lines, power of special districts and easements of record, if any.

(For informational purposes only, also known as: 19700 N.W. Adcock Road, Yamhill, Oregon, 97148, Parcel #R243301500; Account #15156.)

THE LIABILITY AND OBLIGATIONS OF THE GRANTOR(S) TO GRANTEE AND GRANTEE'S SUCCESSORS AND ASSIGNS UNDER THE WARRANTIES AND COVENANTS CONTAINED HEREIN OR PROVIDED BY LAW SHALL BE LIMITED TO THE EXTENT OF COVERAGE THAT WOULD BE AVAILABLE TO GRANTOR(S) UNDER A STANDARD POLICY OF TITLE INSURANCE CONTAINING EXCEPTIONS FOR MATTERS OF PUBLIC RECORD. THE LIMITATIONS CONTAINED HEREIN EXPRESSLY DO NOT RELIEVE GRANTOR(S) OF ANY LIABILITY OR OBLIGATIONS UNDER THIS INSTRUMENT, BUT MERELY DEFINE THE SCOPE, NATURE AND AMOUNT OF SUCH LIABILITY OR OBLIGATIONS.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-. (This conveyance is made for estate planning purposes.)

"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. 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 10th day of May, 2018.

GRANTOR:

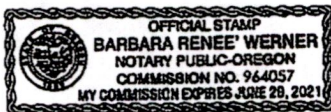
MARY P. O'MALLEY

GRANTOR:

ROBERT LUPO DION

STATE OF OREGON)
) ss.
County of Yamhill)

On May 10, 2018, personally appeared before me the above-named ROBERT LUPO DION and MARY P. O'MALLEY, husband and wife, who acknowledged the within instrument as their true and voluntary act and deed.



Notary Public for Oregon
E. Law Office, Robert L. & O. Malley, Mary P. 19400 (AA) Assets Deed to Trust Residence

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THE PURPOSE OF THIS SURVEY IS TO MARK THE CORNERS OF LOTS 7 AND 8 OF *GOODRICH ORCHARD TRACTS*, BEING THAT TRACT OF LAND DESCRIBED IN DEED TO MARY P. O'MALLEY AND ROBERT LUPO DION, RECORDED NOVEMBER 11, 2015 IN INSTRUMENT NUMBER 2015-18289, OFFICIAL YAMHILL COUNTY RECORDS. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°33'38" EAST PER CS-10442 AS SHOWN HEREON. *GOODRICH ORCHARD TRACTS* SUBDIVISION WAS APPROVED AND RECORDED ON MAY 19, 1909, AND CERTIFIED BY HENRY HERRING THEN COUNTY ENGINEER. PRIOR TO THAT HERRING DRAFTED A PLAT DATED APRIL 10, 1909 TITLED *GOODRICH SUBDIVISIONS* (NOW NOTED AS UNRECORDED PLAT #4 YAMHILL COUNTY SURVEYOR RECORDS). IN THE DRAWER WITH THE *GOODRICH SUBDIVISIONS* PLAT WAS A HERRING WORKSHEET FOR THAT PLAT AND POSSIBLY FOR THE EVENTUAL *GOODRICH ORCHARD TRACTS* PLAT. HERRING IN HIS FIELD NOTES DATED MARCH 29, 1909, CONDUCTED A SURVEY FOR M.M. GOODRICH, WHICH WAS THE PERIMETER BOUNDARY SURVEY FOR THE SUBSEQUENT PLATS. IN MY SURVEY RESEARCH FOR THIS WORK I NOTICED THAT IN CSP-9103 NORRIS JONES SET AN IRON ROD 25' FROM HIS CENTERLINE OF ADCOCK ROAD, THE EAST MARGIN OF WHICH IS 15' FROM CENTERLINE, AND HE NOTED IT AS FALLING IN THE SHOULDER OF THE ROAD. JONES BASED HIS CENTERLINE BETWEEN THE SW CORNER OF THE HENRY COOPER DLC #49 (#4) AND THE NE CORNER OF THE T.C. DAVIS DLC #38 (#2). I THOUGHT IT ODD THAT A 25' OFFSET TO THE CENTER OF THE ROAD WOULD FALL ON THE SHOULDER OF THE ROAD. THEN IN LOOKING AT CS-11822, BY JOHN NEWBERG, THAT THERE WAS ABOUT 15.3' OF PRORATION IN THE SOUTH LINE OF LOTS 28 & 29, WHICH ALSO STRUCK ME AS UNUSUAL FOR A HERRING SURVEY, WHO TYPICALLY MEASURED MORE ACCURATELY THAN THAT INDICATED. I STARTED THROUGH THE FIELD NOTES AND THE PLATS DONE BY HERRING AND CAME TO THE CONCLUSION THAT THE CENTER OF ADCOCK ROAD AS PLATTED IN *GOODRICH ORCHARD TRACTS* WAS NOT CENTERED BY A LINE BETWEEN CLAIM CORNERS, BUT AN OFFSET FROM THOSE CORNERS OF 15' ON EACH END, BUT IN OPPOSITE DIRECTIONS. FOR THE SOUTHWEST CORNER OF LOT 28 I HAVE HELD THE NORTH LINE OF THE A. JOB DLC #51 EXTENDED WESTERLY 15.00'. FOR THE NORTHWEST CORNER OF LOT 4 I HELD A POINT 15.00 FEET EASTERLY ON THE NORTH LINE OF THE JOHN GALBRAITH DLC #52 FROM THE NORTHERLY NW CORNER OF THAT CLAIM (#4). WHEN I DO THIS MY RECORD DIMENSIONS ALONG THE NORTH AND SOUTH LINES OF THE PLAT CHECK CLOSELY TO THE DIMENSIONS OF THE HERRING FIELD NOTES AND THE PLAT OF *GOODRICH ORCHARD TRACTS* AND THE *GOODRICH SUBDIVISIONS* PLAT WITH THE EXCEPTION OF LOT 1 THAT IS SHOWN ON *G.T.O.* AS BEING 819' AND ON *G.S.* AS BEING 825'. I HAVE HELD THE DIMENSION OF 819' FOR THE NORTHERLY WIDTH OF LOT 1. I MEASURED ADCOCK ROAD CENTERLINE FROM ITS SOUTHERLY END TO A POINT NORTH OF THE *G.T.O.* PLAT AND FOUND THAT MY CENTERLINE NOW FIT WITH THE TRAVELED ROAD CENTER THROUGH THE PLAT EXCEPT FOR THE NORTHERN END WHERE IT JOGS TO THE WEST AND THEN CONTINUES NORTH. USING COUNTY COORDINATES FOR POINTS #3 #4 & #87, I IMPORTED MY LINES INTO GOOGLE EARTH AS A ROUGH CHECK ON OCCUPATION LINES IN THE PLAT. I FOUND IN THE AREA OF THE PLATS BOUNDED BY ADCOCK ROAD, BONY ROAD AND *GOODRICH ROAD* THAT MOST OF MY LOT LINES MATCHED CURRENT OCCUPATION LINES.

76988-0

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: Robert L. Dion
First Last

Mailing Address: 19700 NW Adcock Road

Yamhill OR 97148 Daytime Phone: 503-994-4000
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:
25	4W	33	NW NE	1500	EF-4D	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	RESERVOIR
						<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:

Yamhill County

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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: 8.96
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water:
 Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other MULTI PURPOSE

Briefly describe:

Proposed reservoir will be filled by rainwater from surface run-off and roof drain collections. A spillway will divert any overflow into an existing drainage swale that is an unnamed tributary to Rowland Creek.

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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): section 402 of the YCZO
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

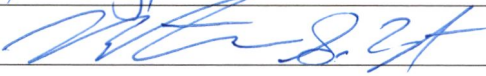
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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: Matt Vogt Title: Associate Planner
 Signature:  Phone: 503-434-7516 Date: 12/14/2018
 Government Entity: Yamhill 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.

**Yamhill County
Department of Planning and Development**

525 NE 4th Street, McMinnville, Oregon 97128

Phone: (503) 434-7516 • Fax: (503) 434-7544 • TTY: 800-735-2900 • Website: www.co.yamhill.or.us/plan

Date: 12-14-18

RECEIVED OF: Robert C Dion FOR: _____
 Docket #(s): _____ Permit #(s): _____
 Tax Lot #(s): 2433-1500

PERMITS

Building Permits	_____	Zoning Compliance Fee (Ag Barn)	_____
Plumbing Permits (Residential)	_____	Reinspection Fee	_____
Plumbing Permits (Commercial)	_____	Inspection Fee	_____
Mechanical Permits	_____	Demolition Permit	_____
Manufactured Home Placement Permits	_____	Building Investigation Fee	_____
Electrical Permits	_____	Plan Review (Building or Electrical)	_____
Electrical—Master Permit Program	_____	Administrative Surcharge	_____

YAMHILL COUNTY PLANNING
525 NE 4TH ST
MCMINNVILLE, OR. 97128-4
503-434-7516

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SALE

LAND USE

Agency	_____	AGCY
Address	_____	ADDR
Appeal/Hearing	_____	APEAL
Comprehensive Plan Amendment (PA, PAZ)	_____	*PDCP *PDPZ
Conditional Use (C, CTS, CTR, WRG)	_____	*PDCU MADJ CTS CTR
Cove Orchard Sewer Hookup	_____	COSSD
Dwelling Approvals (Farm, Forest, Non-farm)	_____	*PDFD *PDFT *PDFN
Partition/Subdivision/Adjustments	_____	*PDPA *PDSU L-MAJ L-MII
Miscellaneous Land Use Applications	_____	EXT *PDFP NCU NCU-R
	_____	SDR TS V M-37

78.00

REF#: 00000002

Batch #: 338

12/14/18

10:11:06

APPR CODE: 111512

Trace: 2

VISA

*****6745

Chip
/

SEPTIC

Septic Permit	_____	Existing System Evaluation	_____
Pump	_____	Alternative System Evaluation	_____
Site Evaluation	_____	Inspections	_____
Plan Review (Commercial)	_____	Pump Truck Evaluation(s)	_____
Authorization	_____		_____

AMOUNT \$78.00

APPROVED

SOLID WASTE

WOW - Valley: Franchise (FRACS)	_____	Riverbend: In County (RBIN)	_____
Newberg Garbage: Franchise (FRANG)	_____	Riverbend: Out of County (RBOU)	_____
Newberg Transfer: Franchise (FRANT)	_____	Miscellaneous (MISSW)	_____

VISA DEBIT

AID: A000000031010

TVR: 80 80 00 80 00

TS: 68 00

MISCELLANEOUS

Photo Copies, Fax, P.I. Listing	_____	COPY PILIST	THANK YOU
Public Works – County Maps	_____	*PDRD	
Telephone	_____	TELBU TELME TELPR TELPC TELLL TELFL TELSV	CUSTOMER COPY

SURVEYOR

Photo Copies (COPYS)	_____	Plat Checks (PLCHK)	_____
Surveyor Filing Fee (FIFEE)	_____	Road Vacation (RDVAC)	_____

**All items are received for collection
ONLY and this receipt shall be
cancelled for nonpayment of any item**

TOTAL PAID	<u>78.00</u>
------------	--------------

Cash _____	Coin _____
Credit Card <u>VISA</u>	Check# _____
Reff# <u>2</u>	Appr# <u>111512</u>

111252

By: Jim A. B...
2-88697

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: **Robert Dion** **2⁵ 4^w 33** **runoff**

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

Explain:

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

If YES, which conditions are recommended: **NA**

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature: *[Signature]* Date: **12-21-18**

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

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Robert Dion Robertlupodion@me.com
19700 NW Adcock Road Yamhill, OR 97148

Reservoir Name: NA Source: Run-off Volume (AF): 8.96

Twp Rng Sec QQ: 2S 4W 33 NW/NE Basin Name: Willamette in-channel
 off-channel

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

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

- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
 - a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

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

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)
 - Any diversion or appropriation of water for storage during the period _____ 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)

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

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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)

Adding some logs or willow or Red Osier Dog wood
in or around the pond could increase
habitat value for wildlife.

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ODFW Signature:

MB

Print Name:

Monica Blanchard

ODFW Title:

NWMD Assistant District Fish Biologist

Date:

1/15/2019

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: Robert Dion 19700 NW Adcock Road
Yamhill OR. 97148 robertLupodion@me.com

Reservoir Name: N/A Source: Run-off Volume (AF): 8.96

Twp Rng Sec QQ: 2S 4W 33 NW/NE Basin Name: Willamette in-channel
 off-channel

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

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

- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)

- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)

- 3) If NMF are or were historically present:
 - a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

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

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

Any diversion or appropriation of water for storage during the period _____ 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)

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

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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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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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Oregon

Kate Brown, Governor

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

January 18, 2019

Damai Hill Farm
Robert Dion
19700 NW Adcock Rd
Yamhill, OR 97148-8302

Dear Robert:

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 with the required information and fees, and the attached checklist to the Department as ATTN: Mary Bjork, 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 503-986-0804 or 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst

Cc: OWRD Fiscal
Leland MacDonald – 3765 NE Riverside Dr., McMinnville, OR 97128

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

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

Minimum Requirements (ORS 537.409)

- Landowner Name, Mailing Address** and Telephone Number.
- Source** and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE**
- Reservoir Location**- Township, Range, Section, Quarter Quarter, Taxlot
- Dam height**, if applicable
- Total Quantity** of Storage Requested: _____
- Proposed Use of the water**. Cannot accept application for use of this stored water at the same time (E2)
- Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located **OR** that are crossed by the diversion works. This includes any roads or rights-of-way.)
- Environmental Impact** section completed?
- Application signed by the landowner(s)?** All parties noted as applicants must sign the application.
Must be an original "wet" signature.
- Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320' **
 - Reference corner on map
 - North Directional Symbol **
 - 1/4's clearly identified
 - Reservoir clearly identified **
 - Dam or POD (If off channel) Location coordinates referenced to a government landsurvey corner*
If no dam, use coordinates to center of reservoir.**
- Completed Watermaster review sheet** signed and dated by Watermaster.
Will the reservoir injure an existing water right? YES NO
If YES, can conditions be applied to mitigate the injury? YES NO **If NO, return the application.**
Did the watermaster determine when water is available for the proposed use? YES NO
The Watermaster review sheet must have been completed within the last 6 months.
If the watermaster determined that water is NOT available, return the application.
- Completed ODFW review sheet** signed and dated by ODFW representative.
Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
If YES, can conditions be applied to mitigate the impact? YES NO **If NO, return the application.**
The ODFW review sheet must have been completed within the last 6 months.
- Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
- Provide a Legal Description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

Fees enclosed? Print page from fee calculator

Total Paid \$ _____ **Total Fees \$** _____

Completeness Check by: _____ Date: _____ Revised 2017-8-4

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Appendix A

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

Activities in Wetlands and Waterways are Regulated by:

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

What Areas are Regulated?

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

What Activities are Regulated?

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

What Activities are Exempt

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

How are Laws Enforced?

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

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