



**Oregon Water Resources Department
Standard Reservoir Application**

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Today's Date: Friday, March 22, 2019

Base Application Fee.		\$930.00
Number of acre feet to be diverted for Storage.	174	\$884.80
Number of reservoirs.	2	\$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		\$2,474.80

OWRD Fee Schedule

Fee Calculator Version: B20170117

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R-88765



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.wrd.state.or.us

Joel Plahn District 16 Watermaster helped complete this water right application. Please contact Joel Plahn before returning this water right application due to any missing information or discrepancies.

Thank you,

Joel Plahn

503-986-0889 - office

503-508-2394 - cell

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This is a new water right application for two reservoirs which already have water right certificates and approved plans and specs. Water Right Certificate 85594 has a dam safety file of LG-12 Dam ID OR03999. Certificate 85595 has a dam safety file of LG-60 Dam ID OR03895. The existing water rights state the source of water to fill both reservoirs is "Dairy Operation Wastewater". At the current time we would like to have the option to pump water from the Pudding River during the winter months and fill both reservoirs. Then us that water for irrigation during the irrigation season. We have no plans to modify the existing dams in anyway. The storage capacity of the dams and dam height will not change. This new application is to allow us to divert water from the Pudding River during the winter. We have not included plans and specifications since the Department already has them on file and Kieth Mills stated we could use the existing documents on file.

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690-502-0040(4)

Storage:

(a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

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For Department Use: App. Number: R-88765

Application for a Permit to Store Water in a Reservoir

(Standard Review)



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

SECTION I: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME DAVID J BIELENBERG RLT		PHONE (HM) 503-873-2710	
PHONE (WK)	CELL	FAX	
ADDRESS 16425 HERIGSTAD RD NE			
CITY SILVERTON	STATE OR	ZIP 97381	E-MAIL *

Organization

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

Note: Attach multiple copies as needed

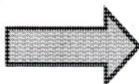
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the final order documents will also be mailed.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

David Bielenberg
 Print Name and Title if applicable

Feb. 5, 2019
 Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

Indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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 irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all the owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Legal Description: You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

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SECTION 3: SOURCE OF WATER

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A. Reservoir Name: LG-12

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 1: Pudding River	Tributary to: Molalla River
TRSQQ of POD: 6S 1W 32 NENW	
Source 2:	Tributary to:
TRSQQ of POD:	

- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know
- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: Pump water from Pudding River to the reservoir

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, refer to the map shown on Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements prior to diversion or use of water under any permit issued pursuant to this application.

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Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T&E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

- a) The use of the impounded water will be: irrigation, aesthetics
- b) The amount of water to be stored is: 90.0 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 10.9 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 12.0 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

*Note: If your dam height is greater than or equal to 10.0' above land surface **AND** your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department's Dam Safety Section prior to storage of water.*

The dam will be (check one): Earthfill Concrete Flash board Other

If "other," provide the description: Plans have already been approved and are on file with Department of Water Resources

SECTION 7: PRIMARY OUTLET WORKS

a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

No outlet pipe. Only 6" irrigation pipe which pumps water out of the reservoir for irrigation.

b) How and when will the outlet be operated?

NA

c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

NA off channel lagoon

SECTION 8: EMERGENCY SPILLWAY

a) Describe the location and the dimensions of the spillway channel.

No spillway. In order to empty pond will need to pump water from multiple irrigation pumps.

b) How will the emergency spillway be designed to prevent erosion?

NA

c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

NA

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SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream. Off stream storage. Pumped in from Pudding River and applied to fields for irrigation
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. Off Stream Storage
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.
No Connection to stream – Check valve in fill line

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: Within Five Years of Permit Issuance
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: Within Five Years of Permit Issuance
- c) Proposed date water use will be completed: Within Five Years of Permit Issuance

SECTION 11: WITHIN A DISTRICT

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

Irrigation District Name NA	Address	
City	State	Zip

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.
 This reservoir has a certificate of water right 85594. This app will allow us to fill the lagoon with Pudding River water in the winter then pump out during the summer. Since this property may go back to being a dairy operation in the future we are leaving Certificate 85594 valid and unchanged. This will give us the most flexibility for the future.

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SECTION 2: PROPERTY OWNERSHIP

Indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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 irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all the owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Legal Description: You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

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SECTION 3: SOURCE OF WATER

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A. Reservoir Name: LG-60

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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 1: Pudding River	Tributary to: Molalla River
TRSQQ of POD: 6S 1W 32 NENW	
Source 2:	Tributary to:
TRSQQ of POD:	

- Is the proposed reservoir in a wetland (as determined by DSL)? Yes No Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? Yes No
- Is the proposed reservoir in-channel of a stream or off-channel: In-channel Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: Perennial Intermittent Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
 Yes No Don't know
- Is the reservoir in the 100-year floodplain? Yes No Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: Pump water from Pudding River to the reservoir

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, refer to the map shown on Attachment 3 or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

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Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements prior to diversion or use of water under any permit issued pursuant to this application.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T&E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

- d) The use of the impounded water will be: irrigation, aesthetics
- e) The amount of water to be stored is: 84.0 acre-feet.
- f) The area submerged by the reservoir, when filled, will be 9.5 acres.

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SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 14.3 feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, 2) width, 3) crest width, 4) surface area and 5) preliminary fish passage design.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department's Dam Safety Section prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other," provide the description: _____

SECTION 7: PRIMARY OUTLET WORKS

d) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

8" Sch 40 PVC

e) How and when will the outlet be operated?

The outlet only works by pumping water out of the reservoir

f) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

NA off channel lagoon

SECTION 8: EMERGENCY SPILLWAY

d) Describe the location and the dimensions of the spillway channel.

South side of lagoon bottom width 1' with a slope of 1'-2'

e) How will the emergency spillway be designed to prevent erosion?

Erosion is not expected since the only water entering the lagoon is water we pump in to fill the pond, once full we stop pumping.

f) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

NA

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SECTION 9: WATER QUALITY

- d) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream. Closed system pumped in from Pudding River and pumped out to fields. Lagoon is off channel.
- e) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination. Off Channel Storage
- f) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.
No connection to stream – Check valve in fill line.

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- d) Proposed date construction work will begin: Within Five Years of Permit Issuance
(Fish passage approval is necessary prior to construction.)
- e) Proposed date construction work will be completed: Within Five Years of Permit Issuance
- f) Proposed date water use will be completed: Within Five Years of Permit Issuance

SECTION 11: WITHIN A DISTRICT

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

Irrigation District Name NA	Address	
City	State	Zip

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.

This lagoon is already certificated under 85595. This app will allow us to fill the lagoon with Pudding River water in the winter then pump out during the summer. Since this property may go back to being a dairy operation in the future we are leaving Certificate 85595 valid and unchanged. This will give us the most flexibility for the future.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following sections are completed. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Dam Height and Composition
- SECTION 7: Primary Outlet Works
- SECTION 8: Emergency Spillway
- SECTION 9: Water Quality
- SECTION 10: Project Schedule
- SECTION 11: Within a District
- SECTION 12: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ _____
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Map must be prepared by a Certified Water Rights Examiner
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North directional symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference public-land survey corner on map
 - Location of each dam by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Please note that a secondary application is required if there are out-of-reservoir uses associated with this application.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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 groundwater 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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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

Applicant

NAME DAVID J BIELENBERG RLT		PHONE (HM) 503-873-2710	
PHONE (WK)	CELL	FAX	
ADDRESS 16425 HERIGSTAD RD NE			
CITY SILVERTON	STATE OR	ZIP 97381	E-MAIL*

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:
6S	1W	32		400 200 & 900	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
6S	1W	29		400		<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:

Marion 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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) Pudding River

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

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

Briefly describe:

Obtain water right to pump Pudding River water into two existing reservoirs. Water will be used for irrigation.

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.

R-88765

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): MCC 17.136
- 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.

NAME <u>LISA MILLIMAN</u>	TITLE: <u>ASSOCIATE PLANNER</u>
SIGNATURE <u>[Signature]</u>	PHONE: <u>503 588 5038</u> DATE: <u>2/8/19</u>
GOVERNMENT ENTITY <u>MARION COUNTY</u>	

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: OWRD

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R-88765

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Statutory Warranty Deed
- continued

File No.: 7081-2394461 (ALS)

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Marion, State of Oregon, described as follows:

PARCEL I: 061W32-900

Commencing at a point where Market Road 26 intersects the line between the lands formerly owned by Wright Foshay and H.D. Mount in Section 32, Township 6 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; said beginning point being the Northeast corner of the lands shown in Volume 84, Page 406, Deed Records for Marion County, Oregon; thence South 84° West to the Eastern boundary of the donation Land Claim of David H. Smith and wife; thence South 12° West along said Eastern line to the middle of Pudding River; thence up the middle of said Pudding River to the mouth of Silver Creek; thence up the middle of Silver Creek to a point where the same intersects the East line of that certain 120.00 acre tract of land described in a deed recorded in Volume 25, Page 359, Deed Records for Marion County, Oregon; thence North on said East line to the Northeast corner of said 120.00 acre tract; thence West to the Northwest corner of said 120.00 acre tract; thence North to the place of beginning.

PARCEL II: 061W32-1000 and 1100

Commencing on the West boundary of the Donation Land Claim of Gideon S. Cox and Susanah M. Cox, his wife, in Township 6 South, Range 1 West of the Willamette Meridian at a stone marked (SC) on the Northwest corner of a tract of land containing 120 acres deeded to W.B. Cox by Gideon S. Cox on the 25th day of August, 1874, said deed being recorded in Volume 25, Page 359, Deed Records for Marion County, Oregon on the 8th day of November, 1879, and running thence East on the North boundary of said 120 acre tract 29.48 chains; thence North 15.06 chains to a stone; thence South 81°2' West 10.30 chains to an oak tree; thence South 70°11' West, 2.65 chains; thence North 61°39' West 4.06 chains to a stone; thence North 19° 10' West, 5.31 chains to a stone; thence North 4°58' East, 6.84 chains to an iron pin in the center of Silverton-Salem County Road; thence West along the center of said road 12.37 chains to a point where the center of said road intersects with the West boundary of the said Gideon S. Cox Donation Land Claim; thence South along the West boundary of said Gideon S. Cox Donation Land Claim, 25.31 chains to the place of beginning, in Section 32, Township 6 South, Range 1 West of the said Willamette Meridian.

Exhibit "A"

Real property in the County of Marion, State of Oregon, described as follows:

PARCEL I:

THE SOUTH HALF OF THE EAST HALF OF THE SOUTH EAST QUARTER OF SECTION TWENTY NINE (29) IN TOWNSHIP (6) SOUTH, RANGE ONE (1) WEST OF THE WILLAMETTE MERIDIAN, IN MARION COUNTY, OREGON, BEING A PART OF THE DONATION LAND CLAIM OF GIDEON S. COX AND WIFE.

PARCEL II:

COMMENCING 10 CHAINS EAST OF THE ONE-QUARTER SECTION CORNER BETWEEN SECTIONS 29 AND 32 IN TOWNSHIP 6 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 16 CHAINS AND 69 LINKS TO THE MIDDLE OF THE COUNTY ROAD LEADING FROM SILVERTON TO SALEM; THENCE NORTH 78° EAST 6 CHAINS AND 15 LINKS ALONG THE MIDDLE OF SAID ROAD; THENCE NORTH 15 CHAINS AND 40 LINKS TO THE NORTH BOUNDARY OF SECTION 32; THENCE WEST 6 CHAINS AND 5 LINKS TO THE BEGINNING, SITUATED IN MARION COUNTY, STATE OF OREGON. THE FOREGOING TRACT IS PART OF THE DONATION LAND CLAIM OF GIDEON S. COX AND WIFE.

ALSO: COMMENCING ON THE NORTH BOUNDARY OF SECTION 32, TOWNSHIP 6 SOUTH OF RANGE 1 WEST OF THE WILLAMETTE MERIDIAN AT A POINT WHICH IS 16 CHAINS AND 5 LINKS EAST OF THE ONE-QUARTER SECTION CORNER; THENCE SOUTH 15 CHAINS AND 40 LINKS TO THE MIDDLE THE COUNTY ROAD LEADING FROM SILVERTON TO SALEM; THENCE NORTH 78° EAST IN THE MIDDLE OF SAID ROAD 24 CHAINS AND 26 LINKS TO THE EAST BOUNDARY OF SAID SECTION 32; THENCE NORTH 10 CHAINS AND 20 LINKS TO THE NORTHEAST CORNER OF SAID SECTION; THENCE WEST 24 CHAINS AND 18 LINKS TO THE BEGINNING, SITUATED IN MARION COUNTY, STATE OF OREGON. THE FOREGOING DESCRIBED TRACT OF LAND IS PART OF THE DONATION LAND CLAIM OF GIDEON S. COX AND WIFE.

SAVE AND EXCEPT: COMMENCING ON THE NORTH BOUNDARY OF SECTION 32, TOWNSHIP 6 SOUTH, RANGE ONE WEST OF THE WILLAMETTE MERIDIAN AT A POINT WHICH IS 35.58 CHAINS EAST OF THE QUARTER SECTION CORNER; THENCE SOUTH 11.32 CHAINS TO THE CENTER OF THE COUNTY ROAD LEADING FROM SILVERTON TO SALEM; THENCE NORTH 78° EAST ALONG THE CENTER OF SAID ROAD 4.71 CHAINS, MORE OR LESS, TO THE EAST BOUNDARY OF SAID SECTION 32; THENCE NORTH 10.20 CHAINS TO THE NORTHEAST CORNER OF SAID SECTION; THENCE WEST 4.65 CHAINS TO THE PLACE OF BEGINNING, ALL SITUATED IN MARION COUNTY, STATE OF OREGON.

NOTE: This legal description was created prior to January 1, 2008.

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R-88705

LG-12

Martin Boatwright, P.E.
BOATWRIGHT ENGINEERING INC.
2613 12th St. S.E.
Salem, OR 97302

Dear Mr. Boatwright:

REFERENCE: File R-71914 (Mallorie's Dairy, Inc..)

The "AS BUILT" plans for the EFFLUENT HOLDING NO. 1 have been reviewed, approved and permits issued WITH THE CONDITION THAT AN OVERFLOW PIPE WILL BE INSTALLED. Copies of the approved plans have been forwarded to MALLORIES DAIRY, INC..

On completion of the overflow pipe please issue this Department certification that all construction was performed in accordance with the approved plans.

Sincerely,


Howard Daggett
Dam Safety Coordinator

cc: Mallorie's Dairy Inc.
Dave Jarrett, Watermaster

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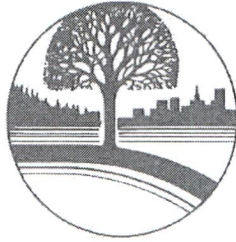
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3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

R-88765



Boatwright Engineering Inc.

2613 12th ST SE, SALEM, OREGON 97302
civil engineers • land surveyors

(503) 363-9225 (FAX) 363-1051

January 7, 1992

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

ATTENTION: Mr. Howard Daggett, Dam Safety

RE: AS-BUILT DRAWINGS AND DENSITY TESTS ON THE EARTHEN
DIKE-BERMS DURING CONSTRUCTION AND ON THE EARTH BOTTOM AND
TESTS TO DETERMINE THE HYDRAULIC CONDUCTIVITY OF THE SOILS
UTILIZED IN THE BOTTOM OF THE LAGOON - FOR LAGOON #2

Dear Howard:

LG-12

We have completed the construction of the dairy waste water wintertime holding lagoon for Mallories Dairy, Silverton, Oregon utilizing native soils for the dike-berms and lagoon bottom.

Construction has been completed in accordance with the approved plans and specification submitted to your office earlier.

Additional testing, beyond the embankment made to contain the waste water, was performed on the lagoon bottom for density and hydraulic conductivity as required by DEQ.

Unless your office has some concern or DEQ we plan to initiate the use of this facility between January 15, 1992 and February 15, 1992. So give us a call if you have any questions or concerns.

Yours truly;

Martin G. Boatwright, P.E.

Enclosure: As-Builts
Inspectors Report
Tests on Compaction Density on Embankment
Tests on Lagoon Bottom

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CC: Mallories Dairy

OWRD

MGB/kv

R-88725

LG-60

Oregon

MEMORANDUM

WATER
RESOURCES
DEPARTMENT

DATE: JUNE 16, 1995

TO: MARTIN G. BOATWRIGHT, PE
BOATWRIGHT ENGINEERING, INC.
2613 12TH ST SE
SALEM, OR 97302


FROM: JOHN A. FALK
DAM SAFETY ENGINEER

SUBJECT: MALLORIE'S RESERVOIR #2
ANIMAL WASTE LAGOON

Thank you for sending the asbuilt drawings for the referenced structure together with your letter confirming that construction is complete and was performed under your supervision, and is in substantial compliance with the plans and specifications approved by OWRD on October 17, 1991.

Take care, and enjoy the summer.

Sincerely,



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Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

R-88765



Boatwright Engineering Inc.

2613 12th ST SE, SALEM, OREGON 97302
civil engineers • land surveyors

(503) 363-9225 (FAX) 363-1051

June 6, 1995

John A. Falk
Dam Safety Engineer
Oregon Department of Water Resources
158 12th Street N.E.
Salem, Oregon 97310

Re: Mallorie's Dairy, Inc.
Appl. R-71810. Permit R-11533

Dear John,

This letter is to notify you that Mallorie's Reservoir No. 2, as referenced above, has been constructed and completed in substantial compliance with the plans and specifications approved by your office on October 17, 1991. The structure was constructed under my supervision. Grubbing and earthwork began around October 10, 1991 and the reservoir was completed by about November 11, 1991.

Enclosed are "As-Built" drawings for the project.

Sincerely,

Martin G. Boatwright, P. E

CC: Charley Flanagan, Mallorie's Dairy

malory2.crt

LG-60

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