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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

OWRD

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: Chris and Joan Horton
Mailing Address: 14850 Airlie Rd.
Monmouth OR 97361
Phone: 503-931-3293

Fax: E-Mail Address\*:

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

2. AGENT INFORMATION

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

Agent: GSI Water Solutions, Inc. Attn: Kimberly Grigsby
Mailing Address: 1600 SW Western Blvd. Suite 240
Corvallis OR 97333
Phone: 541-257-9004

Fax: E-Mail Address\*: kgrigsby@gsiws.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: Pond

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

C. County in which diversion occurs: Polk County

App. No. R-88774 For Department Use Permit No. Date RECEIVED

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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
10 S	5W	4	see map	305

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: 43 AF\* (See note below) Acre-feet = (Average Length)(Average Width)( Average Depth)  
43,560

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)  Yes  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 use

\*NOTE: The Applicants are the holders of Permit R-15120, which authorizes the storage of up to 43 acre-feet of runoff in a pond. This application is being filed to request authorization for a "second fill" for up to 15 acre-feet from Staats Creek to replace any stored water lost. The second fill is likely to typically occur between April and June.

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) **The Applicants own the land where water will be used (stored).**

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) **The Applicants do not own the land where water will be diverted and conveyed.**

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:

Point of diversion #3 will be located on property held by the following owner. The Applicant has written authorization from the owner. (See Attachment B.)

Donald M. Burch, Trustee for Donald & Wilma Burch RVC Living Trust, 3110 Clay St. SE, Albany, OR 97321

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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? 3 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 existing reservoir is off-channel, so no live flow from Staats Creek will need to be passed outside of the storage season. The Applicants are the holders of Permit R-15120, which authorizes the storage of up to 43 acre-feet of runoff in the pond. Water requested under this application will be diverted from Staats Creek (at POD 3) and conveyed by pipe to the reservoir. The location of the conveyance pipe, and the point of diversion are shown on the enclosed application map.

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).

The existing reservoir (previously authorized under Permit R-15120) is off-channel. Water requested under this application (for any needed "second fill") will be diverted from Staats Creek and conveyed through a pipeline to the existing reservoir.

The reservoir design includes:

- Earthen berms constructed around the southwest, northwest, and northeast margins of the reservoir (refer to the enclosed application map). The berms will be offset from the property boundaries and road right-of-ways by a minimum of 20 feet as required by Polk County.
- The berms are a maximum height of 9 feet at the southeast corner and will gradually reduce in height along the remaining berm perimeter.
- The interior of the reservoir has been excavated up to 8 feet below the existing land surface.
- There is 1 foot of freeboard at the berm when the reservoir is full.
- There is an outlet in the northeast corner of the reservoir (approximate location shown on the application map).

Generalized cross sections along the berms are provided below. Note: the vertical exaggeration for the cross sections is 20X. NOTE: These cross-sections are intended to describe the conceptual plan for the planned reservoir for the purposes of applying for a water right but are not intended to be an engineering design of the reservoir for the purposes of construction.

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

6.18.2018

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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Attachment A

Legal Description of Property

Application for Permit to Store Water in a Reservoir – Chris and Joan Horton

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Attachment A  
Legal Description of Property

All that property lying easterly of Berry Creek Road No. 1051 described as follows:  
Beginning at a rock at the Northeast corner of the William J. Berry D.L.C., No. 53; Not. No. 2676, Township 10 South, Range 5 West, Willamette Base & Meridian, Polk County, Oregon; thence South 57° 15' West 39.64 chains along the North line of said D.L.C. to a rock; thence South 34° 15' East 1309.46 feet to the Northwest corner of that parcel conveyed to Kenneth L. Landauer by deed recorded in Book 27, Page 528, Polk County Deed Records; thence North 53° East along the North line of said parcel 2920 feet to the West line of County Road No. 1051; thence Southerly along the West line of Said County Road to the most Northerly South line of that parcel described in that agreement recorded in Book 45, page 592, said Deed Records; thence along the lines of said last mentioned parcel North 60° 30' East 1120 feet to an iron pipe North 34° 30' West 30.20 chains to an iron pipe and South 57° 15' West 18.26 chains to the point of beginning.

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## Attachment B

### Written Authorization of Landowner

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Chris & Joan Horton  
14850 Airlie Rd  
Monmouth, OR 97361

RE: Easement to Statts Creek for water diversion

Donald & Wilma Burch Revocable Living Trust  
3110 Clay St Se  
Albany, OR 97321

The Donald & Wilma Burch Revocable Living Trust (hereon referred to as Grantor) hereby grants an easement to Chris & Joan Horton (the Grantee) for a pipe and pump to divert water from Statts Creek located on Grantor's property, map number 10.5.4, tax lot 201, Polk County, Oregon. The water will be diverted to the pond on Grantee's property, map number 10.5.4, tax lot 305, Polk County, Oregon at the northeast corner.

Donald Burch

Donald M Burch, agent

5-11-18

date

CH

Chris Horton

5/11/18

date

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Attachment C  
Map

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## Attachment D

### Cross Sections of Existing Dam

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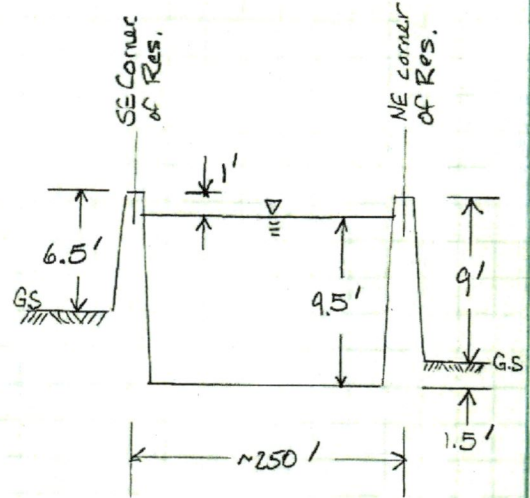
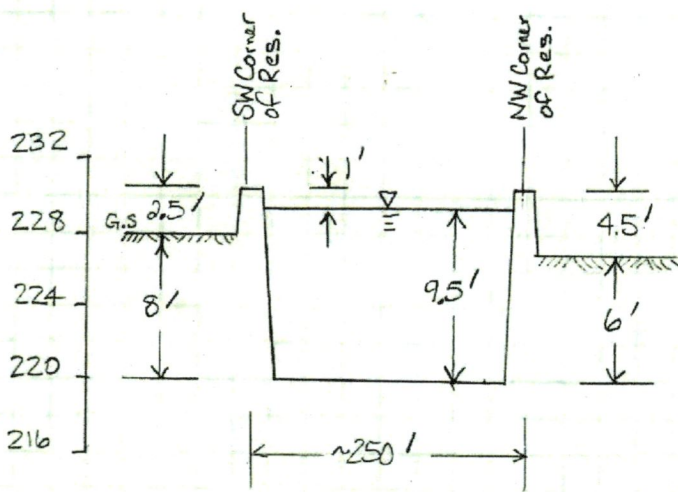
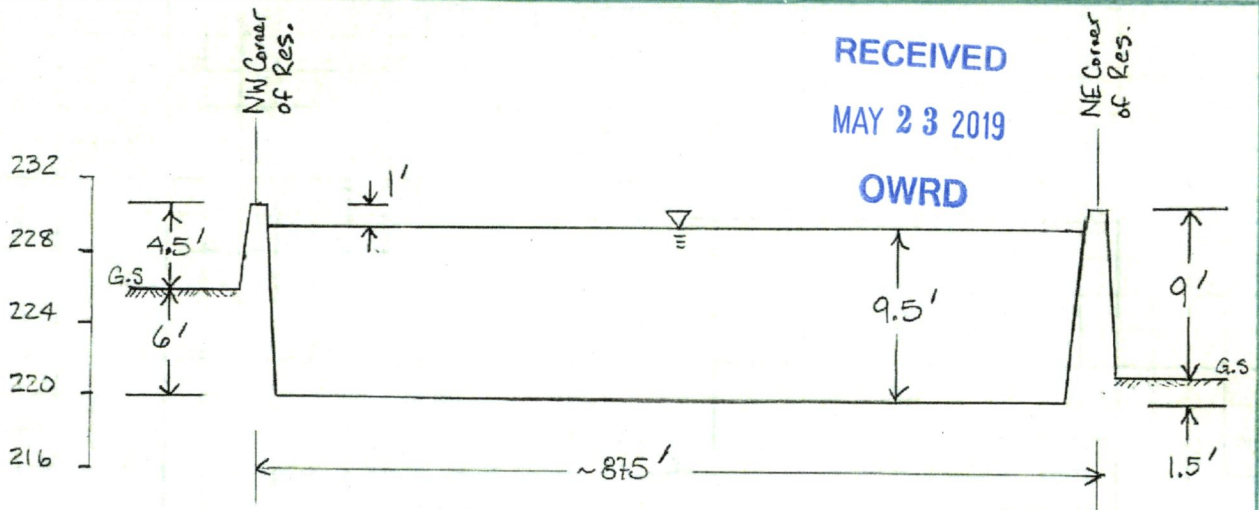
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CONCEPTUAL DRAWING

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Notes:

Horizontal scale : 1-inch = 200 feet

Vertical scale : 1-inch = 10 feet

Vertical exaggeration : 20X

G.S = Ground Surface

All elevations and measurements shown are approximate

Disclaimer:

This is a conceptual drawing for the purpose of applying for a water right. This drawing is not intended to be an engineered design for the purposes of construction.

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No. 937 811E  
Engineer's Computation Pad

STAEDTLER

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## Attachment E

### Watermaster Alternate Reservoir Application Review Sheet

Application for Permit to Store Water in a Reservoir – Chris and Joan Horton

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**Water Solutions, Inc.**

May 21, 2019

Alyssa Mucken  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: Supplemental "Alternate Reservoir" Storage Permit Application for Chris and Joan Horton

~~Alyssa~~  
Dear Ms. Mucken:

As we discussed, I am re-submitting the enclosed "alternate reservoir" storage permit application on behalf of Chris and Joan Horton. The Applicants are the holders of Permit R-15120, which authorizes the storage of up to 43 acre-feet of runoff in a pond. The applicants are filing this application to allow a "supplemental" fill of the pond using up to 15 acre-feet of surface water from Staats Creek. Although the Applicants request authorization to store the water any time during the storage season, the Applicants anticipate generally storing the water from April through June to ensure the pond is full prior to the beginning of the irrigation season.

Thank you for your time and consideration regarding the method by which the Horton could obtain authorization to store water from Staats Creek. If you have any questions about the enclosed materials, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in blue ink that reads "Kimberly Grigsby".

Kimberly Grigsby  
Principal Water Resources Consultant

Enclosures

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# WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R-                      Applicant's Name: Horton Res 10S5W Sec 4 TL 305

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:

Limit fill season to October through June 30

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

Who:    Agency:    Date:

Who:    Agency:    Date:

Watermaster signature:                       Date: 6/11/2018

WRD Contact:    Caseworker:                      Water Rights Division, 503-986-0900 / Fax 503-986-0901

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

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Attachment F  
ODFW Alternate Reservoir Application Review Sheet  
Application for Permit to Store Water in a Reservoir – Chris and Joan Horton

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# ODFW Alternate Reservoir Application Review Sheet

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This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Chris and Joan Horton

14850 Arlie Rd., Monmouth, OR 97361

Reservoir Name: Pond Source: Staats Creek Volume (AF): 15

Twp Rng Sec QQ: 10S-5W-4  
NWNE, SWNE, NENW, SENW  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 AO<sup>1</sup> off channel? .....  YES  NO  
(if yes then proceed to #4; if no then proceed to #2)

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

3) If NMF 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 June 1 through October 31 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.

native fish likely present in Staats Creek during diversion season

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

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



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)

fish self: pump intake shall be screened. applicant has stated no structure will be placed in creek at POD

ODFW Signature: 

Print Name: Karen M Hans

ODFW Title: Assistant District Fish Biologist

Date: June 6, 2018

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

Revised 10/4/12

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Attachment G

Land Use Information Form

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# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

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## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

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# 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

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Applicant: Chris and Joan Horton  
First Last

Mailing Address: 14850 Airlie Rd.

Monmouth OR 97361  
City State Zip

Daytime Phone: 503-931-3293

## 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:
10	5	4		305	EFU – Farm Use Zoned	X Diverted	X Conveyed	X Used	Multi-purpose storage
See attached map									

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Polk County

## 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) Staats Creek

Estimated quantity of water needed: 8  
 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 storage

Briefly describe:

The Applicants are requesting a water right to divert up to 15 acre-feet from Staats Creek for storage in an existing pond. This water right requests a "second fill." (During the irrigation season, the stored water will be used for irrigation purposes.)

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

See bottom of Page 3. →

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# For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

### Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PCZO 136.030(A) farm use/irrigation\*  
(no construction proposed)
- 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
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>JUL 02 2018</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<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.

\* If there is vegetation removal for the proposed project, compliance with PCZO 182.040(E) Management Plan for conflicting uses within a riparian setback area would be required. Within the riparian setback area structural development is prohibited. Any non-structural development within the Special Flood Hazard Area would require submittal of a non-structural floodplain development landuse application.

Name: Autumn Hillebrand Title: Com. Dev. Dept. Manager  
 Signature: Autumn Hillebrand Phone: 503-623-9237 Date: 6/18/18  
 Government Entity: Polk 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.

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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