



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

RECEIVED

OCT 24 2019

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: Bradley & Susan Lerch
First Last
 Mailing Address: 28718 Royal Ave
Eugene OR 97402
City State Zip
 Phone: 541-338-9585 _____
Home Work Other

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: Norman Waterbury LLC Waterbury LLC
First Last
 Mailing Address: 86131 Cherokee Dr
Eugene OR 97402
City State Zip
 Phone: 541-510-3501 541-485-8081 _____
Home Work Other

Fax: _____ E-Mail Address*: nwaterbury@ymail.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: Royal Blue 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: Run off Tributary to: Fern Ridge

C. County in which diversion occurs: Lane

App. No. <u>R-00740</u>	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
17	04	30	NWNE	00700

E. Dam: Maximum height of dam: 5' feet. If excavated, write "zero feet". 8,900

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 6.24 Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

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, mainly Blueberries.

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5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N.A.

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? NA 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.

Lane County 541-682-8910 Aaron Staniak

7. WITHIN A DISTRICT

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

Irrigation District Name <u>NA</u>	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.

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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: *SUSAN LERCH*

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

Explain: *Deep / 2" Pipe*

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

If YES, which conditions are recommended:

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

Who: *ARON STANISIK* Agency: *LANE COUNTY* Date: *10-10-19*
Who: Agency: Date:

Watermaster printed name: *JANAYA BLAKELY* *10-10-19*
Watermaster signature: *[Signature]* Date: *10-17-19*

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

Norman Waterbury LLC
Land Use Planning Consultant
86131 Cherokee Er.
Eugene OR 97402

10-17-19

The Legal description of Tax Lot 17-04-30, 900 is as follows:

The West One Half of the Northeast quarter of section 30 in Township 17 South of range 4 West of the Willamette Meridian, in Lane County Oregon.

Excepting there from that portion deeded by deed 369/423 known as tax lots 1000 and 1001.

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R-00740

#13485

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR, LANE COUNTY, OREGON

900

YEAR	TAX LOT	SECTION	TOWNSHIP	RANGE E.	OR W.	W. M.	DEED RECORD		ACRES REMAINING
	No.						VOL.	PAGE	
	4	30	450 707 17 S.			4			
1941							133	580	
1943							236	303	
1948									
1949							314	88	80.00
									64.00
1949							314	88	59.09
1971							R513	32204	
1973							R623	4879	
1985							R1326	84-46064	
1986							R1364	8530098	
1990BS							R1399	8615684	
1992bs							R1604	8953329	
1992wd							R1779	9243169	
2003							R1787	9249127	

CANCELLED

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2003-054288 BS

128

Site Address 28642 Royal Ave Eugene, OR 97402
Map & Taxlot# 17-04-30-00-00900
SIC N/A
Tax Account# 0460707

Property Owner 1
Lerch Susan C 1-2
28718 Royal Ave
Eugene, OR 97402

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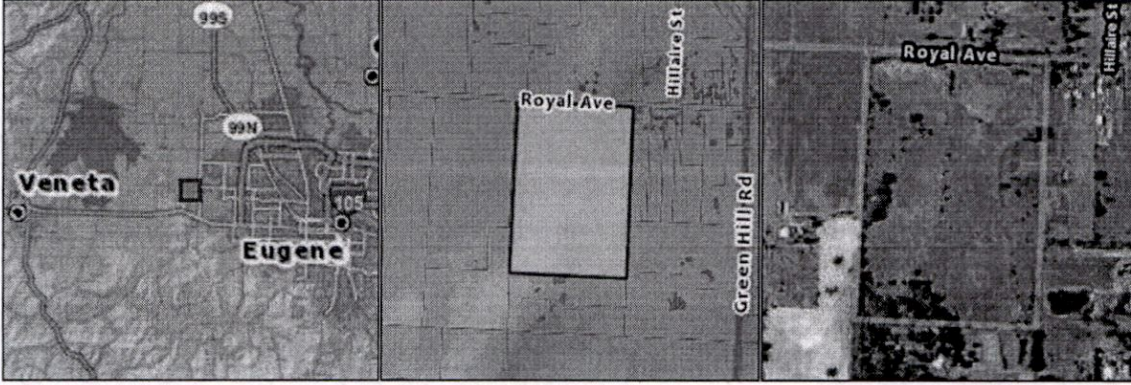
See Owner/Taxpayer section for additional owners

Tax account acreage 59.09
Mapped taxlot acreage[†] 59.42

[†] Mapped Taxlot Acreage is the estimated size of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Maps 

Map & Taxlot # 17-04-30-00-00900



Business Information

Improvements

Site Address Information

28642 Royal Ave
Eugene, OR 97402

House #	28642	Suffix	N/A	Pre-directional	N/A
Street Name	Royal	Street Type	Ave	Unit type / #	N/A
Mail City	Eugene	State	OR	Zip Code	97402
Zip + 4	N/A				

Land Use 6371 Farm Product Warehousing & Storage (Barns, Livestock Shelters)
USPS Carrier Route N/A

General Taxlot Characteristics

Geographic Coordinates

X 4208028 Y 887424 (State Plane X,Y)
Latitude 44.0698 Longitude -123.2140

Zoning

Zoning Jurisdiction Lane County

Lane County
Parent Zone E40 Exclusive Farm Use (40 acre minimum)
Overlay CAS Commercial Airport Safety Zone

Land Use

General Land Use

Code Description
data not available data not available

Detailed Land Use

Code Description
data not available data not available

Taxlot Characteristics

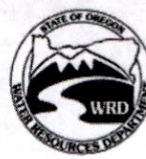
Incorporated City Limits	none
Urban Growth Boundary	none
Year Annexed	N/A
Annexation #	N/A
Approximate Taxlot Acreage	59.42
Approx Taxlot Sq Footage	2,588,335
Plan Designation	Metro Plan Map
Eugene Neighborhood	N/A
Metro Area Nodal Dev Area	No
Septic	data not available
Well	data not available
Landscaping Quality	data not available
Historic Property Name	N/A
City Historic Landmark?	No
National Historical Register?	No

Service Providers

Fire Protection Provider Zumwalt RFPD
Ambulance Provider Eugene Fire & EMS
Ambulance District WC
Ambulance Service Area West/Central

P-200740

Land Use Information Form



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

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Applicant: Susan Lerch
First Last
 Mailing Address: 28718 Royal Ave.
Eugene OR 97402 Daytime Phone: 541-689-9477
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:
17	04	30	00	900	E-40	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Blueberries
17	04	30	00	700	E-40	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" 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:

Lane 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) _____

Estimated quantity of water needed: 6 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:

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.

See bottom of Page 3. →

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): 16.212(3)(T) Lane Code
- 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:	
<u>Compatibility Land use</u>	<u>16.212 (3)(T) Lane Code</u>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
<u>No special use permit Required</u>	<u>Required</u>	<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.

PROPOSED USE IS ALLOWED OUTRIGHT AS PER LANE CODE 16.212(3)(T)
LANE COUNTY
 LAND MANAGEMENT DIVISION
 3050 NORTH DELTA HWY.
 EUGENE, OR 97408

Name: KEVIN GILBRIDE Title: PLANNER
 Signature: [Signature] Phone: 541-682-4054 Date: 10/14/19
 Government Entity: LANE 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: Susan Lerch
 City or County: Lane Co. Staff contact: _____
 Signature: [Signature] Phone: 541-689-9477 Date: 10-10-19

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Susan Lerch 28718 Royal Ave.
Eugene OR 97402 541-689-9477

Reservoir Name: Royal Blue Source: Surface Water Volume (AF): 6.188
 Twp Rng Sec QQ: 17-04-30, 900, 700 Basin Name: _____ 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.

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)

R-00742

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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: Alex Farrand Print Name: Alex Farrand
ODFW Title: Assistant District Fish Biologist Date: 10/21/19

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

Revised 10/4/12

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P-88748



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 25, 2019

Dear Applicant:

The Oregon Water Resources Department has received your application to store water in a reservoir under the Alternate Review process. Your application has been assigned file number **R-88748**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Kim French, Water Rights Specialist	Phone: 503-986-0816
	Email: kim.r.french@oregon.gov

A description of the steps that are used for processing an application to stored water in a reservoir are shown on the reverse side of this letter. Also included with this letter is a form to be completed by the Department of State Lands to determine if wetlands or other regulated water bodies (such as creeks) are in the project area.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

Cory Middleton
Customer Service Representative
Oregon Water Resources Department

cc:

File

Encl. - DSL Wetland Offsite Form

COPY

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Alternate Review Process for a Reservoir Applications:

After a completed application has been received by the Department, the Department must make public notice of the application within 60 days. Applications are noticed to the public every Tuesday and can be accessed from the Department's website: <https://www.oregon.gov/owrd>.

The Department does not notify individual, neighboring landowners of an application, unless they are identified in the application as affected landowners. The public notice is to ensure that any person may submit detailed information requesting the Department deny an application based upon whether the proposed use causes injury to existing water rights or poses a significant detrimental impact to an existing fishery resource. All comments must be submitted within 60 days of the public notice.

Following the 60-day public comment period, the Department can issue a Final Order. Alternate Reservoir applications typically take between 3-5 months to process, depending upon the number of pending applications in the queue.

The Department recommends applicants not schedule excavation work or otherwise expend financial resources until an ODFW fish passage plan and the alternate reservoir application have been approved. Also note that other permits may be required for any construction activities in waterways, wetlands, or riparian areas.

1700

**Wetland Determination Request
Wetlands Program**

**BATCH
WD#: _____**

Oregon Department of State Lands
775 Summer Street, NE, Suite 100, Salem, OR 97301-1279

The Department of State Lands (DSL) conducts *offsite* wetland determinations upon request. There is no fee for this service. An offsite determination consists of reviewing wetlands and soils maps, aerial photos and other information to determine if wetlands or other regulated water bodies (such as creeks) are present, likely to be present, or unlikely to be present. Only an *onsite* check can verify whether or not there are regulated wetlands on a site. As time allows, DSL staff may be able to conduct a site visit to verify an offsite determination. Please allow 2-3 weeks for an initial response.

If wetlands are present or likely to be present on a parcel or near a project area, a wetland delineation by a qualified wetland consultant may be needed. Wetland delineation reports and the required fee should then be submitted to DSL for review and agency approval.

Please provide the following information:

1. Vicinity map (like a city map) with the precise parcel location indicated.
2. Large scale map (1" = 100' if possible) of the parcel showing existing buildings, property boundaries, any creeks and other features. An annotated tax assessor's map is fine, and a hand-drawn map is acceptable.
3. City, County, and site address. Please fill in below.
City _____ (or nearest town if outside City limits)
County _____
Site address _____ (or nearest cross streets if no address)
4. Township, Range, Section, Quarter/Quarter Section and Tax Lot number(s) (Tax Map number is equivalent). Please fill in below.
Township _____ Range _____ Section _____ QQ _____ Tax Lot (s) _____

Property owner **Legal representative** **Other (specify):** _____

Name: _____

Firm: _____

Mailing Address: _____

Phone: _____ Fax: _____ E-Mail _____

I either own or have legal authority to allow access to the property for which this request is made. My signature below authorizes DSL staff to conduct a wetland determination and to access the property to confirm the wetland determination, as needed. *(DSL will phone prior to conducting a site visit.)*

Signature: _____ Date: _____

Print Name: _____

COPY