



Oregon Water Resources Department Alternate Reservoir Application

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For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Tuesday, July 14, 2020

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	8	
Proposed Reservoir volume in Acre Feet.	8.0	\$280.00
Subtotal:		\$690.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.		Recalculate
Estimated cost of Permit Application		\$1,210.00



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Application for a Permit to Store Water in a Reservoir Alternate Review (ORS 537.409)



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

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME TERENCE GREEN		541-733-3572	
PHONE (WK)	CELL 541-733-3572	FAX	
ADDRESS 2336 RICHARDSONS ROAD			
CITY MYRTLE CREEK	OR	97457	CRASHPREVENTION@GMAIL.COM

Organization

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

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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 *		

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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.)

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.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- 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.



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

	Terence Green	7.14.2020
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

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SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Green 1				
Source*:	Run-off	Tributary:	South Umpqua River		
County:	Douglas				
Quantity:	8.0 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	28S	5W	33	SWSW	1800
Maximum Height of Dam:	8.0 feet. If excavated write "zero feet."				

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* 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, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose

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: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

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:

SECTION 5: ENVIRONMENTAL IMPACT**RECEIVED****JUL 17 2020****Channel:** Is the Reservoir: ☐ in-stream or ☒ off channel?**Wetland:** Is the project in a wetland? ☐ YES ☐ NO ☒ unknown**Existing:** Is this an existing reservoir? ☐ YES ☒ NO

If YES, how long has it been in place? _____ years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? ☐ YES ☐ NO ☒ unknown

If YES, how much? _____ miles.

Existing: Have you been working with other agencies? ☒ YES ☐ NOIndicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project. **Watermaster's office 541-440-4255****OWRD****SECTION 6: 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:	

SECTION 7: DESCRIPTION

Provide a short 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.

Green 1 Reservoir will be used to store water for future irrigation needs. Additional permitting will be required. Flow, if any, outside the authorized storage season will be bypassed through an out let pipe.

If the diversion involves a dam, use this space below 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).

See map.

Watermaster Alternate Reservoir Application Review Sheet

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 Water Resources 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))

Applicant's Name		
1. Does the proposed reservoir have the potential to injure existing water rights? ☐ YES ☐ NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☐ YES ☐ NO Explain:		
3. Is water available for the proposed reservoir? ☐ YES ☐ NO		
4. If yes, during what period? Beginning: End:		
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? ☐ YES ☐ NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: _____

Watermaster Signature: _____ Date: _____

NOTE: This completed form must be returned to the applicant

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Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

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1. ☐ Landowner name, mailing address and telephone number provided
 2. ☐ Application signed – All parties noted as applicants must sign the application
 3. ☐ Source and tributary listed.
 4. ☐ Reservoir Location. TRSQQ and tax lot provided.
 5. ☐ Dam height indicated, if applicable
 6. ☐ Property ownership completed
 7. ☐ If applicant does not own all the land, is the affected landowner's name and mailing address listed?
 8. ☐ Environmental impact section completed?
 9. ☐ **Completed Watermaster review sheet**, signed and dated. Note: Must be completed within last 6 months.
 - Will the reservoir injure an existing water right? ☐ YES ☐ NO
 - If YES, can conditions be applied to mitigate injury? ☐ YES ☐ NO
 - If NO, return the application.
 10. ☐ **Completed ODFW review sheet**, signed and dated. Note: Must be completed within last 6 months.
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☐ YES ☐ NO
 - If YES, can conditions be applied to mitigate the impact? ☐ YES ☐ NO ☐ N/A
 - If NO, return the application.
 11. ☐ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months.
 12. ☐ **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance to meet this requirement.
 13. ☐ **Acceptable Map**. Note: Requirements set forth by the Commission; causes fatal flaw if not provided by the applicant.
 - ☐ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
 - ☐ Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
 - ☐ Reference corner on map
 - ☐ North directional symbol
 - ☐ 1/4's clearly identified
 - ☐ Reservoir clearly identified **
 - ☐ Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
 - ☐ If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner
 14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees:

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

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Within 60 days after the Water Resources 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))

Applicant's Name <u>Terence Green</u>		
1. Does the proposed reservoir have the potential to injure existing water rights? ☒ YES ☐ NO		
Explain: <u>water not available year-round</u>		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☒ YES ☐ NO		
Explain: <u>condition to store only during when water available</u>		
3. Is water available for the proposed reservoir? ☒ YES ☐ NO		
4. If yes, during what period? Beginning: <u>Nov</u> End: <u>June at 50%</u>		
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? ☐ YES ☒ NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name:

S. Donthit

Watermaster Signature:

[Signature]

Date:

7/13

NOTE: This completed form must be returned to the applicant

save as: p/shared/ ~~WM~~ @ ~~2020~~ /wm rev/alt res
#/name/source



Water Availability Analysis

S UMPQUA R > UMPQUA R - AB MARSTERS CR AT GAGE 1431200
UMPQUA BASIN

Water Availability as of 7/13/2020

Watershed ID #: 31630218 ([Map](#))

Date: 7/13/2020

Exceedance Level: 50%

Time: 8:11 AM

Water Availability

Limiting Watersheds

Complete Water Availability Analysis

Water Availability

Select any Watershed for Details

	Nesting Watershed Order	Stream Name ID #		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	368	UMPQUA R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	73350	UMPQUA R> PACIFIC OCEAN- AB LITTLE MILL CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Select	3	31630301	UMPQUA R> PACIFIC OCEAN- AB WOLF CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Select	4	351	S UMPQUA R> UMPQUA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
Select	5	31630218	S UMPQUA R> UMPQUA R- AB MARSTERS CR AT GAGE 1431200	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

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DOUGLAS COUNTY PLANNING & BUILDING

Room 106, Justice Building
Douglas County Courthouse, Roseburg, Oregon 97470
Planning - (541) 440-4289
Building - (541) 440-4559

Date Printed:
7/1/2020
8:09 am

Permit Number: WS20-0527

Job Address: 2336 RICHARDSON RD, MYRTLE CREEK

Receipt: P36873

Fee Description	Fee Amount
LAND USE COMPATABILITY STATEMENT	\$165.00
Total Fees Paid:	\$165.00

Date Paid: **6/30/2020**

Paid By: **GREEN, TERENCE JOSEPH JR**

Pay Method: **CHECK 0019962198**

Received By: **JESI A MCCORD**

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DOUGLAS COUNTY PLANNING & BUILDING

Room 106, Justice Building
Douglas County Courthouse, Roseburg, Oregon 97470
Planning - (541) 440-4289
Building - (541) 440-4559

Date Printed:
6/30/2020
10:44 am

Permit Number: WS20-0527

Job Address: 2336 RICHARDSON RD, MYRTLE CREEK

Receipt: P36861

Fee Description	Fee Amount
WORKSHEET	\$85.00
Total Fees Paid:	\$85.00

Date Paid: 6/30/2020

Paid By: GREEN, TERENCE JOSEPH JR

Pay Method: CHECK 0019962198

Received By: JANA SKY

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Douglas County

Planning and Sanitation Pre-Application Worksheet

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OTHER ACTION

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Worksheet Number WS20-0527		Applicant GREEN, TERENCE JOSEPH JR 2336 RICHARDSON RD MYRTLE CREEK, OR 97457 (541) 733-3572		Owner GREEN, TERENCE JOSEPH JR 2336 RICHARDSON RD MYRTLE CREEK, OR 97457	
SITE INFORMATION					
Site Address 2336 RICHARDSON RD MYRTLE CREEK, OR 9		MTL 28-05W-33-01800		Property ID Number (Primary) R34625	
Improvement LUCS FOR OWRD		Size (Acres) 120.00			
Existing Structures (Number and Type) MH		Proposed Use Land Use Compatibility Statement			
Directions N/A		Distance of Building Site from River, Creek, or Stream Bank >50 FEET			
As, for, or on behalf of, all property owners: APPLICANT SIGNATURE: <u>- SEE Attached -</u> DATE: _____					
PLANNING DEPARTMENT INFORMATION					
Zoning FF		Overlays			
SETBACKS (Farm-Forest)					
Front Property Line of Right of Way 30 Feet		Rear Line 10 Feet		Side Line 10 Feet	
Sign Code NO SIGN PROPOSED - N/A		Special Setback N/A		Exterior Side Line N/A	
Parking Spaces Required N/A		Building Height None		Riparian Setback 50 FEET	
Conditions of Approval LUCS FOR OWRD-FOR PERMIT TO USE/STORE WATERFROM RESERVOIR/POND; NO STRUCTURAL DEVELOPMENT AUTHORIZED; MUST ACQUIRE ALL REQUIRED PERMITS FROM ALL APPLICABLE AGENCIES.		Flood Plain No		Floor Height Above Ground N/A	
Sanitation N/A		Sanitary District		Water N/A	
Report Codes NONSTRUCTURAL N/A N/A COUNTY ACCESS				Access Permit Required? NOT REQ'D	
Refer To NONE					
Approved By: RAL		Date: 6/30/2020		Amount: \$ 165.00	
		Receipt #: P36873		Expiration Date: 6/29/2021	
SANITATION INFORMATION					
SE#		STP#		Existing System	
Remarks		System:		Approved ____ Denied ____	
By:		Date:		CSC Date:	



Douglas County
Planning and Sanitation Pre-Application Worksheet

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OTHER ACTION

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Worksheet Number WS20-0527		Applicant GREEN, TERENCE JOSEPH JR 2336 RICHARDSON RD MYRTLE CREEK, OR 97457 (541) 733-3572		Owner GREEN, TERENCE JOSEPH JR 2336 RICHARDSON RD MYRTLE CREEK, OR 97457	
SITE INFORMATION					
Site Address 2336 RICHARDSON RD MYRTLE CREEK, OR 9		MTL 28-05W-33-01800	Property ID Number (Primary) R34625	Size (Acres) 120.00	
Improvement LUCS FOR OWRD			Proposed Use Land Use Compatibility Statement		
Existing Structures (Number and Type) MH			Distance of Building Site from River, Creek, or Stream Bank >50 FEET		
Directions N/A					
As, for, or on behalf of, all property owners: APPLICANT SIGNATURE: <u><i>Myrtle Creek</i></u> DATE: <u>6/29/2020</u>					
PLANNING DEPARTMENT INFORMATION					
Zoning FF		Overlays			
SETBACKS (Farm-Forest)					
Front Property Line of Right of Way 30 Feet	Rear Line 10 Feet	Side Line 10 Feet	Exterior Side Line N/A		
Sign Code NO SIGN PROPOSED - N/A	Special Setback N/A	Riparian Setback 50 FEET			
Parking Spaces Required N/A	Building Height None	Flood Plain No	Floor Height Above Ground N/A		
Conditions of Approval LUCS FOR OWRD-FOR PERMIT TO USE/STORE WATERFROM RESERVOIR/POND; NO STRUCTURAL DEVELOPMENT AUTHORIZED; MUST ACQUIRE ALL REQUIRED PERMITS FROM ALL APPLICABLE AGENCIES.					
Sanitation N/A	Sanitary District		Water N/A	Access Permit Required? NOT REQ'D	
Report Codes NONSTRUCTURAL N/A N/A COUNTY ACCESS					
Refer To NONE					
Approved By: RAL	Date:	Receipt #:	Amount: \$ 0.00	Expiration Date:	
SANITATION INFORMATION					
SE#	STP#	Existing System	System: Approved ___ Denied ___		
Remarks					
By:		Date:	CSC Date:		

Land Use Information Form



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

Applicant(s): Terence Green

Mailing Address: 2336 Richardson Road

City: Myrtle Creek

State: OR

Zip Code: 97457

Daytime Phone: (541) 733-3572

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:
<u>T.28S</u>	<u>R.5W</u>	<u>33</u>	<u>SWSW</u>	<u>1800</u>	_____	☒ Diverted	☒ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____	_____	_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) Run-off

Estimated quantity of water needed: 8.0AF ☐ 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:

Water storage is needed on property.

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. →

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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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): 3.5.075(5)
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Property ID: R34625, ZONED: FF

WS 20-0527

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

Name: Robin Lambert Title: Planning Technician

Signature: [Signature] Phone: 541-440-4289 Date: 6/29/2020

Government Entity: Douglas County Planning Dept.

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: _____

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

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Applicant Name: Terence Green

JUL 17 2020

Address: 2336 Richardson Road, Myrtle Creek, OR 97457

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Phone/Email: 541-733-3572/CrashPrevention@gmail.com

Reservoir Name: Green1 Pond

Volume (AF): 9.9

Source: Run-off

Basin Name: Richardson Creek/Clarks Branch/South Umpqua

☐ in-channel

Twp Rng Sec QQ: 28S 5W 33

☒ 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) staff.

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

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

- 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 July through November 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

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

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

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of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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- ☐ 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.

ESA-listed fish (Coho Salmon), state sensitive species (spring Chinook Salmon, Pacific Lamprey, and Umpqua Chub), and other game fish (winter steelhead and fall Chinook Salmon) are present in the South Umpqua River during the period of impact. Instream flows to fulfill C59955 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during July-November. The proposed use will diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

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)

☒ See applicable conditions selected from "Menu of Conditions" on next page

Without appropriate conditions and/or mitigation, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to an existing fishery resource. Water is only available to support biologically necessary flows at the POD and/or downstream during December-June. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations), as outlined below, to compensate for any potential impact from the proposed use.

ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:

- (1) avoiding the impact altogether,
- (2) minimizing the impact by limiting the degree or magnitude of the action,
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
- (5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the WRD caseworker to schedule a consultation with ODFW concerning the recommended Mitigation Obligation if questions arise.

Recommended Mitigation Obligation

If the applicant chooses to pursue water use during **July-November** when biologically necessary flows are not met, ODFW recommends the applicant provide water-for-water mitigation that is available within the mitigation reach and **legally protected and maintained as an instream water right** for the life of the permit and subsequent certificate, as outlined below.

- A) Water Quantity: **9.9 AF** (cfs or AF; equals amount requested)
☒ **plus a net benefit** (for Habitat Category 2)

Applicant Name: Terence Green

ODFW Review

B) Months (when biological flows are not met during the proposed season of use): July-November

C) Location of Mitigation (based on the Habitat Category):

☒ within the watershed at or above the point of impact

☐ at or above the point of impact is preferred, but may occur within the watershed of the impacted population(s)

☐ within the watershed of the impacted population(s)

☐ benefitting the impacted population(s) and/or higher priority species: list species here

D) Additional comments: type here

☐ In lieu of providing "water-for water", ODFW's Habitat Mitigation Policy allows the applicant the option of providing mitigation through a habitat restoration project that recreates similar habitat structure and function to that existing prior to the development action. If the applicant is interested in pursuing this option, please contact the local ODFW Fish Biologist for further information.

ODFW Signature: 

Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 6/23/20

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

Revised 10/4/12; reformatted 5/12/20

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA
Revised May 12, 2020

Use this menu to identify appropriate conditions to be included in the permit:

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☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.

☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

☐ **b51a** The period of use has been limited to type here through type here.

☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

☒ **Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

☐ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

☒ **fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Applicant Name: Terence Green

ODFW Review

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

☒ **In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.

☒ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 1-Sept 15 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.

☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.

☒ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

☐ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

☒ **wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.

☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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Property Details for Property ID: R34625**Owner Information :**

Owner Name: GREEN, TERENCE JOSEPH JR
Owner Address #1: 2336 RICHARDSON RD
Owner Address #2:
Owner Address # 3: Alternate Account #: 10203.00
Owner City/State/Zip: MYRTLE CREEK, OR 97457 Account Status: A

Property Information :

Township: 28 Situs Address: 2336 RICHARDSON RD
Range: 05W Map ID: 28053301800
Section: 33 County Property Class: 501
Quarter: Legal Acreage: 120.00
Sixteenth: Code Area: 01900
Maintenance Area: 4 Neighborhood Code: BA
Year Built: Living Area: 1948
Bedrooms: 2 Baths: BATH1
Exemption Code: Exemption Desc.:
MFD Home ID:

Value Information : 2019-2020 Certified Values and Tax Information

Improvement Appr. Value: \$62,812.00	Total Appr. Value: \$242,762.00
Land Appr. Value: \$179,950.00	Exemption Value: \$0.00
Land Market Value: \$179,950.00	Total Assessed Value: \$214,051.00
Total Real Market Value: \$242,762.00	Taxes Imposed: \$1,739.44

Sales Information :

Deed No: 2008-20244
Sale Price: \$0.00 Sale Date: 11/5/2008

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

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2008-020244

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\$31.00

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11/10/2008 12:30:40 PM

DEED-QCD Cnt=1 Stn=3 MARRIAGECOUNTER

\$10.00 \$11.00 \$10.00

Above Space Reserved for Recording

[If required by your jurisdiction, list above the name & address of: 1) where to return this form; 2) preparer; 3) party requesting recording.]

Quitclaim Deed

Date of this Document: 204-01TH 11TH 10, 2008

Reference Number of Any Related Documents: 204-016369

Grantor:

Name Carol J. Green
Street Address 2336 Richardson RD
City/State/Zip Myrtle Creek, OR, 97457

Grantee:

Name Terence Joseph Green JR
Street Address 2336 Richardson RD
City/State/Zip Myrtle Creek, OR, 97457

Abbreviated Legal Description (i.e., lot, block, plat or section, township, range, quarter/quarter or unit, building and condo name): The West half of the Southwest quarter and the Southeast quarter of the Southwest quarter of Section 33, Township 28 South, Range 5 West, Willamette Meridian, Douglas County, Oreg
Assessor's Property Tax Parcel/Account Number(s): R34625 R34625

THIS QUITCLAIM DEED, executed this 10TH 5TH 2008 day of November, 2008, by first party, Grantor, Carol Jean Green, whose mailing address is 2336 Richardson RD, Myrtle Creek, OR, 97457, to second party, Grantee, Terence Joseph Green JR, whose mailing address is 2336 Richardson RD, Myrtle Creek, OR, 97457.

WITNESSETH that the said first party, for good consideration and for the sum of _____ Dollars (\$ 0) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim,

Tax statements will still be mailed to
2336 Richardson Rd Myrtle Creek, OR 97457

which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Douglas, State of Oregon
to wit: Gary Gilbert

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first written above. Signed, sealed and delivered in the presence of:

Signature of Witness

Print Name of Witness

Gary Gilbert
Gary Gilbert

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Signature of Witness

Print Name of Witness

Signature of Grantor

Print Name of Grantor

Carol J Green
Carol J Green

State of Oregon
County of Douglas

On November 5th, 2008, before me, Jessie L. Zohar-Vinje,
appeared Carol J. Green, personally known to me (or proved
to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Jessie L. Zohar-Vinje

Affiant Known

Produced ID

Type of ID Oregon Driver's License
(Seal)

