



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

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

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

**Use a separate form for each reservoir**

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at

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**1. APPLICANT INFORMATION**

Applicant: Bente Kongsore  
First Last  
Mailing Address: PO Box 459  
Creswell OR 97426  
City State Zip  
Phone: 541-895-3010 541-735-1358  
Home Work Other  
Fax: \_\_\_\_\_ E-Mail Address\*: bentkongsore@gmail.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.)

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**2. AGENT INFORMATION**

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

Agent: Will McGill Surveying, LLC  
First Last  
Mailing Address: 15333 Pletzer Rd. SE  
Turner OR 97392  
City State Zip  
Phone: \_\_\_\_\_ (503) 510-3026 (503) 931-0210  
Home Work Other  
Fax: \_\_\_\_\_ E-Mail Address\*: willmcgill-surveying@gmail.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 #2

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: Coast Fork Willamette

C. County in which diversion occurs: Lane

|                |                                        |            |
|----------------|----------------------------------------|------------|
| App. No. _____ | For Department Use<br>Permit No. _____ | Date _____ |
|----------------|----------------------------------------|------------|

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**D. Reservoir Location**

| Township<br>(N or S) | Range<br>(E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 19S                  | 04W               | 11      | DA              | 19041100108    |

**E. Dam:** Maximum height of dam: 0 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: 1.45 Acre-feet =  $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

**4. WATER USE**

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.**

multi purpose

**5. PROPERTY OWNERSHIP**

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

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

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

☒ There are no encumbrances

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

☐ **No** (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

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

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

(Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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## 6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: ☐ in-stream or ☒ off channel?
- B. **Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't know
- C. **Existing:** Is this an existing reservoir? ☐ Yes ☒ No  
If yes, how long has it been in place? \_\_\_\_\_ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? ☐ Yes ☐ No ☒ Don't know  
If yes, how much? \_\_\_\_\_ miles.
- E. **Partnerships:** Have you been working with other agencies? ☐ Yes ☒ No  
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

## 7. WITHIN A DISTRICT

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

|                          |         |     |
|--------------------------|---------|-----|
| Irrigation District Name | Address |     |
| City                     | State   | Zip |

## 8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

No diversion  
excavated ground to collect and hold run off

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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

**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

3-4-20  
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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**WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET**

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

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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: *Bente Kongrove*

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☐ YES

If YES, which conditions are recommended:

*NA*

3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

*LM BL*Date: *3-4-2020*

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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

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Applicant Name: Bente Kongsore

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ODFW Review

## ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name: Bente KongsoreAddress: P.O. Box 459, Creswell, OR 97426Phone/Email: 541-895-3010/bentkongsore@gmail.comReservoir Name: Pond 2Volume (AF): 1.45Source: Run-offBasin Name: Camas Swale/Coast Fork Willamette☐ in-channelTwp Rng Sec QQ: 19S 4W 11☒ 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 AO<sup>1</sup> 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 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 February 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

<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)

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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.

ESA-listed fish (spring Chinook Salmon and winter steelhead), state sensitive species (Coastal Cutthroat Trout and Pacific Lamprey), and other game fish (summer steelhead) are present in the Coast Fork Willamette River during the period of impact. Instream flows to fulfill C59761 and C75625 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 February-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-January. 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 February-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: 1.45 AF (cfs or AF; equals amount requested)

- ☒ **plus a net benefit** (for Habitat Category 2)

Applicant Name: Bente Kongsore

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B) Months (when biological flows are not met during the proposed season of use): February-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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Applicant Name: Bente Kongsore

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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:

☒ **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: Bente Kongsore

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 in consultation with Oregon Department of Fish and Wildlife 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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# 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.

# 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: Bente Kongsore  
First Last

Mailing Address: Po Box 459

Creswell OR 97426 Daytime Phone: 541-895-3010  
City State Zip 541-735-1358 (cell)

## 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 | 1/4 | Tax Lot #       | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                      |                                   |                                          | Proposed Land Use: |
|----------|-------|---------|-----|-----------------|-------------------------------------------------|-----------------------------------|-----------------------------------|------------------------------------------|--------------------|
| 19S      | 04W   | 11      | DA  | 19041100<br>108 | EFU                                             | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | multi purpose      |
|          |       |         |     |                 |                                                 | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |                    |
|          |       |         |     |                 |                                                 | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |                    |
|          |       |         |     |                 |                                                 | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |                    |

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

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) Pond #2

Estimated quantity of water needed: 1.45 ☐ 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:

wildlife, stock water, dog training, aesthetics, fire protection

**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

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): LANE CODE 16.212(3)(t)
- ☐ 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                     |                                                                                | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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.

ESTABLISHMENT OF POND ALLOWED OUTRIGHT PER LANE CODE 16.212(3)(t), USE IS IN EXCLUSIVE FARM USE ZONE FOR IRRIGATION AND OTHER USES. RECOMMEND APPLICANT RECEIVE APPROVAL FROM DEPARTMENT OF ENVIRONMENTAL QUALITY FOR WATER QUALITY PERMIT (12W-C).

Name: KEVIN GILCHRIST Title: PLANNER  
 Signature: [Signature] Phone: 541-682-4054 Date: 4/20/2020  
 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: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

**Western** Title & Escrow  
Order Number: 86156-CMS

After Recording Return To:  
Western Title & Escrow Company  
497 Oakway Rd. Suite 340, Eugene, OR 97401

John Tatos and Viera Tatos, Trustees  
32482 Doolittle Road  
Cottage Grove, OR 97424

Bente Kongsore  
1320 Ceres Hill Road  
Chehalis, WA 98532

Until a change is requested, all tax statements  
shall be sent to the following address:

Bente Kongsore  
1320 Ceres Hill Road  
Chehalis, WA 98532

Lane County Clerk  
Lane County Deeds & Records

2014-018016

05/16/2014 02:23:34 PM

NOT RECORDED Cnt=1 Str=9 CASHIER 19 2pages  
\$10.00 \$11.00 \$10.00 \$21.00

\$52.00

RECEIVED

JUL 17 2020

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Reserved for Recorder's Use

### STATUTORY WARRANTY DEED

John Tatos and Viera Tatos, Trustees, of The John and Viera Tatos Trust dated 8/1/91  
Grantor(s) convey and warrant to

Bente Kongsore, Grantee the following described real property free of encumbrances except as  
specifically set forth herein:

#### Parcel I:

The East 1/2 of the Northeast 1/4 of the Southeast 1/4 and the Southeast 1/4 of the  
Southeast 1/4, all in Section 11, Township 19 South, Range 4 West of the Willamette  
Meridian, in Lane County, Oregon.

#### Parcel II:

The Northeast 1/4 of the Northeast 1/4 in Section 14, Township 19 South, Range 4 West of  
the Willamette Meridian, in Lane County, Oregon.

EXCEPTING that part within County Road No. 695.

ALSO EXCEPT THEREFROM any portion lying South of Camas Swale Road (County Road  
695).

Account: 1631710 and 1631728

Map & Tax Lot: 19 04 14 00 01300 Account: 1631702

Map & Tax Lot: 19 04 11 00 00108

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this  
deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$285,000.00. (Here comply with requirements of ORS  
93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE  
TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300,  
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS

FOR ASSESSMENT AND  
TAXATION ONLY

SECTION 11 T.19S. R.4W. W.M.  
Lane County  
1" = 400'

19041100

DATE: 07/16/2020

CANCELLED

# Legend



SA

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0 325 650  
Feet  
1 inch = 650 feet

## SOURCE

- The information on this map was derived from multiple sources including Lane County's GIS data and other public records. We provided "as is" information and Wabash LLC cannot accept any responsibility for errors, omissions, or personal accuracy in the digital data or the underlying records. There are no warranties, express or implied, accompanying this product.
- Questions regarding production of this map can be sent to Brian Mooring: [bmooring@wabashllc.com](mailto:bmooring@wabashllc.com)

SEE MAP  
19040000

SEE MAP  
19041000

SEE MAP  
19040000

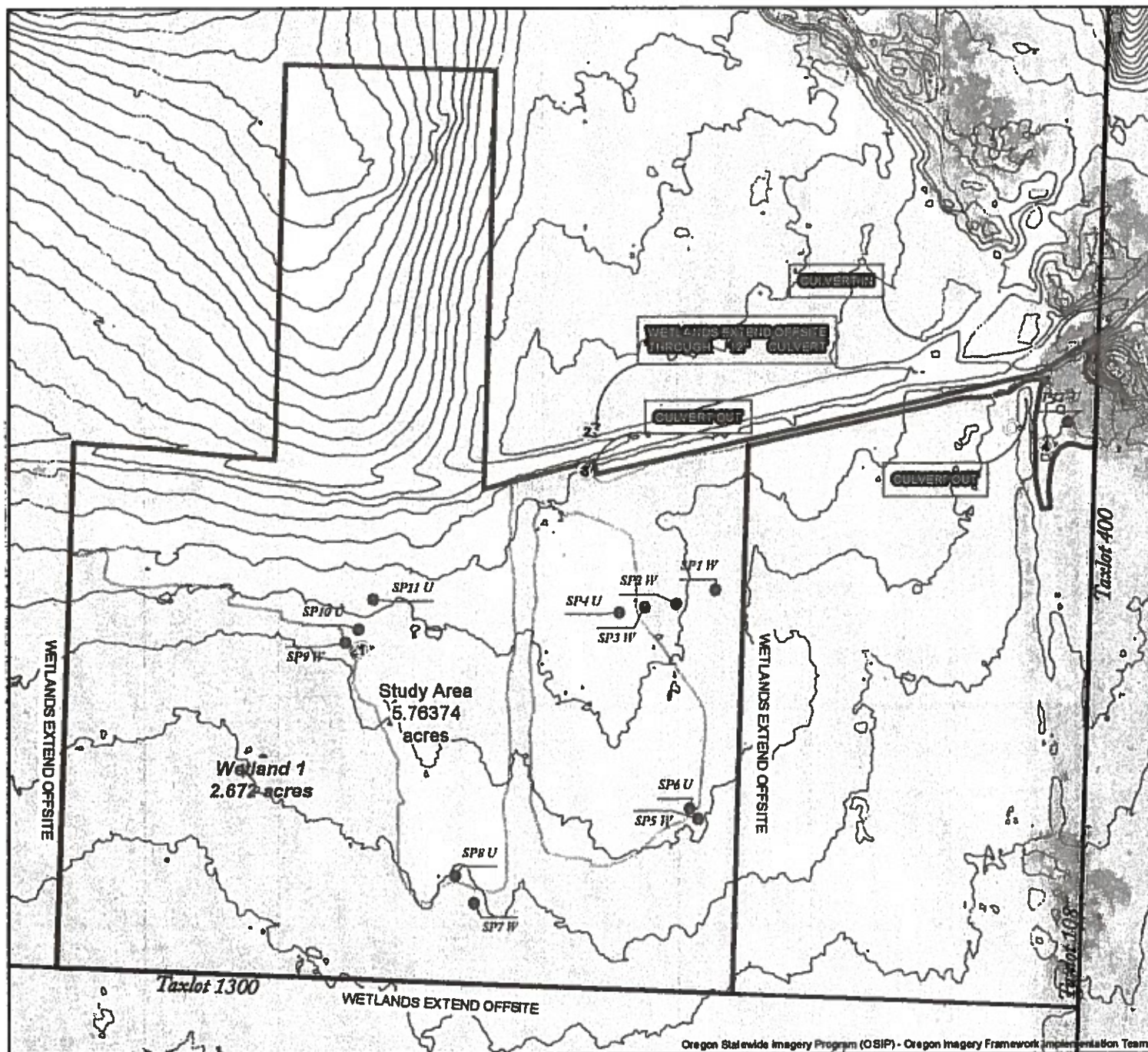
SEE MAP  
19041000

SEE MAP  
19041000

APPROX  
1/4 COR

NE COR  
C. MOORE  
DLC 37

DATE: 07/16/2020  
BY: [illegible]  
CHECKED: [illegible]  
DATE: 07/16/2020



## Legend

Photo Points

Sample\_Points

1' Contour

Local\_Lots

STUDY AREA

WETLANDS AND  
OTHER WATERS

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Accuracy is estimated at +/-1-meter  
for all points and wetland  
boundaries based on real time  
processing of submeter GPS  
solutions collected on 31 October  
and 12 November, 2019.

0 37.5 75  
Feet

1 inch = 75 feet

## SOURCE

The information on this map was derived from multiple sources. Extreme care was taken in the creation of this map, but it is provided "as is". Wetlands and Wildlife LLC cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, accompanying this product. Questions regarding production of this map can be sent to Brad Meyer: brad@wetlandsandwildlife.com

Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team



# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

State Land Board

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**JUL 17 2020**

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Kate Brown

Governor

Bev Clarno

Secretary of State

Tobias Read

State Treasurer

April 9, 2020

Bente Kongsore  
P.O. Box 459  
Creswell, Oregon 97426

Re: **WD # 2020-0014 Approved**  
Wetland Delineation Report for Kongsore South  
Lane County; T19S R4W S11DA TL108 (Portion)

Dear Ms. Kongsore:

The Department of State Lands has reviewed the wetland delineation report prepared by Wetlands and Wildlife LLC for the site referenced above. Please note that the study area includes only a portion of the tax lot described above (see the attached map). Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland 1, totaling approximately 2.672 acres) was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Lane County, Matt Unitis, at (503) 986-5262.

Sincerely,



Peter Ryan, PWS  
Aquatic Resource Specialist

Enclosures

ec: Brian Meiering, Wetlands and Wildlife LLC  
Lane County Planning Department (Maps enclosed for updating LWI)  
Benny Dean, Corps of Engineers  
Charles Redon, DSL

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# WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279. A single PDF of the completed cover form and report may be e-mailed to: [Wetland\\_Delineation@dsl.state.or.us](mailto:Wetland_Delineation@dsl.state.or.us). For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

## Contact and Authorization Information

☐ Applicant ☒ Owner Name, Firm and Address:

BENTE KONGSORE  
PO BOX 459  
CRESWELL, OREGON 97426

Business phone # (541) 735-1358

Mobile phone # (optional)

E-mail: [bentkongsore@gmail.com](mailto:bentkongsore@gmail.com)

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☐ Authorized Legal Agent, Name and Address (if different):

Business phone #

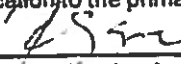
Mobile phone # (optional)

E-mail:

OWRD

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Bente Kongsore

Signature: 

Date: 01/10/2020 Special instructions regarding site access: Please contact landowner and consultant

## Project and Site Information

Project Name: Kongsore South

Latitude: N 43.924942

Longitude: W-123.129417

decimal degree - centroid of site or start & end points of linear project

Proposed Use:

Canine Training Ponds (Uplands within SA)

Tax Map # 19041100

Tax Lot(s) 108 (part)

Tax Map # --

Project Street Address (or other descriptive location):

30709 Camas Swale Road

Tax Lot(s) --

Township 19S Range 04W Section 11 QQ DA

Use separate sheet for additional tax and location information

City: Creswell

County: Lane

Waterway: Wetland

River Mile: N/A

## Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

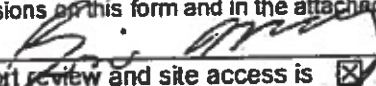
Wetlands and Wildlife LLC  
P.O. Box 50878  
Eugene, OR 97405

Phone # (541) 214-6051

Mobile phone # (if applicable)

E-mail: [brian@wetlandsandwildlifellc.com](mailto:brian@wetlandsandwildlifellc.com)

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: 

Date: 01/08/2020

Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 5.76 acres Total Wetland Acreage: 2.672

## Check Applicable Boxes Below

☐ R-F permit application submitted

☒ Fee payment submitted \$ 466.00

☐ Mitigation bank site

☐ Resubmittal of rejected report (\$100)

☐ EFSC/ODOE Proj. Mgr: \_\_\_\_\_

☐ Request for Reissuance. See eligibility criteria. (no fee)

☐ Wetland restoration/enhancement project (not mitigation)

DSL # \_\_\_\_\_ Expiration date \_\_\_\_\_

☒ Previous delineation/application on parcel

☐ LWI shows wetlands or waters on parcel

If known, previous DSL # W02619-0065 and 0033-ENF (Wetland of SA in this report)

Wetland ID code \_\_\_\_\_

## For Office Use Only

DSL Reviewer: M.U.

Fee Paid Date: 1 / 13 / 2020

DSL WD # 2020-0014

Date Delineation Received: 1 / 9 / 20

Scanned: ☐

Electronic: ☒

DSL App.# \_\_\_\_\_

Proj #59771