

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

RECEIVED

AUG 24 2020

OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME JANET WEBER		PHONE (HM) 503-625-1869	
PHONE (WK) SAME	CELL		FAX
ADDRESS 21750 SW. CHADMAN RD.			
CITY SHERWOOD	STATE OR	ZIP 97140	E-MAIL * HANDYWEBER2@GMAIL.COM

Organization

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

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

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

Note: Attach multiple copies as needed

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

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.

<u>Janet Weber</u>	<u>Janet Weber</u>	<u>Aug 6, 2020</u>
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

MIDDLETON Cory M * WRD

From: Hugh Weber <jmusicweb@aol.com>
Sent: Friday, September 04, 2020 8:47 AM
To: MIDDLETON Cory M * WRD
Subject: Re: OWRD Pond Application

Hi Cory- The water use should have stated multi-use. Thanks- Hugh and Janet.

On Sep 4, 2020, at 8:18 AM, MIDDLETON Cory M * WRD <Cory.M.Middleton@oregon.gov> wrote:

Hello,

As per our conversation we had earlier, I am writing to get a written confirmation on the Water Use under Section 3 of the application. I have attached the page submitted with the application for reference, but in order to irrigate out of the reservoir you will need to apply for Multi-Purpose. And, then you'd be able to apply for a surface water right to pull water out of the reservoir. Can you please confirm the water use is Multi-Purpose, once you have confirmed it I will place this email with application materials and hand it off to a caseworker.

Also, the application was missing was a copy of a legal description of the property which can be found in your deed land sales contract or the with the title company. You spoke about the ability to fax the legal and I will provide the fax number below, if you could put an attention to Cory Middleton with the fax, it would be appreciated.

Fax Number.
503-986-0901

Thank you, Cory Middleton
Customer Service Representative
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0801

<image001.jpg>

Integrity | Service | Technical Excellence | Teamwork | Forward Looking

<scan_20200904_072712.pdf>

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	WEBER				
Source*:	SEEDAGE / RUN-OFF Tributary:				
County:	WASHINGTON				
Quantity:	82.6 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	3 S	2 W	2	NE NW	400
Maximum Height of Dam:	feet. If excavated write "zero feet."				

* 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.

RECEIVED

SECTION 3: WATER USE

AUG 24 2020

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

OWRD

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

AUG 24 2020

OWRD

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 ☒ NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

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:	

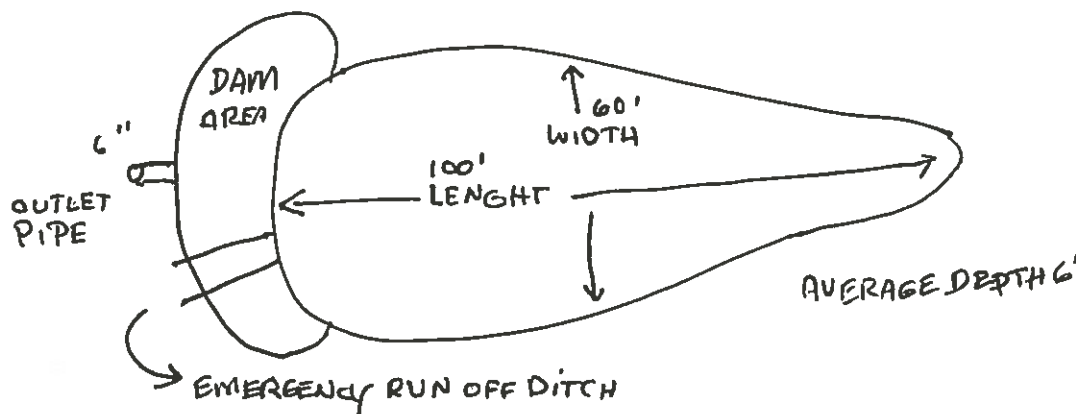
SECTION 7: DESCRIPTION

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.

SEE BELOW



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).



ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: JANET WEBER - 503-625-1869

21750 SW. CHAPMAN RD. SHERWOOD, OR HANDYWEBER2@GMAIL.COM

Reservoir Name: WEBER Source: _____ Volume (AF): _____

Twp Rng Sec QQ: 35-2W-2 Basin Name: _____ ☐ in-channel
☒ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

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

2) Is the proposed project or AO located where NMF² are or were historically present? ☐ YES ☒ NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

- a. Is there an ODFW-approved fish-passage plan? NA ☐ YES ☒ NO
b. Is there an ODFW-approved fish-passage waiver or exemption? ☐ YES ☒ NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream? ☐ YES ☒ NO
Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- ☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.
(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

TOTALLY REMOVED FROM ANY STREAM OR RUNNING WATER

RECEIVED

AUG 24 2021

OWRD

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)

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Hugh and Janet Weber

RECEIVED

Address: 21750 SW Chapman Rd, Sherwood, OR 97140

AUG 24 2020

Phone/Email: 503-625-1869/handyweber2@gmail.com

OWRD

Reservoir Name: Weber Reservoir

Volume (AF): 82.6

Source: Run-off

Basin Name: Chicken Creek/Tualatin River

☐ in-channel

Twp Rng Sec QQ: 3S 2W 2 NENW

☒ 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 May 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)

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 (winter steelhead) and state sensitive species (Coastal Cutthroat Trout and Pacific Lamprey) are present in Chicken Creek and/or the Tualatin River during the period of impact. Instream flows to fulfill MF175 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 May through November. The proposed use could 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 could 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

Water is only available to support biologically necessary flows at the POD and/or downstream during December through April. 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. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use outside this period could impair or be detrimental to an existing fishery resource. If the applicant is interested in pursuing mitigation, please contact ODFW for further information concerning appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right.

RECEIVED

AUG 24 2020

OWRD

ODFW Signature: _____



Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 8/13/20

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

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 December through April.

☐ **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.

RECEIVED

AUG 24 2020

OWRD

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 15-Sept 30 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.

RECEIVED

AUG 24 2020

OWRD

ODFW Alternate Reservoir Application Review Sheet: Include an ODFW Review Sheet completed by an ODFW representative. *NOTE: If ODFW determined that your reservoir will pose a significant detrimental impact to existing fishery resources and did not identify any conditions to mitigate such impact, STOP here – the Department cannot accept the application.*

Land Use Information Form: Include a Land Use Information Form or the Land Use Information Form receipt stub signed (*must be original*) by a representative of the local planning agency having jurisdiction (i.e., county or city planning).

Legible and accurate map: A map of the proposed development must accompany each application for a permit. See pages 3 and 4 and the Minimum Requirements on page 8 for map requirements.

Payment: A check or money order made out to WRD for the examination fee. The base fee is \$410. In addition, there is a fee of \$35 per acre-foot or fraction thereof. Example: 0.3 AF = \$445; 1.5 AF = \$480; 20.0 AF = \$1110; 30.0 AF = \$1460.

NOTE: There is a \$520 permit recording fee for Alternate Reservoir applications. You may pay the permit recording fee at time of submittal or you may pay that fee at a later date prior to permit issuance. For fastest processing, the Department recommends that the permit recording fee be paid in advance. If the Department does not issue a permit, the permit recording fee will be refunded.

Secondary Application: Submit a secondary application if there will be out-of-reservoir uses associated with this reservoir **AFTER** the reservoir has been permitted.

\$410
35
520

\$965

RECEIVED

AUG 24 2020

OWRD

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R-

Applicant's Name:

JANET Weber
21750 S.W. CHAPMAN RD
SHERWOOD, OR 97140

HANDYWEBER22@GMAIL.COM
503-625-1869

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

☒ NO ☐ YES

Explain:

RECEIVED

AUG 24 2020

OWRD

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

☐ NO ☒ YES

If YES, which conditions are recommended:

WAB = Nov. 1 - May 31

limited storage season of Nov. 1 - May 31st

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

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster printed name: Jake Conners

Watermaster signature:

Jake Conners

Date:

5/19/20

WRD Contact:

Caseworker:

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

NOTE: This completed form must be returned to the applicant

Land Use Information Form



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

RECEIVED

Applicant: JANET First

WEBER Last

AUG 24 2020

Mailing Address: 21750 S.W. CHAPMAN RD.

OWRD

SHERWOOD
City

OR
State

97140
Zip

Daytime Phone: 503-625-1869

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:
3S	2W	2	NE NW	400	RURAL RESIDENTIAL	☒ Diverted	☒ Conveyed	☒ Used	RESERVOIR
						☐ 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:

WASHINGTON COUNTY

B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 82 ACRE FT. ☐ 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 MULTI PURPOSE

Briefly describe:

APPLYING FOR MULTIPLE PURPOSE

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

See bottom of Page 3. →

For Local Government Use Only

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

RECEIVED

AUG 24 2020

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): ARTICLE III, Section 344 / ARTICLE IV, Sections 421 & 422
Washington County Community Development Code
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ 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.

Water used for irrigation is a use by right in the AF-20 land use district. The proposed pond site is outside of mapped Drainage Hazard Area and Significant Natural Resource areas. As such, they are not subject to the requirements of Sections 344, 421, & 422 of the Washington County Community Development Code.

Name: JEAN D. HARRASSER, CFM Title: ASSOCIATE PLANNER
Signature: [Signature] Phone: (503) 846-8131 Date: 08/06/2020
Government Entity: WASHINGTON COUNTY, OR

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: _____

P 01

ATTEN: CORY MIDDLETON

Exhibit "A" to Weber/Weber Quitclaim Deed Dated , 2008

That tract of land in the Northwest Quarter of Section 2, T 3 S, R 2 W, Willamette Meridian, conveyed to Ray Spath by deed recorded in Book 344, page 652, Washington County, Oregon Deed Records; Beginning at a point on the north line of said Section 2, S 89° 32' E, 1318.35 feet from the Northwest corner thereof, and running thence S 00° 32' W, along the east line of the West half of the Northwest Quarter of said Sec. 2, 20.0 feet to an iron pipe on the south line of S.W. Chapman Road; thence continuing S 00° 32' W, 1252.48 feet to a stone; thence continuing S 00° 32' W, 100.0 feet to an iron rod; thence N 89° 32' W, 322.08 feet to an iron rod; thence N 00° 32' E, 1352.48 feet to an iron rod on the south line of said road; thence continuing N 00° 32' S, 20.0 feet to the north line of said Section 2; thence S 89° 32' E, along said section line, 322.08 feet to the point of beginning; containing 10.148 acres, more or less.

TOGETHER WITH the South 417.38' of the following described tract:

Beginning at a point on the north line of Section 2, Township 3 South, Range 2 West, Willamette Meridian, South 89° 32' East 1318.35 feet from the northwest corner thereof, and running thence South 00° 32' West along the east line of the West Half of the Northwest Quarter of said Section 2, 20.0 feet to an iron pipe on the south line of S.W. Chapman Road; thence continuing South 00° 32' West 1252.48 feet to a stone; thence South 89° 32' East 208.70 feet to an iron pipe; thence North 00° 38' East 1252.48 feet to an iron pipe on the south line of S.W. Chapman Road; thence running North 89° 32' West in a westerly direction 208.7 feet to the point of beginning, containing 6 acres of land, more or less.—

THIS WAS COMPLETED FOR
ESTATE PLANNING

ATTEN: CORY MIDDLETON

FORM No. 999 - QUITCLAIM DEED - STATUTORY FORM (Individual Grantor).

Washington County, Oregon

2008-022711

03/14/2008 02:16:41 PM

D-00

Cnt=1 Stn=21 RECORDS1

\$10.00 \$5.00 \$11.00 - Total = \$26.00

ST



01227507200800227110020021

REC
at
box
and
No.

Richard Hobernicht, Director of Assessment and
Taxation and Ex-Officio County Clerk for Washington
County, Oregon, do hereby certify that the within
instrument of writing was received and recorded in the
book of records of said county.

Richard Hobernicht, Director of Assessment and
Taxation, Ex-Officio County Clerk



Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy.

SPACE RESERVED
FOR
RECORDER'S USE

Hubert Weber, who took title as Hugh Weber

21640 S.W. Chapman Road

Sherwood, Oregon 97140

Grantor's Name and Address

Janet C. Weber

21640 S.W. Chapman Road

Sherwood, Oregon 97140

Grantee's Name and Address

After recording, return to (Name, Address, Zip):

Janet C. Weber

21640 S.W. Chapman Road

Sherwood, Oregon 97140

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Janet C. Weber

21640 S.W. Chapman Road

Sherwood, Oregon 97140

QUITCLAIM DEED - STATUTORY FORM

(INDIVIDUAL GRANTOR)

HUBERT WEBER, who took title as HUGH WEBER

_____, Grantor,
releases and quitclaims to JANET C. WEBER

_____, Grantee,
all right, title and interest in and to the following described real property situated in Washington County,
Oregon, to-wit:

SEE ATTACHED EXHIBIT "A".

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

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

DATED _____

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGU-
LATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPRO-
PRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES
AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

Hubert Weber
Hubert Weber

STATE OF OREGON, County of Washington) ss.

This instrument was acknowledged before me on March 14th, 2008
by Hubert Weber



Derryck H. Dittman

W + E
N
S

1372.54 N00°19'58"E

SOUTH END OF
LOT 400

RECEIVED

AUG 24 2020

OWRD

PROPOSED POND
SITE



200'

208.70'

N89°32'00"W 343.70'

200.00'

N00°19'58"W 405.10'

LOT 10

10.8 AC.

322.08'

N89°32'06"W

100.00'
S00°19'58"W



SCALE 1" = 100'

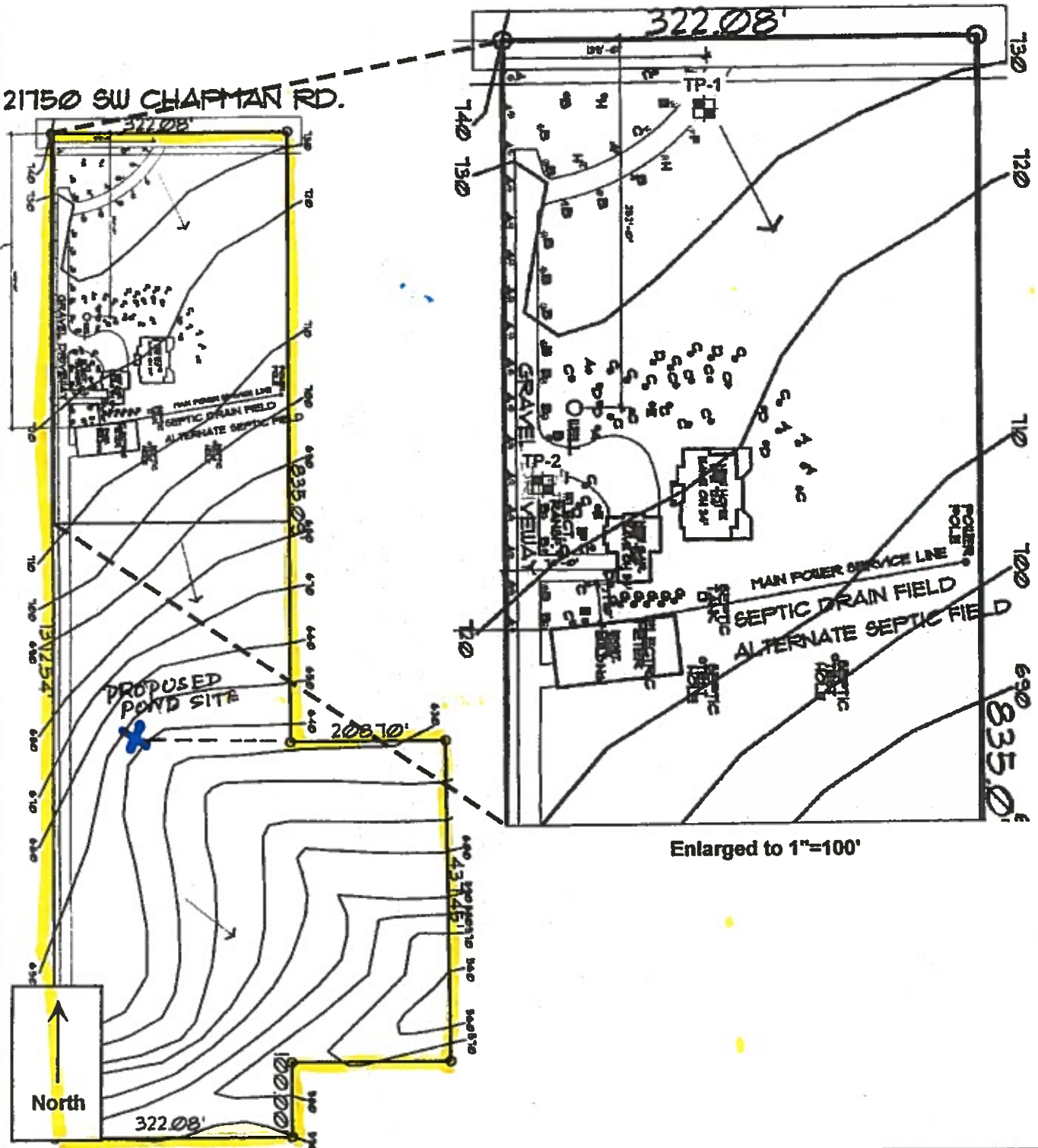
D = 90°00'00'



13910 SW Galbreath Drive, Suite 102
 Sherwood, Oregon 97140
 Tel: (503) 625-4455 Fax: (503) 625-4405

SITE PLAN AND EXPLORATION LOCATIONS

21750 SW CHAPMAN RD.



Enlarged to 1"=100'

Legend

TP-1

0 200'

Date: 10/21/09
 Drawn by: EKR

STATE OF OREGON
COUNTY OF WASHINGTON
CERTIFICATE OF WATER RIGHT

RECEIVED

AUG 24 2020

OWRD

THIS CERTIFICATE ISSUED TO

HUGH AND JANET WEBER
21750 SW CHAPMAN ROAD
SHERWOOD OR 97140

confirms the right to use the waters of UNNAMED STREAM, tributary to CHICKEN CREEK for IRRIGATION of 4.9 ACRES.

This right was perfected under Permit S-26448. The date of priority is OCTOBER 5, 1959. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.058 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	2 W	WM	2	NE NW	3	1100 FEET SOUTH AND 1680 FEET EAST FROM NW CORNER, SECTION 2

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 W	WM	2	NW NW	4	4.6

When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning the construction and shall be installed under the general supervision of the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County WASHINGTON
Priority Date _____ Township 35 Range 2W Section 2 Taxlot 400
Use _____ Caseworker _____
Amount (AF) _____ Watermaster JAKE CONSTANS

RECEIVED

AUG 24 2020

Minimum Requirements (ORS 537.409)

OWRD

- ☐ Landowner Name, Mailing Address and Telephone Number.
- ☐ Source and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE**
- ☐ Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- ☐ Dam height, if applicable
- ☐ Total Quantity of Storage Requested: _____
- ☐ Proposed Use of the water. Cannot accept application for use of this stored water at the same time (E2)
- ☐ Property ownership indicated? If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located OR that are crossed by the diversion works. This includes any roads or rights-of-way.)
- ☐ Environmental Impact section completed?
- ☐ Application signed by the landowner(s)? All parties noted as applicants must sign the application.
Must be an original "wet" signature.
- ☐ Acceptable map ** Indicates requirements of standards set forth by the Commission and 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 or POD (If off channel) Location coordinates referenced to a government landsurvey corner*
If no dam, use coordinates to center of reservoir.**
- ☐ Completed Watermaster review sheet signed and dated by Watermaster.
 - Will the reservoir injure an existing water right? ☐ YES ☒ NO
 - If YES, can conditions be applied to mitigate the injury? ☐ YES ☐ NO **If NO, return the application.**
 - Did the watermaster determine when water is available for the proposed use? ☐ YES ☐ NO
 - The Watermaster review sheet must have been completed within the last 6 months.*
 - If the watermaster determined that water is NOT available, return the application.**
- ☒ Completed ODFW review sheet signed and dated by ODFW representative.
 - 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 **If NO, return the application.**
 - The ODFW review sheet must have been completed within the last 6 months.*
- ☐ Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
- ☐ Provide a Legal Description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

☒ Fees enclosed? Print page from fee calculator

Total Paid \$ 965

Total Fees \$ 965

Completeness Check by: HUSH+JANET WEAVER Date: 9-13-2020

Revised 2017-8-4



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

RECEIVED

AUG 24 2020

OWRD

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: JANET WEIBER
First Last

Mailing Address: 21750 S.W. CHAPMAN RD.

SHERWOOD OR 97140
City State Zip

Phone: 503-625-1869
Home Work Other

Fax: E-Mail Address*: HANDYWEBER2@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.)

2. AGENT INFORMATION

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

Agent:
First Last

Mailing Address:

City State Zip

Phone:
Home Work Other

Fax: E-Mail Address*:

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

3. LOCATION AND SOURCE

A. Reservoir Name: WEBER

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: SEEPAGE Tributary to:

C. County in which diversion occurs: WASHINGTON

App. No. <u></u>	For Department Use Permit No. <u></u>	Date <u></u>
------------------	--	--------------

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	2W	2	NW $\frac{1}{4}$	400

E. Dam: Maximum height of dam: 8 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: 826
Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

RECEIVED

AUG 24 2020

OWRD

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.

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:

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.

RECEIVED

AUG 24 2020

N/A

7. WITHIN A DISTRICT

OWRD

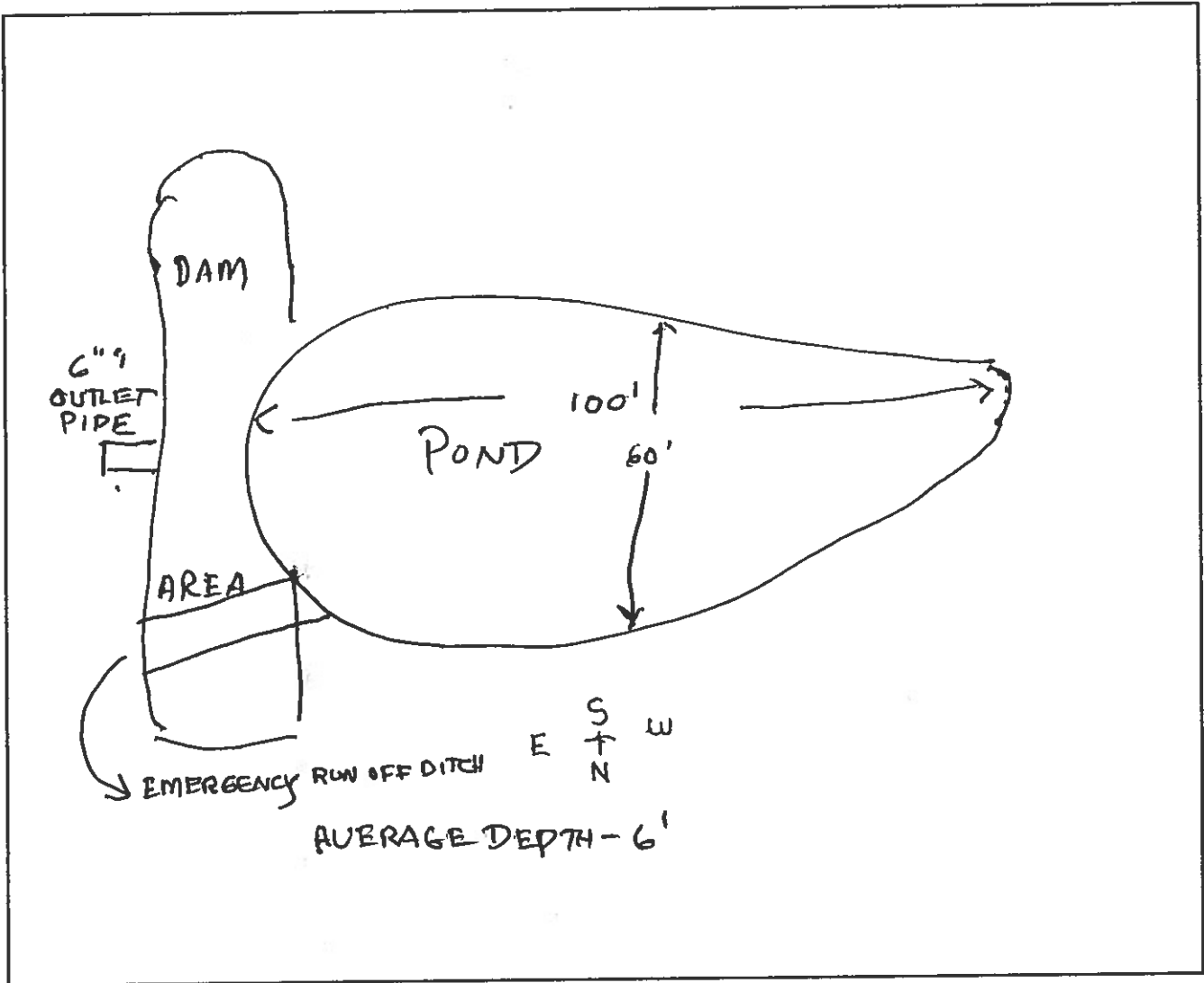
☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

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.

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.

Janet Weper
Applicant Signature

5/15/2020
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.



Hugh Weber <handyweber2@gmail.com>

Alternate Pond site visit

1 message

Jim Brick <Jim.D.Brick@state.or.us>

Fri, May 15, 2020 at 4:16 PM

To: Jason R Brandt <Jason.R.Brandt@state.or.us>

Cc: "handyweber2@gmail.com" <handyweber2@gmail.com>

RECEIVED**AUG 24 2020**

Hi Jason,

OWRD

I met Hugh Weber today. He is working with the local water master moving forward with an alternate reservoir proposal. We discussed the process of getting the ODFW portion of the water rights application completed (at least as much as I know). So I made a site visit and this was a no brainer, from a NMF use determination. The location of the proposed pond was not in any kind of a channel nor are there or were there historical fish use at this location. I forgot to get any photos but if needed we could ask Hugh to take a couple (cc'ed).

Let me know if you need anything else from me as this process progresses.

Jim

**HughWeberpond.pptx**

828K