



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 www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Victor _____ Baumann _____
First Last
Mailing Address: 43967 Thomas Creek _____
Scio _____ OR _____ 97374 _____
City State Zip
Phone: 503-859-3240 _____ retired _____
Home Work Other
Fax: _____ E-Mail Address*: donvic4@wvi.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

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A. Reservoir Name: Baumann

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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, unnamed Tributary to: Thomas Creek

C. County in which diversion occurs: Linn

App. No. R-87770

For Department Use
Permit No. _____

Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
T. 9 S.	R. 1 E.	S. 35	SE	401

E. Dam: Maximum height of dam: 9.5 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: Est. 5

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.

My proposal is for multipurpose water uses such as: 1. Cattle watering to a water trough outside of pond, estimate 500 gallons per day usage. The water delivery system would have automatic shutoff flow mechanism to conserve water use. 2. Fire protection where water can be used to fight fire. 3. Wildlife enhancement potential project.

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.

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Plan of Operations for Baumann's Pond

3-5-2014

Location of pond site: Lat. 44 deg. 44' 24.8" N

Long. 122 deg. 38' 58.6" W

Construction Plan

Estimated dam length 130 feet. Side slope into stream is estimated at 15 percent. Stream flow estimated at 5 percent.

Plan of operations:

1. Clear area of vegetation/timber. Remove stumps.
2. Remove topsoil prior to beginning construction.
3. Establish a core trench below all the stream bed and well into the clay layer.
4. After compacting the first few layers of the core, install a drain at the deepest part of the dam, usually at the bottom of the old stream bed. It is critical to compact this drain area extensively to prevent water seepage around the pipe.
5. Soil for the dam will come from the pond water impoundment area. This will allow for increased water capacity in the pond.
6. Raise the dam in 6 inch layer increments and compact each layer. The dam height will be constructed to allow for an appropriate amount of freeboard in the design.
7. Construct a diversion ditch to route excess water runoff around the pond during heavy rains. This will be over built to also act as the emergency spill way. Construction of the ditch will lead water well around the end of the constructed dam. Portions or the entire ditch will be armored with pit run rock to ensure no erosion takes place.
8. A six inches drain pipe drain pipe is planned with a shut of valve, plan on the down flow side of the dam
9. When the dam is done, finish with topsoil and seed with grass. Side slope on the dam will be planned to allow for mowing of grass with a tractor. This area is going to be fenced to keep cattle out and to protect the investment.

Victor Baumann
43967 Thomas Creek
Scio OR. 97374
503-859-3240

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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.

Victor Baumann
Landowner Signature

4-2-2014

Date

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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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FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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: *Victor Baumann*

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

Explain: *There are irrigator on this channel below this site.*

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

If YES, which conditions are recommended:

Usual storage season Limitation Nov → June

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

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Michael J. Mattick Date: *March 6, 2014*

WRD Contact:

Caseworker:

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

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Victor Baumann, 43967 Thomas Creek, Scio, OR. 97374, 503-859-3240

donvic4@wvi.com

Reservoir Name: Baumann Source: winter surface water Volume (AF): est. 9.2

Twp Rng Sec QQ: T.9S., R. 1E., Sec. 35, SE1/4 of SE 1/4 Basin Name: Thomas Creek ☒ in-channel
☐ off-channel

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

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

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

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

3) If NMF are or were historically present:

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

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

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

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

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

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

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If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?
☐ NO (explain) ☐ YES (select from Menu of Conditions on next page)

ODFW Signature: Alex Farrand

Print Name: Alex Farrand

ODFW Title: Assistant District Fish Biologist

Date: 1/22/14

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

Revised 10/4/12

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R-87970

Land Use Information Form



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

Applicant: Victor Baumann
First Last

Mailing Address: 43967 Thomas Creek

Scio OR 97374 Daytime Phone: 503-859-3240
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
9S	1E	35	SE	401	EFU	☐ Diverted	☐ Conveyed	☒ Used	water cattle
						☐ 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:

Linn, County, Scio OR.

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) No Name

Estimated quantity of water needed: 500 gallons/day ☐ 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 Water Cattle

Briefly describe:

Build a pond for multipurpose water uses such as : 1. Cattle watering system to troughs outside of the pond, estimated 500 gallons day usage. 2. Fire protection use, where fire trucks can be filled. 3. Wildlife enhancement potential project.

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): LCC 928.310

☐ 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.

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Name: Alyssa Boles Title: Planner
 Signature: Alyssa Boles Phone: 541-960-3816 Date: 4/1/14
 Government Entity: Linn 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: _____

VICTOR & DONNA BAUMANN LEGAL PROPERTY DESCRIPTION

LEGAL DESCRIPTION OF 95.05 ACRE PARCEL TO BE BROKEN AWAY FROM HOME PARCEL.

Beginning at a point 725.02 feet North 89 degrees 56' 30" West and 1419.00 feet North of the Southeast corner of section 35, Township 9 South, Range 1 East of the Willamette meridian, Linn County, Oregon, said point also being on the east line of the William Shelton D.L.C. No. 67, T. 9s, R. 1E., W.M., thence North 89 degrees 56' 30" West parallel with the south line of said Section 35, 2952.27 feet; thence South 1403.34 feet; thence North 89 degrees 56' 30" West 597.62 feet; thence South 0 degrees 06' 38" East 60.00 feet to the northerly northwest corner of that parcel of land conveyed to Lulay Farms by deed Volume 274, Page 480, Linn County Deed Records, Linn county, Oregon; hence South 89 degrees 56' 30" East along the north line of said Lulay tract 3549.77 feet to said east line of Shelton D.L.C.; thence north along said east line of Shelton D.L.C. 1463.34 feet to the point of beginning and containing 95.05 acres more or less.

Less and Except the following

Beginning at a point 2173.00 feet North 89°56'30" West and 644.45 feet North 00°00'00" East of the southeast corner of section 35, Township 9 South, Range 1 east of the Willamette Meridian, Linn County, Oregon;

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thence North 00°00'00" East 250.00 feet;

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thence South 90°00'00" East 250.00 feet;

thence South 00°00'00" West 250.00 feet;

SALEM, OR

thence North 90°00'00" West 250.00 feet to the point of beginning and containing 1.43 acres more or less.

ALSO a 60 foot roadway with 30 feet being on either side of the following described centerline;

Beginning at a point 2159.68 feet North 89°56'30" West and 644.45 feet North 00° 00'00" East of the southeast corner of Section 35, Township 9 South, Range 1 East of the Willamette Meridian, Linn County, Oregon;

Thence South 24°00'00" West 59.69 feet; thence South 80°12'00" West 1485.00 feet to a point 30 feet east the west line of that certain 100 acre tract of land conveyed to Victor and Donna Baumann by deed recorded in MF Volume 385, Page 397, Linn County Records;

Thence South 00°00'00" West parallel with and 30 feet east of said west line 350.00 feet; thence North 89°56'30" West parallel with and 30 feet north the south line of said Baumann tract 657.56 feet to the most westerly line of said Baumann tract. Above described roadway contains 3.52 acres more or less.

Combined area of said tracts is 4.95 acres.

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By *B.M.*, Deputy

MF 1249

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2001 DEC 28 A 11:03

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LINN COUNTY
PLANNING AND BUILDING DEPARTMENT

Phone 541-967-3816

Receipt #: R20119253

TRANSACTION DATE: 04/01/2014

FILE #: PD14-0084
DESCRIPTION: WRD LUCS
STATUS: APPLIED

APPLICANT: BAUMANN, VICTOR
SITE ADDRESS: 43967 THOMAS CREEK DR SCIO
MAP NO: 09S-01E-35 -00401

APPLICATION: LAND USE COMP AND VER. LETTER

TRANSACTION AMOUNT: 50.00

NOTATION:

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TRANSACTION LIST

Type	Method	Description	Amount
Payment	Check	4414	50.00

RECEIPT ACCOUNT ITEM LIST

Item#	Description	Account	Total Fee	Total Paid	Current Pymt
2280	Plng--Other Applications	24-3-070-10	50.00	50.00	50.00

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SEASIDE, OREGON

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