



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

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DEC 07 2015

SALEM, OR

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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: JOHN S. SHANNON POYNTER  
First Last

Mailing Address: PO BOX 73  
LOVANE OR 97451  
City State Zip

Phone: 541 767 0379 \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: POYNTERFARM@LIVE.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: \_\_\_\_\_

Phone: \_\_\_\_\_  
City State Zip

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: N/A

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: DIFFUSE RUN-OFF Tributary to: SUSAN RIVER  
WINTER DRAW FROM SUSAN RIVER

C. County in which diversion occurs: LANE 20 05 20 300

App. No. <u>R-89153</u>	For Department Use	Date _____
Permit No. _____		

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
20 S	05 W	20		300

**E. Dam:** Maximum height of dam: ZERO feet. If excavated, write "zero feet".

**Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 4 acre feet

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

0.4 or .6 (steeper)

**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-USE.

5 acre feet  
5 year + 1 year

**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:

261 799 ft<sup>3</sup>  
6 acre feet

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SALEM, OR

**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 DISTRICT 2	Address 125 EAST 8th AVE	
City EUGENE	State OREGON	Zip 97401-2926

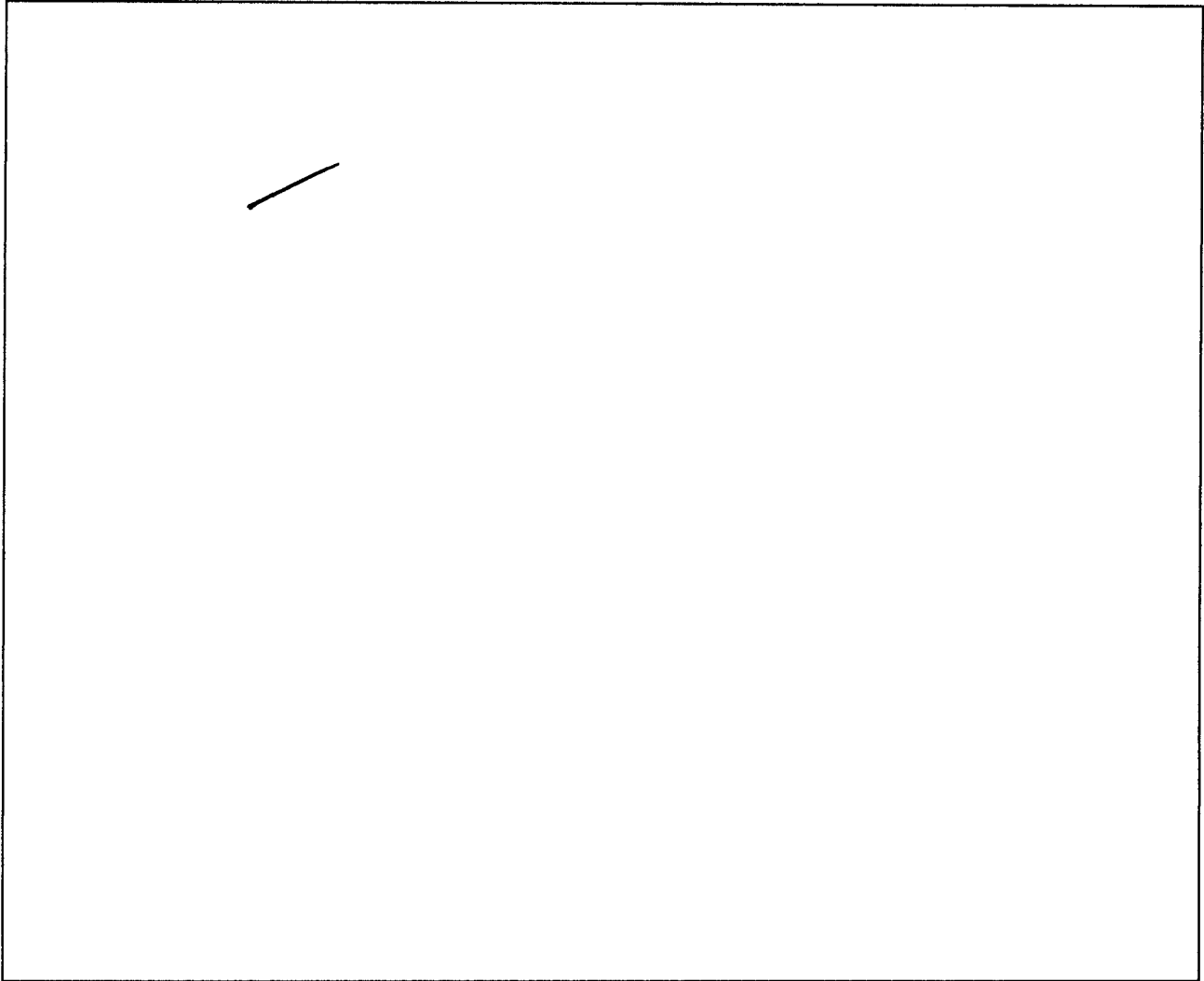
**8. DESCRIPTION**

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.

The pond will be dug off channel and will be filled with diffuse surface runoff during the rainy season.

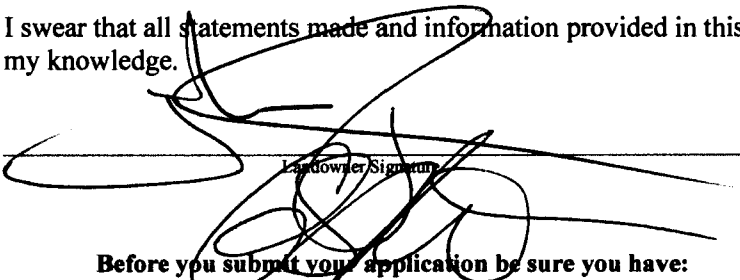
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SALEM, OR

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/Signatory

10.10.15  
Date  
11.9.15

**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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SALEM, OR

# ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: JOHN & SHANNON POYNTER  
25766 SIUSLAW RIVER ROAD 541 767 0379  
LOLANE, OR 97451 POYNTERFARM@LIVE.COM

Reservoir Name: None Source: SURFACE RUN OFF'S SIUSLAW RIVER Volume (AF): 4

Twp Rng Sec QQ: 20 05 20 300 Basin Name: SIUSLAW  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) 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)
- 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 \_\_\_\_\_ 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. **RECEIVED BY OWRD**

DEC 07 2015

SALEM, OR

<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)

R-08153

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: *Derek Wilson*

Print Name: Derek Wilson

ODFW Title: Assistant District Fish Biologist

Date: 11-17-15

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

Revised 10/4/12

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DEC 07 2015

SALEM, OR

R-88153

COPY ✓  
MADE



<http://www.lanecounty.org>

# TRANSACTION RECEIPT

RECEIPT NO: LC15004070  
TRANSACTION DATE: 10/29/2015  
CASHIER: LLANSBERY

LAND MANAGEMENT DIVISION  
3050 N. Delta Hwy  
Eugene, OR 97408  
541-682-4065

[imd.information@co.lane.or.us](mailto:imd.information@co.lane.or.us)

RECORD NO: 509-PA15-05731

RECORD TYPE: Administrative Approval NA

SITE ADDRESS:

PARCEL: 2005200000300

APPLICANT: John Poynter

DESCRIPTION OF WORK:

## FEE ITEMIZATION FOR 509-PA15-05731

Land Use Compatibility Simple	570-3628010-426520	\$100.00
LMD Administrative Fee (15% of applicable fees)	570-3628040-466605	\$15.00
Long Range Planning Surcharge (13% of applicable fees)	570-3628015-466606	\$13.00
LMD Technology Assessment (2% with \$100 max of applicable fees)	570-3628042-466604	\$2.00
<b>TOTAL PAID:</b>		<b>\$130.00</b>

## PAYMENT SUMMARY FOR 509-PA15-05731

Check 5130	John Poynter	\$130.00
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SALEM, OR

R-88153

LAND MANAGEMENT DIVISION

Date Received: RECEIVED OCT 29 2015



LAND USE APPLICATION - ADMINISTRATIVE  
Land Use Compatibility Statement

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97401 Planning: 682-3577

For Office Use Only: FILE # PA15-0573 | FEE: \$1300  
DMW

Applicant (print name): JOHN POYNTER  
Mailing address: 25766 SUSLAW RIVER ROAD  
Phone: 541 767 0379 Email: POYNTERFARM@LIVE.COM

Applicant Signature:

PROPERTY LOCATION

20 05 20 300  
Township Range Section Taxlot Subdivision/partition lot/parcel block

NONE  
Site address

The Land Use Compatibility Statement (LUCS) is the form used when a customer needs a written response from the Planning Program, including State permit sign-offs. It is intended to assist customers who have a question that can not be answered in 10 minutes by the Planner at the front desk.

In the space below, write the question/request you have for the Planner. Attach additional pages if necessary.

Community sign off for approval  
for Oregon water right to build  
a pond.

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SALEM, OR

R-00153



# 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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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SALEM, OR

9

R-88153

# 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: JOHN POYNTER  
First Last

Mailing Address: 25766 SWSLAW RIVER ROAD  
LORANE OR 97451 Daytime Phone: 541 767 0379  
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:
20	05	20		300	FZ	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	MULTI
						<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:  
LORANE, OR  
LANE COUNTY

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:  
 Permit to Use or Store Water     Water Right Transfer     Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License     Allocation of Conserved Water     Exchange of Water

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: \_\_\_\_\_  cubic feet per second     gallons per minute     acre-feet

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for 1 household(s)  
 Municipal     Quasi-Municipal     Instream     Other LIVESTOCK

Briefly describe:  
FIRE PROTECTION  
POND AT HOME SITE TO ACT AS FIRE PROTECTION, ENVIRONMENT ENHANCEMENT, GARDEN IRRIGATION AND LIVESTOCK WATERING

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. → RECEIVED BY OWRD

DEC 07 2015

SALEM, OR

R-88153

# 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): LC 16.211(2)(d) Farm Use
- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

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Name: Deanna Wright Title: Associate Planner  
 Signature: Deanna Wright Phone: 541-682-4082 Date: 10-29-1  
 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: \_\_\_\_\_

R-88153

# 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: John Poynter

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

NO  YES

Explain:

Source: Run off & Siuslaw R.

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

NO  YES

If YES, which conditions are recommended:

Storage from Siuslaw Limited to Dec thru March  
Run off Nov → June, and to separate shallow GW from pond.  
Require Water master Approval of Excavated ~~hole~~ <sup>hole</sup> Dry before filling.

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. Mathis* Date: 11-4-2015

WRD Contact:

Caseworker:

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

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SALEM, OR

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

RETURN TO CASCADE TITLE CO.

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2001-035311



GB TITLE NO. CT 226917  
ESCROW NO. EU01-2986  
TAX ACCT. NO. 924116  
TAX ACCT. NO. 1387628  
20-05-20-11-300



\$31.00

00182561200100353110020023

06/11/2001 03:20:51 PM

RPR-DEED Cnt=1 Stn=3 CASHIER 07  
\$10.00 \$11.00 \$10.00

### WARRANTY DEED -- STATUTORY FORM

ROSEBURG RESOURCES CO., an Oregon Corporation, Grantor,

conveys and warrants to

Ginevra R. Ralph, Trustee and Walter W. Bell, Trustee of the  
SHANNON POYNTER TRUST, UAD AUG.30, 1985, Grantee,

the following described real property free of encumbrances except as  
specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT  
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR  
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD  
CHECK WITH THE APPROPRIATE 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.

The true consideration for this conveyance is \$175,000.00.

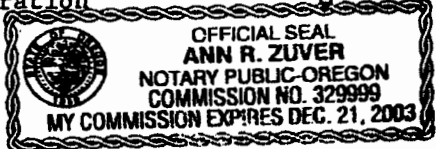
Dated this 6<sup>th</sup> day of JUNE, 2001.

BY: W. Ray Jones  
ROSEBURG RESOURCES CO. an Oregon Corporation  
V.P. Pres. Resources

STATE OF OREGON, County of Douglas ) ss.

This instrument was acknowledged before me on June 6, 2001,  
by ROSEBURG RESOURCES CO., an Oregon Corporation, by W. Ray Jones  
Vice President, on behalf of the corporation

Ann R. Zuver  
Notary Public For Oregon  
My commission expires: 12-21-03



ROSEBURG RESOURCES CO.  
PO BOX 1088  
ROSEBURG, OR 97470  
GRANTOR'S NAME AND ADDRESS

Until a change is requested  
all tax statements shall be  
sent to the following address:  
\*\*\* SAME AS GRANTEE \*\*\*

SHANNON POYNTER TRUST, UAD AUG.30, 1985  
25766 SIUSLAW RIVER ROAD  
LORANE, OR 97451  
GRANTEE'S NAME AND ADDRESS

After recording return RECEIVED BY OWRD  
CASCADE TITLE CO.  
811 WILLAMETTE  
EUGENE, OR 97401

DEC 07 2015

SALEM, OR

R-88153

PROPERTY DESCRIPTION

Beginning at the iron pin marking the Southwest corner of the Northwest one-quarter of the Northeast one-quarter of Section 20, Township 20 South, Range 5 West of the Willamette Meridian, thence South  $88^{\circ} 21' 33''$  East 1333.22 feet to an iron pin marking the Southeast corner of said Northwest one-quarter of the Northeast one-quarter and the true point of beginning; thence South  $0^{\circ} 47' 22''$  West 1326.16 feet to an iron pin marking the Southwest corner of the West one-half of the East 1/2 of the Northeast one-quarter of said Section 20; thence South  $88^{\circ} 23' 29''$  East 667.25 feet to an iron pin marking the Southeast corner of the West one-half of the East one-half of the Northeast one-quarter of said Section 20; thence North  $0^{\circ} 45' 41''$  East 1859.95 feet along the East line of the West one-half of the East one-half of the Northeast one-quarter of said Section 20 to an iron pin set on the Southerly right of way line of County Road No. 1058 (Siuslaw River Road) thence North  $68^{\circ} 09' 03''$  West 153.90 feet along said right of way line to a point; thence North  $66^{\circ} 42' 47''$  West 207.70 feet continuing along said right of way line to a point; thence continuing along said right of way line and the arc of a curve to the left having a radius of 1047.97 feet to a point which bears North  $69^{\circ} 50' 21''$  West 114.30 feet from the last described point; thence South  $18^{\circ} 31' 40''$  West 731.73 feet to the true point of beginning, in Lane County, Oregon.

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DEC 07 2015

SALEM, OR

R-88153

## Appendix A

Developing your water right often entails grading trenching or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or [REDACTED]. The following information was provided by the Oregon Division of State Lands.

### **Activities in Wetlands and Waterways are Regulated by:**

- The Division of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

### **What Areas are Regulated?**

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and [REDACTED]
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise 'designated' to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance.

### **What Activities are Regulated?**

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- [REDACTED]
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

### **What Activities are Exempt**

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

### **How are Laws Enforced?**

The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.

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DEC 07 2015

SALEM, OR

R-88153

**D. County of Use:** Indicate the county where the pond or reservoir is located.

**E. Dam:** List the dam height. If there is no dam, enter "0 feet." NOTE: If the dam is 10 feet or greater, and the storage capacity of the reservoir is more than 9.2 acre-feet, you must apply under the *Standard Reservoir Process*.

**F: Quantity:** List the total quantity of water to be stored at maximum capacity. List the total in acre-feet. One acre-foot is equal to one acre in size, one foot deep. One acre-foot is also equivalent to 325,851 gallons or 43,560 cubic feet.

### 3. Water Use

In order to receive a water right, you must show that you will be using the water beneficially and without waste. Indicate the type of use 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 beneficial uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection, and pollution abatement. Regardless of the type of storage listed, if any use will be out-of-reservoir, a secondary application will be required to appropriate the stored water.

#### Examples of Beneficial Uses of Water Under Oregon Water Law

- Agriculture Use
- Cranberry Use
- [REDACTED]
- Forest and Range Management
- Commercial
- Mining
- [REDACTED]
- Municipal or Quasi-municipal
- Aquatic Life
- Recreation
- [REDACTED]
- [REDACTED]
- Nursery Operations
- Temperature Control
- Industrial
- [REDACTED] ion
- Power Development
- [REDACTED]
- Storm Water Management
- Pollution Abatement
- [REDACTED] nt

### 4. Property Ownership

If the water you plan to use will be transported by ditch, canal or other work, or if your pond or reservoir will back up water onto another property, you must own all the property or have legal access to the property. This includes crossing any public roads or rights-of-way. Under ORS 274.040, if your application proposes only irrigation and/or domestic use, written authorization or an easement is not necessary to occupy state-owned submersible lands for the construction, maintenance and operation of any structure or facility necessary for the use of water.

- If you own all the land that includes the source, diversion and place of use of water, mark YES and skip to the next section.

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DEC 07 2015

SALEM, OR

R-88153