



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

RECEIVED BY OWRC

Applicant: Wayne Kaaen
First Last
 Mailing Address: P.O. Box 402
Halfway OR 97834
City State Zip
 Phone: 541-742-6789
Home Work Other

APR 29 2016
 SALEM, OR

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.)

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: Sophia's Pond

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: Pine Creek Tributary to: Snake River

C. County in which diversion occurs: Baker County

App. No. <u>R-8029</u>	For Department Use Permit No. _____	Date _____
------------------------	--	------------

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
7 S	45 E	36	NE NE	100

E. Dam: Maximum height of dam: 5.0 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 2.0

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.

I would like to file for a Multipurpose use for Sophia's Pond. The pond will be used for fish and wildlife, aesthetics, recreational, and other uses.

RECEIVED
APR 29 2016
OWRD

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.

I have discussed this project with ODFW. The contact person is Tim Bailey. I have also worked with Tracy from ODFW in the screen shop in John Day for the installation of a fish screen.

RECEIVED BY OWRD

APR 29 2016

7. WITHIN A DISTRICT

SALEM, OR

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

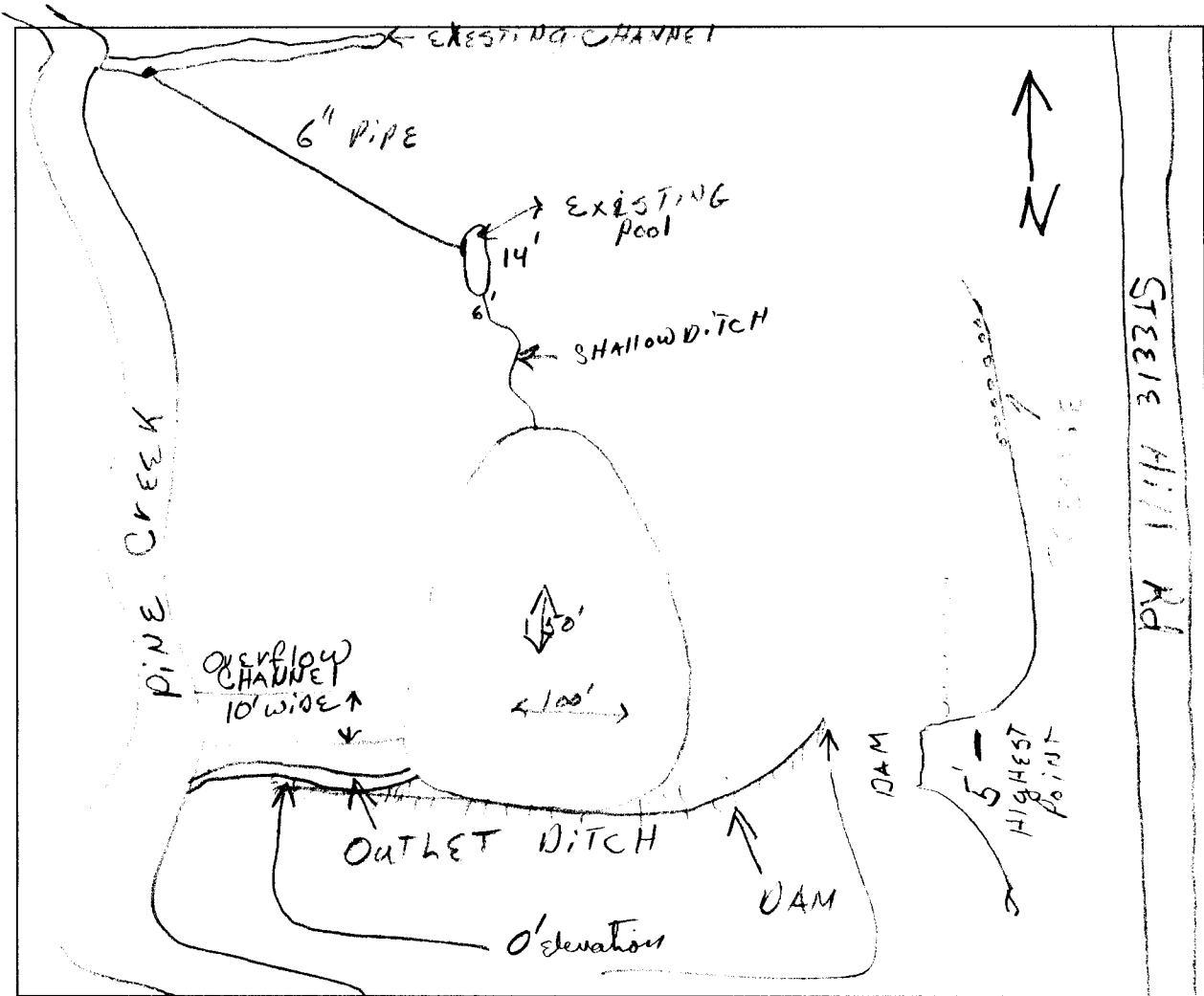
Irrigation District Name N/A	Address N/A	
City N/A	State N/A	Zip N/A

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.

Currently the pond is equipped with an 18x 14 headgate attached to the reservoir to allow water to leave the pond if the headgate is open. There is also a cut out in the pond near the dam that would act as an emergency spillway.

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.

Wayne Kraen
 Landowner Signature

4/26/16
 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.

RECEIVED
APR 29 2016
OWRD

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant:

Applicant Name/Address/Phone/Email: WAYNE KAAEN
47302 STEELHILL RD. P.O. Box 402 HALFWAY, OR 97834

Reservoir Name: SOPHIA'S POND Source: PINE CREEK Volume (AF): 2.0

Twp Rng Sec QQ: T. 7S R. 45 E 36 ^{NEW} Basin Name: POWDER 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.

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)

RECEIVED BY OWRD

APR 29 2016

SALEM, OR

R-88219

RECEIVED

APR 29 2016

OWRD

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)

b51a: The period of use has been limited to
October 1 through April 1st

ODFW Signature: Timothy D. Bunker Print Name: Timothy D. Bunker

ODFW Title: District Field Biologist Date: 3-10-16

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



Oregon Water Resources Department
Permit to Appropriate Surface Water for Storage - Alternate Reservoir Application

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

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

Today's Date: Wednesday, March 23, 2016

Base Application Fee for Storage of Surface Water.		\$350.00
Proposed Dam Height in feet.	5	
Proposed Reservoir volume in Acre Feet.	2.0	\$60.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$860.00

\$410.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

RECEIVED BY OWRD

APR 29 2016

SALEM, OR

R-88219

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: WAYNE KHAEN

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

Explain: *Storage season is outside the irrigation season except for the first two weeks of April.*

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

If YES, which conditions are recommended:

install outlet works, install staff gauge to measure entire range of stage

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

RECEIVED BY OWRD

Who: Agency: Date: APR 29 2016

Who: Agency: Date: SALEM, OR

Watermaster signature: *Richard M. Rusk* Date: *3-11-2016*

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant



Water Availability Analysis

PINE CR > SNAKE R - AT MOUTH
POWDER BASIN

Water Availability as of 3/4/2016

Watershed ID #: 72189 ([Map](#))

Exceedance Level:

Date: 3/4/2016

Time: 3:13 PM

[Water Availability](#)

[Limiting Watersheds](#)

[Complete Water Availability Analysis](#)

Water Availability

Select any Watershed for Details

	Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	72189	PINE CR> SNAKE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes

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

RECEIVED BY OWRD

APR 29 2016

SALEM, OR

R-00219

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

RECEIVED BY OWRD

APR 29 2016

NOTE TO APPLICANTS

SALEM, OR

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form



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

RECEIVED

APR 29 2016

OWRD

Applicant(s): Wayne Kaaen

Mailing Address: 47302 Steelhill Rd. P.O. Box 402

City: Halfway

State: OR

Zip Code: 97834

Daytime Phone: 541-742-6789

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>7 S</u>	<u>45 E</u>	<u>36</u>	<u>NE NE</u>	<u>100</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Storage</u>
_____	_____	_____	_____	_____	_____	<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:

Baker 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) Pine Creek

Estimated quantity of water needed: 2.0 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-use Storage Pond

Briefly describe:

I am applying for a water right to store water in Sophia's pond. The pond is approximately 100ft x 120ft and is approximately 5ft deep. I am applying for a multi-use storage use so the uses out of the pond are not limited.

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.

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): 410.02(B)
- 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.

I spoke with the applicant & he stated the pond will be mostly for wildlife habitat. Will be doing vegetative plantings, potentially stocking w/ fish, ayian species, otters and other animals. frequent pond when full.

Name: Kara Harris Title: Planner
 Signature: *[Signature]* Phone: 541-523-8219 Date: 3/23/2016
 Government Entity: Planning Department

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: _____

RECEIVED BY OWRD
Date: _____

APR 29 2016

R-88219

Grantor:
Penny K. Lynch, PR

Grantee:
Wayne Kaaen and Becky Kaaen
402 3rd Street
Dixie, WA 99328

AFTER RECORDING RETURN TO:
AmeriTitle
2245 Main
Baker City, OR 97814
PRD

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE Made this 5th day of October, 2009, by and between Penny K. Lynch the duly appointed, qualified and acting personal representative of the estate of Arman F. Frederickson, deceased, hereinafter called the first party, and **Wayne Kaaen and Becky Kaaen, as tenants by the entirety**, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said second party and second party's heirs, successors-in-interest and assigns all the estate, right and interest of the said deceased at the time of the decedent's death, and all the right, title and interest that the said estate of said deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of Baker, State of Oregon, described as follows, to-wit:

A parcel of land in the Northeast quarter of the Northeast quarter; the East half of the East half of the Northwest quarter of the Northeast quarter of Section 36, Township 7 South, Range 45 East of the Willamette Meridian, County of Baker and State of Oregon.

EXCEPTING THEREFROM right of way for Baker County Road No. 725.

RECEIVED BY OWRD

Ref #13093 Code #6106

07S4536 TL #100

APR 29 2009

SALEM, OR

TO HAVE AND TO HOLD the same unto the said party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$195,000.00. IN WITNESS WHEREOF, the said first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

R-88219

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE

AMERITITLE: BA-28257

B09 40 0216

Executed this 5th day of October 2009

[Handwritten Signature]
Penny E. Lynch as Personal Representative for the Estate of
Arnan F. Frederickson, Deceased.

STATE OF _____, County of _____) ss.

This instrument was acknowledged before me on _____,
by _____ as Personal
Representative for the Estate of _____

Notary Public of _____
My commission expires _____

see attached

RECEIVED BY OWRD

APR 29 2016

SALEM, OR

R-88219

California All Purpose Acknowledgement

State of California)

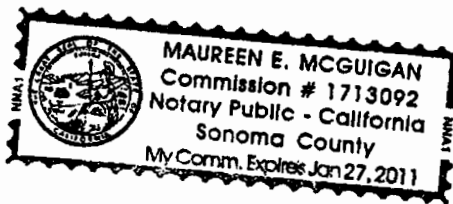
County of Sonoma)

On October 5 2009 before me, Maureen E. McGuigan, Notary Public, personally appeared Peggy K Lynch

who proved to me on the basis of satisfactory evidence to be the persons(s) whose names(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Maureen E. McGuigan (Seal)

My commission, Number 1713092, expires January 27, 2011

RECEIVED BY OWRD

APR 29 2010

SALEM, OR

OPTIONAL INFORMATION

DOCUMENT

Title of Type of Document _____

Date of Document _____ Number of Pages _____

Other Signer(s) _____

SIGNER'S CLAIMED CAPACITY

___ Individual ___ Other _____

STATE OF OREGON)
COUNTY OF BAKER)
I CERTIFY THAT THIS
INSTRUMENT WAS RECEIVED
AND RECORDED IN THE BOOK
OF RECORDS OF SAID COUNTY
TAMARA J. GREEN - BAKER CO. CLERK
BY Aaron Phillips DEPUTY
DOC#: 09400215B
10/06/2009 3:50 PM
REFUND: .00 51.00