



**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
15S	9W	22	SW 1/4 of NW 1/4	1509220000400

**E. Dam:** Maximum height of dam: 15 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: 9.1      Acre-feet =  $\frac{\text{(Average Length)(Average Width)(Average Depth)}}{43,560}$

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

**4. WATER USE**

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

Multipurpose

**5. PROPERTY OWNERSHIP**

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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? 40+ 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.

Work is occurring under a consent agreement with Oregon DSL, contact Charles Redon, Aquatic Resource Coordinator, Oregon DSL. charles.redon@state.or.us, 503-986-5305

The pond was originally built as a log storage pond for Coquille Lumber Mill, construction date unknown, and the mill ceased operating in the late 1970s.

**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.

See attached memo, map, and drawings.

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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).

See attached memo, map, and drawings.

### 9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

*George B. Neib*  
\_\_\_\_\_  
Applicant Signature  
*Attorney for Applicant*

*1-11-18*  
\_\_\_\_\_  
Date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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# WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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:

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

Explain:

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

If YES, which conditions are recommended:

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

Who:    Agency:    Date:

Who:    Agency:    Date:

Watermaster signature:    Date:

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

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

# WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

Application #: R-

Applicant's Name: Grant Windom

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

Explain: This pond is proposed and designed to fill by storm runoff and rainfall. No live streamflow is entering pond structure. Summer seepage from pond to Five Rivers (ISWR 72926) shouldn't be ~~at~~ injured from winter storage.

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

If YES, which conditions are recommended: No ~~summer~~ live streamflow input to pond will minimize injury to ISWR 72926. Potential for small seepage returns in summer may be present.

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

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature: *Matthew Hudichy* Date: 1-10-18

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

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AFTER RECORDING RETURN TO  
FIDELITY NATIONAL TITLE INSURANCE  
COMPANY OF OREGON  
800 WILLAMETTE ST., #500  
EUGENE, OR 97401

RECORDING REQUESTED BY:  
Fidelity National Title Company of Oregon  
GRANTOR'S NAME:  
Edward L. Kates

GRANTEE'S NAME:  
Windom/Lieber Revocable Trust U/T/A

SEND TAX STATEMENTS TO:  
Windom/Lieber Revocable Trust U/T/A  
5537 SW Loma Linda Drive  
Redmond, OR 97758

AFTER RECORDING RETURN TO:  
Windom/Lieber Revocable Trust U/T/A

5537 SW Loma Linda Dr  
Redmond, Or 97758  
Escrow No: FT090017974-FTMWV09

Lot 400, 155-9W-22 TL  
Tidewater, OR 97390

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2009-042609



\$31.00

01090858200900426090020029

07/23/2009 02:09:03 PM

RPR-DEED Cnt=1 Stn=8 CASHIER 02

\$10.00 \$11.00 \$10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Edward L. Kates, Grantor, conveys and warrants to Grant Windom and Mia Lieber, trustees of The Windom/Lieber Revocable Trust U/T/A, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon:  
SEE ATTACHED LEGAL DESCRIPTION

Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.830, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$240,000.00. (See ORS 93.030)

DATED: 7-21-09

Edward L. Kates  
Edward L. Kates

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State of Kansas  
COUNTY of Benton

This instrument was acknowledged before me on July 21, 2009  
by Edward L. Kates

Notary Public - State of Kansas  
My commission expires: 6-06-2012



09-10064 111

**EXHIBIT "ONE"**

The West half of the Southeast quarter of the Northwest quarter; the East half of the Southwest quarter of the Northwest quarter; the West half of the Northeast quarter of the Southwest quarter; the Northwest quarter of the Southwest quarter; all being in Section 22, Township 15 South, Range 9 West of the Willamette Meridian, in Lane County, Oregon.

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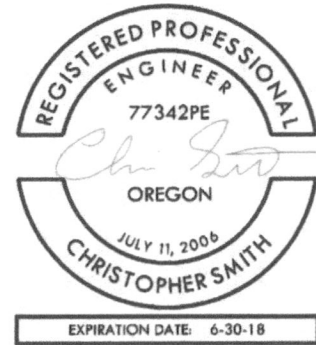
Technical Memorandum

DATE: December 5, 2017

TO: Grant Windom, George Heilig, Steve Smith

FROM: Chris Smith, P.E.  
River Design Group, Inc.

SUBJECT: Windom Pond – Water Storage Permit Information – v2



1 INTRODUCTION

The Windom Trust (TWT) retained River Design Group (RDG) to complete a site survey of an existing pond, perform pond and tributary channel design, and complete a water storage permit application for a former lumber mill pond near Fisher, Oregon. These activities are meant to support a water storage permit application for the pond, and support actions described in a consent decree between TWT and Oregon Department of State Lands (DSL 2017). Items in this memorandum are intended to support the water storage permit application task, but reference other portions of the project where relevant to the water storage permit application.

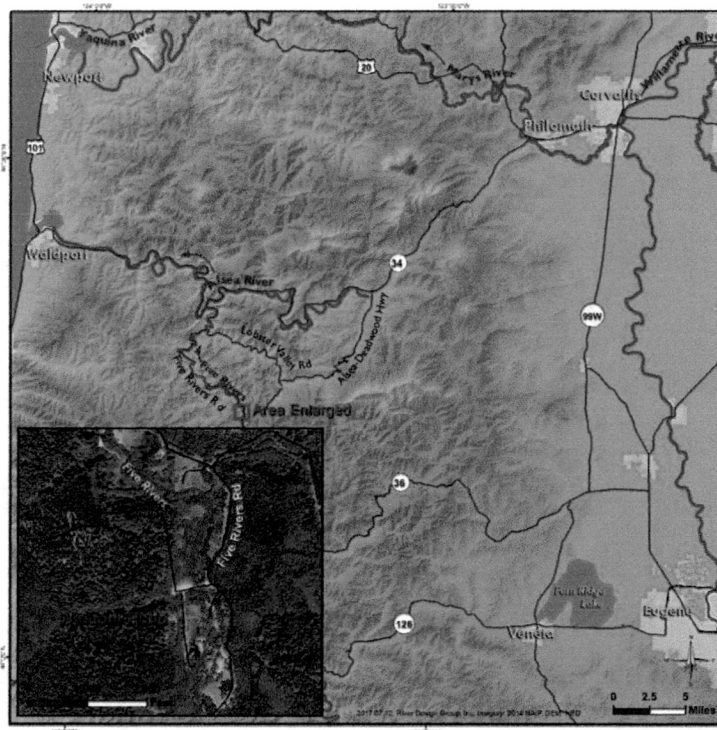


Figure 1-1. Vicinity map of Windom Pond site near Fisher, Oregon.

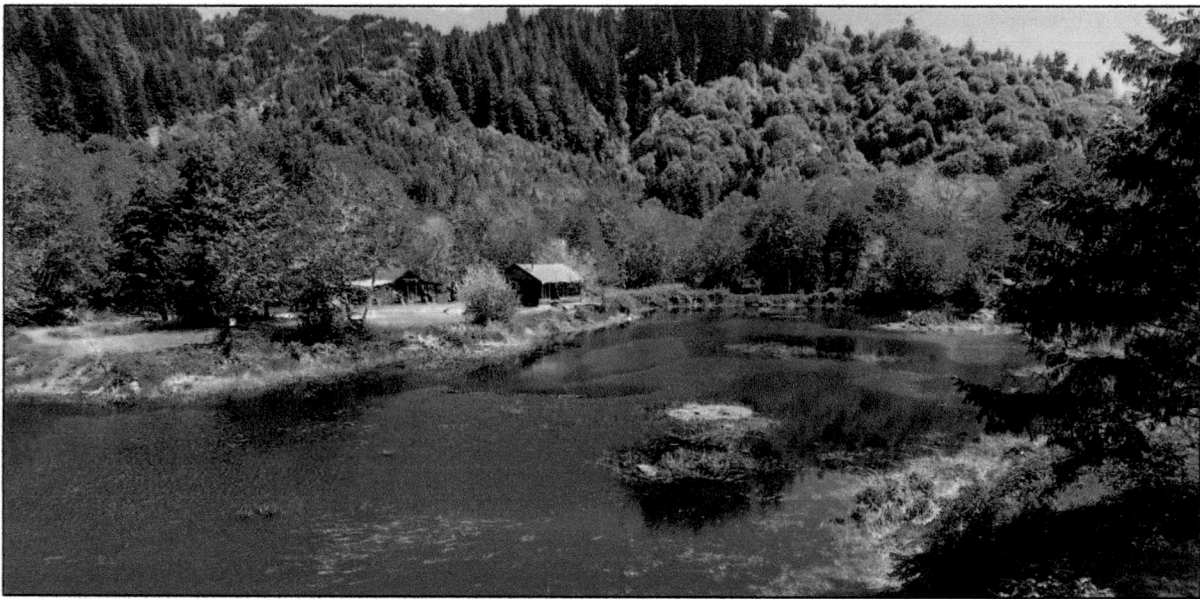
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## 2 BACKGROUND AND EXISTING CONDITIONS

The Windom Pond site was originally built as a log storage pond for a Coquille Lumber Mill. The mill was operated by the Brand S Corporation when operations ceased in the 1970s (Smith 2017).

The pond is located adjacent to Five Rivers, on the left bank of the river. Much of the ground adjacent to the pond was filled and leveled for mill infrastructure and can be considered infilled ground. The total berm length around the pond is 2,160 ft, and berm height varies from 0 ft along infilled ground to a maximum of 15.5 ft adjacent to Five Rivers.



**Figure 2-1.** Windom Pond, with Five Rivers in the background. The buildings adjacent to the pond are located on infilled ground.

The pond was originally supported by inflow from two locations, from a diversion point and canal located upstream on Woolsey Creek, and from the unnamed tributary to the north. Both surface water sources have been disconnected from the pond, and the pond is currently fed by precipitation and overland flow mainly during the winter and early spring. The information provided herein is in support of a water storage permit application.

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## 3 SITE SURVEY AND POND GEOMETRY

A site survey was performed on July 6, 2017 using survey-grade GPS equipment. The survey was combined with a LiDAR dataset (DOGAMI 2016) to create a seamless terrain model of the pond and surrounding areas. The survey was also combined with a georeferenced low-elevation aerial orthomosaic photo, taken by RDG on May 19, 2017.

The survey and digital terrain model form the basis to evaluate earthwork quantities of the proposed work, storage volume of the pond, and the basis of design work for items in the consent agreement. Pond site existing conditions generated from the survey and remote sensing data are shown in the drawings in

Appendix B. A pond location map was created from the site survey, Lane County Taxlots, and public land survey lines. The location map is meant to accompany the water storage permit application and is included in Appendix A.

## 4 PROPOSED WORK

A description of proposed work elements is described below, and drawings representing the proposed work are attached in Appendix B. The work elements are intended to increase wetland acreage inside the pond along the pond margins, to increase safety and serviceability of the pond, and to provide a quantified storage volume.

### 4.1 BERM LOWERING

The berm at the north end of the pond was constructed in 2012. As an item in the consent decree, this berm will be modified to increase wetland acreage at the pond fringe. The berm slope will be flattened to an approximate 8:1 slope on the pond-facing side of the berm, and a narrow roadway width will be left at the top of the berm to provide continued access. The berm will be lowered to an elevation of 320 feet. Material removed from the berm would be placed in the pond near the pipe spillway.

In addition to enhancing wetland acreage on the pond fringe, the lowered berm also provides three additional functions:

- 1) The berm elevation of 320 ft was selected to be high enough to separate the northern unnamed tributary from the pond, and prevent entrapment of fish in the pond. Maintaining a separation between the pond and the unnamed tributary allows fish to remain in the unnamed tributary, where habitat and water quality are better, and fish can move between Five Rivers and the unnamed tributary.
- 2) The lowered portion of berm will be the lowest point on the berm surrounding the pond, and would serve as the overflow point or "secondary spillway" for the pond. Pond overflow is unlikely due to the limited inputs, but overflow could occur if the primary spillway were blocked. Inclusion of a secondary spillway is a recommended practice for ponds.
- 3) Lowering the berm provides freeboard on the remaining portions of berm. The berm's maximum height is located at the pipe spillway location, where the berm is adjacent to Five Rivers. At this location, the berm is 15.5 feet high. By lowering the berm at the north end of the pond, 2.8 feet of freeboard is provided.

### 4.2 SPILLWAY MODIFICATION

An existing pipe spillway located in the southeast corner of the pond, provides an outlet to Five Rivers (Figure 4-1). The spillway is currently set at an elevation of 319.1 ft NAVD88, and consists of a 24 inch diameter corrugated plastic pipe projecting from the berm. The berm is steep in this location, and the configuration of the pipe limits the pipe's capacity.

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Additionally, at this elevation, the pond stores a volume of water exceeding the 9.2 acre-feet and would need to be permitted by the Oregon Water Resources Department's "Standard Review". The Standard Review process is more rigorous, and was outside RDG's project scope. To meet the requirement of the Alternate Review process, the spillway will be lowered to 317.75 ft NAVD88 (1.4 ft lower than the existing spillway elevation). The following spillway modifications will be completed.

- 1) Fill will be placed along the interior slope of the pond, to aid in berm stability between the pond and Five Rivers, and to create a larger varial zone on the berm slope to support wetland vegetation.
- 2) The spillway will be adapted with a projecting pipe to a drop inlet spillway (Figure 4-2).
- 3) Lowering the spillway crest to 317.75 ft so that pond storage volume is 9.1 acre-feet, the maximum allowed under the Alternate Review process.

Otherwise, the spillway will remain at the same location, and the pond will function similarly to how it currently does.



**Figure 4-1.** The spillway location between pond and Five Rivers at the southeast corner of the pond. Water drains through an existing 24" diameter pipe from the pond towards Five Rivers.

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**Figure 4-2.** The spillway location between the pond and Five Rivers at the southeast corner of the pond. The proposed drop spillway is intended to reduce the effects of debris and provides additional flow capacity through the pipe spillway.

### 4.3 ISLAND LOWERING

Existing ponds primarily in the southern portion of the pond (Figure 4-3) will be lowered to enhanced wetland acreage potential. These islands will be lowered to 316 ft NAVD88, and material from the top of the islands will be placed adjacent to the islands to flatten their respective side slopes. An elevation of 316 ft was selected to optimize wetland acreage within the pond and to fit with the pond's yearly drawdown cycle. The island lowering is not currently provided in the drawing set because as the drawing set focuses on the water storage permit application information.



**Figure 4-3.** Islands in the pond would be lowered and flattened to support wetland vegetation and an increased varial zone as the pond water surface fluctuates.

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## 5 POND STORAGE

A pond stage-storage estimate was made for the proposed pond geometry using the surface differencing functions in AutoCAD Civil3D. The stage-storage provides an estimate of the pond storage volume for a given water surface elevation. Pond stage-storage is provided in Table 5-1. Pond storage volume is 9.1 acre-feet at the proposed pipe spillway crest. Water elevations above the pipe spillway crest would be surge capacity during storm events. The lowest point in the pond has an elevation of 308 ft.

**Table 5-1. Stage-storage Curve for Proposed Conditions, Windom Pond**

<b>Water Surface Elevation (ft NAVD88)</b>	<b>Storage Volume (AC-FT)</b>	<b>Notes</b>
320	16.5	Secondary Spillway
319	12.9	Surge Capacity
318	9.6	Surge Capacity
<b>317.75</b>	<b>9.1</b>	<b>Pipe Spillway Elevation</b>
315	3.5	
314	1.4	
313	0.6	
312	0.5	
311	0.2	
310	0.1	
309	0.02	
308	0.00	Bottom of Pond

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Appendix A – Pond Location Map

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Appendix B – Drawings

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# WINDOM POND IMPROVEMENT PROJECT

## WINDOM POND IMPROVEMENT PROJECT

FISHER, OR

**DRAFT**

### PROJECT PARTNERS

WINDOM TRUST

### PROJECT DESCRIPTION

THE WINDOM TRUST (TWT) RETAINED RIVER DESIGN GROUP (RDG) TO COMPLETE A SITE SURVEY OF AN EXISTING POND, PERFORM POND AND TRIBUTARY CHANNEL DESIGN, AND COMPLETE A WATER STORAGE PERMIT FOR A FORMER LUMBER MILL POND NEAR FISHER, OREGON. THESE ACTIVITIES ARE MEANT TO SUPPORT A WATER STORAGE PERMIT APPLICATION FOR THE POND, AND SUPPORT ACTIONS DESCRIBED IN A CONSENT DECREE BETWEEN TWT AND OREGON DEPARTMENT OF STATE LANDS (DSL 2017).

### SPATIAL REFERENCE

SURVEY CONTROL USED FOR THE PROJECT IS PROVIDED ON DRAWING 2.0 AND COORDINATES CORRESPOND TO THE TOP CENTER OF CONTROL MARKERS.

LIDAR, GPS RTK, AND TOTAL STATION:  
 HORIZONTAL PROJECTION: OREGON STATE PLANE SOUTH      UNITS: INT FT      SURVEY DATE: 07/06/17  
 HORIZ DATUM: NAD 83      UNITS: INT FT      LIDAR COLLECTED: JULY, 2014  
 VERT DATUM: NAVD 88

### STANDARD OF PRACTICE

RDG WORKS EXCLUSIVELY IN THE RIVER ENVIRONMENT AND EMPLOYS THE MOST CURRENT AND ACCEPTED PRACTICES AVAILABLE FOR PLANNING AND DESIGN OF RESTORATION AND CHANNEL ENHANCEMENT PROJECTS. ANALYSIS AND DESIGN OF PROPOSED STREAM RESTORATION WORK RELIES ON THESE CURRENT BEST PRACTICES. ALL WORK IS SUPERVISED BY A REGISTERED PROFESSIONAL CIVIL ENGINEER IN THE STATE OF OREGON WITH EXPERIENCE AND EXPERTISE IN THE TYPES OF RESTORATION WORK BEING PROPOSED FOR THIS PROJECT.

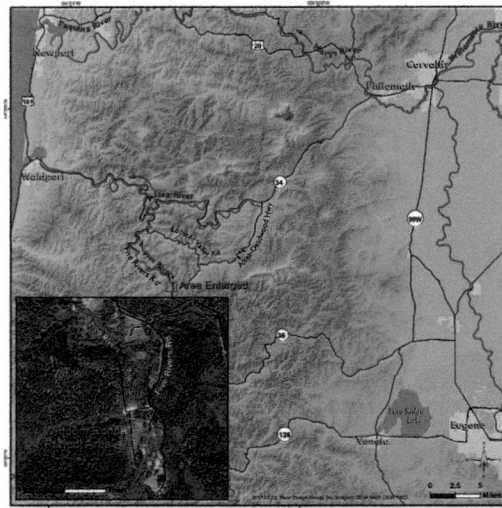
### REUSE OF DRAWINGS

THESE DRAWINGS, THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF RIVER DESIGN GROUP, INC. (RDG) AND ARE NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF RDG. LIKEWISE, THESE DRAWINGS MAY NOT BE ALTERED OR MODIFIED WITHOUT AUTHORIZATION OF RDG. DRAWING DUPLICATION IS ALLOWED IF THE ORIGINAL CONTENT IS NOT MODIFIED.

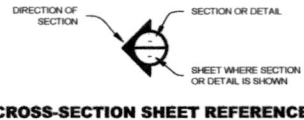
### DRAWING INDEX

1.0	COVER SHEET AND NOTES
2.0	SITE OVERVIEW
3.0	SPILLWAY PLAN AND PROFILE
3.1	SPILLWAY DROP INLET DETAIL
4.0	BERM LOWERING PLAN AND PROFILE
4.1	BERM LOWERING SECTIONS

### PROJECT VICINITY MAP



SW 1/4 OF THE NW 1/4 OF SECTION 22, T.15S., R.09W., WILLAMETTE MERIDIAN  
 LANE COUNTY, OREGON  
 USGS QUADRANGLE: FIVE RIVERS, OR



**COVER SHEET AND NOTES**  
 WINDOM POND IMPROVEMENT PROJECT  
 FISHER, OR

NO.	DATE	BY	DESCRIPTION	CHK
1	12/01/17	DF	DRAFT	CS
PROJECT NUMBER: RDS-17-016				
DRAWING NUMBER: 1.0				
Drawing 1 of 6				

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# ODFW Alternate Reservoir Application Review Sheet

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

Applicant Name/Address/Phone/Email: The Windom Lieber Revocable Trust, Grant Windom  
234 NW 30th Street, Corvallis, OR 97330, 541-548-8505, g.evenso.windom@gmail.com

Reservoir Name: Windom Pond Source: overhead precip Volume (AF): 9.2

Twp Rng Sec QQ: T15S, R09W, SW/14 OF NW 1/4 SEC 22 Basin Name: Aelsea  
 on-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 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.

No significant impacts to the existing fishery resources are anticipated following the River Design Groups proposed pond plan.

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<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-008500





LAND MANAGEMENT DIVISION

Date Received: RECEIVED SEP 27 2017

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 # 509-PA17-05811 FEE: 130.00

Applicant (print name): GRANT WINDOM

Mailing address: 234 NW 30TH ST., CORVALLIS, OR 97330

Phone: 541-548-8505 Email: g.evenso.w@gmail.com

Applicant Signature: [Handwritten Signature] agent for applicant

PROPERTY LOCATION

15 S 9W 22 400  
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.

OREGON WATER RESOURCES DEPT LAND USE FORM

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# Land Use Information Form



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

Applicant: GRANT First WINDOM Last

Mailing Address: 234 NW 30TH ST.

CORVALLIS City OR State 97330 Zip Daytime Phone: 541-548-8505

## 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:
15S	9W	22	SW¼NW¼	400	F2	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	RESERVOIR
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

LANE

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 9.2  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:

WILDLIFE HABITATE POND. RESERVOIR IS AN OLD, LOG POND.

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

See bottom of Page 3. →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Lane Code 16.211(2)(a) - Forest Practice
- 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: Lindsay Eichner Title: Senior Planner  
 Signature: [Signature] Phone: 541-682-3998 Date: 9-27-2017  
 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-88500

# 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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**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, January 17, 2018

Base Application Fee for Storage of Surface Water.		\$410.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	10	\$350.00
Permit Recording Fee. ***		\$520.00
*** 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.	<b>Recalculate</b>	
Estimated cost of Permit Application		\$1,280.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

*R-00500*





Heilig Misfeldt &  
Armstrong, LLP  
ATTORNEYS AT LAW

January 11, 2018

Via U.S. Mail

Oregon Water Resources Department  
725 Summer St. NE, Ste. A  
Salem, OR 97301

Re: *Windom Pond*  
*Lane Co. Tax Lot No. 1509220000400*

To Whom It May Concern:

Please find enclosed an Application for a Permit to Store Water in a reservoir located on the above-described tax lot. The undersigned is the agent for the owner. The application includes a technical memorandum prepared by River Design Group of Corvallis, Oregon, which also authored the main application. The Application also includes the required review sheets containing comments from the Lane County Land Management Division; the Oregon Department of Fish and Wildlife; and Nikki Hendricks, District 1 Watermaster.

Also enclosed is a filing fee in the amount of \$760.00. We are aware that once the permit is to be issued, there is a permit recording fee of \$520.00, which will be paid when requested.

If there are any questions, please do not hesitate to contact me.

Sincerely,



George B. Heilig

GBH/jrh  
Enclosure(s)  
cc: Grant Windom

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heilig@hmalaw.net

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PH: 541-754-7477

*R-00500*

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FX: 541-754-0051