



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

OWRD

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: Jeffery and/or Penny Baxter
Mailing Address: 2138 Driver Valley Rd.
Oakland OR 97462
Phone: (541)459-4760
Fax: E-Mail Address*: 4pjbaxter@gmail.com

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

2. AGENT INFORMATION

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

Agent:
Mailing Address:
Phone:
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: Gravel_3
B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring. Source: Run-Off Tributary to: Calapooya Creek
C. County in which diversion occurs: Douglas

App. No. For Department Use Permit No. Date

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
T.24S.	R.5W.	34	SWSE	100

E. Dam: Maximum height of dam: 7ft 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: 4.7 AF Acre-feet = $\frac{(Average\ Length)(Average\ Width)(Average\ Depth)}{43,560}$

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

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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? unknown 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.

Watermaster's office (541)440-4255
ODFW Jason Brant (541) 440-3353

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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

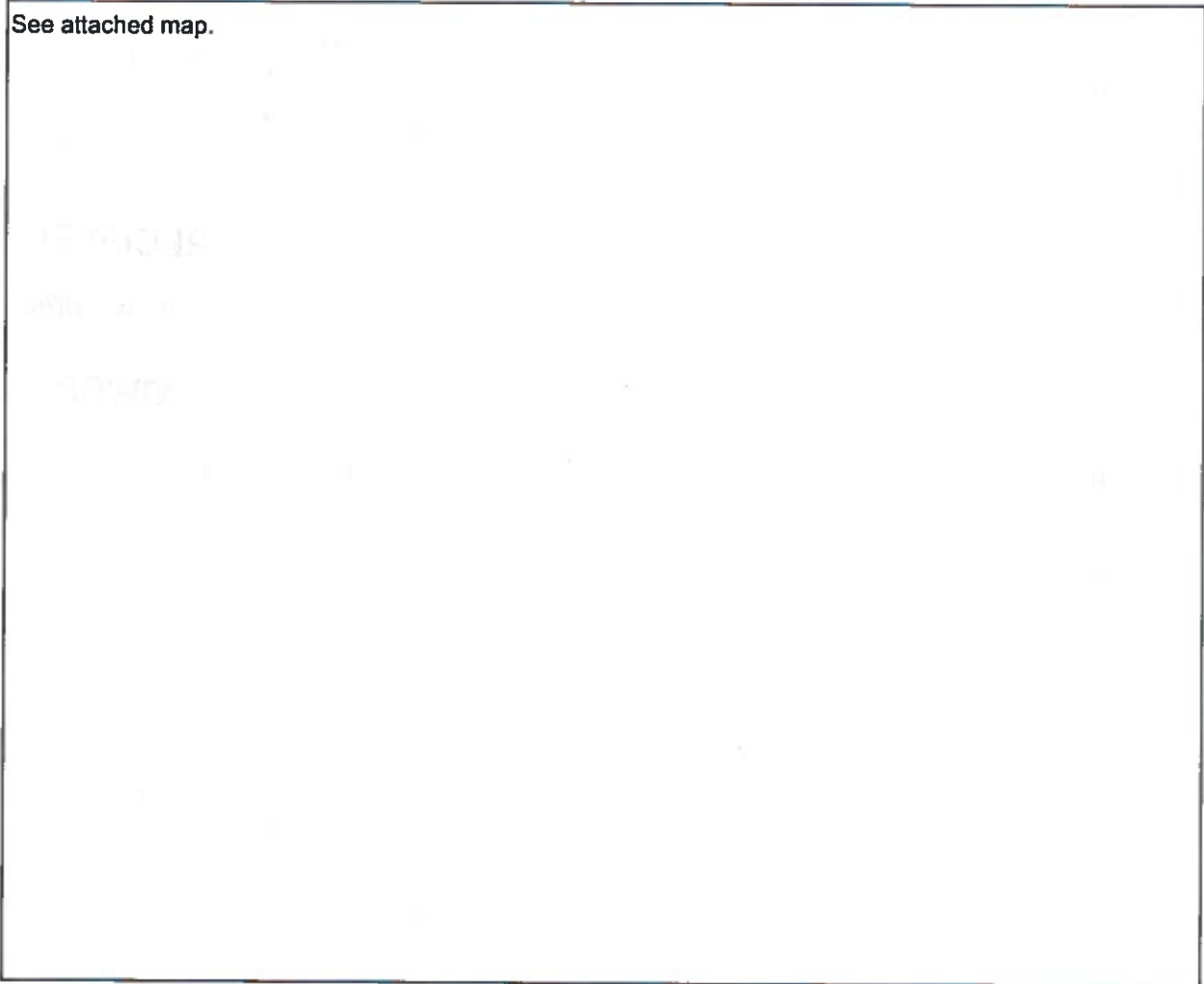
Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

This pond is off channel and no live flow will be appropriated. Run-off only.

[Faint handwritten notes and a signature are visible in this section.]

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 map.



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 Signature

5/19/2020
Date

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

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.

Gravel 3

Application #: R- Applicant's Name:

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

Explain: ISWR not always met.

Storage needs to be limited to when water is available.

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

If YES, which conditions are recommended:

Storage season to be consistent with water availability.

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

Who: Jason Braut

Agency: ODFW

Date: 4/28/2020

Who:

Agency:

Date:

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Watermaster printed name: Mary Burleson

Watermaster signature: *Mary Burleson*

Date: 4/28/2020

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

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Jeffery Baxter

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2138 Driver Valley Road, Oakland, OR 97462; 541-459-4760; 4pbaxter@gmail.com

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Reservoir Name: Gravel 3 Source: Run-off _____ Volume (AF): 4.7

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Twp Rng Sec QQ: T24S R5W S34 SWSE Basin Name: Calapooya Creek / Umpqua

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

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)

*Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.

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

3) If NMF are or were historically present:

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

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

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- × Any diversion or appropriation of water for storage during the period **August through November** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point 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.

Fish present at the location of the proposed use or otherwise impacted by the proposed use include Coho Salmon (ESA threatened Species), Umpqua Chub and Pacific Lamprey (State Sensitive Species), winter Steelhead, and fall Chinook Salmon. There are instream water rights in Calapooya Creek (C59902 and C59901) and Umpqua River

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)

(C81501) for supporting aquatic life that could be impacted by the proposed use. Based on parameters assessed by ODFW, biologically necessary flows are not available in Calapooya Creek/Umpqua River for fish needs August through November. Calapooya Creek is water quality limited for a number of parameters including temperature year-round. Therefore, the proposed use will impair the identified biologically necessary flows and water quality for fish wholly or partially and pose a significant detrimental impact to an existing fishery resource locally and downstream

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)

Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of fish and/or the proposed use will otherwise impact habitat or ecological functions important to fish. The proposed use may diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to fish and/or their habitat without appropriate mitigation. If the applicant chooses to pursue water use during August-November when biologically necessary flows are not met, ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) outlined below, and other recommended conditions, to compensate for any potential impact from the proposed use. To meet the goals outlined in ODFW's Mitigation Policy, ODFW recommends the mitigation provided be available within the mitigation reach and legally protected and maintained for the life of the permit and subsequent certificate.

ODFW's Recommended Conditions:

- 1) **Wetland:** To protect beneficial uses, the Oregon Department of Fish and Wildlife recommends the applicant submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation. The offsite determination will identify waters of this state that are subject to regulation and authorization requirements of the Removal-Fill Law (ORS 196.800 to 196.990) that may be needed prior to disturbance or development of the point of diversion.
- 2) **Riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with the Oregon Department of Fish and Wildlife's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. Prior to development of the point of diversion, the permittee shall submit, to the Oregon Water Resources Department, a Riparian Mitigation Plan approved in writing by ODFW unless ODFW provides documentation that riparian mitigation is not necessary. The permittee shall maintain the riparian area for the life of the permit and subsequent certificate per the approved Riparian Mitigation Plan. If ODFW determines the riparian area is not being maintained, and is unsuccessful in working with the water user to fulfill the obligation, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the mitigation is sufficient. The permittee is hereby directed to contact the local ODFW Fish Biologist prior to development of the point of diversion.
- 3) **In-Water Work:** To protect beneficial uses, the Oregon Department of Fish and Wildlife (ODFW) recommends any in-water work related to development of the proposed use be conducted during **July 1 – September 15** unless an alternate time period is approved by ODFW.
- 4) **Pond releases:** Permittee shall not release polluted off-channel stored water into waters of the state unless under emergency situations. For routine maintenance, the Permittee shall land apply stored water or provide treatment prior to releasing it and may only release instream November through March. Permittee shall treat released water to comply with OAR 340-041 and ensure that water-quality standards are not violated by releases from storage.
- 5) **Water Quality and Prohibited Activities:** The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards. Permittee may not cause pollution of any waters of the state, or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means, per ORS 468B.025(1). If the Department of Environmental Quality determines that

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pollution of waters of the state is occurring, DEQ shall notify OWRD of the violation and the water right may be restricted if the permittee fails to implement corrective actions as directed by the Department of Environmental Quality.

- 6) **Agricultural Water Quality Management Area Rules:** Permittee must comply with basin-specific Agricultural Water Quality Management Area Rules in OAR 603-095. Livestock management and cropping must protect riparian areas on the property, allowing site capable vegetation along streams to establish and grow to provide the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff. Active management of livestock and/or a livestock exclusion fence is needed to protect riparian areas and provide the required functions.
- 7) The applicant shall contact DEQ (541-686-7930) to determine if a 1200 C permit is required.
- 8) The applicant will need to contact the U.S. Army Corps of Engineers for confirmation that Removal/Fill regulatory requirements are met for new impoundments. Contact the USACE by email at PortlandRegulatory@usace.army.mil or by phone 503-808-4373.

ODFW's Recommended Mitigation Obligation:

ODFW recommends the applicant submit, to the application caseworker at WRD, a Mitigation Proposal that fulfills the Mitigation Obligation outlined below (consistent with the goals and standards of OAR 635-415-0025; ODFW Habitat Mitigation Recommendations), as well as other recommended conditions. ODFW recommends the Proposal include an assessment of options using the following actions listed in order of priority:

- (1) avoiding the impact altogether,
- (2) minimizing the impact by limiting the degree or magnitude of the action,
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment,
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures, and
- (5) compensating for the impact by replacing or providing comparable substitute resources or environments.

ODFW recommends the applicant contact the caseworker to schedule a consultation with the local ODFW Fish Biologist concerning the recommended Mitigation Obligation if questions arise.

Reservoir Uses

ODFW recommends the applicant provide water-for-water mitigation, as outlined below.

A) Water Quantity: 4.7 AF (AF; equals amount requested)

B) Months (when biologically-necessary flows are not met during the period of impact): August-November.

C) Location of Mitigation:

- within the watershed **at or above** the point of diversion
- at or above the point of diversion is preferred, but may occur within the watershed of the impacted population(s)
- within the watershed of the impacted population(s)
- benefitting the impacted population(s) and/or higher priority species: list species here

D) Additional comments: ODFW recommends water-for-water mitigation be provided in Calapooya Creek at or above the point of diversion.

ODFW Signature: 

Print Name: Jason Brandt _____

ODFW Title: SW Hydro Coordinator _____ Date: 4/6/20 _____

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

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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Land Use Information Form



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

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Applicant(s): Jeff and/or Penny Baxter

Mailing Address: 2138 Driver Valley Road

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City: Oakland

State: OR

Zip Code: 97462

Daytime Phone: 541-459-4760

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>24S</u>	<u>5W</u>	<u>34</u>	<u>SWSE/</u> <u>SESE</u>	<u>100</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>storage</u>
<u>24S</u>	<u>5W</u>	<u>35</u>	<u>SWSW</u>	<u>104</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	_____

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

Douglas

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: 9.8 AF
 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 Storage

Briefly describe:

Storage is needed for three existing reservoirs for multiple purposes.

Gravel (1) 1.7 AF

Gravel (2) 3.4 AF

Gravel (3) 4.7 AF

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.

Received

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APR 22 2020

For Local Government Use Only

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Douglas County
Planning Department

The following form 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): 3.4.075 (No)
- 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 (c.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

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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.

WS20-0322
R 71258, R 71251, R 126777
ZONED: F3 - Exclusive Farm Use Crop

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 108, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

Name: Rubin Lambert Title: Planning Technician
 Signature: [Signature] Phone: 541-440-4289 Date: 4-22-20
 Government Entity: Douglas County 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: _____ Date: _____

See bottom of Page 3. →

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Property Details for Property ID: R71251

Owner Information :

Owner Name: BAXTER, JEFFREY & PENNY
 Owner Address #1: 2138 DRIVER VALLEY RD
 Owner Address #2:
 Owner Address # 3: Alternate Account #: 4664.00
 Owner City/State/Zip: OAKLAND, OR 97462 Account Status: A

Property Information :

Township: 24	Situs Address: 0 DRIVER VALLEY RD OAKLAND, OR 97462
Range: 05W	Map ID: 24053400100
Section: 34	County Property Class: 5121
Quarter:	Legal Acreage: 111.01
Sixteenth:	Code Area: 00100
Maintenance Area: 2	Neighborhood Code: SH
Year Built:	Living Area:
Bedrooms:	Baths:
Exemption Code:	Exemption Desc.:
MFD Home ID:	

Value Information : 2019-2020 Certified Values and Tax Information

Improvement Appr. Value: \$0.00	Total Appr. Value: \$59,206.00
Land Appr. Value: \$59,206.00	Exemption Value: \$0.00
Land Market Value: \$179,342.00	Total Assessed Value: \$53,631.00
Total Real Market Value: \$179,342.00	Taxes Imposed: \$504.80

Sales Information :

Deed No: 2012-11461
 Sale Price: \$0.00 Sale Date: 7/12/2012

DISCLAIMER

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

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True consideration for this conveyance is other than n
After Recording return to:
Mail tax statements to:
Grantor's address:
Grantee's address:



\$48.00

07/16/2012 03:39:57 PM

DEED-BS Cnt=1 Stn=1 receiptcounter
\$10.00 \$11.00 \$17.00 \$10.00

BARGAIN AND SALE DEED
(ORS 93.860)

JEFF BAXTER, as successor trustee, the RESTATED CREIGHTON BAXTER, JR
REVOCABLE TRUST OF 2000, and as successor trustee, the RESTATED PHYLLIS M.
BAXTER REVOCABLE TRUST OF 2000, GRANTOR, for true consideration for this
conveyance conveys and warrants, subject to conditions, restrictions and rights of way of record,
to JEFFREY BAXTER and PENNY BAXTER, husband and wife, GRANTEES, the real
property in Douglas County, Oregon, described on Exhibit A, attached hereto and incorporated
herein.

DATED this 12 day of July, 2012.


JEFF BAXTER

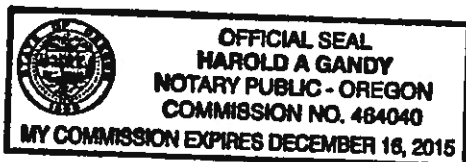
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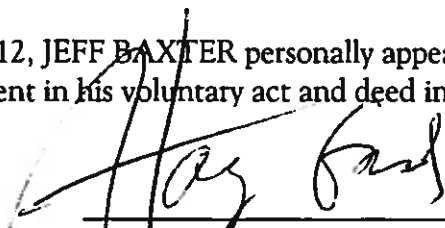
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STATE OF OREGON)
) ss
County of Douglas)

On this 12th day of July, 2012, JEFF BAXTER personally appeared before me
and acknowledged that the foregoing instrument in his voluntary act and deed in his
representative capacity.




Notary Public for Oregon
My Commission Expires: 12/16/15

BEGINNING at a point 26.36 chains West from the quarter post between Sections 25 and 30 in Township 24 South Range 4 and 5 West of the Willamette Meridian, said point being on the centerline running East and West in said Section 25, running thence North 57.14 chains to a stone and post from which a white oak 10 inches in diameter bears North 74 1/2° East 24 links distant and a white oak 16 inches in diameter bears South 47° West 40 links distant; thence South 73° 50' West to the West line of Section 24, Township 24 South, Range 5 West of the W.M.; thence South on the West line of said Sections 24 and 25 to the center line above mentioned in Section 25; thence running East to the place of beginning.

Excepting therefrom that property lying easterly of Medley-Elkhead County Road No. 50.

That portion of the following described property which lies westerly of Medley-Elkhead County Road No. 50; the Southwest quarter of the Southeast quarter of Section 24 and the Northwest quarter of the Northeast quarter of Section 25, Township 25 South, Range 4 West, W.M., Douglas County, Oregon.

The west half of the Southwest quarter of Section 25; the South half, and the South half of the North half of Section 26, save and except therefrom the tract heretofore conveyed to S. Wheeler by deed recorded in Volume 5, Page 306, Douglas County Deed Records; all in Township 24 South, Range 6 West of the W.M., Douglas County, Oregon.

BEGINNING at a point which is East 18 chains, North 64° 30' East 5.67 chains, North 75° 15' East 2.85 chains, North 50° 30' East 4.50 chains, South 84° East 16.54 chains and North 49° 15' East 3 chains from the corner common to Sections 27, 28, 33 and 34, Township 24 South, Range 5 West of the W.M., said point also being North 27.0 chains from the Northwest corner of the W.O. Green DLC No. 41, in Township 24 South, Range 5 West of the W.M.; thence North 49° 15' East 24.50 chains; thence North 49° 30' East 8.36 chains; thence North 57° East 6 chains; thence North 88° 30' East 1.75 chains; thence South 51 chains; thence West 32.06 chains to said Northwest corner of DLC No. 41; thence North 27.0 chains to the point of beginning and being in Sections 27 and 34, Township 24 South, Range 5 West, W.M., Douglas County, Oregon.

BEGINNING at a point which is 587.0 feet South of the Northwest corner of the W.O. Green DLC No. 41, Township 24 South, Range 5 West of the W.M.; thence running South 720 feet along the West line of said claim to a point; thence North 82° 58' West 637.5 feet to a point; thence North 4° East 150 feet; thence North 28° East 104 feet; thence North 55° East 700 feet to the place of beginning, and situated in Section 34, Township 24 South, Range 5 West of the W.M., Douglas County, Oregon.

Also the W.O. Green DLC No. 41 in Township 24 South, Range 5 West of the W.M., Douglas County, Oregon.

Excepting therefrom that portion lying South of Driver Valley Road County Road No. 22.

All that portion of the following described parcel that lies North of Driver Valley Road, County Road No. 22.

The East half, the East half of the West half, the Northwest quarter of the Northwest quarter, and Lots 1, 2 and 3 of Section 35, Township 24 South, Range 5 West, W.M., Douglas County, Oregon.

All that portion of the North half of the Southeast quarter of Section 35, Township 25 South, Range 4 West, W.M., Douglas County, Oregon, which lies Northerly and Easterly of Fair Oaks County Road No. 22A.

That portion of the West half of the West half, and the West half of the East half of the Southwest quarter of Section 36, Township 24 South, Range 5 West of the W.M., Douglas County, Oregon, lying Northerly and Easterly of Fair Oaks County Road No. 22A.

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EXHIBIT

A



Oregon Water Resources Department
 Alternate Reservoir Application

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

Today's Date: Wednesday, April 29, 2020

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	7	
Proposed Reservoir volume in Acre Feet.	4.7	\$175.00
Subtotal:		\$585.00
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.	Recalculate	
Estimated cost of Permit Application		\$1,105.00

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ALTERNATE RESERVOIR PROCESS

BACKGROUND:

Why do I need a water right?

Under Oregon Law, all water belongs to the public. With few exceptions, any person wishing to take and store surface water or ground water must first obtain a permit from the Water Resources Department (Department). The water right, once developed, is a type of property right and is attached to the land where it was established. Land with an attached water right may be several miles from the actual source of water. In Oregon, landowners with water flowing past, through, or below their property do not automatically have a right to use that water.

Oregon's water laws are based on the principle of "prior appropriation." That is, the first person to obtain a water right to a water source is the last to be shut off in times of low flow. In water-short times, water users with the oldest water right can demand the amount specified in their right regardless of the needs of junior users. If there is a surplus beyond the specified amount of the senior right holder, the person with the next oldest priority date can take their specified amount as necessary to satisfy their appropriation under their right and so on down the line until there is no surplus. The date of application for a permit determines the priority date of the right. Often, streamflow will not be available for storage during an irrigation season, so reservoirs may be filled from excess winter streamflow. Obtaining a water right secures your place within the prior appropriation system.

Oregon's water code contains four basic provisions:

- With few exceptions, surface or ground water may be diverted legally only if it is used under the terms of a valid water right for a beneficial purpose.
- The more senior the water right, the longer water is available in a time of shortage.
- A water-right certificate is attached to the land where it was established. If the land is sold, the water right goes with the land to the new owner. (This appurtenancy does not apply to water rights still in permit status.)
- A water right is valid as long as it is used at least once every five years, for its intended purpose. If the right is unused for five consecutive years, it is legally forfeited and subject to cancellation, with few exceptions.

By law, the land use associated with water use must comply with the statewide land-use goals and local land-use plans. If state goals or local comprehensive plans prohibit the land use, the water-use permit may not be exercised until land-use approval is obtained. City or county planning agencies can provide information about local land-use plans and requirements.

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THE WATER RIGHT: *Applying for a Permit to Use Water*

A water-right permit is the authorization necessary from the Water Resources Department to be allowed to store water. Additional permits and approvals from other agencies may be necessary prior to construction of a storage facility. With few exceptions, the storage of water requires a water-right permit; regardless of size, or whether or not the pond or reservoir already exists.

In 1995, the legislature created a new program, the Alternate Reservoir Process, for small ponds. A permit issued under the Alternate Reservoir Process allows only for the storage of water. To use or appropriate the stored water requires a “secondary” permit for all out-of-reservoir uses, with few exceptions. The *Surface Water Right Application Guidebook* explains how to complete a secondary application. The Alternate Reservoir Process does not allow the storage of groundwater (or water from a well); to do so it is necessary to apply under the *Groundwater Permit* process.

In addition, the Alternate Reservoir Process is applicable to any pond or reservoir of any capacity with a dam height of less than 10 feet. If the dam height is 10 feet or greater, the maximum amount of water that may be stored under the Alternate Reservoir Process is less than 9.2 acre-feet. Any pond or reservoir that stores 9.2 acre-feet or greater and with a dam height of 10 feet or greater requires engineered plans and specifications; and must apply for permit under the *Standard Reservoir Process*.

A “bulge in the system” is a pond that will be used as an in-system storage facility during the irrigation season to manage and handle water allotted by an irrigation district or water that is allowed under an existing water right for irrigation or agricultural uses. If the waters held in the pond are used on a rotational basis during the irrigation season under an existing right, a water storage permit is not required. This would *not* include storing or holding water outside the irrigation season.

However, where storage for future use is needed, a permit is required.

THE PERMIT PROCESS: *How an Application is Processed*

Before an application for an Alternate Reservoir water right is submitted, the applicant must contact the local Fish and Wildlife office to assess what fish passage and screening requirements will need to be addressed.¹ ODFW will provide the Alternate Reservoir Application Review Sheet form to be included with the application, as described in the instructions below.

¹ The default assumption under ORS 509.585 is that fish passage will be provided if migratory fish are present or were historically present, which requires the approval of a fish passage plan by ODFW. An alternative to providing fish passage is to seek a fish-passage waiver or exemption from the Fish and Wildlife Commission. This will require development of a plan and mitigation to be approved by the Fish and Wildlife Commission (ORS 509.585). Once a fish-passage plan, waiver or exemption is approved, the applicant can then submit the completed Alternate Reservoir application to WRD for processing. Fish-passage waiver and exemption-request applications can be found at the ODFW Fish Passage Program website [Fish Passage Requirements - ODFW](#).

After a completed application has been received by the Department, the Department must make public notice of the application within 60 days. The Department does not notify individual, neighboring landowners of an application, unless they are identified in the application as affected landowners. The public notice is to ensure that any person may submit detailed information requesting the Department deny an application based on injury to existing water rights or based on a significant detrimental impact to an existing fishery resource. All comments must be submitted within 60 days of the public notice.

The Department issues a Final Order within 180 days of the priority date (i.e., date of submission of the application). The Department recommends applicants not schedule excavation work or otherwise expend financial resources until an ODFW fish passage plan and the alternate reservoir application have been approved.

INSTRUCTIONS: What is needed to complete the application?

STEP 1: Print out the "Application for a Permit to Store Water in a Reservoir (Alternate Review)" form, which includes the following three supplemental forms:

1. Watermaster Alternate Reservoir Application Review Sheet – to be completed by the local Watermaster, who is an employee with the Water Resources Department.
2. ODFW Alternate Reservoir Application Review Sheet – to be completed by a representative of the Oregon Department of Fish and Wildlife (ODFW).
3. Land Use Information Form – to be completed by the local Planning Department.

STEP 2: Complete the application form and prepare a map

Note: All information should be typewritten or neatly printed with dark ink. All items must be completed even if parts or all of the required information appears on supplemental maps or drawings. Applications must be submitted on original forms that are provided by the Department or watermaster. Sign the forms in INK.

1. Applicant Information

If you are an individual applying for a permit to store water in a reservoir, include your name, *mailing* address and phone number. If there is a co-applicant, please indicate that information also. You may include a fax number or e-mail address, if you have one. These numbers are not required, but helpful if the Department must contact you.

For corporations, associations, firms, partnerships, cooperatives, and/or public and municipal corporations, complete the Authorized Agent section, including the title of the authorized agent.

2. Location and Source

In order to examine your application properly, the Department must have an accurate map that shows the location of the proposed reservoir and source or dam. The Department utilizes the following criteria for your map to ensure the timeliest processing possible.

- The map shall be of permanent quality and drawn clearly in ink on good quality paper.
- Maps should be submitted on 8.5 x 11 inch paper. If a map is larger than 11 x 17 inches, submit four copies or draw on tracing vellum or Mylar.
- The map must be drawn to a standard, even scale of not less than 4 inches = 1 mile. Standard scales include 1"= 400'; 1"= 200'; 1"= 100'. Use only whole numbers. U.S.G.S quad maps, title company maps or aerial photo maps will not be accepted.

Each copy of the map must clearly show the elements of the proposed appropriation:

- The location of the dam and reservoir. The location must be referenced to a government land survey corner (*not the property corner unless it is also a government land survey corner.*) The reservoir location may be shown by coordinates (i.e., the number of feet north or south and the number of feet east or west from survey corner). If there is no dam, reference the center of the reservoir. If the reservoir is off-channel, include both the dam/reservoir location and the location of the diversion point from the stream, if applicable.
- The Township, Range, Section and quarter-quarter section as well as tax lot lines and tax lot numbers must be indicated clearly on the map.
- Include the scale of the map as well as the North directional symbol.

A platted and recorded subdivision map, deed description survey map or a county assessor tax lot map may be submitted as the application map if all the required information is clearly shown on each print.

A. Reservoir Name: If there is no name, insert N/A. If applying for more than one reservoir, a separate application is *required* for each pond. If all reservoirs are shown on one map, label each accordingly. List as Pond #one, Pond #two, etc., unless named.

B. Source: List the commonly used name of the body of water from which the water will be diverted, and the stream it flows to (tributary). If the source is diffuse run off, please state that.

NOTE: If the source of water is from a well, you may not file under the Alternate Reservoir Process; use the *Groundwater Permit Process*.

C. Reservoir Location: Clearly indicate the location by Township, Range, Section, quarter-quarter and tax lot number. This information can be found on the base map or by contacting your local tax assessor's office.

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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. To determine capacity in acre-feet use the following calculation:

$$\text{Acre-feet} = (\text{Average Length})(\text{Average Width})(\text{Average Depth}) / 43,560$$

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
- Stock water
- Forest and Range Management
- Commercial
- Mining
- Aesthetics
- Municipal or Quasi-municipal
- Aquatic Life
- Recreation
- Wildlife
- Irrigation
- Nursery Operations
- Temperature Control
- Industrial
- Fire Protection/Suppression
- Power Development
- Domestic use
- Storm Water Management
- Pollution Abatement
- Wetland Enhancement

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.

- If not, attach a list of the names and addresses of the affected property owners. If there are more than 25 landowners, you will be required to file a public notice in a newspaper that circulates in the area of the water use.

5. Environmental Impact

- A. Channel:** Indicate if the pond or reservoir is in a stream channel.
- B. Wetland:** Indicate if the project is in a wetland.
- C. Existing:** Indicate if the project is an existing reservoir and if so, how long.
- D. Fish Habitat:** If there is fish habitat upstream of the proposed reservoir, please describe.
- E. Partnerships:** List any agencies such as the Natural Resources Conservation Service (NRCS) or ODFW that you may be working with on a project.

6. Within a District

Indicate if the point of diversion or reservoir are located within or served by an irrigation or other water district.

7. Signature

All applicants must sign the application in ink.

- Properly completed application form(s). Only one reservoir per application. If there is more than one applicant, each applicant must sign the application.

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STEP 3: Obtain a completed review from the local watermaster.

The Watermaster Alternate Reservoir Application Review Sheet must be completed by the local watermaster.

We suggest that you call to make an appointment with the local watermaster. *For assistance in locating the local watermaster office, please call 503-986-0900 or for a list of watermaster offices see: www.oregon.gov/OWRD/aboutus/contactus/Pages/RegionalOfficesandWatermastersDirectory.aspx*

The watermaster will review your completed application form and map showing the reservoir location and source and determine if the reservoir will cause injury to an existing water right. In addition, the watermaster will determine when and if water is available for the proposed use. If the watermaster determines that the reservoir will injure any existing water right and cannot identify any condition(s) that would mitigate such injury or if water is not available, the application cannot be accepted by the Department.

STEP 4: Obtain a completed review from the local ODFW fish biologist.

The ODFW Alternate Reservoir Application Review Sheet must be completed by the local ODFW representative.

We suggest that you call to make an appointment with the local fish biologist or other representative at the appropriate ODFW office. *For assistance in locating the local ODFW office, please call 503-947-6200 or to see a map of ODFW's regions, please see:* https://www.dfw.state.or.us/agency/directory/map_district_offices.asp. *For a list of ODFW offices see:* http://www.dfw.state.or.us/agency/directory/local_offices.asp.

The ODFW representative will review your completed application form, the map indicating the reservoir location, and the information you obtained from the watermaster. ODFW will then determine if the reservoir will pose a significant detrimental impact to existing fishery resources. If ODFW identifies such an impact and cannot identify condition(s) that would mitigate the impact, the application cannot be accepted by the Department, and the applicant will need to either abandon the reservoir project or utilize the standard reservoir application process.

Additionally, for reservoirs proposed to be in-channel, ODFW will also consider: 1) fish populations and their distributions, and 2) whether fish passage requirements will be necessary. If fish passage is required, either approval of a fish-passage plan will be required or the approval of a fish passage waiver or exemption by the Fish and Wildlife commission will be needed before ODFW provides the Alternate Reservoir Application Review Sheet.

STEP 5: Obtain a completed Land-Use Information Form or receipt stub from the local planning agency.

The Land Use Information Form or receipt stub must be completed by a representative of the local planning agency.

Determine if the reservoir location is within the boundaries of a city or county or other planning jurisdiction. The representative from the planning agency will review your completed application, which will describe the proposed use of water, and your map indicating the reservoir location and determine if the proposed use of water is consistent with local land use rules. The Receipt for Request for Land Use Information allows the Department to accept the application; however, the demonstration of land-use compatibility is required before the Department will issue a permit for the proposed use.

STEP 6: Submit the application, supplemental forms, map, and fees to the Department.

Before submitting the application, be sure you include all the necessary items. Your application and supplemental materials **will be returned** if not complete.

Watermaster Alternate Reservoir Application Review Sheet: Include a Watermaster Review Sheet completed by the local watermaster. *NOTE: If the watermaster determined that your reservoir will injure an existing water right, and did not identify any conditions to mitigate such injury or if water is not available, STOP here – the Department cannot accept the application.*

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

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

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

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

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

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

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
 Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
 Use _____ Caseworker _____
 Amount (AF) _____ Watermaster _____

Minimum Requirements (ORS 537.409)

- Landowner Name, Mailing Address and Telephone Number.
- Source and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE**
- Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- Dam height, if applicable
- Total Quantity of Storage Requested: _____
- Proposed Use of the water. Cannot accept application for use of this stored water at the same time (E2)
- Property ownership indicated? If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is located OR that are crossed by the diversion works. This includes any roads or rights-of-way.)
- Environmental Impact section completed?
- Application signed by the landowner(s)? All parties noted as applicants must sign the application. *Must be an original "wet" signature.*
- Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320' **
 - Reference corner on map
 - North Directional Symbol **
 - 1/4's clearly identified
 - Reservoir clearly identified **
 - Dam or POD (If off channel) Location coordinates referenced to a government landsurvey corner*
If no dam, use coordinates to center of reservoir.**
- Completed Watermaster review sheet signed and dated by Watermaster.
 - Will the reservoir injure an existing water right? YES NO
 - If YES, can conditions be applied to mitigate the injury? YES NO **If NO, return the application.**
 - Did the watermaster determine when water is available for the proposed use? YES NO
 - The Watermaster review sheet must have been completed within the last 6 months.*
 - If the watermaster determined that water is NOT available, return the application.**
- Completed ODFW review sheet signed and dated by ODFW representative.
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
 - If YES, can conditions be applied to mitigate the impact? YES NO **If NO, return the application.**
 - The ODFW review sheet must have been completed within the last 6 months.*
- Completed Land-Use Form or receipt signed by the appropriate planning department official enclosed?
 - Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*
- Provide a Legal Description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement.

Fees enclosed? Print page from fee calculator
 Total Paid \$ _____ Total Fees \$ _____
 Completeness Check by: _____ Date: _____

Revised 2017-8-4

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 county planning office. 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 seasonal wetlands
- 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
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

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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.