



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

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

OWRD

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: Jolene Heckerman
Mailing Address: 983 Serena Drive
Pacifica CA 94044
Phone: WA (415) 467-9541 (415) 420-6256
Fax: E-Mail Address*: jpecollegecool@yahoo.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: Reservoir 1

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: Town Gulch Tributary to: Eagle Creek

C. County in which diversion occurs: Baker County

App. No. _____	For Department Use Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
8 S	44 E	15	NE SW	600

E. Dam: Maximum height of dam: 8 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: 0.54 AF Acre-feet = $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

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

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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:

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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.

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.

THE POND HAS BEEN IN PLACE FOR 40 YEARS. CURRENTLY
LIVE FLOW RUNS INTO THE POND AND ONCE FULL
OVER FLOW RUNS DOWN CREEK INTO THE NEXT
POND. WE DO NOT PLAN TO DIVERT OR USE ANY
WATER OUT OF THE POND.

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.

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9. SIGNATURE

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

Betty Ann Erbes
Applicant Signature

6-29-20
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.

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: **JOLENE HECKERMAN**

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:

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3) Did you meet with staff from another agency to discuss this application?

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Mary J. Olson

Date:

6/29/20

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: Jolene HeckermanAddress: 983 Serena Dr., Pacifica, CA 94044Phone/Email: 415-420-6256; joecollegecool@yahoo.comReservoir Name: N/ASource: Town GulchBasin Name: PowderTwp Rng Sec QQ: 8S 44E 15 NESW

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Volume (AF): 0.54 AF☒ in-channel☐ off-channel

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

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

- 1) Is the proposed project and 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 type here through type here 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,

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)

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.

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)

- ☒ See applicable conditions selected from "Menu of Conditions" on next page

A sensitive species (redband trout) are present lower in Town Gulch and in Eagle Creek during the period of impact. Water is only available to support biologically necessary flows at the POD and/or downstream during October – April 14. ODFW recommends the season of use be restricted to coincide with this period. A further reduction in flow or alteration of habitat from the proposed water use outside this period will impair or be detrimental to an existing fishery resource.

ODFW Signature: _____

Danette L. Faucera

Print Name: Danette Faucera

ODFW Title: Water Policy Coordinator

Date: 8-14-20

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

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife

(ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

☐ **In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.

☐ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.

☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.

☐ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.

☒ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.

☐ **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 ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not 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. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.

☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

☒ **wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.

☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020

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Use this menu to identify appropriate conditions to be included in the permit:

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☐ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.

☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

☒ **b51a** The period of use has been limited to October through April 14.

☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

☐ **Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.

☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

☐ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

☐ **fishdiv33:** 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 ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

After recording return to:
Jolene Erbes and
Jason W. Stansberry
c/o Betty Ann Erbes
3300 Woolsey Rd
Windsor, CA 95492

Until a change is requested all tax statements
shall be sent to the following address:
No Change

B05 34 0326

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CORRECTION BARGAIN & SALE DEED

THIS DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION OF THAT CERTAIN EASEMENT RECORDED 5/27/1998 AS BOOK 9821160B ALL OTHER TERMS AND CONDITIONS SHALL REMAIN AS STATED ON THE ORIGINAL DOCUMENT.

KAROLINE G. KAMONDY STANSBERRY, as Grantor conveys to **JOLENE ERBES and JASON W. STANSBERRY** (heirs of JOHN W. STANSBERRY who received property by Personal Representative's Deed dated 1/6/2003 and recorded in Baker County in book 03 02 0171) Grantee, their heirs, successors and assigns, a permanent and perpetual nonexclusive easement to use a strip of land in Baker County, State of Oregon, described as follows:

In Twp. 8 S., R. 44 E., W.M.:

Said easement is 60 feet in width, the East line of which commences 60 feet East of the intersection of the West line of Section 15 and the South boundary of County Road 852, also known as Main Street in the Townsite of Sparta, Oregon; thence Southerly on a straight line parallel and 60 feet East of the West line of said Section 15, to the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said section 15 which point is also 60 feet East of the West... quarter corner; thence in an arc 60 feet in width around the West quarter corner of said Section 15 to the West line of said Section 15, and as Shown on Exhibit "A" attached and incorporated by reference thereto;

*of said section

EASEMENT OVER ASSESSOR'S ACCOUNT NO.: 8 44 15BC TL600 Ref #12493 and 8 44 TL3401 Ref #16252

Said easement shall be permanent and perpetual and for the benefit of and appurtenant to the property owned by grantees, in the County of Baker, State of Oregon described as follows:

In Twp. 8 S., R. 44 E., W.M.:

Section 16: Lots 4, 6, and 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$. The RESERVOIR GULCH PLACER MINING CLAIM, described as SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

and

The GOLD RIDGE CONSOLIDATED LODGE CLAIM, consisting of the GOLD RIDGE, JOHNNY BULL, JESSE LIVINGSTON, SILVER QUEEN, UNCLE SAM and GOLD HILL LODGE MINING CLAIM, designated by the Surveyor General as Lot No. 609, Mineral Certificate No. 287, embracing a portion of Sections 16, 21, and 22, Twp. 8 S., R. 44 E., W.M., as more particularly described in Patent recorded July 10, 1935, in Book 121, page 34, Deeds.

All other terms of the original easement shall remain in place. This deed is only to correct the legal description of the original easement.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is to clear title.

Dated this 2nd August day of 2005.

By: Karoline G. Stansberry
KAROLINE G. KAMONDY STANSBERRY

STATE OF OREGON
COUNTY OF BAKER

On June 2nd, 2005 personally appeared the above named KAROLINE G. KAMONDY STANSBERRY, and acknowledged the foregoing instrument on her behalf.



Susan Peterson
Notary Public for the State of Oregon
My commission expires: 9-10-07

Block 1 Sparta
844
40
102

Handwritten notes and signatures on the right margin.

Elkhorn Title Co. Order # 15051

EASEMENT

BOOK 21 160

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KAROLINE G. KAMONDY STANSBERRY, Grantor, for valuable consideration, does hereby grant and convey unto JOHN W. STANSBERRY, Grantee, a permanent and perpetual easement described as follows:

Said easement is 60 feet in width, the East line of which commences 60 feet East of the intersection of the West line of Section 15 and the South boundary of County Road 852, also known as Main Street in the Townsite of Sparta, Oregon; thence Southerly on a straight line parallel and 60 feet East of the West line of said Section 8, to the South line of the NE1SW1 of said Section 8 which point is also 60 feet East of the Southwest quarter corner; thence in an arc 60 feet in width around the Southwest quarter corner of said Section 8 to the West line of said Section 8, and as shown on Exhibit "A" attached and incorporated by reference thereto.

Said easement shall be permanent and perpetual and for the benefit of and appurtenant to the property owned by John W. Stansberry described as follows:

Land in Baker County, Oregon, as follows:

In Twp. 8 S., R. 44 E., W.M.:

Sec. 16: Lots 4, 6 and 8, NE1SE1, E1SE1SW1.

The RESERVOIR GULCH PLACER MINING CLAIM,
described as SE1NW1SE1 and NE1SW1SE1.

The GOLD RIDGE CONSOLIDATED LODE CLAIM, consisting of the GOLD RIDGE, JOHNNY BULL, JESSE LIVINGSTON, SILVER QUEEN, UNCLE SAM and GOLD HILL LODE MINING CLAIM, designated by the Surveyor General as Lot No. 609, Mineral Certificate No. 287, embracing a portion of Secs. 16, 21, and 22, Twp. 8 S., R. 44 E., W.M., as more particularly described in Patent recorded July 10, 1935, in Book 121, page 34, Deeds.

This easement shall be for the normal ingress and egress for the use and development of the above referenced properties owned by the Grantee and shall include the right for the installation of utilities along said easement. Said easement shall be non-exclusive however and Grantor reserves the right for the use in common with said easement or the right to transfer common use to any other property.

The grant of this easement shall not require the maintenance or obligation of any party to prepare and install a road except that as required under ORS 105.170 et seq. Further, the grant of this easement shall not obligate the Grantor for any liability resulting the use of this road by the Grantee and Grantee hereby agrees to indemnify and hold harmless and forever defend the Grantor from any liability thereon resulting from Grantee's use thereof or by any agent, employee or representative of the Grantee, or any other use allowed or authorized by the Grantee.

This easement shall inure to and be binding upon the Grantor and Grantee, their heirs successor and assigns and the properties described herein.

DATED this 27 day of May, 1998.

Karoline G. Kamondy Stansberry
Karoline G. Kamondy Stansberry

STATE OF OREGON)
County of Baker) ss.

May 27, 1998

Personally appeared the above named Karoline G. Kamondy Stansberry and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: 6/17/01

After Recording Return To:
John W. Stansberry
30684 Sparta Lane
Baker City, Oregon 97814



Please send tax statements to and after recording return document to:

Jolene Erbes and Jason W. Stansberry
% Betty Ann Erbes
3300 Woolsey Road
Windsor, CA 95492

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PERSONAL REPRESENTATIVE'S DEED

For good and valuable consideration, Karoline G. Stansberry, the Personal Representative of the Estate of John W. Stansberry, deceased, herein called Grantor, conveys to Jolene Erbes an undivided one-half interest and to Jason W. Stansberry an undivided one-half interest, herein called Grantees, in the following described real property in Baker County, State of Oregon:

See Attached Exhibit "A"

Also subject to:

Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Karoline G. Stansberry
KAROLINE G. STANSBERRY
Personal Representative of the Estate
of John W. Stansberry, deceased

STATE OF OREGON, COUNTY OF BAKER))ss:

DATED: January 6, 2003

Personally appeared the above-named Karoline G. Stansberry and acknowledged the foregoing instrument to be her voluntary act and deed.



Cynthia L. Carpenter

COPY

EXHIBIT "A"

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PARCEL I. (6105 844 3500 #12446)

IN TOWNSHIP 8 SOUTH, RANGE 44 EAST of the Willamette Meridian,
County of Baker and State of Oregon:

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Section 16: Lots 4, 6 and 8;
the Northeast quarter of the Southeast quarter, and
the East half of the Southeast quarter of the Southwest
quarter.

The RESERVOIR GULCH PLACER MINING CLAIM, Mineral Certificate No. 69, described in United States Patent therefor dated January 11, 1895, recorded May 3, 1902, in Deed Book 43, page 629, as follows:

The Southeast quarter of the Northwest quarter of the Southeast quarter, and the Northeast quarter of the Southwest quarter of the Southeast quarter of Section 16, Township 8 South, Range 44 East of the Willamette Meridian, County of Baker and State of Oregon;

EXCEPTING THEREFROM any veins or lodes of quartz, or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits within land above described which may have been discovered or known to exist on or prior to November 20, 1888, reserved in said United States Patent.

The GOLD RIDGE CONSOLIDATED LODE CLAIM, consisting of the GOLD RIDGE, JOHNNY BULL, JESSE LIVINGSTON, SILVER QUEEN, UNCLE SAM, and GOLD HILL LODE MINING CLAIMS, Mineral Certificate 287, designated by the Surveyor General as Lot No. 609, embracing a portion of Sections 16, 21 and 22, Township 8 South, Range 44 East of the Willamette Meridian, County of Baker and State of Oregon, described in United States Patent therefor dated October 31, 1906, recorded July 10, 1935, in Deed Book 121, page 34, as follows (with magnetic variation 20° 58' East):

Beginning for the description of the GOLD RIDGE LODE CLAIM at Corner No. 1, a pine post four feet long, four inches square, marked 1-1-609, with a mound of stone, from which the corner common to Sections 15, 16, 21 and 22, in Township 8 South, Range 44 East, Willamette Meridian, bears North 30' East 286 feet distant;

thence first course, North 34° 38' West 1500 feet to Corner No. 2,
a tamarack post 3 feet long, 6 inches square, marked 2-609,
surrounded with a mound of stone;

thence second course, South 55° 22' West 600 feet to Corner No. 3,
a fir post 4 feet long, 6 inches square, marked 3-2-1-609,
surrounded with a mound of stone;

thence third course, South 34° 38' East 1500 feet to Corner No. 4,
a pine post 4 feet long, 4 inches square, marked 4-4-1-1-609,

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surrounded with a mound of stone;
thence fourth course, North 55° 22' West 300 feet to a point from which the face of discovery cut bears North 34° 38' West 428 feet distant; 600 feet to Corner No. 1, the place of beginning.

Beginning for the description of the JOHNNY BULL LODE CLAIM at Corner No. 1, identical with Corner No. 1 of said Gold Ridge Lode Claim;

thence first course, South 34° 38' East 1500 feet to Corner No. 2, a pine post 4 feet long, 4 inches square, marked 2-4-609, surrounded with mound of stone;
thence second course, South 55° 22' West 600 feet to Corner No. 3, a pine post 4 feet long, 4 inches square, marked 3-2-1-609, surrounded with mound of stone;
thence third course, North 34° 38' West 1500 feet to Corner No. 4, a identical with Corner No. 4 of said Gold Ridge Lode Claim;
thence fourth course, North 55° 22' East 300 feet to a point from which the mouth of discovery shaft bears South 34° 38' East 461.5 feet distant; 600 feet to Corner No. 1, the place of beginning.

Beginning for the description of the JESSE LIVINGSTON LODE CLAIM at Corner No. 1, identical with Corner No. 3 of said Johnny Bull Lode Claim, from which the quarter corner between said Sections 21 and 22 bears South 24° 3' West 874.75 feet distant;

thence first course, South 34° 38' East 1500 feet to Corner No. 2, a pine post 4 feet long, 4 inches square, marked 2-609, surrounded with a mound of stone;
thence second course, North 55° 22' East 600 feet to Corner No. 3, a pine post 4 feet long, 4 inches square, marked 3-609, surrounded with a mound of stone;
thence third course, North 34° 38' West 1500 feet to Corner No. 4, identical with Corner No. 2 of said Johnny Bull Lode Claim;
thence fourth course, South 55° 22' West 300 feet to a point from which the face of discovery cut bears South 34° 38' East 250 feet distant; 600 feet to Corner No. 1, the place of beginning.

Beginning for the description of the SILVER QUEEN LODE CLAIM at Corner No. 1, identical with Corners No. 4 of said Gold Ridge and Johnny Bull Lode Claims, from which said section corner bears North 39° 16' East 783.87 feet distant;

thence first course, South 34° 38' East 1500 feet to Corner No. 2, identical with Corner Nos. 3 and 1 of said Johnny Bull and Jesse Livingston Lode Claims, respectively;
thence second course, South 55° 22' West 600 feet to Corner No. 3, a pine post 4 feet long, 4 inches square, marked 3-609, with a mound of stone alongside;
thence third course, North 34° 38' West 1500 feet to Corner No. 4, a fir post 4 feet long, 4 inches square, marked 4-4-609, surrounded

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with a mound of stone;
thence fourth course, North 55° 22' East 300 feet to a point from which the face of discovery cut bears South 34° 38' East 50 feet distant, 600 feet to Corner No. 1, the place of beginning.

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Beginning for the description of the UNCLE SAM LODGE CLAIM at Corner No. 1, identical with Corner No. 1 of said Silver Queen Lode Claim;
thence first course, North 34° 38' West 1500 feet to Corner No. 2, identical with Corner No. 3 of said Gold Ridge Lode Claim;
thence second course, South 55° 22' West 600 feet to Corner No. 3, a tamarack post 4 feet long, 6 inches square, marked 3-4-609, surrounded with a mound of stone;
thence third course, South 34° 38' East 1500 feet to Corner No. 4, identical with Corner No. 4 of said Silver Queen Lode Claim;
thence fourth course, North 55° 22' East 300 feet to a point from which the mouth of discovery shaft bears North 34° 38' West 693 feet distant; 600 feet to Corner No. 1, the place of beginning.

Beginning for the description of the GOLD HILL LODGE CLAIM at Corner No. 1, identical with Corner No. 2 of said Uncle Sam Lode Claim, from which said section corner bears South 65° 3' East 1487.2 feet distant;
thence first course, North 17° 24' West, 37.75 feet intersect the South line of the Northwest quarter of the Southeast quarter of said Section 16, at West 36.27 feet from the Southeast corner; 1402 feet to Corner No. 2, a tamarack post 4 feet long, 6 inches square, marked 2-609, surrounded with mound of stone;
thence second course, South 55° 22' West 262.6 feet intersect the West line of the Southeast quarter of the Northwest quarter of the Southeast quarter of said Section 16, at South 173.92 feet from the Northwest corner; 600 feet to Corner No. 3, a tamarack post 4 feet, 6 inches square, marked 3-609, surrounded with mound of stone;
thence third course, South 17° 24' East, 928.6 feet intersect the West line of the Southeast quarter of the Northwest quarter of the Southeast quarter of Section 16, at North 74.72 feet from the Southwest corner; 1006.9 feet intersect the South line of the Southeast quarter of the Northwest quarter of the Southeast quarter of said Section 16, at East 23.41 feet from the Southwest corner; 1402 feet to Corner No. 4, identical with Corner No. 3 of said Uncle Sam Lode Claim;
thence fourth course, North 55° 22' East 300 feet to a point from which the mouth of discovery shaft bears North 17° 24' West 10 feet distant, 600 feet to Corner No. 1, the place of beginning;
EXPRESSLY EXCEPTING from said Gold Hill Lode Claim all that portion included in the Southeast quarter of the Northwest quarter of the Southeast quarter, and the Northeast quarter of the

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Southwest quarter of the Southeast quarter of said Section 16.

PARCEL II. (6105 844 3400 #12439)

Lots 1, 2 and 4, in Section 22, of Township 8 South, Range 44 East, of the Willamette Meridian, in Baker County, State of Oregon.

PARCEL III. (6105 844 3300 #12434)

In Township 8 South, Range 44 East, of the Willamette Meridian, in Baker County, State of Oregon, described as follows:

Section 15: Southwest quarter of the Southeast quarter.
All that portion of Lot 3, Lot 4 and the Southwest quarter of the Northeast quarter lying South of the Southerly right of way line of County Road Number 852.

Section 22: Northwest quarter of the Northeast quarter

PARCEL IV. (6105 844 15 600 #12436)

The DEL MONTE NO. 1 NORTH LODE, DEL MONTE WEST LODE CLAIM, DEL MONTE WEST LODE, DEL MONTE NO. 1 SOUTH, DEL MONTE EAST, and DEL MONTE NO. 6, Mineral Certificate 03375, designated by the Surveyor General as Lot No. 586, embracing a portion of Section 15, Township 8 South, Range 44 East of the Willamette Meridian, County of Baker and State of Oregon, described in United States Patent therefor dated May 14, 1909, recorded October 15, 1910, in Deed Book 73, page 370, as follows:

All that portion of the following mining claims lying South of County Road 852, in Section 15, Township 8 South, Range 44 East, of the Willamette Meridian, in County of Baker, State of Oregon;

Beginning for the description of the DEL MONTE NO. 1 NORTH LODE CLAIM, at corner No. 1 a pine post four feet long, four inches square, marked D M No. 1 N cor 1-586, in Mound of earth and stone, from which the quarter corner to said sections fifteen and sixteen bears North 89° West 1244.86 distance;
thence first course, magnetic variation 21°30' East, North 17°20' West, 1423.8 feet to corner No. 2, identical with corner No. 4 of said Del Monte No. 5, load claim, also marked D M No. 1 cor 2-586;
thence second course, magnetic variation 21°15' East, North 72°5'

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East, 574 feet to corner No. 3 identical with corner No. 3 of said Del Monte No. 5 lode claim, also marked D M No. 1-N cor 3-586;
thence, third course, magnetic variation $21^{\circ}20'$ East, South $18^{\circ}23'$ East, 1423.8 feet to corner No. 4, a pine post four feet long, four inches square, marker D M No. 1-N cor 4-586, in mound of earth and stone;
thence, fourth course, magnetic variation $21^{\circ}30'$ East, South $72^{\circ}5'$ West, 300 feet to a point from which discovery out bears North $17^{\circ}39'$ West 10 feet distant, 600 feet to corner No. 1, the place of beginning.

Beginning, for the description of the DEL MONTE WEST LODE CLAIM, at corner No. 1, a pine post four feet long, four inches square, marked D M W-1-586, in mound of earth, from which said quarter section corner bears North $75^{\circ}23'$ West, 754.1 feet distant;
thence, first course, North $72^{\circ}5'$ East, 245 feet to a point from which discovery point bears South $17^{\circ}24'$ East, 650 feet distant, 545 feet to corner No. 2, identical with corner No. 1 of said Del Monte No. 1 North claim, also D M W Cor 2-586;
thence, second course, South $17^{\circ}24'$ East, 1497.38 feet to corner No. 3, a pine post four feet long, four inches square, marked D M D Cor-3-586, in mound of earth;
thence, third course, South $72^{\circ}5'$ West 600 feet to corner No. 4, a pine post four feet long, four inches square, marked D M W cor-4-586, in mound of earth;
thence, fourth course, North $15^{\circ}18'$ West, 1498.09 feet to corner No. 1, the place of beginning.

Beginning, for the description of the DEL MONTE NO. 1 SOUTH LODE CLAIM, at corner No. 1, identical with Corner No. 1 of said Del Monte No. 1 North lode claim, also marked D M No. 1 S Cor 1-586;
thence, first course, North $72^{\circ}5'$ East, 300 feet to a point from which discovery cut bears South $14^{\circ}27'$ East 50 feet distance, six hundred feet to corner No. 2, identical with corner No. 4 of said Del Monte No. 1 North lode claim, also marked D M No. 1 S-2-586;
thence second course, South $14^{\circ}27'$ East, 1500 to corner No. 3, a pine post four feet long, four inches square, marked D M E cor 3-586, in mound of earth and stone;
thence, third course, South $72^{\circ}5'$ West 523 feet to corner No. 4, identical with corner No. 3 of said Del Monte West lode claim, also marked D M E cor 4-586;
thence, fourth course, North $17^{\circ}24'$ West, 1497.38 feet to corner No. 1, the place of beginning.

Beginning, for the description of the DEL MONTE EAST LODE CLAIM, at corner No. 1 identical with corner No. 2 of said Del Monte

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No. 1 South lode claim, also marked D M E Cor-1-586 from which said quarter section corner bears South $84^{\circ}52'$ West, 1822.88 feet distant; thence first course, North $72^{\circ}5'$ East, 300 feet to a point from which discovery point bears South $14^{\circ}27'$ East, 300 feet distant; 600 feet to corner No. 2, a pine post four feet long, four inches square, marked D M E cor 2-586, in mound of earth; thence, second course, South $14^{\circ}27'$ East, 1,500 feet to corner No. 3, a pine post four feet long, four inches square, marked D M E cor 3-586, in mound of earth and stone; thence, third course, South $72^{\circ}5'$ West, 600 feet to corner No. 4, identical with corner No. 3 of said Del Monte No. 1 South lode claim, also marked D M E cor 4-586; thence, fourth course, North $14^{\circ}27'$ West, 1500 feet to corner No. 1, the place of beginning.

Beginning, for the description of the DEL MONTE NO. 6 LODGE CLAIM, at corner No. 1 a pine post four feet long, four inches square, marked D M No. 6, Cor 1-586, in mound of earth and stone, from which the corner of sections 15, 16, 21 and 22, said township and range, bears North $79^{\circ}5'$ West, 1432 feet distant; thence, first course, North $10^{\circ}49'$ East, 1500 feet to corner No. 2, identical with corner No. 4 of said Del Monte No. 1 South lode claim, also marked D M No. 6, cor 2-586; thence, second course, North $72^{\circ}15'$ East 523 feet to corner No. 3, identical with corner No. 4 of said Del Monte East lode claim, also marked D M No. 6 cor 3-586; thence, third course, South $8^{\circ}10'$ West, 1464.52 feet to corner No. 4, a pine post four feet long, four inches square, marked D M No. 6-cor 4-586, in mound of earth; thence, fourth course, South $72^{\circ}5'$ West 300 feet to a point from which discovery cut bears North $8^{\circ}10'$ East 166 feet distant, 600 feet to corner No. 1, the place of beginning.

EXPRESSLY EXCEPTING and EXCLUDING from these presents all that portion of the ground herein above described, lying within the Townsite of Sparta, described as follows:

Beginning at a point on line 1-2 of said Del Monte No. 1 North Lode Claim, North $17^{\circ}20'$ West 28.8 feet from corner No. 1; thence North $17^{\circ}20'$ West, 1389 feet; thence North $89^{\circ}45'$ East, 505.5 feet; thence South $00^{\circ}02'$ East, 1326.21 feet; thence South $89^{\circ}44'$ West, 92.44 feet to the place of beginning.

FURTHER EXCEPTING THEREFROM a tract of land lying within Government Lot 2, and also within Del Monte East, Del Monte No. 1 South and Del Monte No. 1 North (designated by the Surveyor General as

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Survey No. 586), as shown in the patent therefor, dated March 24, 1910, recorded October 15, 1910, in Deed Book 73, page 370, said portion lying in the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 15, Township 8 South, Range 44 East of the Willamette Meridian, in the County of Baker and State of Oregon, and being more particularly described as follows:

Beginning at a point which bears North $79^{\circ}46'26''$ East 1606.25 feet from the quarter corner common to Sections 15 and 16 of said Township and Range;

thence following the Baker County Road No. 852 the following courses and distances:

South $87^{\circ}11'34''$ East 319.82 feet;

South $58^{\circ}43'34''$ East 298.75 feet;

South $78^{\circ}48'34''$ East 51.16 feet;

thence leaving the County Road on a course of South $2^{\circ}14'04''$ East 334.69 feet;

thence North $73^{\circ}48'34''$ West 650.72 feet;

thence North $2^{\circ}14'04''$ West 334.62 feet to the point of beginning.

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

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NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form



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

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Applicant: TOLENE HECKERMAN
First Last

Mailing Address: 983 SERENA DR.

PACIFICA CA 94044 Daytime Phone: 415-420-6256
City State Zip

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
BS	44E	15	NESW	600		☒ Diverted	☒ Conveyed	☒ Used	STORAGE
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

BAKER COUNTY

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) TOWN GULCH

Estimated quantity of water needed: 0.54 ☐ 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:

WE ARE APPLY TO STORE WATER IN A CURRENT RESERVOIR.

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

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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): BCZO chapters 420 & 440 (TG & ME)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Existing use is allowed outright, no land use approval necessary.

Name: Kevin Bergman Title: Planner
 Signature: [Signature] Phone: 541-523-8220 Date: 6/29/2020
 Government Entity: Baker County Planning Dept

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: _____

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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

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What Areas are Regulated?

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- 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.

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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

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.