

FILE#: R 73828

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OR 97015

*

Application No. R 73828
Permit No. R12067
Certificate No. _____

Stream Index, Page No. 2

V230 Rock Creek's
Mize

FEES PAID		
Date	Amount	Receipt No.
<i>exam</i> 12/28/93	200.00	108417
Record-10-18-94	100.00	11794
FEES REFUNDED		
Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until C99

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning OCT. 25, 1997

Date for completion OCT. 1, 1998

Extended to _____

Date for application of water OCT. 1, 1999

Extended to _____

PROSECUTION OF WORK

Form "A" filed 3/12/97

Form "B" filed 3/12/97

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

see files 73829 + 613591

* (Atty Peter Mostow)

119 sent 2/19/97 to appl. + atty

Form B (690-9-77)

Application No. R-73828

NOTICE OF COMPLETION OF CONSTRUCTION

I, PLEASANT VALLEY GOLF CLUB, the holder of Permit No. R-12067

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 1st day of November, 1993.

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of March, 1997.

[Signature]

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

Form A (690-9-77)

Application No. R-73828

NOTICE OF BEGINNING OF CONSTRUCTION

I, PLEASANT VALLEY GOLF CLUB, the holder of Permit No. R-12067

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 1st day of April, 1968

Remarks: The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment

acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of March, 1997.

[Signature]

(Signature of Applicant)

(Address)

12300 SE 162nd CLACKAMAS OR 97015

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

Certified mail number 7022 3330 0000 2824 9092
Return receipt requested

December 22, 2023

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OR 97015

Reference: Application R-73828, Permit R-12067

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 1999. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (March 1, 2024) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

Enclosures (1)

cc: File
OWRD Watermaster District 20





RESOURCE SHEET

Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov



RESOURCE SHEET

Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900; and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

<https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/Certificate.aspx>

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3208 or by email at

Kerry.L.Kavanagh@water.oregon.gov

OR
Oregon

TM

Water Resources Department
Water Rights Services Division
725 Summer Street NE, Suite A
Salem, OR 97301-1266

CERTIFIED MAIL



FIRST-CLASS

7022 3330 0000 2824 9092



US POSTAGE PAID PITNEY BOWES



ZIP 97301 **\$ 008.53⁰**
02 7W
0008029484 DEC 27 2023

NSS/WR

R-73828, Permit R-12067
Pleasant Valley Golf Club
12300 SE 162nd Ave.
Clackamas, OR 97015

RECEIVED

JAN 04 2024

OWRD

NIXIE 971 DE 1 0001/03/24

RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD

NSS
97301>1266

BC: 97301126673 *1579-11182-03-19



144

WR

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

R-73828, Permit R-12067
 Pleasant Valley Golf Club
 12300 SE 162nd Ave.
 Clackamas, OR 97015



9590 9402 4934 9063 7213 90

2. Article Number (Transfer from service label)

7022 3330 0000 2824 9092

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

TM. 60 D.L

Mailing List for 60-Day Letter

Application: R-73828

Permit: R-12067

Permit Holder(s):

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS OR 97015

Copies Mailed
by: <u>TM</u> (STAFF)
on: <u>12-22-2023</u> (DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES**

Copies of 60 Day Mail List to be sent to Permit Holder(s) and following:

1. Watermaster District #20 (auto email)
2. File

Other persons to receive copies:

- 1.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301-1266
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov / OWRD

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

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December 22, 2023

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12300 SE 162ND AVE
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Kerry.L.Kavanagh@water.oregon.gov

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN:

NE 1/4 SW 1/4

NW 1/4 SW 1/4

SW 1/4 SW 1/4

SE 1/4 SW 1/4

SECTION 31

TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OREGON 97015

(503) 658-3101

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73828

SOURCE OF WATER: WINTER RUNOFF, TRIBUTARY TO ROCK CREEK

STORAGE FACILITY: PONDS #1, #2, #3, #4, #5, #6 & #7

PURPOSE OR USE OF THE STORED WATER: RECREATION

WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: DECEMBER 30, 1993

THE VOLUME OF WATER STORED IN EACH RESERVOIR IN ACRE-FEET, THE TOTAL AREA PROPOSED TO BE SUBMERGED BY THE RESERVOIR WHEN FULL IN ACRES, THE PROPOSED MAXIMUM DEPTH OF WATER IN FEET, AND THE MAXIMUM HEIGHT OF EACH STRUCTURE IN FEET IS:

	<u>ACRE-FEET</u>	<u>AREA</u>	<u>DEPTH</u>	<u>DAM HEIGHT</u>
POND #1	0.96	0.25	5.0	7.7
POND #2	3.58	0.60	8.5	9.5
POND #3	1.01	0.19	6.0	8.2
POND #4	1.21	0.24	8.0	9.5
POND #5	1.93	0.35	8.0	9.5
POND #6	0.67	0.20	5.0	7.7
POND #7	0.92	0.19	8.0	9.5

THE TOTAL AMOUNT TO BE STORED IS 10.28 ACRE-FEET.

DAM LOCATIONS: NE 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 31, T1S, R3W W.M.; POND #1 - 1650 FEET NORTH & 870 FEET EAST, POND #2 - 1560 FEET NORTH & 1200 FEET EAST, POND #3 - 1080 FEET NORTH & 1320 FEET EAST, POND #4 - 1350 FEET NORTH & 1650 FEET EAST, POND #5 - 1200 FEET NORTH & 1860 FEET EAST, POND #6 - 390 FEET NORTH & 1260 FEET EAST, POND #7 - 300 FEET NORTH & 1440 FEET EAST, ALL FROM THE SW CORNER OF SECTION 31.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

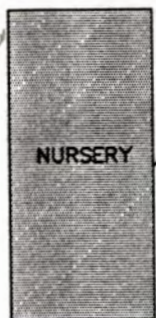
Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued October 25, 1996


Water Resources Department
Director

Application No. R 73828
 Permit No. R12067

RECEIVED
 DEC 30 1993
 RESOURCES DEP
 OREGON



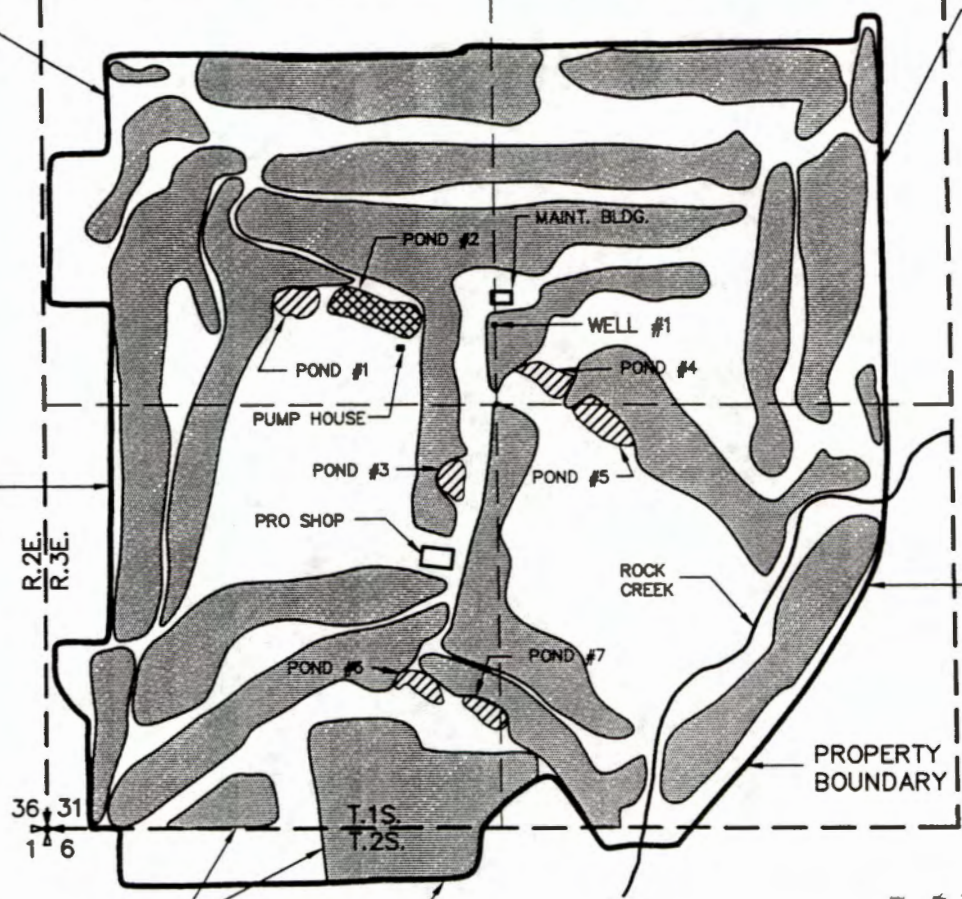
SE 1/4 of the NW 1/4 Section 31
 10.0 Acres Total
 10.0 Acres Irrigated

NW 1/4 of the SW 1/4 Section 31
 32.3 Acres Total
 18.1 Acres Irrigated

NE 1/4 of the SW 1/4 Section 31
 31.3 Acres Total
 16.6 Acres Irrigated

SW 1/4 of the SW 1/4 Section 31
 38.8 Acres Total
 20.6 Acres Irrigated

SE 1/4 of the SW 1/4 Section 31
 30.4 Acres Total
 11.9 Acres Irrigated



R.2E.
 R.3E.

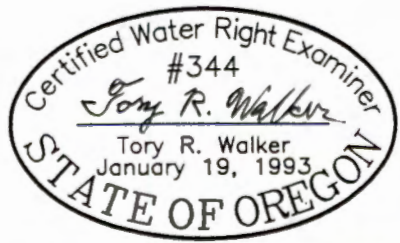
36
 31
 1 6

NURSERY

NW 1/4 of the NW 1/4 Section 6
 4.3 Acres Total
 1.8 Acres Irrigated



SCALE: 1" = 600'




SURFACE WATER APPLICATION

PREPARED BY TORY R. WALKER, CWRE

WELL #1 - LOCATED 1570 FEET NORTH AND 1410 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 31 T.3E. W.M. CLACKAMAS COUNTY, OREGON.

PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

DATE 12\8\93	 DAVID J. NEWTON ASSOCIATES INCORPORATED CIVIL & GEOLOGICAL ENGINEERING 1201 S.W. 12TH AVE., SUITE 400 PORTLAND, ORE. 97205 • 228-7718	Application For Permit # In the name of:	FIGURE 1
PROJECT NO. 495\101		PLEASANT VALLEY GOLF CLUB George F. Beall, Ownership	

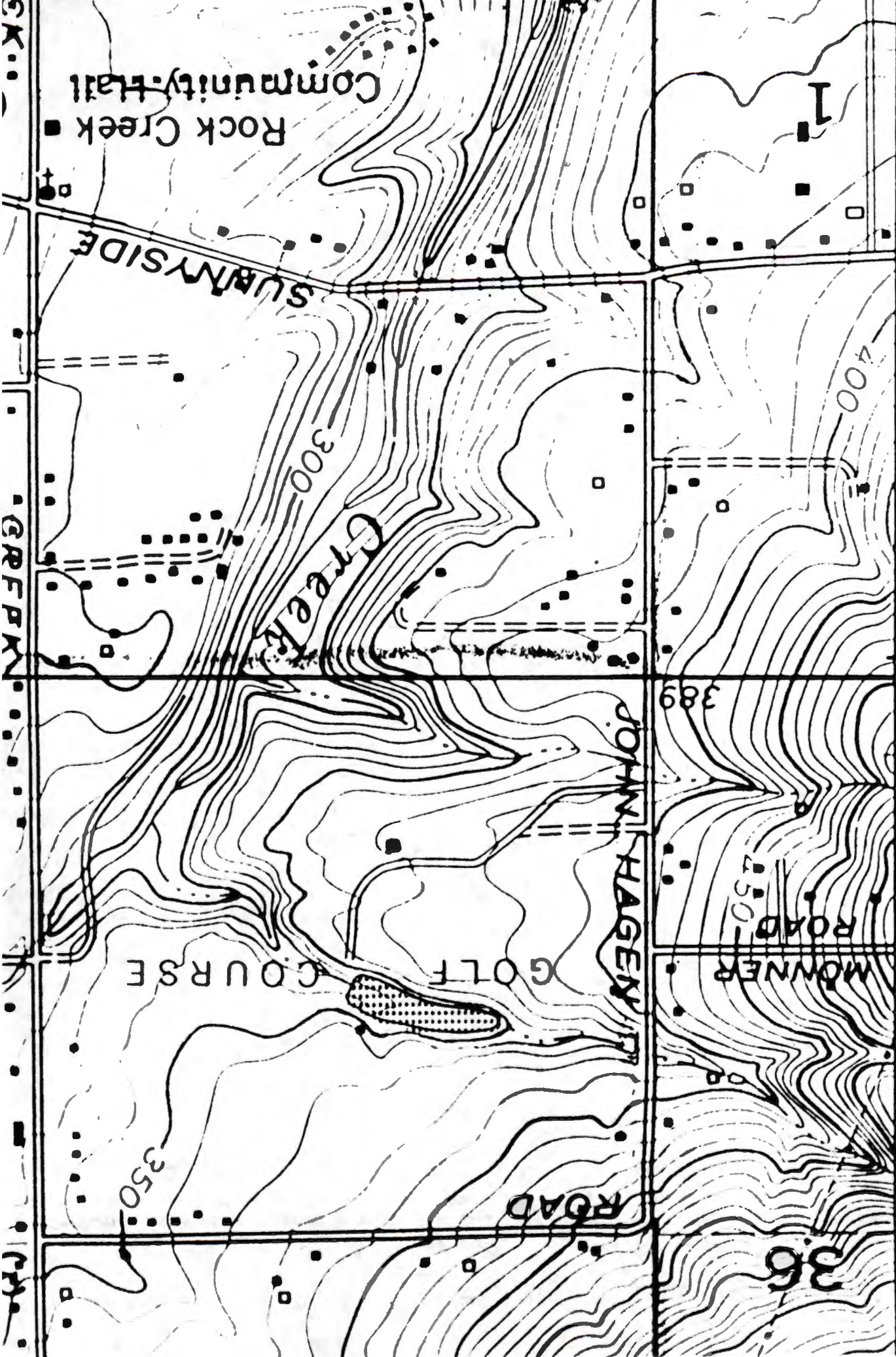
5030

T. 2 S.

T. 1 S.

5031

1474 1 NE
(GLADSTONE)



SK... GRFPK... (P...)

WORK COPY

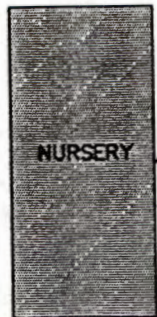
Application No. R 73828
Permit No. R12067

RECEIVED

DEC 30 1993

RESOURCES DEPT
OREGON

RED CONTOUR LINES FROM
DAMASCUS USGS QUAD.



SE 1/4 of the
NW 1/4 Section 31
10.0 Acres Total
10.0 Acres Irrigated

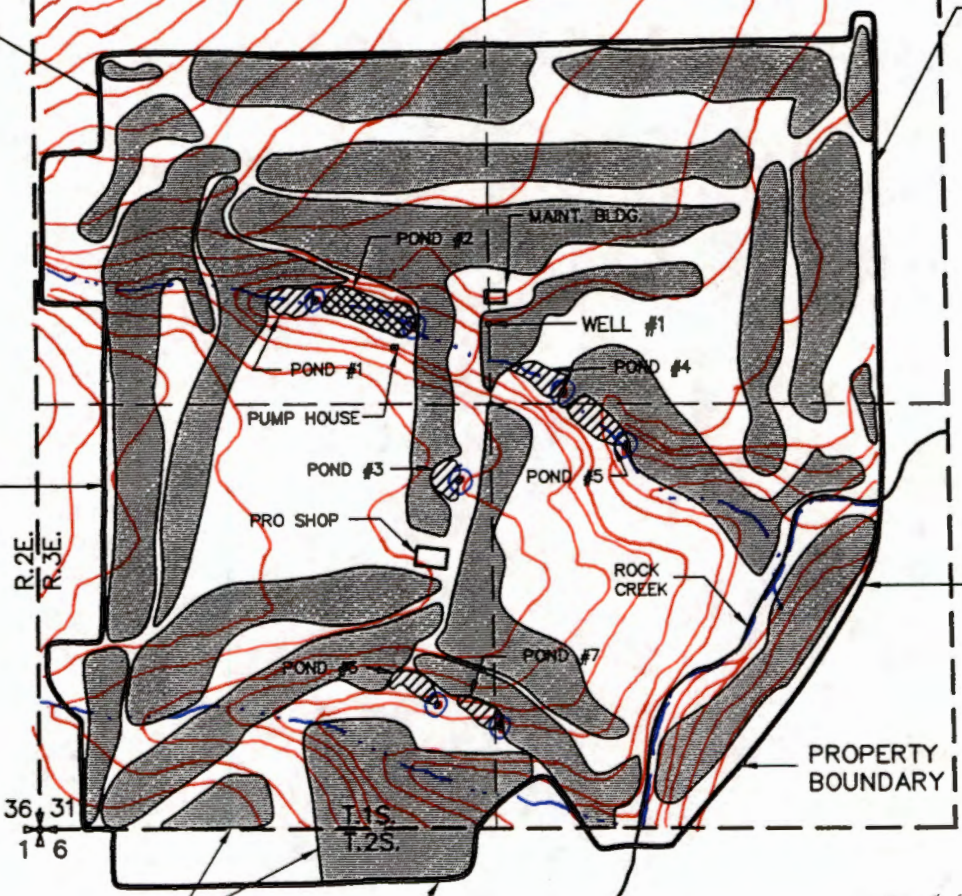
NW 1/4 of the
SW 1/4 Section 31
32.3 Acres Total
18.1 Acres Irrigated

NE 1/4 of the
SW 1/4 Section 31
31.3 Acres Total
16.6 Acres Irrigated

- BOUND #1: 1650' N, 870' E
 - BOUND #2: 1560' N, 1200' E
 - BOUND #3: 1080' N, 1320' E
 - BOUND #4: 1350' N, 1650' E
 - BOUND #5: 1200' N, 1860' E
 - BOUND #6: 590' N, 1260' E
 - BOUND #7: 300' N, 1440' E
- ALL FROM THE SW CORNER
OF SEC 31.

SW 1/4 of the
SW 1/4 Section 31
38.8 Acres Total
20.6 Acres Irrigated

SE 1/4 of the
SW 1/4 Section 31
30.4 Acres Total
11.9 Acres Irrigated



R.2E.
R.3E.

36
1 6

NURSERY

NW 1/4 of the
NW 1/4 Section 6
4.3 Acres Total
1.8 Acres Irrigated

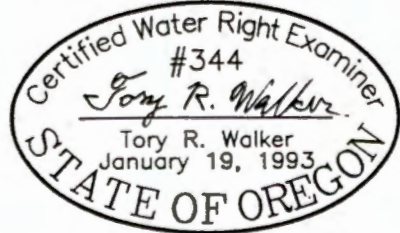
SURFACE WATER APPLICATION

PREPARED BY TORY R. WALKER, CWRE

WELL #1 - LOCATED 1570 FEET NORTH AND 1410 FEET EAST OF THE
SOUTHWEST CORNER OF SECTION 31 T.3E. W.M. CLACKAMAS
COUNTY, OREGON.

PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF
IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY
AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION
OF PROPERTY OWNERSHIP LINES.

SCALE: 1" = 600'



DATE 12\8\93	DAVID J. NEWTON ASSOCIATES INCORPORATED CIVIL & GEOLOGICAL ENGINEERING 1201 S.W. 12TH AVE., SUITE 400 PORTLAND, ORE. 97205 • 228-7718	Application For Permit # In the name of:	FIGURE 1
PROJECT NO. 495\101		PLEASANT VALLEY GOLF CLUB George F. Beall, Ownership	

X-Sender: wrightrl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Wed, 20 Feb 2002 10:26:51 -0800
To: Stephen.C.BROWN@wrd.state.or.us, Dorothy.I.PEDERSEN@wrd.state.or.us
From: Roger Wright <Roger.L.WRIGHT@wrd.state.or.us>
Subject: Fwd: Permit R. 12067

X-Sender: mccordml@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Wed, 20 Feb 2002 10:04:36 -0800
To: Roger.L.WRIGHT@wrd.state.or.us
From: Mike McCord <Mike.L.MCCORD@wrd.state.or.us>
Subject: Permit R. 12067

The Dam locations on this permit need to be fixed prior to Certificate issuance. They are in R. 3 East, not West. Thank you!

Sincerely,

Roger Wright

Water Rights Information Group

Oregon Water Resources Dept.
158 12th ST NE, Salem OR 97301-4172
(503) 378-8455 x273
FAX: 503 378-6203

file R-73 828

MEMORANDUM

TO: FO TEAM

FM: DWIGHT FRENCH DF

JULY 15, 1996

CC: STEVE APPLGATE

RE: MAPS AND POINTS OF DIVERSION FOR S AND R FILES

If the Department has indicated to an applicant that their application map meets our minimum requirements we should try to avoid, if possible, subjecting them to the more recent/restrictive rule requirements. If we have requested other items from the applicant but have not requested anything related to the map then that is a defacto message that the map meets our minimum requirements.

The certified letters that we send out requesting this information is not only time consuming and expensive but can also be seen as unfair by the applicant.

With respect to surface water points of diversion and reservoir dam locations: it is acceptable to issue the FO if all we have is the quarter-quarter, but only if the applicant had reason to believe the map was okay at one time. Include the tax lot location of the diversion point if that helps pin down the POD or dam location. If the map looks accurate in terms of scale, it is acceptable to make a copy of the map and scale off the distance ourselves on the working copy. The final proof map will rectify any discrepancies.

As always, well locations must be measured from an established survey corner by the applicant or their agent - not by us.

Quarter-quarter lines are necessary to describe an irrigated area that straddles more than one quarter-quarter. The number of acres within each q-q is required. The applicant must provide these things.

If you have other map situations that may or may not need more information from the applicant please see me.

Since this is a slight departure from past practice that you may not at first be comfortable with, please feel free to visit with me if you need clarification or help.

M:\memo\fo-maps

STOEL RIVES LLP

A T T O R N E Y S

STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268
Phone (503) 224-3380 Fax (503) 220-2480
TDD (503) 221-1045
Internet: www.stoel.com

March 11, 1997

RECEIVED

MAR 12 1997

WATER RESOURCES DEPT.
SALEM, OREGON

PETER D. MOSTOW
Direct Dial
(503) 294-9338
email pdmostow@stoel.com

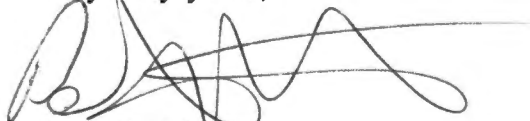
Water Resources Department
158 12th Street NE
Salem OR 97310

Re: Pleasant Valley Golf Club, Application Nos. R-73828, G-13591

On behalf of Pleasant Valley Golf Club, enclosed for filing please find completed and signed forms "A" and "B" for each of the water rights referred to above. WRD issued permits for these rights on October 25, 1996 and December 18, 1996, respectively.

Thank you for your assistance.

Very truly yours,



Peter D. Mostow

PDM:chb
Encl.

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-73828

WATERMASTER # 16

REGIONAL MANAGER: TOM PAUL

ODF&W - Clackamas County:

CWRE (if agent): TORY WALKER #344

DEO

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) _____ NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

ADAM SUSSMAN, GAIL ACHTERMAN

/John Borge, Clackamas Co. Planning / Water Watch

CASEWORKER : WHF

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-73828

Final Order

Application History

On April 2, 1996, the Department issued a Proposed Final Order proposing to approve Application R-73828 in the name of PLEASANT VALLEY GOLF CLUB for the following use:

- Amount of Water: 10.28 ACRE-FEET (AF), BEING 0.96 AF IN POND #1, 3.58 AF IN POND #2, 1.01 AF IN POND #3, 1.21 AF IN POND #4, 1.93 AF IN POND #5, 0.67 AF IN POND #6, AND 0.92 AF IN POND #7
- Use of Water: RECREATION
- Source of Water: WINTER RUNOFF AND A WELL, TRIBUTARIES TO ROCK CREEK
- Area to be submerged by the reservoirs: SW 1/4, SECTION 31, TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

The protest deadline was May 17, 1996; on May 16, 1996, the applicant protested the Proposed Final Order, but did not request a contested case hearing. On October 10, 1996, the applicant withdrew the protest.

Assessment

1. In proceeding with the evaluation of Application R-73828 the Department finds that the findings of the Proposed Final Order require modification.



2. The following sources of information were relevant in the Department's continued evaluation of Application R-73828:
 - a. Comments by and consultation with other agencies
 - b. Any applicable Basin Program
 - c. Any applicable County Comprehensive Plan and Zoning Ordinance
 - d. The amount of water available
 - e. The rate and duty for the proposed use
 - f. Pending senior applications and existing water rights of record
 - g. Applicable statutes, administrative rules, and case law
 - h. The Scenic Waterway requirements of ORS 390.835
 - i. Any comments received
 - j. Objections and protests received

3. As a result of the Department's continued evaluation of the application and evaluation of the protest and comments submitted the Department has made the following findings:

- a. The applicant asserts that the requirement that an 8-inch outlet conduit be installed in each dam is unnecessary and unreasonable.

The condition in question will be replaced with the following:

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

- b. Pond #2 will be used as a "bulge" in the irrigation system used to appropriate water under application G-13591. Use of water appropriated under G-13591 and stored temporarily in Pond #2 would not be prohibited. However, inclusion of "A WELL" as a source of water under this application is not necessary, and has been removed.
 - c. The Proposed Final Order requires modification to correctly describe the locations of the dams. The correct locations are described on the attached permit.
4. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing character of the CLACKAMAS RIVER Scenic Waterway in quantities necessary for recreation, fish and wildlife uses.

5. The Department finds that no more than 10.28 AF would be necessary for the proposed use. The amount of water requested, 10.28 AF, is allowable.
6. The Willamette Basin Program allows the use of water for RECREATION.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.
9. A protest to the Proposed Final Order was submitted by the applicant, but it was withdrawn.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

1. The proposed use requested in this application is allowed in the Willamette Basin Plan.
2. Water is available for the proposed use.
3. The proposed use will not injure other water rights.
4. The proposed use complies with rules of the Water Resources Commission.
5. The proposed use complies with the State Agency Agreement for land use.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The Director therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not

impair or be detrimental to the public interest if exercised in the manner described in the attached permit.

The presumption has not been overcome by a preponderance of evidence that the proposed use, as conditioned herein, would impair or be detrimental to the public interest.

Therefore, the proposed use, as conditioned, and described in the attached permit, would not impair or be detrimental to the public interest.

Order

Application R-73828 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number R-12067 is issued as limited by the conditions set forth in the permit.

DATED October 25, 1996


Martha O. Pagel

Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OREGON 97015

(503) 658-3101

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73828

SOURCE OF WATER: WINTER RUNOFF, TRIBUTARY TO ROCK CREEK

STORAGE FACILITY: PONDS #1, #2, #3, #4, #5, #6 & #7

PURPOSE OR USE OF THE STORED WATER: RECREATION

WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: DECEMBER 30, 1993

THE VOLUME OF WATER STORED IN EACH RESERVOIR IN ACRE-FEET, THE TOTAL AREA PROPOSED TO BE SUBMERGED BY THE RESERVOIR WHEN FULL IN ACRES, THE PROPOSED MAXIMUM DEPTH OF WATER IN FEET, AND THE MAXIMUM HEIGHT OF EACH STRUCTURE IN FEET IS:

	<u>ACRE-FEET</u>	<u>AREA</u>	<u>DEPTH</u>	<u>DAM HEIGHT</u>
POND #1	0.96	0.25	5.0	7.7
POND #2	3.58	0.60	8.5	9.5
POND #3	1.01	0.19	6.0	8.2
POND #4	1.21	0.24	8.0	9.5
POND #5	1.93	0.35	8.0	9.5
POND #6	0.67	0.20	5.0	7.7
POND #7	0.92	0.19	8.0	9.5

THE TOTAL AMOUNT TO BE STORED IS 10.28 ACRE-FEET.

DAM LOCATIONS: NE 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.; POND #1 - 1650 FEET NORTH & 870 FEET EAST, POND #2 - 1560 FEET NORTH & 1200 FEET EAST, POND #3 - 1080 FEET NORTH & 1320 FEET EAST, POND #4 - 1350 FEET NORTH & 1650 FEET EAST, POND #5 - 1200 FEET NORTH & 1860 FEET EAST, POND #6 - 390 FEET NORTH & 1260 FEET EAST, POND #7 - 300 FEET NORTH & 1440 FEET EAST, ALL FROM THE SW CORNER OF SECTION 31

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN:

NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4

SECTION 31

TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued October 25, 1996


Water Resources Department
Director

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-73828

Final Order

Application History

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The protest deadline was May 17, 1996; on May 16, 1996, the applicant protested the Proposed Final Order, but did not request a contested case hearing. On October 10, 1996, the applicant withdrew the protest.

Assessment

1. In proceeding with the evaluation of Application R-73828 the Department finds that the findings of the Proposed Final Order require modification.



2. The following sources of information were relevant in the Department's continued evaluation of Application R-73828:
 - a. Comments by and consultation with other agencies
 - b. Any applicable Basin Program
 - c. Any applicable County Comprehensive Plan and Zoning Ordinance
 - d. The amount of water available
 - e. The rate and duty for the proposed use
 - f. Pending senior applications and existing water rights of record
 - g. Applicable statutes, administrative rules, and case law
 - h. The Scenic Waterway requirements of ORS 390.835
 - i. Any comments received
 - j. Objections and protests received

3. As a result of the Department's continued evaluation of the application and evaluation of the protest and comments submitted the Department has made the following findings:

- a. The applicant asserts that the requirement that an 8-inch outlet conduit be installed in each dam is unnecessary and unreasonable.

The condition in question will be replaced with the following:

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- b. Pond #2 will be used as a "bulge" in the irrigation system used to appropriate water under application G-13591. Use of water appropriated under G-13591 and stored temporarily in Pond #2 would not be prohibited. However, inclusion of "A WELL" as a source of water under this application is not necessary, and has been removed.
- c. The Proposed Final Order requires modification to correctly describe the locations of the dams. The correct locations are described on the attached permit.

4. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing character of the CLACKAMAS RIVER Scenic Waterway in quantities necessary for recreation, fish and wildlife uses.

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Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

1. The proposed use requested in this application is allowed in the Willamette Basin Plan.
2. Water is available for the proposed use.
3. The proposed use will not injure other water rights.
4. The proposed use complies with rules of the Water Resources Commission.
5. The proposed use complies with the State Agency Agreement for land use.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The Director therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not

impair or be detrimental to the public interest if exercised in the manner described in the attached permit.

The presumption has not been overcome by a preponderance of evidence that the proposed use, as conditioned herein, would impair or be detrimental to the public interest.

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DATED October 25, 1996


Martha O. Pagel

Director

Hearing and Appeal Rights

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FO CHECKLIST

FILE # R-73828

PFO TO FO CONVERSION

REVIEW DATE: 10/11/96

WEEK # 36

INITIALS: CS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
Protest resolved
2. List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees
(2) Issue FO w/o permit if fees are lacking
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)
DENIAL FO w/o PERMIT FO & PERMIT COMMENTS
LARRY CORY JERRY DOUG

9. Y / N Is further processing possible? If not state reason: _____
10. Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)

Modify FO/as needed to:

11. Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
12. Include or exclude permit conditions and management codes
13. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

14. Save WordPerfect document in M:\T\FO\WEEK & delete duplicates
15. Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

STOEL RIVES LLP

ATTORNEYS

STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268
Phone (503) 224-3380 Fax (503) 221-7480
TDD (503) 221-1045
Internet: www.stoel.com

October 10, 1996

*Cory,
you have these files*

GAIL L. ACHTERMAN
Direct Dial
(503) 294-9123
glachterman@stoel.com

BY FAX AND REGULAR MAIL

Oregon Water Resources Department
Attention: Adam Sussman
Water Rights & Adjudications Division
158 12th Street NE
Salem, Oregon 97310-0210


**Re: Proposed Final Order G-13591, Proposed Final Order R-73828 and
Proposed Final Order S-73829**

Dear Mr. Sussman:

On behalf of Pleasant Valley Golf Club ("Pleasant Valley") we hereby conditionally withdraw the protest we filed on May 15, 1996 against the proposed final orders issued on the applications referenced above. This withdrawal is conditioned upon your issuance, which we now request, of final orders on these applications consistent with representations made in your letter of September 23, 1996.

Please do not hesitate to call me or Peter Mostow of my office if you have any questions about this request.

Sincerely yours



Gail L. Achterman

GLA:chb

cc: Mr. George Beall
Mr. David J. Newton

File

STOEL RIVES LLP

A T T O R N E Y S

STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268
Phone (503) 224-3380 Fax (503) 220-2480
TDD (503) 221-1045
Internet: www.stoel.com

RECEIVED

OCT 15 1996

WATER RESOURCES DEPT.
SALEM, OREGON

October 10, 1996

GAIL L. ACHTERMAN
Direct Dial
(503) 294-9123
glachterman@stoel.com

BY FAX AND REGULAR MAIL

Oregon Water Resources Department
Attention: Adam Sussman
Water Rights & Adjudications Division
158 12th Street NE
Salem, Oregon 97310-0210

**Re: Proposed Final Order G-13591, Proposed Final Order R-73828 and
Proposed Final Order S-73829**

Dear Mr. Sussman:

On behalf of Pleasant Valley Golf Club ("Pleasant Valley") we hereby conditionally withdraw the protest we filed on May 15, 1996 against the proposed final orders issued on the applications referenced above. This withdrawal is conditioned upon your issuance, which we now request, of final orders on these applications consistent with representations made in your letter of September 23, 1996.

Please do not hesitate to call me or Peter Mostow of my office if you have any questions about this request.

Sincerely yours,


Gail L. Achterman

GLA:chb

cc: Mr. George Beall
Mr. David J. Newton

September 23, 1996

Gail Achterman
Stoel Rives
Standard Insurance Center
900 SW Fifth Avenue Suite 2300
Portland, Oregon 97204-1268

Dear Ms. Achterman:

REFERENCE: File G-13591, R-73828 & S-73829 (Pleasant Valley
Golf Club)

The purpose of this letter is to address and hopefully resolve the issues raised in your comments on the above referenced applications submitted May 15, 1996. I apologize for the delay in responding. For ease of reference, the issues are numbered on the attached copy of your comments to correspond with this letter.

1) The condition on the draft permit under application G-13591 concerning the depth of ground water production shall be changed as follows:

Ground water for use under this permit shall be produced from a depth greater than 180 feet below land surface.

2) As you know, this application was accepted by the Water Resources Commission and given an exception to the Willamette Basin Program under the provisions of ORS 536.295. In order to accept the application the Commission had to make two findings. The first finding made by the Commission was that pursuant to ORS 536.295(1)(e) the denial of the water use would be an "extreme hardship." The second finding made by the Commission was that "the proposed use is consistent with the general policies established in the applicable basin program." This second finding was made by the Commission based on the argument presented by staff in the staff report and supported by the meeting record (Agenda Item H, June 2, 1995).

The Willamette Basin Program polices with respect to groundwater are to "prevent excessive decline, restore aquifer stability, and to preserve aquifers of limited storage capacity for designated uses". However, staff argued that even though the proposed use was in a groundwater limited area, the proposed use could be allowed, consistent with the general policies, because the use would be subject to permit conditions pursuant to OAR 690-502-160(2)(b)(B) and OAR 690-502-160(4). The



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

conditions cited are aimed at making the use "consistent" with the general policies of the Willamette Basin Program by preventing excessive declines.

Pursuant to the definition of excessive decline (OAR 690-08) Groundwater staff have found that an additional decline of 25 feet would cause excessive decline of the aquifer which they have found to have declined 32 feet already. A decline of 15 feet allows use while protecting the resource.

The Commission's decision to accept this application was with the understanding that it would be conditioned to prevent excessive declines. Staff believe that a decline value of 15 feet is consistent with the Commission's direction. Please note that the 15 feet limit does not necessarily mean that the well would be shut-off but rather it would be controlled.

3) A water level measurement taken in March of 1997 to establish the baseline static water level, as required in the draft permit under application G-13591, would be satisfactory.

4) The following condition will be added to the draft permit under application G-13591, to clear up any ambiguity concerning how the requests for extension of time will be handled:

The permittee shall request an extension of this limited 5 year permit, in writing, 1 year prior to the date of expiration. The request must contain; copies of any water level measurements and meter records required by this permit; a description of steps taken to secure a permanent water source; and the reasons why an alternate source is not available for use at this time. The Water Resources Department shall evaluate the data submitted and any other available data to determine if the groundwater resource can probably support the extended use. Permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. If no request is submitted in writing prior to expiration, the permit is null and void.

5) The final order on application G-13591 was issued in error, and is therefore not valid. A superseding final order shall be issued reflecting any changes agreed upon herein.

6) Reservoir 2 will be used as a "bulge in the system" with regard to the temporary holding of groundwater for irrigation under application G-13591. The use of a permit granted under application G-13591 for irrigation, would not be tied to the use authorized by a permit issued under reservoir application R-73828 in any way. The mention thereof is not necessary and has therefore been removed in the attached draft permit.

7) As you know, the recapture and use of water previously diverted under an existing permit is allowed; but any natural flow

during the non-storage season would have to be passed through the reservoirs.

8) As acknowledged in your comments, measuring and reporting is not required on application R-73828 at this time but may be in the future. The condition is merely a standard condition which is a restatement of existing statutory authority.

9) The permit to be authorized under application G-13591 does not prohibit the temporary holding of water in reservoir 2 for irrigation as a "bulge in the system". Application S-73829 is not necessary since the use of groundwater for irrigation will be covered by a permit issued under application G-13591. The conclusions of law regarding S-73829 shall be revised as you have suggested.

10) As described in paragraph 2 above, this application was accepted based upon two findings, one of which is that the proposed use will remain "consistent with the general policies established in the applicable basin program." Therefore, to comply with OAR 690-502-160 (B) the following condition will be added.

Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long term water supply.

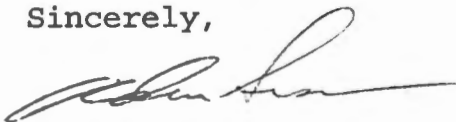
I hope that you find the discussion, the proposed modifications and the attached draft permits satisfactory. If so, please submit, in writing a request to "conditionally" withdraw the protest and request for hearing. If there are minor concerns please contact me so that they can be resolved quickly. Once the protest withdrawal is received I will forward the final orders and permits to the Director for approval.

If you still have major concerns and wish to pursue a hearing please specify the concerns and request a hearing be scheduled.

As you know the Department must either issue a final order or schedule a hearing for these applications by October 31, 1996. I hope we can resolve these promptly.

Feel free to call me at (503) 378-8455 ext. 262 or 1 (800) 624-3199 if you have any questions. number available if you call.

Sincerely,



Adam Sussman
Program Analyst, Water Rights Section

enclosures: Draft permits
 Copy of comment letter

DRAFT
STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OREGON 97015

(503)658-3101

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13591

SOURCE OF WATER: A WELL IN CLACKAMAS RIVER BASIN within the Willamette basin

PURPOSE OR USE: IRRIGATION OF 79.0 ACRES AND AGRICULTURAL (NURSERY) USE

RATE OF USE: 0.95 CUBIC FOOT PER SECOND

The period of allowed use is MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR AGRICULTURAL USES

DATE OF PRIORITY: JUNE 2, 1995

POINT OF DIVERSION LOCATION: 1570 FEET NORTH AND 1410 FEET EAST OF THE SW CORNER OF SECTION 31 T1S, R3E, W.M.;

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4	10.0 ACRES
NW 1/4 SW 1/4	18.1 ACRES
NW 1/4 SW 1/4	1.8 ACRES
NE 1/4 SW 1/4	16.6 ACRES
SW 1/4 SW 1/4	20.6 ACRES
SE 1/4 SW 1/4	11.9 ACRES

SECTION 31

TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

NW 1/4 NW 1/4 1.8 ACRES

SECTION 6

TOWNSHIP 2 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long term water supply.

This permit expires five years after issuance. It may be extended for additional five year periods if the Director finds that the groundwater resource can probably support the extended use.

The permittee shall request an extension of this limited 5 year permit, in writing, 1 year prior to the date of expiration. The request must contain; copies of any water level measurements and meter records required by this permit; a description of steps taken to secure a permanent water source; and the reasons why an alternate source is not available for use at this time. The Water Resources Department shall evaluate the data submitted and any other available data to determine if the groundwater resource can probably support the extended use. Permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. If no request is submitted in writing prior to expiration, the permit is null and void.

Application G-13591 Water Resources Department. PERMIT DRAFT

Ground water for use under this permit shall be produced from a depth greater than 180 feet below land surface.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

(1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:

(a) An average water level decline of three or more feet per year for five consecutive years; or

(b) A total water level decline of fifteen or more feet; or

(c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

(a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.

(b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.

(c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.

(d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section

(1) are evidenced by the well measurement required in this section.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Application G-13591 Water Resources Department
Issued _____, 199_

PERMIT DRAFT

DRAFT

Water Resources Department
Director

Application G-13591 Water Resources Department
Basin 02 Volume 23 A ROCK CREEK & MISC
MGMT.CODE 7B 7H

PERMIT DRAFT
District 16

DRAFT
STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OREGON 97015

(503)658-3101

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73828

SOURCE OF WATER: WINTER RUNOFF TRIBUTARY OF ROCK CREEK within the WILLAMETTE basin

STORAGE FACILITY: PONDS 1,2,3,4,5,6 & 7

PURPOSE OR USE OF THE STORED WATER: RECREATION

Volume of use: 10.28 ACRE FEET, BEING 0.96 AF FROM POND ONE, 3.58 AF FROM POND TWO, 1.01 AF FROM POND THREE, 1.21 AF FROM POND FOUR, 1.93 AF FROM POND FIVE, 0.67 AF FROM POND SIX AND 0.92 AF FROM POND SEVEN EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30.

DATE OF PRIORITY: December 30, 1993

The amount of water stored in each reservoir in acre feet; the total area proposed to be submerged by the reservoir when full in acres; the proposed maximum depth of water in feet; and the maximum height of each structure in feet is:

	AC.FT.	AREA	DEPTH	DAM HEIGHT
POND 1	0.96	0.25	5	7.7
POND 2	3.58	0.60	8.5	9.5
POND 3	1.01	0.19	6	8.2
POND 4	1.21	0.24	8	9.5
POND 5	1.93	0.35	8	9.5
POND 6	0.67	0.20	5	7.7
POND 7	0.92	0.19	8	9.5

DAM LOCATIONS: POND 1 NW 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.; POND 2 NW 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.; POND 3 1570 FEET NORTH & 1410 FEET EAST FROM SW CORNER, SECTION 31 SW 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.; POND 4 NE 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.; POND 5 SE 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.; POND 6 SW 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.; POND 7 SW 1/4 SW 1/4, SECTION 31, T1S, R3E, W.M.;

Application R-73828 Water Resources Department

PERMIT DRAFT

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

POND 1, NW 1/4 SW 1/4 0.25 ACRES
POND 2, NW 1/4 SW 1/4 0.60 ACRES
POND 3, SW 1/4 SW 1/4 0.19 ACRES
POND 4, NE 1/4 SW 1/4 0.24 ACRES
POND 5, SE 1/4 SW 1/4 0.35 ACRES
POND 6, SW 1/4 SW 1/4 0.20 ACRES
POND 7, SW 1/4 SW 1/4 0.19 ACRES

SECTION 31

TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

Measurement recording and reporting conditions:

A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Director

STOEL RIVES LLP

ATTORNEYS

STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

Phone (503) 224-3380 Fax (503) 220-2480

TDD (503) 221-1045

Internet: www.stoel.com

May 15, 1996

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MAY 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

GAIL L. ACHTERMAN
Direct Dial
(503) 294-9123
glachterman@stoel.com

BY UPS NEXT DAY AIR

Oregon Water Resources Department
Attention: Steven P. Applegate
Water Rights & Adjudications Division
158 12th Street NE
Salem, Oregon 97310-0210

**Re: Proposed Final Order G-13591, Proposed Final Order R-73828 and
Proposed Final Order S-73829**

Dear Mr. Applegate:

On behalf of Pleasant Valley Golf Club ("Pleasant Valley") we would like to comment on the Proposed Final Orders for Applications G-13591, R-73828 and S-73828 for the use of water at Pleasant Valley's golf course and the Fairway Nursery located near Damascus, Oregon.

The name, address and telephone number of Pleasant Valley Golf Club is:

Pleasant Valley Golf Club
12300 SE 162nd Avenue
Clackamas, Oregon 97015
(503)658-3101

Pleasant Valley is the applicant on all three applications and is concerned about some of the terms and conditions in the draft permits attached to the Proposed Final Orders in Application G-13591 and R-73828 and with the language of the Proposed Final Order in S-73828. If Pleasant Valley's concerns cannot be addressed in response to these comments,

PDX1A-28071.1 22535-0001

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Oregon Water Resources Department
Attention: Steven P. Applegate
May 15, 1996
Page 2

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WATER RESOURCES DEPT.
SALEM, OREGON

this letter should be treated as a protest of the above-referenced Proposed Final Orders under OAR 690-310-160.

① 1. Proposed Final Order G-13591. On page 6 of the Proposed Final Order, paragraph 4 states, "Groundwater production must be from no shallower than 190 feet below land surface." The existing well is sealed at 185 feet according to the well log. We are unaware of any justification in the record of this application for the limitation that groundwater production must be from deeper than 190 feet. Pleasant Valley does not want to have to re-drill the well to deepen it unless there is a significant public policy reason for imposing such a requirement. Pleasant Valley requests the elimination of this condition.

② As stated in our letter to the Department on August 29, 1994, Pleasant Valley objects to a permit condition limiting the total water decline to 15 or more feet as stated on page 7 of the Proposed Final Order, subparagraph (1)(b) and (c). Even a 15-foot decline is too narrow and could be produced by seasonal variations. The well will have a 1995 priority date and will be subject to the rights of senior appropriators. Pleasant Valley requests that 25 feet be substituted for 15 feet as the allowable amount of decline.

③ On page 7 of the draft permit paragraph(2)(a) states that water use cannot begin until an initial water level is measured and submitted. The measurement is to be done in subsequent years during March. Since it is now May and it has been an unusually wet spring, Pleasant Valley would prefer to set the baseline static water level in March 1997, rather than this year.

On page 6 of the draft permit of the Proposed Final Order a condition would be included stating that the permit

"expires five years after issuance. It may be extended for additional five year periods if the director finds that the groundwater resource can probably support the extended use."

④ Pleasant Valley is unclear how the Water Resources Department intends to administer this condition, even though we recognize that this requirement is contained in the Willamette Basin plan. Specifically, will the Department notify Pleasant Valley when it is time to renew the permit, or is Pleasant Valley expected to keep track of when to file a renewal request? What form should the request take? We are unaware of any forms for permit renewals. What will happen once the certificate is issued? Does the Department propose to impose a

Oregon Water Resources Department
Attention: Steven P. Applegate
May 15, 1996
Page 3

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WATER RESOURCES DEPT.
SALEM, OREGON

renewal condition in it as well? We believe these questions need to be answered before imposing this condition and we object to its inclusion without such an explanation.

5 On April 26, 1996 a "final order" was signed by Steve Applegate on Application G-13591. This action was taken before the end of the 45-day protest period allowed by the proposed final order. By letter dated May 13, 1996 we pointed out this error to the Department and asked that the premature "final order" be revoked. The true final order in this proceeding should state expressly that the April 26, 1996 "final order" was revoked.

2. Proposed Final Order R-73828. Page 1, paragraph 1 contains an incomplete final sentence "To be appropriate under Application G-13591, for irrigation and nursery (uses)." This statement should be revised to read as follows:

"Pleasant Valley Golf Club requested to construct seven ponds and store the waters of runoff for ponds 1, 2, 3, 4, 5, 6 and 7 and waters pumped from a well under Permit G-13591 for pond 2, tributaries of Rock Creek for recreation and irrigation of 79.0 acres within the Willamette Basin for irrigation and nursery uses."

6 This revision would clarify that pond 2 will also store runoff water and that runoff water will be stored in the ponds year around, not just in the winter.

On page 2, Conclusions of Law, paragraph 1, the statement is made that "since G-13531 applies to the irrigation uses, recreation shall be the only proposed use allowed under this application." This statement is acceptable to Pleasant Valley based on our understanding that the reservoir permit in combination with Permit G-13531 will allow, in combination with Permit G-13531, water to be pumped from the well and stored in pond 2 for later distribution for irrigation use. Our understand is that for permitting purposes, pond 2 will be treated as a bulge in the pipe of the water delivery system from the well itself. If this understanding is incorrect, the permit conditions should be clarified.

7 In the draft Permit No. R-73828 the source of the water is runoff for ponds 1, 2, 3, 4, 5, 6 and 7 and a well for pond 2. As noted above, diffuse surface water will also be stored in the summer and pond 2 will store water pumped from the well as well as runoff.

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Attention: Steven P. Applegate
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SALEM, OREGON

8
Measurement and recording and reporting conditions are included on page 2 of the draft permit. The requirements are discretionary, however, as we mentioned in a letter to Ms. Pagel dated November 30, 1994, the installation of a meter, its maintenance, recordkeeping and reporting are unnecessary and unreasonable for these ponds, because:

(1) The use is nonconsumptive. Other than intercepting part of the diffuse surface water and precipitation to maintain the water level of the ponds, the water which enters the ponds at the upper ends also leaves the ponds at their outlets. Pond 2, which is also used to temporarily store pumped irrigation water, relies upon groundwater primarily. Diffuse surface water precipitation which enters the pond during the irrigation season is incidental.

(2) The cost to install and maintain meters on seven ponds would be excessive. The initial cost, along with recordkeeping and regular maintenance of meters that will become clogged, would cost tens of thousands of dollars over several years for no discernable benefit.

(3) The benefit of installing and maintaining meters or gauges is highly questionable. Any information that could be gained from measuring flows through the ponds can be adequately estimated at a fraction of the cost. Pleasant Valley requests that the measurement recording and reporting conditions be deleted from this draft permit.

Page 3 of the draft permit includes a standard condition that: "The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of eight inches." Again, given the nature of these ponds, the imposition of this requirement is unnecessary and unreasonable. Pleasant Valley requests its deletion.

9
3. Application S-73829. Pleasant Valley is willing to accept denial of this permit application with the understanding that the use that it was intended to cover (pumping from pond 2 for irrigation purposes) will now be authorized under Permit G-13591. In denying the application, however, Pleasant Valley urges the Department to delete paragraph 3 of the Conclusions of Law on page 2. The proposed use would comply with the rules of the Commission if the Department concluded that water stored in the pond was the source of the appropriation, rather than the groundwater well being the source of the appropriation. The Commission has decided to allow an exemption for this proposed groundwater use and appropriations from storage are allowed under the Willamette Basin plan. This conclusion of law should be deleted because it is incorrect. It should be sufficient simply to conclude, as

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Oregon Water Resources Department
Attention: Steven P. Applegate
May 15, 1996
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WATER RESOURCES DEPT.
SALEM, OREGON

is done in paragraph 1, that two primary rights from the same source are unnecessary and then conclude that it would not be in the public interest to issue this permit since the use requested is covered under permit G-13591. Pleasant Valley requests that conclusion of law no. 3 be deleted from the final order.

Thank you for your consideration of these comments. Again, if the Department is unable to respond favorably to the comments, this letter should be treated as a protest to the above referenced Proposed Final Orders.

Sincerely yours,



Gail L. Achterman

GLA:chb

Encl.

cc: Mr. George Beall
Mr. David J. Newton

10) ADDITIONAL CONDITION NECESSARY TO COMPLY w/
OAR 690 502 160 (B)

STOEL RIVES LLP

ATTORNEYS

STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268
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May 15, 1996

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SALEM, OREGON

GAIL L. ACHTERMAN
Direct Dial
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BY UPS NEXT DAY AIR

Oregon Water Resources Department
Attention: Steven P. Applegate
Water Rights & Adjudications Division
158 12th Street NE
Salem, Oregon 97310-0210

**Re: Proposed Final Order G-13591, Proposed Final Order R-73828 and
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Pleasant Valley Golf Club
12300 SE 162nd Avenue
Clackamas, Oregon 97015
(503)658-3101

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PDX1A-28071.1 22535-0001

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Oregon Water Resources Department
Attention: Steven P. Applegate
May 15, 1996
Page 2

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MAY 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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"expires five years after issuance. It may be extended for additional five year periods if the director finds that the groundwater resource can probably support the extended use."

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Oregon Water Resources Department
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May 15, 1996
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SALEM, OREGON

renewal condition in it as well? We believe these questions need to be answered before imposing this condition and we object to its inclusion without such an explanation.

On April 26, 1996 a "final order" was signed by Steve Applegate on Application G-13591. This action was taken before the end of the 45-day protest period allowed by the proposed final order. By letter dated May 13, 1996 we pointed out this error to the Department and asked that the premature "final order" be revoked. The true final order in this proceeding should state expressly that the April 26, 1996 "final order" was revoked.

2. Proposed Final Order R-73828. Page 1, paragraph 1 contains an incomplete final sentence "To be appropriate under Application G-13591, for irrigation and nursery (uses)." This statement should be revised to read as follows:

"Pleasant Valley Golf Club requested to construct seven ponds and store the waters of runoff for ponds 1, 2, 3, 4, 5, 6 and 7 and waters pumped from a well under Permit G-13591 for pond 2, tributaries of Rock Creek for recreation and irrigation of 79.0 acres within the Willamette Basin for irrigation and nursery uses."

This revision would clarify that pond 2 will also store runoff water and that runoff water will be stored in the ponds year around, not just in the winter.

On page 2, Conclusions of Law, paragraph 1, the statement is made that "since G-13531 applies to the irrigation uses, recreation shall be the only proposed use allowed under this application." This statement is acceptable to Pleasant Valley based on our understanding that the reservoir permit in combination with Permit G-13531 will allow, in combination with Permit G-13531, water to be pumped from the well and stored in pond 2 for later distribution for irrigation use. Our understand is that for permitting purposes, pond 2 will be treated as a bulge in the pipe of the water delivery system from the well itself. If this understanding is incorrect, the permit conditions should be clarified.

In the draft Permit No. R-73828 the source of the water is runoff for ponds 1, 2, 3, 4, 5, 6 and 7 and a well for pond 2. As noted above, diffuse surface water will also be stored in the summer and pond 2 will store water pumped from the well as well as runoff.

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Oregon Water Resources Department
Attention: Steven P. Applegate
May 15, 1996
Page 4

MAY 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Measurement and recording and reporting conditions are included on page 2 of the draft permit. The requirements are discretionary, however, as we mentioned in a letter to Ms. Pagel dated November 30, 1994, the installation of a meter, its maintenance, recordkeeping and reporting are unnecessary and unreasonable for these ponds, because:

(1) The use is nonconsumptive. Other than intercepting part of the diffuse surface water and precipitation to maintain the water level of the ponds, the water which enters the ponds at the upper ends also leaves the ponds at their outlets. Pond 2, which is also used to temporarily store pumped irrigation water, relies upon groundwater primarily. Diffuse surface water precipitation which enters the pond during the irrigation season is incidental.

(2) The cost to install and maintain meters on seven ponds would be excessive. The initial cost, along with recordkeeping and regular maintenance of meters that will become clogged, would cost tens of thousands of dollars over several years for no discernable benefit.

(3) The benefit of installing and maintaining meters or gauges is highly questionable. Any information that could be gained from measuring flows through the ponds can be adequately estimated at a fraction of the cost. Pleasant Valley requests that the measurement recording and reporting conditions be deleted from this draft permit.

Page 3 of the draft permit includes a standard condition that: "The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of eight inches." Again, given the nature of these ponds, the imposition of this requirement is unnecessary and unreasonable. Pleasant Valley requests its deletion.

3. Application S-73829. Pleasant Valley is willing to accept denial of this permit application with the understanding that the use that it was intended to cover (pumping from pond 2 for irrigation purposes) will now be authorized under Permit G-13591. In denying the application, however, Pleasant Valley urges the Department to delete paragraph 3 of the Conclusions of Law on page 2. The proposed use would comply with the rules of the Commission if the Department concluded that water stored in the pond was the source of the appropriation, rather than the groundwater well being the source of the appropriation. The Commission has decided to allow an exemption for this proposed groundwater use and appropriations from storage are allowed under the Willamette Basin plan. This conclusion of law should be deleted because it is incorrect. It should be sufficient simply to conclude, as

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Oregon Water Resources Department
Attention: Steven P. Applegate
May 15, 1996
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WATER RESOURCES DEPT.
SALEM, OREGON

is done in paragraph 1, that two primary rights from the same source are unnecessary and then conclude that it would not be in the public interest to issue this permit since the use requested is covered under permit G-13591. Pleasant Valley requests that conclusion of law no. 3 be deleted from the final order.

Thank you for your consideration of these comments. Again, if the Department is unable to respond favorably to the comments, this letter should be treated as a protest to the above referenced Proposed Final Orders.

Sincerely yours,



Gail L. Achterman

GLA:chb

Encl.

cc: Mr. George Beall
Mr. David J. Newton

DAM LOCATIONS: POND 1 NW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 2 NW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 3 1570 FEET NORTH & 1410 FEET EAST FROM SW CORNER, SECTION 31 SW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 4 NE 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 5 SE 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 6 SW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 7 SW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.;

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

POND 1, NW 1/4 SW 1/4 0.25 ACRES
POND 2, NW 1/4 SW 1/4 0.60 ACRES
POND 3, SW 1/4 SW 1/4 0.19 ACRES
POND 4, NE 1/4 SW 1/4 0.24 ACRES
POND 5, SE 1/4 SW 1/4 0.35 ACRES
POND 6, SW 1/4 SW 1/4 0.20 ACRES
POND 7, SW 1/4 SW 1/4 0.19 ACRES

SECTION 31

T 1 S, R 3 E, W.M.

Measurement recording and reporting conditions:

A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

WORKING
COPY

DRAFT
STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OREGON 97015

(503)658-3101

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73828

SOURCE OF WATER: WINTER RUNOFF FOR PONDS ONE, THREE, FOUR, FIVE, SIX AND SEVEN AND A WELL FOR POND TWO, TRIBUTARIES OF ROCK CREEK within the WILLAMETTE basin

STORAGE FACILITY: PONDS 1,2,3,4,5,6 & 7

PURPOSE OR USE OF THE STORED WATER: RECREATION

Volume of use: 10.28 ACRE FEET, BEING 0.96 AF FROM POND ONE, 3.58 AF FROM POND TWO, 1.01 AF FROM POND THREE, 1.21 AF FROM POND FOUR, 1.93 AF FROM POND FIVE, 0.67 AF FROM POND SIX AND 0.92 AF FROM POND SEVEN EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30.

DATE OF PRIORITY: December 30, 1993

The amount of water stored in each reservoir in acre feet; the total area proposed to be submerged by the reservoir when full in acres; the proposed maximum depth of water in feet; and the maximum height of each structure in feet is:

	AC.FT.	AREA	DEPTH	DAM HEIGHT
POND 1	0.96	0.25	5	7.7
POND 2	3.58	0.60	8.5	9.5
POND 3	1.01	0.19	6	8.2
POND 4	1.21	0.24	8	9.5
POND 5	1.93	0.35	8	9.5
POND 6	0.67	0.20	5	7.7
POND 7	0.92	0.19	8	9.5

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 73829 R 73828

✓ WATERWATCH

✓ ODF&W Clackamas

✓ WATERMASTER # 16

✓ REGIONAL MANAGER - NW

✓ CWRE - Tory R. Walker 344

✓ DEO

✓ OREGON ASSOCIATION OF NURSERYMEN INC.

✓ KEN STAHR

OTHER ADDRESSES: John Borge ; Clackamas County, Dept of Trans & Development,
902 Abernethy Rd, Oregon City, OR 97045-1100

✓ Gail Achterman, Steel River Boley Jones & Grey, Suite 2300, Standard Ins. Center,
900 SW Fifth Ave., Pdx, OR 97204-1268
CASEWORKER MM 9/20/94

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of) PROPOSED
Reservoir Application) FINAL
R-73828 submitted by) ORDER
PLEASANT VALLEY GOLF CLUB

FINDINGS OF FACT

Water Use Request

1. PLEASANT VALLEY GOLF CLUB requested to construct SEVEN PONDS AND STORE THE WATERS OF WINTER RUNOFF FOR PONDS ONE, THREE, FOUR, FIVE, SIX AND SEVEN AND A WELL (UNDER G-13591) FOR POND TWO, TRIBUTARIES OF ROCK CREEK for RECREATION AND IRRIGATION OF 79.0 ACRES within the Willamette Basin. To be appropriated under Application G-13591, for IRRIGATION AND NURSERY (USES).
2. The amount of water requested for storage each year is 10.28 ACRE FEET IN 7 RESERVOIRS.
3. The area to be submerged by the reservoir is located in Clackamas County within SECTION 31 TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M. SECTION 6 TOWNSHIP 2 SOUTH, RANGE 3 EAST, W.M.
4. The total area proposed to be submerged by the reservoirs, when full, is 1.2 acres; the proposed maximum depth of water is 8.0 feet. The maximum height of any dam will not exceed 9.5 feet.
5. The request was made in Application R-73828 which was received by the Water Resources Department on December 30, 1993.

Affected Waters

1. ROCK CREEK is NOT above a State Scenic Waterway.
2. ODFW has advised that there are no fish in the immediate area of the subject appropriation. Consequently, no fish screening or passage facilities are to be required.
3. There are senior water rights on THE WATERS OF WINTER RUNOFF TRIBUTARIES OF ROCK CREEK or on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on September 20, 1994.
3. The technical review determined:

- a. RECREATION OF 79.0 ACRES is allowed under the Willamette Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is available for storage (at a 50 percent exceedance probability) for the period **NOVEMBER 1 THROUGH JUNE 30**
 - d. The use would not injure existing water rights.
4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application R-73828, the following criteria were found to be relevant by the Department.
 - a. The Willamette Basin Program (OAR Chapter 690, Division 502)
 - b. Exemption from the Willamette Basin Program by the Water Resources Commission
 - c. The Clackamas County Comprehensive Plan and Zoning Ordinance
 - d. Dam Construction Standards (OAR Chapter 690, Division 20)
 - e. The amount of water available in TRIBUTARIES OF ROCK CREEK
 - f. Pending, senior applications and existing water rights of record
 - g. ORS 536.295 (Exceptions to Basin Programs)
 - h. Water Resources Commission Agenda Item H, June 2, 1995
 - i. Comments received

CONCLUSIONS OF LAW

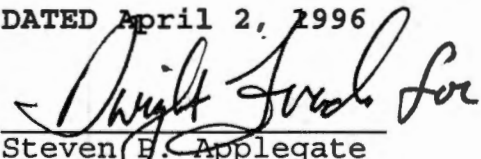
1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification to reflect the number of ponds and acres as shown on the application map. The technical review did not include the use of groundwater under G-13531. This was pending the review of the basin program by the Water Resources Commission under ORS 536.295. Since G-13531 applies to the irrigation uses, recreation shall be the only proposed use allowed under this application.
2. WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30.
3. The Department finds that no more than 10.28 ACRE FEET IN 7 RESERVOIRS would be necessary for RECREATION. The amount of water requested, 10.28 ACRE FEET, BEING 0.96 AF FROM POND ONE, 3.58 AF FROM POND TWO, 1.01 AF FROM POND THREE, 1.21 AF FROM POND FOUR, 1.93 AF FROM POND FIVE, 0.67 AF FROM POND SIX AND 0.92 AF FROM POND SEVEN, is allowable for the proposed use.
4. Clackamas County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use involves discretionary land use approval which has been obtained.

5. Pursuant to ORS 390.835, the proposed use, as conditioned, will not reduce streamflows needed to maintain the free-flowing character of the CLACKAMAS RIVER Scenic Waterway in quantities necessary for recreation, fish and wildlife uses.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and proposed conditions, would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application R-73828 in the name of PLEASANT VALLEY GOLF CLUB TO STORE WATER for RECREATION be approved as provided in the attached draft permit.

DATED April 2, 1996


Steven H. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on May 17, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

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The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: R-73828

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STORAGE FACILITY: PONDS 1,2,3,4,5,6 & 7

PURPOSE OR USE OF THE STORED WATER: RECREATION

Volume of use: 10.28 ACRE FEET, BEING 0.96 AF FROM POND ONE, 3.58 AF FROM POND TWO, 1.01 AF FROM POND THREE, 1.21 AF FROM POND FOUR, 1.93 AF FROM POND FIVE, 0.67 AF FROM POND SIX AND 0.92 AF FROM POND SEVEN EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE: NOVEMBER 1 THROUGH JUNE 30.

DATE OF PRIORITY: December 30, 1993

The amount of water stored in each reservoir in acre feet; the total area proposed to be submerged by the reservoir when full in acres; the proposed maximum depth of water in feet; and the maximum height of each structure in feet is:

	AC.FT.	AREA	DEPTH	DAM HEIGHT
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POND 6	0.67	0.20	5	7.7
POND 7	0.92	0.19	8	9.5

DAM LOCATIONS: POND 1 NW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 2 NW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 3 1570 FEET NORTH & 1410 FEET EAST FROM SW CORNER, SECTION 31 SW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 4 NE 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 5 SE 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 6 SW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.; POND 7 SW 1/4 SW 1/4, SECTION 31, T1S, R3W, W.M.;

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

POND 1, NW 1/4 SW 1/4 0.25 ACRES
POND 2, NW 1/4 SW 1/4 0.60 ACRES
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POND 5, SE 1/4 SW 1/4 0.35 ACRES
POND 6, SW 1/4 SW 1/4 0.20 ACRES
POND 7, SW 1/4 SW 1/4 0.19 ACRES

SECTION 31

T 1 S, R 3 E, W.M.

Measurement recording and reporting conditions:

A.The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

B.The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Director

Application R-73828
Basin 02
WHF

Water Resources Department
Volume 23A ROCK CREEK & MISC
MGMT.CODE

PERMIT DRAFT
District 16

STOEL RIVES BOLEY
JONES & GREY

ATTORNEYS AT LAW
SUITE 2300
STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE
PORTLAND, OREGON 97204-1268

Telephone (503) 224-3380
Telecopier (503) 220-2480
Cable Lawport
Telex 703455

Writer's Direct Dial Number
(503) 294-9123

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JAN 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

January 19, 1995

VIA FEDERAL EXPRESS

Oregon Water Resources Department
Water Rights Section
The Commerce Building
158 - 12th Street, NE
Salem, OR 97310

Re: Water Right Applications G-13591, R-73828 and S-73829

Dear Sir or Madame:

Pleasant Valley Golf Club ("Pleasant Valley") applied for three water rights (G-13591, R-73828 and S-73829) for the use of water at Pleasant Valley's golf course and Fairway Nursery located near Damascus, Oregon. The three applications seek to (1) appropriate groundwater from a well located on the golf course for irrigation of the golf course and the nursery and maintenance of Pond 2 (G-13591), (2) appropriate surface water from Pond 2 to irrigate the golf course and nursery (S-73829), and (3) obtain a reservoir permit for the seven ponds located on the golf course (R-73828).

On September 20, 1994, the Water Resources Department (the "Department") issued a satisfactory technical report on Application R-73828 and an unsatisfactory technical report on Application S-73829. No technical report has been issued yet on Application G-13591. On November 30, 1994, Pleasant Valley submitted objections to and comments on those reports ("Pleasant Valley's Comments"). We understand from Mr. Michael Mattick, Water Rights Specialist, that Pleasant Valley's Comments were the only objections submitted on the technical reports for Application R-73828 and Application S-73829, other than a very brief letter from WaterWatch of Oregon supporting your proposed rejection of Application S-73829.¹ Mr. Mark Norton

¹ It is important to note that WaterWatch did not file an objection to the technical report. To the extent that WaterWatch filed comments supporting the rejection of the S-73829 Application for "other reasons," these comments do not conform with the requirements for an objection under the administrative rules. Under OAR 690-11-170, an objection must "set forth facts which support the allegation." WaterWatch has not submitted any specific objections to the technical report or cited any facts supporting an objection.

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JAN 20 1995
WATER RESOURCES
SALEM, OREGON

Water Rights Section
January 19, 1995
Page 2

of the Groundwater Section has reviewed Application G-13591. We submitted our comments on the groundwater review to Mr. Reed Marbut on August 23, 1994.

As part of Pleasant Valley's Comments, Pleasant Valley requested the Department to reconsider and process the Reservoir Application R-73828 as a "Notice of Exempt Reservoir" application under ORS 537.141 and OAR 690-11-041. You sent us the appropriate exempt reservoir registration forms in response to our comments. Pleasant Valley has now decided to withdraw its request to treat Application R-73828 as a "Notice of Exempt Reservoir" application. After reviewing the terms and conditions required for registering an exempt pond, and although all seven ponds covered by Application R-73828 are statutorily exempt from permit and certificate requirements, Pleasant Valley has decided to pursue a traditional reservoir permit in order to obtain fully protected water rights for its use in its golf course and nursery business. Accordingly, Pleasant Valley requests the Department to incorporate Pleasant Valley's other comments and issue a reservoir permit for Application R-73828 for all seven ponds. No one has objected to issuance of the permit.

Although Pleasant Valley is not seeking exempt pond status under ORS 537.141, we will assume, unless you advise us otherwise, that the Department will not initiate an enforcement action against Pleasant Valley, pursuant to the Department's authority under the exempt pond statute.

With regard to the other two applications (G-13591 and S-73829), the Department is processing Application G-13591 under the HB-3203 hardship exception to basin plan limitations. Our understanding is that, although Pleasant Valley's hardship exception for the groundwater permit application is still under review, the Department is confident that the application will be accepted. With regard to Application S-73829, the Department issued an Unsatisfactory Technical Report "[b]ecause the source [for Pond 2] is groundwater, a surface water permit shall not be issued." As we stated in Pleasant Valley's Comments, although this technical report is inconsistent with the advice we were originally provided by the Department, Pleasant Valley believes the Department has two alternatives for issuing a permit for the appropriation of groundwater in conjunction with Pond 2. Pleasant Valley is willing to accept either approach, but the groundwater permit or the secondary permit is needed as soon as possible so that the golf course and the nursery can continue to be irrigated. Pleasant Valley urges the Department to cover Pond 2 under reservoir permit Application R-73828 as requested in the application as far as storage of diffuse surface water is concerned. Irrigation from Pond 2 could then be covered under G-13591 without a secondary permit.

Pleasant Valley requests that the three permit applications be processed together. If, however, it appears that the groundwater permit application review may take some time before it is completed, Pleasant Valley requests that the Department issue a reservoir permit for the ponds, including Pond 2, now under Application R-73828 and process the groundwater permit as quickly as possible thereafter.

REC'D

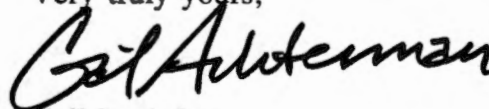
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WATER RESOURCES
SALEM, OREGO.

Water Rights Section
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If there is anything Pleasant Valley can do to expedite processing of the groundwater permit application, please let us know. As we stated in Pleasant Valley's Comments, water is available in sufficient amounts during the periods of time which would reasonably support the proposed use.

If you have any questions, please call me.

Very truly yours,



Gail L. Achterman

P-S:d-r

cc: Mr. George F. Beall
Mr. Tory R. Walker
Mr. A. Reed Marbut
Mr. Michael J. Mattick

September 20, 1994

WATER
RESOURCES
DEPARTMENT

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OR 97015

Reference: File R 73828

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before December 1, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



Michael J. Mattick
Water Rights Specialist

Enclosures

Report Date: September 20, 1994

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: December 1, 1994

1. APPLICATION FILE NUMBER -R 73828
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE 503-658-3101
CLACKAMAS, OR 97015
COUNTY OF CLACKAMAS

Date application received for filing and/or tentative date of priority: 12/30/1993

SOURCE: WINTER RUNOFF FOR PONDS ONE, THREE, FOUR, FIVE, SIX AND SEVEN AND A WELL FOR POND TWO, TRIBUTARIES OF ROCK CREEK

Purpose and/or use: RECREATION AND IRRIGATION OF 79.0 ACRES.

Flow: 10.28 ACRE FEET, BEING 0.96 AF FROM POND ONE, 3.58 AF FROM POND TWO, 1.01 AF FROM POND THREE, 1.21 AF FROM POND FOUR, 1.93 AF FROM POND FIVE, 0.67 AF FROM POND SIX AND 0.92 AF FROM POND SEVEN

Point of Diversion Location:

NO POD DIRECTLY FROM ANY STREAM

POND 1, NW 1/4 SW 1/4, SECTION 31, T 1 S, R 3 E, W.M.;
POND 2, NW 1/4 SW 1/4, SECTION 31, T 1 S, R 3 E, W.M.;
WELL, 1570 FEET NORTH & 1410 FEET EAST FROM SW CORNER, SECTION 31.
POND 3, SW 1/4 SW 1/4, SECTION 31, T 1 S, R 3 E, W.M.;
POND 4, NE 1/4 SW 1/4, SECTION 31, T 1 S, R 3 E, W.M.;
POND 5, SE 1/4 SW 1/4, SECTION 31, T 1 S, R 3 E, W.M.;
POND 6, SW 1/4 SW 1/4, SECTION 31, T 1 S, R 3 E, W.M.;
POND 7, SW 1/4 SW 1/4, SECTION 31, T 1 S, R 3 E, W.M.;

Reservoir location:

POND 1, NW 1/4 SW 1/4
POND 2, NW 1/4 SW 1/4
POND 3, SW 1/4 SW 1/4
POND 4, NE 1/4 SW 1/4
POND 5, SE 1/4 SW 1/4
POND 6, SW 1/4 SW 1/4
POND 7, SW 1/4 SW 1/4
SECTION 31
T 1 S, R 3 E, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights and scenic waterway needs 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

POND 2 IS PROPOSED TO BE FILLED FROM A WELL. THAT SOURCE WILL NOT BE PERMITTED THROUGH THIS APPLICATION. THE GROUNDWATER WOULD BE PUMPED INTO A POND FOR IRRIGATION PURPOSES. THIS PROPOSED USE SHALL BE EVALUATED WITH GROUNDWATER APPLICATION G-13591.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 6.7 ACRE FEET is likely available for STORAGE.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: R 73828

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed STORAGE: NOVEMBER 1 THROUGH JUNE 30.
3. Volume of use: 6.7 ACRE FEET IN 6 RESERVOIRS
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The amount of water stored in each reservoir in acre feet; the total area proposed to be submerged by the reservoir when full in acres; the proposed maximum depth of water in feet; and the maximum height of each structure in feet is:

	AC.FT.	AREA	DEPTH	HEIGHT
POND 1	0.96	0.25	5	7.7
POND 3	1,01	0.19	6	8.2
POND 4	1.21	0.24	8	9.5
POND 5	1.93	0.35	8	9.5
POND 6	0.67	0.20	5	7.7
POND 7	0.92	0.19	8	9.5

10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

COMPLETED

COMPLETENESS DETERMINATION CHECKLIST

EXAM ~~200~~ 200
RECORD 100
OTHER
TOTAL 300
DUE: _____

Application #	Review Date	Reviewer
R - 73828	12/11/95	JERRY

A checkmark (✓) indicates that the item is incomplete or defective.

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for municipal use, the present population to be served and expected future water requirements.
- 11. If for mining use, the type of mines and methods of supplying & utilizing the water.
- 12. If for a reservoir:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for groundwater, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under HB 2107:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used. See 6-13591

Application No. _____

R73828

RECEIVED

DEC 30 1993

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Pleasant Valley Golf Club
(Please print or type - use dark ink)

Mailing Address: 12300 S.E. 102nd Ave.
Clackamas OR. 97015 658-3101
City State Zip Daytime Phone No.

I (We) make application for a permit ~~to construct~~ ^{for existing} PONDS 1-7 reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: Pond 2 from Well, Ponds 1 & 3-7 from
a tributary of Rock Creek Surface Run-off

If not in channel of a stream, state how it is to be filled: _____

2. THE DAM: The maximum height of the structure will be Ponds 1 & 6 = 7.7'
Ponds 2, 4, 5, 7 = 9.5'
Pond 3 = 8.2' feet above stream bed or ground surface at the centerline.

The dam will be (check one) earthfill, _____ concrete, _____ flashboard, _____ other.

If "other" give description: X ALL PONDS

Give the location, description, and dimensions of the outlet conduit: _____

Ponds 1 & 4-6 have 6" gate valve @ Btm 36" stand pipe

Pond 2 has 15" gate valve @ Btm 4" square stand pipe

Pond 3 has 4" gate valve @ Btm 4" stand pipe / Pond 7 has 15" gate valve @ Btm 36" stand pipe

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: _____

Ponds 1 & 3-7 is Recreation (Scenic Value.)

Pond 2 is irrigation use.

SEE FIGURE 1

SEE ITEM # 8
'REMARKS'

4. THE AMOUNT OF WATER to be stored is: _____ acre-feet.
The area submerged by the reservoir, when filled, will be _____ acres,
and the maximum depth of water will be _____ feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. _____

- Pond 1 - Graded Swale 12" below top of dam, 115' long & 6'-9' wide
- 2 - No spillway, only stand pipe
- 3 - No spillway, pond contained on all sides by railroad fire wall
- 4 - Graded Swale 12" below top of dam, 75' long & 6'-9' wide
- 5 - Graded Swale 12" below top of dam, 20' long & 6'-9' wide
- 6 - No spillway, only stand pipe
- 7 - " " " "

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin _____ Completed

Proposed date construction work will be completed _____ Completed

Proposed date water use will be completed _____ Completed

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

_____ Applicant CWRE _____ Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

_____ Applicant CWRE _____ Other (Identify in REMARKS section)

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DEC 30 1993

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

Item #4

REMARKS: INFO :

	Amts of Water Stored (AC-FT)	Area Submerged when Filled (AC)	Max Depth 3:1 Side Slopes (FT)
POND 1	0.96	0.25	5 - 10
2	3.58	0.60	8.5
3	1.01	0.19	6 (1:1 side slope)
4	6.21	0.24	8
5	1.93	0.35	8
6	0.67	0.20	5 - 10
7	0.92	0.19	8

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

[Signature]
Signature of Applicant

DEC 23-93
Date

Signature of Co-Applicant, if any

Date

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DEC 30 1993

WATER RESOURCES DEPT
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 30 day of December, 1993, at 1 o'clock, P M.

APPLICATION NO: R73828

PERMIT NO: _____

STOEL RIVES BOLEY JONES & GREY

ATTORNEYS AT LAW
SUITE 2300
STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE
PORTLAND, OREGON 97204-1268

Telephone (503) 224-3380
Telecopier (503) 220-2480
Cable Lawport
Telex 703455

Writer's Direct Dial Number
(503) 294-9123

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WATER
S... ..

November 30, 1994

VIA FEDERAL EXPRESS

Ms. Martha Pagel, Director
Oregon Water Resources Department
The Commerce Building
158 - 12th Street, NE
Salem, OR 97310

Re: Water Right Applications G-13591, R-73828 and S-73828;
Objections to Technical Reports R-73828 and S-73828

Dear Martha:

Pleasant Valley Golf Club ("Pleasant Valley") applied for three water rights (G-13591, R-73828 and S-73828) for the use of water at Pleasant Valley's golf course and Fairway Nursery located near Damascus, Oregon. On September 20, 1994, the Water Resources Department (the "Department") issued a satisfactory technical report on Application R-73828 and an unsatisfactory technical report on Application S-73828. This letter contains Pleasant Valley's objections to and comments on those reports.

Background.

Pleasant Valley submitted three applications for water use permits on December 31, 1993. The applications sought to (1) appropriate groundwater from a well located on the golf course for irrigation of the golf course and the nursery and maintenance of Pond 2, (2) appropriate surface water from Pond 2 to irrigate the golf course and nursery, and (3) obtain a reservoir permit for the seven ponds located on the golf course.

When the Department issued the Willamette Basin Plan, it designated the Damascus area as a groundwater limited area. OAR 690-602-160(2)(a). This designation limits the type of new water uses allowed within the area. Irrigation is not an allowed use under the plan. As a consequence, Pleasant Valley submitted a cover letter with the applications explaining why Pleasant Valley's groundwater permit application fit within the HB 3203 hardship exception to basin plan limitations. Our understanding is that, although Pleasant Valley's hardship exception for the groundwater permit application is still under review, the Department is confident that the application will be accepted. We also understand that Mark Norton of the Groundwater Section has reviewed Application G-13591. We submitted our comments on the groundwater review to Mr. Reed Marbut on August 23, 1994.

PDX1-154114.1 22535 0001

PORTLAND,
OREGON

SEATTLE,
WASHINGTON

BELLEVUE,
WASHINGTON

VANCOUVER,
WASHINGTON

BOISE,
IDAHO

SALT LAKE CITY,
UTAH

WASHINGTON,
DISTRICT OF COLUMBIA

Ms. Martha Pagel
November 30, 1994
Page 2

Unfortunately, we understand from Mr. Michael Mattick, Water Rights Specialist, that the groundwater permit application review may take some time before it is completed. This poses a problem for Pleasant Valley because its three permit applications are interrelated. We understood that the three permits would be processed together. Although Pleasant Valley appreciates completion of the review of the reservoir and surface water applications, it is difficult to understand the facility and review its water needs if all three permit applications are not evaluated together.

Exempt Ponds.

After reviewing the technical reports, we request on behalf of Pleasant Valley, that Reservoir Application R-73828 be reconsidered and processed as an application under ORS 537.141 and OAR 690-11-041. Rules implementing HB 2153 from the 1993 Legislative Assembly were not effective until April 13, 1994, so Pleasant Valley did not apply pursuant to them. Pleasant Valley was anxious to obtain its permit before the 1994 irrigation season, so it filed a traditional reservoir permit application. Yet all seven of the ponds covered by Reservoir Application R-73828 are statutorily exempt from permit and certificate requirements.

- Application R-73828 contains all of the information required to be filed for exempt reservoirs under OAR 690-11-041. The application and the technical report show that all seven ponds meet the statutory exemption standards since they contain less than 9.2 acre feet and the dams are less than 10 feet high. The letter to Mr. Marbut dated December 12, 1993 and its attachments demonstrate that all of the ponds were built before January 1, 1993. We request that you consider that letter transmitting the application along with all of its attachments to be a part of Application R-73828.

Under OAR 690-11-041(4) a water right certificate should be issued for the seven ponds, not a permit, since the ponds existed before January 1, 1993, the location and volume of the ponds is shown in the application on a map prepared by a Certified Water Rights Examiner, and the technical report does not indicate any needed modifications or alternations to the impoundment structure. All of the ponds have standpipes and gate valves. The priority date for the certificate should be January 1, 1993 as provided by ORS 537.141.

Specific Objections.

Technical Report on R-73828.

Although Pleasant Valley is pleased that the permit received a Satisfactory Report of Technical Review for Water Use Permit(s), Pleasant Valley requests issuance of a water right certificate under OAR 690-11-041(4) and objects to the following:

1. Source. The source of water for all seven ponds is diffuse surface water year round, not simply winter runoff. Pond 2 will be maintained with groundwater

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Ms. Martha Pagel
November 30, 1994
Page 3

from the on-site well if Groundwater Application G-13591 is issued. As discussed below, we need guidance from you regarding whether the well should be listed as a source of water for this reservoir certificate.

2. Purpose and Use. The purpose and use of all seven ponds is recreation and scenic. In addition, Pond 2 is used to temporarily store groundwater pumped for irrigation.

3. Flow. A reservoir does not "flow." It stores a quantity of water. The stated quantities are correct, but the heading in the report should refer to "Stored Water," or something similar, not "flow."

4. Point of Diversion Location. The pond locations are not points of diversion. No water is diverted from groundwater or surface water to fill six of the seven ponds. Pond 2 collects diffuse surface water and rainwater and is filled with water from the on-site well subject to Application G-13591. This section of the technical report should simply state that "No POD Directly from any Stream" and describe the well location.

5. Report Conclusions. The technical report excludes Pond 2 from the satisfactory evaluation, finding water available only for Pond 1 and Ponds 3-7 since the report apparently assumes that groundwater is the only source of water for Pond 2. This is incorrect. Pond 2, like the others, collects diffuse surface water and fills up with it. The groundwater is only conveyed through Pond 2 for use in irrigation of the golf course and the nursery. In addition, some of the collected diffuse surface water from Pond 2 is pumped from the pond for irrigation.

Since all seven ponds qualify for a statutory permit and certificate exemption under ORS 537.141 and OAR 690-11-041, the certificate should be issued for all seven ponds and the quantity of water available for storage should be the full 10.28 acre feet applied for by Pleasant Valley.

Proposed Permit Conditions for Application R-7328.

Since all seven ponds qualify for a water right certificate, a permit should not be issued at all. A certificate should be issued instead. Nonetheless, Pleasant Valley submits the following objections to the proposed permit conditions:

1. Condition 2: The period of allowed storage is limited from November 1 through June 30. The permit should not limit Pleasant Valley's ability to store precipitation and diffuse surface runoff from July 1 through October 31. Although Pleasant Valley acknowledges that the Willamette Basin at OAR 690-502-040(4)(a) only allows the storage of surface waters from November 1 to June 30, this provision does not include diffuse surface runoff or precipitation since they are not public waters of the state. The provision is expressly limited to surface waters in defined watercourses. Pleasant Valley does not intend to appropriate surface waters for the purpose of storage.

Ms. Martha Pagel
November 30, 1994
Page 4

And in any case, the ponds are exempt from the Basin Plan. Accordingly, this condition should be deleted. Pleasant Valley is statutorily entitled to store diffuse surface water and precipitation year round.

The installation of a meter, its maintenance, record keeping, and reporting are unnecessary and unreasonable in light of several facts:

(a) the use is nonconsumptive (recreation, aesthetics); other than intercepting part of the diffuse surface water and precipitation to maintain the water level of the ponds, the water which enters the ponds at the upper ends also leaves the ponds at their outlets. Pond 2, which is also used to temporarily store pumped irrigation water, relies upon groundwater only; and diffuse surface water or precipitation which enters the pond during the irrigation season is incidental.

(b) the cost to install and maintain meters on seven ponds would be excessive. The initial cost, along with record keeping and regular maintenance of meters that will become clogged, would cost tens of thousands of dollars over several years.

(c) the benefit of installing and maintaining meters or gages is highly questionable. Any information that could be gained from measuring flows through the ponds can be adequately estimated at a fraction of the cost.

In addition, the ponds are exempt from permit requirements and entitled to a certificate.

2. Condition 3: As noted above, the certificate should be issued to allow 10.28 acre feet of water to be stored in seven reservoirs.

3. Condition 4: These conditions are inapplicable since the ponds have already been built.

4. Condition 5: It is not necessary to install measuring devices in the ponds.

5. Condition 6-8: These conditions are acceptable to Pleasant Valley, but Pleasant Valley objects to them since it qualifies for a certificate.

6. Condition 9: Pond 2 and its storage volume, area, depth and height should be added to the certificate.

7. Conditions 10-11: These conditions are acceptable.

Technical Report on Application S-73828.

During preliminary discussions with Mr. Reed Marbut and Mr. Steve Brown of the Department, Pleasant Valley was advised that it was necessary to file a surface water permit to appropriate water from Pond 2. In the Technical Review Report, the Department states: "[b]ecause the source [for Pond 2] is groundwater, a surface

DEC - 1 1994

STATE OF OREGON
Salem, Oregon

Ms. Martha Pagel
November 30, 1994
Page 5

water permit shall not be issued." As noted above, Pond 2 has two water sources. It collects diffuse surface water and precipitation and it temporarily stores groundwater pumped from the on-site well prior to irrigation.

Pleasant Valley objects to the Unsatisfactory Technical Report to the extent it is inconsistent with guidance provided by the Department. Two alternatives exist. First, the groundwater permit could be issued for irrigation of the golf course and nursery recognizing the pond as simply a part of the irrigation conveyance system. Under this approach, no secondary surface water use permit would be needed to take the water from the pond to irrigate the golf course and the nursery. Alternatively, Application S-73828 could be treated as a secondary permit application under ORS 537.400. Application S-73828 contains all of the information required in an application for a secondary permit. A secondary permit would authorize use of water from the pond for irrigation, including both the stored diffuse surface water and precipitation and the groundwater conveyed through the pond for irrigation. Pleasant Valley is willing to accept either approach, but the groundwater permit or the secondary permit is needed as soon as possible so that the golf course and the nursery can continue to be irrigated.

The unsatisfactory technical report also underscores the difficulty with not processing the groundwater permit application along with the reservoir and surface water applications. Water is available in sufficient amounts during the periods of time which would reasonably support the proposed use. Pleasant Valley needs to have all of its applications processed as soon as possible, and definitely before another irrigation season begins.

If you have any questions, please call me.

Very truly yours,



Gail L. Achterman

P-S:d-r

cc: Mr. George F. Beall
Mr. Tory Walker
Mr. Michael J. Mattick

STOEL RIVES BOLEY
JONES & GREY

ATTORNEYS AT LAW
SUITE 2300
STANDARD INSURANCE CENTER
900 SW FIFTH AVENUE
PORTLAND, OREGON 97204-1268

Telephone (503) 224-3380
Telecopier (503) 220-2480
Cable Lawport
Telex 703455

Writer's Direct Dial Number
(503) 294-9123

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November 30, 1994

VIA FEDERAL EXPRESS

Ms. Martha Pagel, Director
Oregon Water Resources Department
The Commerce Building
158 - 12th Street, NE
Salem, OR 97310

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Ms. Martha Pagel
November 30, 1994
Page 2

Unfortunately, we understand from Mr. Michael Mattick, Water Rights Specialist, that the groundwater permit application review may take some time before it is completed. This poses a problem for Pleasant Valley because its three permit applications are interrelated. We understood that the three permits would be processed together. Although Pleasant Valley appreciates completion of the review of the reservoir and surface water applications, it is difficult to understand the facility and review its water needs if all three permit applications are not evaluated together.

Exempt Ponds.

After reviewing the technical reports, we request on behalf of Pleasant Valley, that Reservoir Application R-73828 be reconsidered and processed as an application under ORS 537.141 and OAR 690-11-041. Rules implementing HB 2153 from the 1993 Legislative Assembly were not effective until April 13, 1994, so Pleasant Valley did not apply pursuant to them. Pleasant Valley was anxious to obtain its permit before the 1994 irrigation season, so it filed a traditional reservoir permit application. Yet all seven of the ponds covered by Reservoir Application R-73828 are statutorily exempt from permit and certificate requirements.

Application R-73828 contains all of the information required to be filed for exempt reservoirs under OAR 690-11-041. The application and the technical report show that all seven ponds meet the statutory exemption standards since they contain less than 9.2 acre feet and the dams are less than 10 feet high. The letter to Mr. Marbut dated December 12, 1993 and its attachments demonstrate that all of the ponds were built before January 1, 1993. We request that you consider that letter transmitting the application along with all of its attachments to be a part of Application R-73828.

Under OAR 690-11-041(4) a water right certificate should be issued for the seven ponds, not a permit, since the ponds existed before January 1, 1993, the location and volume of the ponds is shown in the application on a map prepared by a Certified Water Rights Examiner, and the technical report does not indicate any needed modifications or alternations to the impoundment structure. All of the ponds have standpipes and gate valves. The priority date for the certificate should be January 1, 1993 as provided by ORS 537.141.

Specific Objections.

Technical Report on R-73828.

Although Pleasant Valley is pleased that the permit received a Satisfactory Report of Technical Review for Water Use Permit(s), Pleasant Valley requests issuance of a water right certificate under OAR 690-11-041(4) and objects to the following:

1. Source. The source of water for all seven ponds is diffuse surface water year round, not simply winter runoff. Pond 2 will be maintained with groundwater

Ms. Martha Pagel
November 30, 1994
Page 3

from the on-site well if Groundwater Application G-13591 is issued. As discussed below, we need guidance from you regarding whether the well should be listed as a source of water for this reservoir certificate.

2. Purpose and Use. The purpose and use of all seven ponds is recreation and scenic. In addition, Pond 2 is used to temporarily store groundwater pumped for irrigation.

3. Flow. A reservoir does not "flow." It stores a quantity of water. The stated quantities are correct, but the heading in the report should refer to "Stored Water," or something similar, not "flow."

4. Point of Diversion Location. The pond locations are not points of diversion. No water is diverted from groundwater or surface water to fill six of the seven ponds. Pond 2 collects diffuse surface water and rainwater and is filled with water from the on-site well subject to Application G-13591. This section of the technical report should simply state that "No POD Directly from any Stream" and describe the well location.

5. Report Conclusions. The technical report excludes Pond 2 from the satisfactory evaluation, finding water available only for Pond 1 and Ponds 3-7 since the report apparently assumes that groundwater is the only source of water for Pond 2. This is incorrect. Pond 2, like the others, collects diffuse surface water and fills up with it. The groundwater is only conveyed through Pond 2 for use in irrigation of the golf course and the nursery. In addition, some of the collected diffuse surface water from Pond 2 is pumped from the pond for irrigation.

Since all seven ponds qualify for a statutory permit and certificate exemption under ORS 537.141 and OAR 690-11-041, the certificate should be issued for all seven ponds and the quantity of water available for storage should be the full 10.28 acre feet applied for by Pleasant Valley.

Proposed Permit Conditions for Application R-7328.

Since all seven ponds qualify for a water right certificate, a permit should not be issued at all. A certificate should be issued instead. Nonetheless, Pleasant Valley submits the following objections to the proposed permit conditions:

1. Condition 2: The period of allowed storage is limited from November 1 through June 30. The permit should not limit Pleasant Valley's ability to store precipitation and diffuse surface runoff from July 1 through October 31. Although Pleasant Valley acknowledges that the Willamette Basin at OAR 690-502-040(4)(a) only allows the storage of surface waters from November 1 to June 30, this provision does not include diffuse surface runoff or precipitation since they are not public waters of the state. § The provision is expressly limited to surface waters in defined watercourses. Pleasant Valley does not intend to appropriate surface waters for the purpose of storage.

Ms. Martha Pagel
November 30, 1994
Page 4

And in any case, the ponds are exempt from the Basin Plan. Accordingly, this condition should be deleted. Pleasant Valley is statutorily entitled to store diffuse surface water and precipitation year round.

The installation of a meter, its maintenance, record keeping, and reporting are unnecessary and unreasonable in light of several facts:

(a) the use is nonconsumptive (recreation, aesthetics); other than intercepting part of the diffuse surface water and precipitation to maintain the water level of the ponds, the water which enters the ponds at the upper ends also leaves the ponds at their outlets. Pond 2, which is also used to temporarily store pumped irrigation water, relies upon groundwater only; and diffuse surface water or precipitation which enters the pond during the irrigation season is incidental.

(b) the cost to install and maintain meters on seven ponds would be excessive. The initial cost, along with record keeping and regular maintenance of meters that will become clogged, would cost tens of thousands of dollars over several years.

(c) the benefit of installing and maintaining meters or gages is highly questionable. Any information that could be gained from measuring flows through the ponds can be adequately estimated at a fraction of the cost.

In addition, the ponds are exempt from permit requirements and entitled to a certificate.

2. Condition 3: As noted above, the certificate should be issued to allow 10.28 acre feet of water to be stored in seven reservoirs.

3. Condition 4: These conditions are inapplicable since the ponds have already been built.

4. Condition 5: It is not necessary to install measuring devices in the ponds.

5. Condition 6-8: These conditions are acceptable to Pleasant Valley, but Pleasant Valley objects to them since it qualifies for a certificate.

6. Condition 9: Pond 2 and its storage volume, area, depth and height should be added to the certificate.

7. Conditions 10-11: These conditions are acceptable.

Technical Report on Application S-73828.

During preliminary discussions with Mr. Reed Marbut and Mr. Steve Brown of the Department, Pleasant Valley was advised that it was necessary to file a surface water permit to appropriate water from Pond 2. In the Technical Review Report, the Department states: "[b]ecause the source [for Pond 2] is groundwater, a surface

Ms. Martha Pagel
November 30, 1994
Page 5

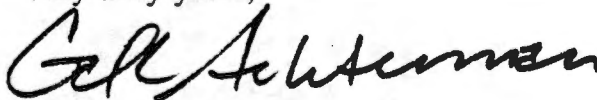
water permit shall not be issued." As noted above, Pond 2 has two water sources. It collects diffuse surface water and precipitation and it temporarily stores groundwater pumped from the on-site well prior to irrigation.

Pleasant Valley objects to the Unsatisfactory Technical Report to the extent it is inconsistent with guidance provided by the Department. Two alternatives exist. First, the groundwater permit could be issued for irrigation of the golf course and nursery recognizing the pond as simply a part of the irrigation conveyance system. Under this approach, no secondary surface water use permit would be needed to take the water from the pond to irrigate the golf course and the nursery. Alternatively, Application S-73828 could be treated as a secondary permit application under ORS 537.400. Application S-73828 contains all of the information required in an application for a secondary permit. A secondary permit would authorize use of water from the pond for irrigation, including both the stored diffuse surface water and precipitation and the groundwater conveyed through the pond for irrigation. Pleasant Valley is willing to accept either approach, but the groundwater permit or the secondary permit is needed as soon as possible so that the golf course and the nursery can continue to be irrigated.

The unsatisfactory technical report also underscores the difficulty with not processing the groundwater permit application along with the reservoir and surface water applications. Water is available in sufficient amounts during the periods of time which would reasonably support the proposed use. Pleasant Valley needs to have all of its applications processed as soon as possible, and definitely before another irrigation season begins.

If you have any questions, please call me.

Very truly yours,



Gail L. Achterman

P-S:d-r

cc: Mr. George F. Beall
Mr. Tory Walker
Mr. Michael J. Mattick



RECEIVED

OCT 18 1994

WATER RESOURCES DEPT.
SALEM, OREGON

IN REFERENCE TO: File R 73828

I George F. Beall, owner of Pleasant Valley Golf Club do submit the following oath:

"I certify that the information provided in application R-73828 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".

George F. Beall
Owner
Pleasant Valley Golf Club

RECEIVED

OCT 18 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, 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 both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: PLEASANT VALLEY GOLF CLUB
 Address: 12300 SE 162ND
CLACKAMAS OR 97015
 Phone: (503) 658-3101 (GEORGE BEALL)

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): Existing Golf Course and nursery (POND #2)
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): ALL OTHER PONDS
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____	_____ Cubic feet per second. _____ Gallons per minute. <u>150</u> Acre-Feet
<input type="checkbox"/> Reservoir or pond <input checked="" type="checkbox"/> Ground Water	

**Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: PLEASANT VALLEY GOLF CLUB
 Address: 12300 SE 162nd
 City: CLACKAMAS State: OR Zip: 97015 Day Phone: 658-3101

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) 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.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
06201/0110030	201 / 503 RIFF-5			✓
06202/01700	503 / 401			✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
 Cite applicable ordinance section(s); 309. Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)**

 Receipt for Request for Land Use Information

WRD Applicant Name: GEORGE BEALL PLEASANT VALLEY GOLF CLUB

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____
 Staff Contact: _____ Phone: _____
 Signature: _____ Date of Information Request: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily
CONDITIONAL USE PERMIT	200 309.05A(4)	X		CU-30-68

b) Please provide printed name and written signature.

Name: Dan Johnson Date: 10-12-94

Title: Planner Phone: 655-8521

Signature: 

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

Additional Comments:

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **117940**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Pleasant Valley Golf Club INC.
BY: _____

APPLICATION	73828
PERMIT	
TRANSFER	

CASH: CHECK: # 24-201 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$ 100.
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **117940**

DATED: 10-18-94

BY: D. Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **117940**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

R

RECEIVED FROM: Pleasant Valley Golf Club INC.
BY: _____

APPLICATION	73828
PERMIT	
TRANSFER	

CASH: CHECK: # 24-201 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.-

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

_____	CASH ACCT.	\$
_____	VOUCHER #	

02-00-0 WRD OPERATING ACCT

MISCELLANEOUS		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:		EXAM FEE		RECORD FEE
842.001	SURFACE WATER	\$	842.002	\$ <u>100.-</u>
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
_____	LANDOWNER'S PERMIT		842.024	\$
_____	OTHER (IDENTIFY)			

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **117940**

DATED: 10-18-94 BY: D. Bushnell

September 20, 1994

WATER
RESOURCES
DEPARTMENT

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OR 97015

Reference: File R 73828

Hello:

Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$300; being an examination fee of 200.00, and permit recording fee for the storage of less than 50 acre feet of \$100. Since you have previously submitted \$200, an additional amount of \$100 is required.

In addition, please send the following:

a land use information form, completed and signed by the local planning agency (form is enclosed).

Before we can process your application further, you will need to submit an oath:

"I certify that the information provided in application R-73828 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".

This requirement was created by an amendment of our administrative rules and applies to all applications filed after June 5, 1992.

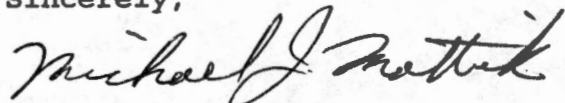
After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Mattick". The signature is written in a cursive style with a large, prominent initial "M".

Michael J. Mattick
Water Rights Specialist

cc: TORY R. WALKER, CWRE

TECHNICAL REVIEW CHECKLIST

Application: R-73828
Review Date: 9-16-94 B 8/20/94 MM

- S indicates information was completed or adequately addressed.
- U indicates information is needed, or incomplete, or inadequately addressed
- N/A indicates Not Applicable

Land Use - Oath, Fees SUMMARY	
<u>U</u>	Land Use
<u>NA/yes/no</u>	Substantial SW interference w/GW (if yes, see results of surface water availability analysis)
<u>S</u> x <u>Not Sure</u>	Conflicts <u>at July 6-13591-R-73829C 73829</u> <u>Rook Cr. > Clack. Sec 31 T15 R3E</u>
<u>S</u>	Water Availability (<u>012000</u>) <small>(Water Availability Sub-basin)</small>
<u>U</u>	The application, map and supporting data are complete and free of defects.
<u>yes NA</u>	A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

3. U The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

4. NA No oath is required because application was filed before June 5, 1992.

5. U Application fees:

Examination fee:	\$ 200	10.28 total ac ft. - 3.58 pond 2 from Well 6.7 ac ft
Recording fee:	\$ 100	
TOTAL REQUIRED	\$ 300	
TOTAL SUBMITTED	\$ 200	
AMOUNT DUE prior to issuance of permit	\$ 100	
AMOUNT OVERPAID		
refund due applicant	\$	

- 6. S Proposed dates of beginning and completion of construction, and complete application of water.
- 7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)
- 8. S See full 6-13591 A written copy of the legal description of the property on which the water is to be used.
- 9. N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- 10. NA No statement of ownership was required for applications filed before August, 1990.
- 11. S The proposed use is not restricted or prohibited by statute.
- 12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- 13. S Storage use(s) is/are classified uses(s) under the Willamette Basin Program, OAR 690 - 502-040(4)(c)

Nov 1 -> June 30

Land Use Compatibility:

- 14. As expressed by the Planning Department of Clackamas
- 15. U The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
- 16. U The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- 17. U The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

- 18. NA Plans, specifications and supporting information for the dam and impoundment area.

DETAILED REPORT ON WATER AVAILABILITY

Basin: Willamette

Stream: CLACKAMAS R

> WILLAMETTE R

Water Availability Subbasin: 0102000000000000

Exceedance Level: 50

Time: 16:41

Date: 09/20/1994

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Water Available 1/1/93	CU + Stor After 1/1/93	Net Minimum Flow	Instream Water Rights	Net Water Available
1	4700.00	270.00	4430.00	0.06	4430.00	640.00	3790.00
2	4450.00	270.00	4180.00	0.06	4180.00	640.00	3540.00
3	3890.00	260.00	3630.00	0.04	3630.00	640.00	2990.00
4	4140.00	320.00	3820.00	0.03	3820.00	640.00	3180.00
5	3790.00	320.00	3470.00	0.06	3470.00	640.00	2830.00
6	2190.00	290.00	1900.00	0.01	1900.00	640.00	1260.00
7	1190.00	295.00	895.00	0.01	895.00	400.00	495.00
8	935.00	285.00	650.00	0.01	650.00	400.00	250.00
9	1000.00	273.00	727.00	0.01	727.00	640.00	87.00
10	1240.00	252.00	988.00	0.01	988.00	640.00	348.00
11	2910.00	250.00	2660.00	0.03	2660.00	640.00	2020.00
12	4710.00	260.00	4450.00	0.05	4450.00	640.00	3810.00
Stor	2100000	200000	1900000	24	1900000	431000	1470000

DETAILED REPORT OF ISWRs

Basin: Willamette

Stream: CLACKAMAS R

> WILLAMETTE R

Water Availability Subbasin: 0102000000000000

Time: 16:41

Date: 09/20/1994

-----ISWRs-----						
APP # :	80A	0	0	0	0	RESULTANT
STATUS: Certificate						
1	640.0	0.0	0.0	0.0	0.0	640.0 C
2	640.0	0.0	0.0	0.0	0.0	640.0 C
3	640.0	0.0	0.0	0.0	0.0	640.0 C
4	640.0	0.0	0.0	0.0	0.0	640.0 C
5	640.0	0.0	0.0	0.0	0.0	640.0 C
6	640.0	0.0	0.0	0.0	0.0	640.0 C
7	400.0	0.0	0.0	0.0	0.0	400.0 C
8	400.0	0.0	0.0	0.0	0.0	400.0 C
9	640.0	0.0	0.0	0.0	0.0	640.0 C
10	640.0	0.0	0.0	0.0	0.0	640.0 C
11	640.0	0.0	0.0	0.0	0.0	640.0 C
12	640.0	0.0	0.0	0.0	0.0	640.0 C

RECEIVED

FEB - 7 1994

COMMENT FORM

WATER RESOURCES
SALEM, OREGON

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application # G-13591, R-73828, S-73829



CLACKAMAS
COUNTY

Department of Transportation
& Development

(503) 650-3277
FAX (503) 650-3418

Send to: _____

JOHN BORGE
SENIOR PLANNER

Please include specific comments or concerns. Use additional

902 Abernethy Road



Oregon City, OR 97045-1100

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the JAN/ 5/1994 Public Notice.

January 4, 1994

PLEASANT VALLEY GOLF CLUB
12300 SE 162ND AVE
CLACKAMAS, OR 97015

REFERENCE: File(s) G-13591, R-73828, S-73829

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - G-13591, R-73828, S-73829

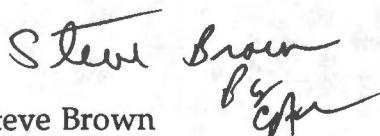
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Steve Brown". To the right of the signature, there are two smaller handwritten initials, possibly "SJB".

Steve Brown
Manager
Water Rights Division

cc:CWRE

WaterWatch

O F O R E G O N

RECEIVED

JAN 18 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

January 14, 1994

RE: Application for Permit #73828, 29, Pleasant Vly GC
Rock Cr., Clackamas Co., Irrigation & Nursery

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and report water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the Department's technical review of this application.

WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039
bc: *Sincerely,*
Jim Myron

DATE INITIALS
 12-30-93 KC

MINIMUM REQUIREMENTS TO FILE
 Name and mailing address _____
 Source of water _____
 Quantity of water _____
 Location of project _____
 Use of water _____
 Signature of applicant _____
 Allowable use by policy _____
 State Engineer withdrawal _____
 Legislative withdrawal _____
 Land use approved 4 pending _____

1/2/94 JD

FIELD OPERATIONS
 Application date stamped per money receipt date _____
 Stream Indexed _____
 Stream Code _____
 Scenic Waterway _____
 Findings:
 1) Concluded - Scenic-Reg Ack letter _____
 2) Under Study - Scenic-Ack letter _____
 3) Basin 2 - Willamette-Ack letter _____
 Plat Carded and copy made YES NO _____
 Conflicts (well _____ surface _____) _____
 Prior ISWR # _____
 Within Irrigation District _____ (name) _____
 Notified _____
 District excerpt received _____
 Entered in Paradox _____
 Prepare six copies of Draft Permit _____
 Send one copy to Data Center _____

1/10/94 OUTS

SUPPORT SERVICES
 Stamp contents with application number _____
 Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER _____
 Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file _____
 Place label on file and card _____
 If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section _____
 Notify Irrigation District _____

1/11/94 MAX
11 u
115 1
11 u
11 11

FIELD OPERATIONS

	<u>YES</u>	<u>NO</u>
Ownership Statement	_____	_____
Name and address of all owners	_____	_____
Other landowners notified	_____	_____
Legal Description	_____	_____
Need Commission review	_____	_____
Requests greater than 5.0 cfs	_____	_____
Dam height greater than 20 feet	_____	_____
Storage greater than 100 acre-feet	_____	_____
Out of Basin diversion	_____	_____
Groundwater recharge project	_____	_____
Other substantial public interest	_____	_____
GW comments received	_____	resolved _____
ODFW comments received	_____	resolved _____
DEQ comments received	_____	resolved _____
Interest Groups	_____	_____
Water availability received	_____	_____
Objections received	_____	resolved _____
Protest received	_____	resolved _____
Management Codes	_____	_____

EXAMINATION FEE: _____
 RECORDING FEE: _____

 TOTAL: _____
 REFUND: _____
 DEFICIENT: _____

REMARKS: _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **108417**

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455 / 378-8130 (FAX)

**RECEIVED
OVER THE COUNTER**

RECEIVED FROM: Moore Rivers Policy
BY: James + Kelly

APPLICATION	R 73878
PERMIT	
TRANSFER	

CASH: CHECK: # 24-12 OTHER: (IDENTIFY)

TOTAL REC'D \$ 600.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

_____	CASH ACCT.	\$
_____	VOUCHER #	

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:		EXAM FEE	RECORD FEE
842.001	SURFACE WATER	\$ <u>200.00</u>	842.002 \$
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023 \$
_____	LANDOWNER'S PERMIT		842.024 \$
_____	OTHER (IDENTIFY)		

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)		\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **108417**

DATED: 12/30/93

BY: [Signature]

Pleasant Valley
GOLF CLUB

12300 S.E. 162nd Avenue
Clackamas, Oregon 97015



OREGON WATER RESOURCES DEPT.

ATTN. MICHAEL J. MATTICK

COMMERCE BUILDING

158 12th STREET N.E.

SALEM, OREGON

97310-0210

97736

NUMBER _____

Check / 00 - NO _____ Cash _____

- _____ Surface Application
- Reservoir Application ⁰/₁₀₀
- _____ Ground Water Application
- _____ Transfer Application
- _____ Power Claim
- _____ Hydroelectric Examination
- _____ Hydroelectric License
- _____ Copying
- _____ Assignment
- _____ Extension of Time
- _____ Other
- _____ P-6
- _____ Quadrangle
- _____ Basin
- _____ Protest
- _____ Constructors Examination
- _____ Constructors License
- _____ Adjudication

Refile