

Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

1. ☒ Landowner name, mailing address and telephone number provided
2. ☒ Application signed – All parties noted as applicants must sign the application
3. ☒ Source and tributary listed
4. ☒ Reservoir Location – TRSQQ and tax lot provided
5. ☐ Dam height indicated, if applicable
6. ☒ Property ownership completed
7. ☐ If applicant does not own all the land, is the affected landowner's name and mailing address listed?
8. ☒ Environmental impact section completed?
9. ☒ **Completed Watermaster review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir injure an existing water right? ☒ YES ☐ NO
 - If YES, can conditions be applied to mitigate injury? ☒ YES ☐ NO

If NO, return the application.
10. ☒ **Completed ODFW review sheet**, signed and dated. *Note: Must be completed within last 12 months.*
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? ☒ YES ☐ NO
 - If YES, can conditions be applied to mitigate the impact? ☒ YES ☐ NO ☐ N/A

If NO, return the application.
11. ☒ **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months.
12. ☒ **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance to meet this requirement.
13. ☒ **Acceptable Map**. *Note: Requirements set forth by the Commission.*
 - ☒ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
 - ☒ Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
 - ☒ Reference public land survey corner on map
 - ☒ North directional symbol
 - ☒ ¼'s clearly identified
 - ☒ Reservoir clearly identified
 - ☒ Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
 - ☒ If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner and identify any main canals, ditches, pipelines, or flumes.
14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees:

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

Received
JAN 24 2025
OWRD

Application for a Permit to
Store Water in a Reservoir
Alternate Review (ORS 537.409)



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

You may use this form for any reservoir storing less than 9.2 acre-feet *or* with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME			PHONE (HM)
PHONE (WK)	CELL		FAX
MAILING ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization

NAME MT. VIEW GOLF CLUB LLC ATTEN: DAVID JARRETT, GENERAL MANAGER		PHONE (503) 663-4869	FAX
MAILING ADDRESS 27195 SE KELSO ROAD			CELL (503) 975-6664
CITY BORING	STATE OR	ZIP 97009	E-MAIL * DAVE@MTVIEWGOLFCLUB.COM

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTEN KYLE GORMAN		PHONE 541-279-9093	FAX
MAILING ADDRESS 147 SW SHEVLIN HIXON DRIVE, SUITE 201			CELL 541-279-9093
CITY BEND	STATE OR	ZIP 97702	E-MAIL * KGORMAN@GSIWS.COM

Note: Attach multiple copies as needed

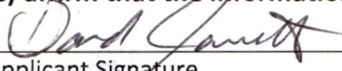
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically.
(Paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

Received
JAN 24 2025
OWRD

 **I (we) affirm that the information contained in this application is true and accurate.**


Applicant Signature

David Jarrett, General Manager
Print Name and Title if applicable

1/20/25
Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	East Pond				
Source*:	Run off supplied by human-made ditch	Tributary:	North Fork Deep Creek		
County:	Clackamas				
Quantity:	1.2 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	2 S	3 E	1	SW NE	800
Maximum Height of Dam:	0 feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose use

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (please check appropriate box below then skip to section 5)

☐ There are no encumbrances.

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances.

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N/A

Superseded

Received
JAN 24 2025
OWRD

SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: ☐ in-stream or ☒ off channel?

Wetland: Is the project in a wetland? ☐ YES ☐ NO ☒ unknown

Existing: Is this an existing reservoir? ☒ YES ☐ NO

If YES, how long has it been in place? Approximately 56 years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? ☐ YES ☒ NO ☐ unknown

If YES, how much? miles.

Existing: Have you been working with other agencies? ☐ YES ☒ NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SECTION 6: WITHIN A DISTRICT

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

IRRIGATION DISTRICT NAME NA		ADDRESS	
CITY	STATE	ZIP	

SECTION 7: DESCRIPTION

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

The pond (East Pond) is an excavated pond at the north end of the golf course, which functions as a water feature. The East Pond is passively filled with run-off from the upslope areas that are ditched on adjacent lands into a human-made ditch that enters the pond. Water flows out of the pond via a ditch and into another pond.

We are requesting a permit to store water from Dec 1 through April 30.

If the diversion involves a dam, use this space below (or attached pages) for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

NA

Received
JAN 24 2025
OWRD

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	East Pond				
Source*:	Run off supplied by human-made ditch	Tributary:	North Fork Deep Creek		
County:	Clackamas				
Quantity:	1.2 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	2 S	3 E	1	SW NE	800
Maximum Height of Dam:	0 feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose use

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (please check appropriate box below then skip to section 5)

☒ There are no encumbrances.

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances.

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

N/A

Received by OWRD
JAN 27 2025
Salem, OR

Received

JAN 24 2025

OWRD

Attachment B

Legal Description

Storage Permit Application (Alternate Process) for East Pond– Mountain View Golf Club LLC

Clackamas County Parcel Information

Parcel Information

Parcel #: **00599695**
Tax Lot: **23E01AC00800**
Site Address:
OR 97009
Owner: Mt View Golf Club LLC
Owner2:
Owner Address: 27195 SE Kelso Rd
Boring OR 97009 - 9099
Twn/Range/Section: 02S / 03E / 01 / NE
Parcel Size: 11.49 Acres (500,504 SqFt)
Plat/Subdivision:
Lot: 0800
Block:
Map Page/Grid: 659-G5
Census Tract/Block: 023300 / 1008
Waterfront:
Building Use:

Tax Information

Levy Code Area: 046-024
Levy Rate: 14.8345
Tax Year: 2023
Annual Tax: \$809.93
Exempt Description:

Legal

Section 01 Township 2S Range 3E Quarter AC TAX LOT 00800

Assessment Information

Market Value Land:	\$56,492.00
Market Value Impr:	\$0.00
Market Value Total:	\$56,492.00
Assessed Value:	\$56,492.00

Land

Cnty Land Use: 025 - Misc, Comm zone, Open Space
Zoning: Clackamas Co.-RRFF5 - Rural Residential
Farm Forest 5 Acre Min
Watershed: Lower Clackamas River
Primary School: Naas Elementary School
High School: Sandy High School

Land Use Std: CMSC - Commercial Miscellaneous
Neighborhood: Boring
School District: 46 - Oregon Trail
Middle School: Boring Middle School

Improvement

Year Built: 1967	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date: 12/08/2006	Sale Price: \$2,820,000.00	Doc Num: 2006-113305	Doc Type: Deed
Owner: Mt View Golf Club LLC		Grantor:	
Orig. Loan Amt:		Title Co:	
Finance Type:	Loan Type:	Lender:	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Received
JAN 24 2025
OWRD

7p

STATUTORY WARRANTY DEED

Recording requested by and
When recorded, return to:

Michael G. Neff
Haglund Kelley Horngren Jones & Wilder LLP
101 SW Main Street, Suite 1800
Portland, OR 97204

Until a change is requested, all
tax statements shall be sent to:

35
10
11
56

Boring Golf Course Investors, Inc.
27195 SE Kelso Road
Boring, OR 97009
Facsimile: (503) 663-4515
Telephone: (503) 663-4869
Property Tax Nos: 1S3E23B-00100

Clackamas County Official Records
Sherry Hall, County Clerk

2006-113305



\$56.00

01050160200601133050070072

12/08/2006 01:35:38 PM

D-D Cnt=1 Stn=5 BEV L.
\$35.00 \$11.00 \$10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

BORING GOLF COURSE INVESTORS, INC., an Oregon corporation ("Grantor"),
conveys and warrants to MT. VIEW GOLF CLUB, LLC, an Oregon limited liability company
("Grantee"), the real property in Clackamas County, State of Oregon described on attached
Exhibit A free of encumbrances except as specifically set forth on Exhibit B.

The true consideration for this conveyance is TWO MILLION EIGHT HUNDRED
TWENTY THOUSAND DOLLARS (\$2,820,000).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS,
IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE
PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE
LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING
DEPARTMENT TO VERIFY APPROVED USES TO DETERMINE ANY LIMITS ON
LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS

C:\Documents and Settings\sraithbone\HK-LAW\Local Settings\Temporary Internet Files\j10020.wpd

Received

JAN 24 2025

OWRD

FATCO. NO.

WCS-253858

30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

DATED this 8 day of December, 2006.

GRANTOR: BORING GOLF COURSE INVESTORS, INC.

By: *Dolores G. Jannett*
Its: *V. Pres.*

STATE OF OREGON)

COUNTY OF *Malheur* ^{SS.}

This instrument was acknowledged before me on this 8 day of December, 2006 by *Dolores G. Jannett* as *Vice President* of BORING GOLF COURSE INVESTORS, INC., an Oregon corporation on behalf of the corporation.

K. McIrvin

Notary Public for Oregon

My Commission Expires: *11-30-2009*



Received
JAN 24 2005
OWRD

C:\Documents and Settings\srathbone.HK-LAW\Local Settings\Temporary Internet Files\10020.wpd

2

EXHIBIT A
TO
STATUTORY WARRANTY DEED

Real Property Legal Descriptions

Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL I

A PART OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 1, WHICH IS 266 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION; THENCE NORTH 30 FEET TO THE SOUTHWEST CORNER OF THAT TRACT CONVEYED TO GLADYS VALBERG BY DEED RECORDED DECEMBER 20, 1960 IN BOOK 581, PAGE 15, CLACKAMAS COUNTY DEED RECORDS AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 150 FEET TO THE NORTHWEST CORNER OF SAID GLADYS VALBERG TRACT; THENCE NORTH 89° 47' EAST 30 FEET TO AN IRON ROD; THENCE NORTH 00° 02' EAST 952 FEET TO AN IRON ROD SET ON THE SOUTH LINE OF THAT TRACT CONVEYED TO SCHOOL DISTRICT NO. 44 BY DEED RECORDED DECEMBER 25, 1904, IN BOOK 91, PAGE 346, CLACKAMAS COUNTY DEED RECORDS; THENCE WEST 49 FEET TO THE SOUTHWEST CORNER OF SAID SCHOOL DISTRICT TRACT; THENCE NORTH 0° 02' EAST 1,497.7 FEET TO THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 1; THENCE SOUTH 89° 40' 10" WEST 1,241.83 FEET ALONG SAID CENTER SECTION LINE TO AN IRON ROD SET ON THE SOUTHEASTERLY LINE OF THE PORTLAND ELECTRIC POWER COMPANY RIGHT-OF-WAY; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE 925 FEET, MORE OR LESS, TO AN IRON SET ON THE NORTH LINE OF THE VALBERG TIMBER CORPORATION PROPERTY WHICH SAID IRON ROD IS NORTH 89° 51' 10" EAST 361.33 FEET AND NORTH 00° 23' 10" EAST 2,038.54 FEET FROM AN IRON ROD SET AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 1; THENCE SOUTH 0° 23' 10" WEST 2,039.54 FEET TO AN IRON ROD SET ON THE NORTH LINE OF T.J. HICKEY ROAD; THENCE NORTH 89° 51' 10" EAST ALONG THE NORTH LINE OF SAID ROAD 951.61 FEET TO AN IRON ROD; THENCE CONTINUING ALONG THE NORTH LINE OF SAID ROAD NORTH 89° 50' 10" EAST 1,048.31 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO GLEN T. SCHAEFFER, ET UX, BY DEED RECORDED IN BOOK 666, PAGE 87, CLACKAMAS

C:\Documents and Settings\rathbone.HK-LAW\Local Settings\Temporary Internet Files\j10020.wpd

3

Received

JAN 24 2025

OWRD

COUNTY DEED RECORDS; ALSO EXCEPTING THEREFROM THE PLAT OF MOUNTAIN VIEW PUBLIC GOLF COURSE, AND ALSO EXCEPTING THEREFROM THOSE TRACTS CONVEYED TO RICHARD C. LONG, ET UX, BY DEED RECORDED FEBRUARY 23, 1967, FEE NO. 2603, IN BOOK 686, PAGE 107, ALVIN J. RICE, ET UX, BY DEED RECORDED MAY 22, 1967, FEE NO. 7933, IN BOOK 690, PAGE 568, AND TO SHELDON S. WETZEL, ET UX, BY DEED RECORDED AUGUST 1, 1967, FEE NO. 15207, IN BOOK 694, PAGE 416, ALL IN CLACKAMAS COUNTY RECORDS.

PARCEL II:

PART OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE WESTERLY LINE OF BRADLEY AND RITCHIE COUNTY ROAD AT THE NORTHEAST CORNER OF BLOCK 2 OF PALMER'S ADDITION TO BORING JUNCTION; THENCE NORTH 74°5' WEST ON THE NORTHERLY LINE OF BLOCK 2 AND A WESTERLY EXTENSION THEREOF 590.2 FEET, MORE OR LESS, TO THE SOUTHEASTERLY LINE OF O. W. P. RAILWAY COMPANY RIGHT-OF-WAY; THENCE SOUTHWESTERLY ON THE SOUTHEASTERLY LINE OF SAID RIGHT-OF-WAY TO THE ONE-QUARTER SECTION LINE RUNNING NORTH AND SOUTH THROUGH SAID SECTION 1; THENCE SOUTH 135.6 FEET, MORE OR LESS, TO THE CENTER OF SAID SECTION 1; THENCE NORTH 88°55' EAST ON THE ONE-QUARTER SECTION LINE 1,342.23 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF THAT TRACT OF LAND CONVEYED TO G.W. DRIESEL AND WIFE, BY DEED RECORDED IN BOOK 139, PAGE 265, CLACKAMAS COUNTY DEED RECORDS; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID TRACT TO THE MOST SOUTHERLY CORNER OF SAID TRACT; THENCE NORTH 15°55' EAST ALONG THE WEST LINE OF SAID PALMER'S ADDITION 290 FEET TO THE SOUTHWESTERLY CORNER OF SAID BLOCK 2; THENCE SOUTH 74°5' EAST ALONG THE EAST LINE OF SAID BLOCK, 200 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PARCEL SOLD TO VIRGIL JACKSON ET UX, BY DEED RECORDED MAY 12, 1967, FEE NO. 7241, IN BOOK 690, PAGE 1, CLACKAMAS COUNTY DEED RECORDS.

PARCEL III:

A TRACT OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 1, WHICH POINT IS ALSO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO VIRGIL JACKSON AND CATHERINE JACKSON, HUSBAND WIFE BY DEED RECORDED IN BOOK 406, PAGE 434, CLACKAMAS COUNTY DEED

C:\Documents and Settings\srathbone.HK-LAW\Local Settings\Temporary Internet Files\j10020.wpd

Received

JAN 24 2025

OWRD

4

RECORDS; THENCE SOUTH 89°40'10" WEST, ALONG THE NORTH LINE OF SAID LEGAL SUBDIVISION 53.32 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°40'10" WEST, ALONG THE JACKSON TRACT; THENCE SOUTH 0°02' WEST, ALONG THE WEST LINE OF THE JACKSON TRACT 215.91 FEET TO AN EXISTING FENCE; THENCE NORTH 46°06'40" EAST ALONG SAID EXISTING FENCE 313.33 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL IV:

PART OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF BRADLEY AND RITCHIE ROAD WHICH IS ALSO IN THE EASTERLY LINE OF BLOCK 1, PALMER'S ADDITION TO BORING JUNCTION, IN SAID SECTION 1, WHICH POINT IS NORTH 15°01' EAST 102 FEET ALONG SAID ROAD LINE FROM THE NORTHEAST CORNER OF BLOCK 2 OF SAID PALMER'S ADDITION; THENCE NORTH 74°59' WEST ALONG THE SOUTH LINE OF THAT PARCEL SOLD TO HARRY BRUSS AND SUE BRUSS, HUSBAND AND WIFE, BY DEED RECORDED OCTOBER 21, 1960 IN BOOK 578, PAGE 593, CLACKAMAS COUNTY DEED RECORDS, 526 FEET, MORE OR LESS, TO THE EAST LINE OF THE O.W.P. RAILWAY COMPANY RIGHT-OF-WAY; THENCE SOUTHWESTERLY, ALONG SAID RIGHT-OF-WAY LINE TO THE NORTHERLY LINE OF THAT PARCEL SOLD TO MOUNTAIN VIEW PUBLIC GOLF COURSE, INC., BY DEED RECORDED OCTOBER 2, 1966 IN BOOK 680, PAGE 538, CLACKAMAS COUNTY DEED RECORDS; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE THEREOF TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING ON THE WESTERLY LINE OF BRADLEY AND RITCHIE ROAD; THENCE NORTHERLY ALONG SAID WESTERLY LINE 102 FEET TO THE POINT OF BEGINNING.

Subject to the following exceptions, exclusions, and encumbrances on Exhibit B.

Received

JAN 24 2025

OWRD

C:\Documents and Settings\sraithbone\HK-LAW\Local Settings\Temporary Internet Files\j10020.wpd

5

EXHIBIT B
TO
STATUTORY WARRANTY DEED

Exceptions, Exclusions and Encumbrances:

1. Reservation of easement in Deed Grantor: Jack L. Waltmire and Lorene H. Waltmire, husband and wife Grantee: Mountain View Public Golf Course Dated: January 4, 1964 Recorded: July 10, 1964 as Book 642, Page 914.
2. Easement, including terms and provisions contained therein:
Recording Information: December 20, 1965 as Book 667, Page 56
In Favor of: Portland General Electric Company
For: Distribution line easement
3. Easement, including terms and provisions contained therein:
Recording Information: April 28, 1966 as Book 672, Page 818
In Favor of: Glen T. Schueffer and Bernice H. Schueffer
For: Right-of-way
4. Easement, including terms and provisions contained therein:
Recording Information: March 1, 1967 as Book 686, Page 386
In Favor of: Portland General Electric Company, an Oregon corporation
For: Distribution line easement
5. An unrecorded lease dated April 29, 1971, executed by Mountain View Public Golf Course, Inc. as lessor and Boring Water District #24 as lessee, as disclosed by an Agreement recorded August 4, 1971 as Fee No. 71-18789 of Official Records.
6. Easement, including terms and provisions contained therein:
Recording Information: August 4, 1971 as Fee No. 71-18741
In Favor of: Boring Water District # 24
For: To maintain and operate pipelines
7. Easement, including terms and provisions contained therein:
Recording Information: July 19, 1974 as Fee No. 74-20200
In Favor of: George E. Storey and Mary Ann Storey, husband and wife
For: Constructing and maintaining walks
8. The terms, provisions and easement(s) contained in the document entitled "Agreement for Easement" recorded August 12, 1975 as Fee No. 75-22366 of Official Records.
9. The terms, provisions and easement(s) contained in the document entitled "Easement Agreement" recorded March 25, 1980 as Fee No. 80-11031 of Official Records.

C:\Documents and Settings\srethbone.HK-LAW\Local Settings\Temporary Internet Files\j10020.wpd

Received

JAN 24 2025

OWRD

Document re-recorded October 9, 1980 as Fee No. 80-38522 of Official Records.

10. The terms, provisions and easement(s) contained in the document entitled "Easement Agreement" recorded October 23, 1980 as Fee No. 80-40655 of Official Records.
11. The terms, provisions and easement(s) contained in the document entitled "Agreement for Easement" recorded May 14, 1984 as Fee No. 84-15933 of Official Records.
12. The terms, provisions and easement(s) contained in the document entitled "Easement Agreement" recorded June 27, 1986 as Fee No. 86-23724 of Official Records.
13. The terms, provisions and easement(s) contained in the document entitled "Easement Agreement" recorded July 11, 1986 as Fee No. 86-25572 of Official Records.
14. An easement for maintenance, use and repair as disclosed by a Statutory Warranty Deed recorded November 20, 1998 as Fee No. 98-110878 of Official Records.
In Favor of: Judy A. Bradshaw
15. An easement for ingress and egress and utility purposes as disclosed by a Warranty Deed recorded September 16, 1999 as Fee No. 99-090631 of Official Records.
In Favor of: Lewis H. Flach and Joan L. Flach, Trustees of the Lewis H. Flach and Joan L. Flach Revocable Living Trust dated February 3, 1994
16. Covenants, conditions, restrictions and easements in the document recorded May 24, 1909 as Volume 109, Page 142 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, marital status, ancestry, source of income or disability, to the extent such covenants, conditions or restrictions violate Title 42, section 3604(c), of the United States Codes, Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
17. Easement, including terms and provisions contained therein:
Recording Information: July 26, 1967 as Book 694, Page 129
In Favor of: Portland General Electric Company, an Oregon corporation
For: Distribution line easement

Received
JAN 24 2025
OWRD

5
C:\Documents and Settings\srethbone\HK-LAW\Local Settings\Temporary Internet Files\j10020.wpd

1

Received
JAN 24 2005
OWRD

Attachment C

Water Master Review

Storage Permit Application (Alternate Process) for East Pond- Mountain View Golf Club LLC

Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name: Mt. View Golf Club LLC - East and West Pond		
1. Does the proposed reservoir have the potential to injure existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: Water is not available year-round for the proposed use		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Explain: See storage season below		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: Nov 1 End: June 30 Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Name:	Agency:	Date:
Name:	Agency:	Date:

Watermaster Name: Amy Landvoigt

Watermaster Signature: Amy Landvoigt Date: 6/17/2024

NOTE: This completed form must be returned to the applicant

Received
JAN 24 2025
OWRD

Received
JAN 24 2025
OWRD

Attachment D
ODFW Review

Storage Permit Application (Alternate Process) for East Pond– Mountain View Golf Club LLC

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Mt.View Golf Club LLCAddress: 27195 SE Kelso Road, Boring OR. 97009Phone/Email: 503-975-6664 / Dave@mtviewgolfclub.comReservoir Name: East PondSource: Run offBasin Name: N Fork Deek Cr / Clackamas R.Twp Rng Sec QQ: 2S 3E 1 SWNE

Superseded

Received
JAN 24 2025
OWRDVolume (AF): 1.2☐ in-channel☒ off-channel

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

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

- 1) Is the proposed project and AO¹ off channel?.....☒ YES* ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

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

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

- 3) If NMF are or were historically present:

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

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

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

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

- ☒ Any diversion or appropriation of water for storage during the period May & July through November poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage

¹ AO = **Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = **Native Migratory Fish Species** in Oregon as defined by OAR 635 - 412 - 0005 (32)

during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (winter steelhead and spring Chinook Salmon), sensitive species (Coastal Cutthroat Trout and Pacific Lamprey), and other game fish (Coho Salmon) may be present in N Fork Deep Creek and/or the Clackamas River during the period of impact. ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit fishery resources at the Point of Diversion or downstream. In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available in Deep Creek at the mouth to protect public uses:

JAN	_cfs	APR	_cfs	JUL	_cfs	OCT	_12_cfs
FEB	_cfs	MAY	_cfs	AUG	_cfs	NOV	_cfs
MAR	_cfs	JUN	_cfs	SEP	_cfs	DEC	_cfs

Superseded
 Received
 JAN 24 2025
 OWRD

Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during May & July – November. In addition, ODFW reviewed available information (Clackamas Subbasin Willamette TMDL; DEQ) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. DEQ has identified water quality impairments for dissolved oxygen, temperature, and biological criteria in the Clackamas River. Both temperature and dissolved oxygen are related to flow modifications and water withdrawals, and both, when combined with reduced streamflow, can increase stress on aquatic life while a biocriteria impairment is an indicator of the overall biological condition of the waterbody. Consequently, ODFW recommends that because the proposed use, including any releases throughout the year from the reservoir to waters of the state (see “Water Quality” condition below), would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion that the water use be restricted during mid July through September.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- ☐ NO (explain) ☒ YES (select from Menu of Conditions on next page)

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

Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat (including impairment of water quality) from the proposed water use during May & July through November will result in a significant detrimental impact to an existing fishery resource. ODFW recommends the storage season be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. In addition, screening the stream that seasonally fills this pond will also need to be addressed.

Superseded

ODFW Signature: _____

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 9/12/2024

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

Revised 10/4/12; reformatted 5/12/20

Received

JAN 24 2025

OWRD

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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

- ☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- ☒ **b51a** The period of use has been limited to December through April & June.
- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- ☐ **b1v:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- ☒ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- ☐ **Fishegress:** Native migratory fish may become trapped or entrained in the reservoirs/impoundments during/after flooding events; therefore, the permittee shall work with ODFW regarding development of an approved fish egress from the reservoirs/impoundments or other methods to keep fish out of the reservoirs/impoundments during flood events (e.g., berm construction around the reservoirs).
- ☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

- ☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- ☒ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☐ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☒ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☐ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Superseded

Received

JAN 24 2025

OWRD

090810112

Received

JAN 24 2025

OWRD

Attachment E

Land Use Information Form

Storage Permit Application (Alternate Process) for East Pond– Mountain View Golf Club LLC

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Mt.View Golf Club LLC

Address: 27195 SE Kelso Road, Boring OR. 97009

Phone/Email: 503-975-6664 / Dave@mtviewgolfclub.com

Reservoir Name: East Pond

Source: Run off

Basin Name: N Fork Deek Cr / Clackamas R.

Twp Rng Sec QQ: 2S 3E 1 SWNE

Volume (AF): 1.2

☐ in-channel

☒ off-channel

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

Received by OWRD

JAN 27 2025

Salem, OR

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

- 1) Is the proposed project and AO¹ off channel?..... ☒ YES* ☐ NO
(if yes then proceed to #4; if no then proceed to #2)

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

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

- 3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... ☐ YES ☐ NO

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

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

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

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

☒ Any diversion or appropriation of water for storage during the period May & July through November poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage

¹ AO = **Artificial Obstruction** means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = **Native Migratory Fish** Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

Applicant Name: Mt.View Golf Club LLC ODFW Review

Review Date: 9/12/2024

during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- ☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (winter steelhead and spring Chinook Salmon), sensitive species (Coastal Cutthroat Trout and Pacific Lamprey), and other game fish (Coho Salmon) may be present in N Fork Deep Creek and/or the Clackamas River during the period of impact. ODFW has identified biologically necessary flows not captured in an instream water right (e.g., flows in a Basin Investigation Report, Persistence Flow Determination, Seasonally Varying Flow prescription, or other flow analysis) that would benefit fishery resources at the Point of Diversion or downstream. In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available in Deep Creek at the mouth to protect public uses:

JAN	__cfs	APR	__cfs	JUL	__cfs	OCT	12 cfs
FEB	__cfs	MAY	__cfs	AUG	__cfs	NOV	__cfs
MAR	__cfs	JUN	__cfs	SEP	__cfs	DEC	__cfs

Received by OWRD

JAN 27 2025

Salem, OR

Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during May & July – November. In addition, ODFW reviewed available information (Clackamas Subbasin Willamette TMDL; DEQ) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. DEQ has identified water quality impairments for dissolved oxygen, temperature, and biological criteria in the Clackamas River. Both temperature and dissolved oxygen are related to flow modifications and water withdrawals, and both, when combined with reduced streamflow, can increase stress on aquatic life while a biocriteria impairment is an indicator of the overall biological condition of the waterbody. Consequently, ODFW recommends that because the proposed use, including any releases throughout the year from the reservoir to waters of the state (see “Water Quality” condition below), would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion that the water use be restricted during mid July through September.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- ☐ NO (explain) ☒ YES (select from Menu of Conditions on next page)

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

Applicant Name: Mt.View Golf Club LLC ODFW Review

Review Date: 9/12/2024

Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat (including impairment of water quality) from the proposed water use during May & July through November will result in a significant detrimental impact to an existing fishery resource. ODFW recommends the storage season be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. In addition, screening the stream that seasonally fills this pond will also need to be addressed.

Janna
Guzman

Digitally signed
by Janna Guzman
Date: 2024.09.12
09:53:52 -07'00'

ODFW Signature: _____

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 9/12/2024

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

Revised 10/4/12; reformatted 5/12/20

Received by OWRD

JAN 27 2025

Salem, OR

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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

- ☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- ☒ **b51a** The period of use has been limited to December through April & June.
- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- ☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- ☒ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- ☐ **Fishegress:** Native migratory fish may become trapped or entrained in the reservoirs/impoundments during/after flooding events; therefore, the permittee shall work with ODFW regarding development of an approved fish egress from the reservoirs/impoundments or other methods to keep fish out of the reservoirs/impoundments during flood events (e.g., berm construction around the reservoirs).
- ☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

- ☐ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- ☒ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☐ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☒ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☐ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Received by OWRD

JAN 27 2025

Salem, OR

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Received

JAN 24 2025

OWRD

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NAME Mt. View Golf Club LLC			PHONE (503) 663-4869	
MAILING ADDRESS 27195 SE Kelso Road				
CITY Boring	STATE OR	ZIP 97009	EMAIL dave@mtviewgolfclub.com	

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2 S	3 E	1	SW NE	800	RR-FF 5	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Storage
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Boring ,OR

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 1.2 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Multipurpose

Briefly describe:

The applicant is applying for a permit to store run-off in an existing pond on the golf course. The pond is passively filled with run-off from the upslope area that enters the ditch via a human-made ditch.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

Received

See Page 4 ➔

JAN 24 2025

OWRD

JAN 24 2025

For Local Government Use Only

OWRD

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZDO 1206
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

The existing golf course was lawfully established according to the adopted zoning ordinance in effect at the time of its establishment and is therefore a permitted nonconforming use per ZDO Section 1206

Name: Taylor Campi Title: Senior Planner

Signature: [Signature] Date: 6/25/2024

Governmental Entity: Clackamas County Phone: 503 242 4512

Receipt Acknowledging Request for Land Use Information**Note to Local Government Representative:**

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____