

e

12872

Should be filed under
each individual name -
not in Hooper Lake pty owners.
See signature page for
list.

Jim Hooper would like
to know when to expect
a FO. (503) 668-0937

Rut

FOR 2000

DATE TUES FEB 22 TIME 830 PM

FROM DONNA FLEISMAN

FIRM TALK LATER

PHONE (503)-668-6135

☐ FAX ☐ MOBILE

AREA CODE NUMBER TIME TO CALL

TELEPHONED	☒	PLEASE CALL	☒
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE "LAKE"

R-84203 x

FAX (503)- - DOUBLES.

COPY- WR APPLIC

CLACK x

SIGNED EARTHEN

FORM 4007
MADE IN U.S.A.

MESSAGE HOOPER

Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE Ste A
Salem, OR 97301-1266

W

ADDRESS SERVICE REQUESTED

R-84203

Presort
First Class Mail
ComBasPrice



U.S. POSTAGE >>> PITNEY BOWES

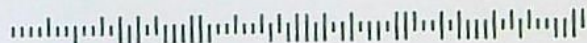


ZIP 97301 \$ 000.38¹
02 1W
0001393081 MAR 30 2015

RECEIVED

APR 01 2015

OWRD

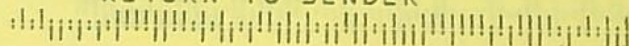


CARA A FISCHER
TROY V FISCHER
25100 SE HILTON LN
SANDY, OR 97055

X 970 NEE 170081310103/30/15
FORWARD TIME EXP RTN TO SEND
FISCHER
PO BOX 243
GOVERNMENT CP OR 97028-0243

RETURN TO SENDER

97028-0243





Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: March 27, 2015

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HOPE LAKE PROPERTY OWNERS
JIM HOOPER
49897 SE WILDCAT MOUNTAIN DRIVE
SANDY, OR 97055

confirms the right to store water perfected under the terms of Permit R-12872. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-84203

SOURCE: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK

STORAGE FACILITY: HOPE LAKE

PURPOSE or USE: RECREATIONAL USE

MAXIMUM STORAGE VOLUME: 62.1 ACRE-FEET PER YEAR

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

DATE OF PRIORITY: JULY 13, 1999

The dam location is as follows:

Twp	Rng	Mer	Sec	Q-Q
3 S	5 E	WM	2	SE NE

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
3 S	5 E	WM	2	NE NE
3 S	5 E	WM	2	SE NE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user 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 water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The use may be restricted if the quality of the source stream decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

The water user shall maintain and operate fish screening as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversion. The water user shall also maintain a fishway at the obstruction as required by the ODFW to provide adequate upstream and downstream passage for fish.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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 8 inches.

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

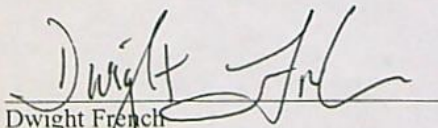
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 right to store water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued MAR 27 2015.



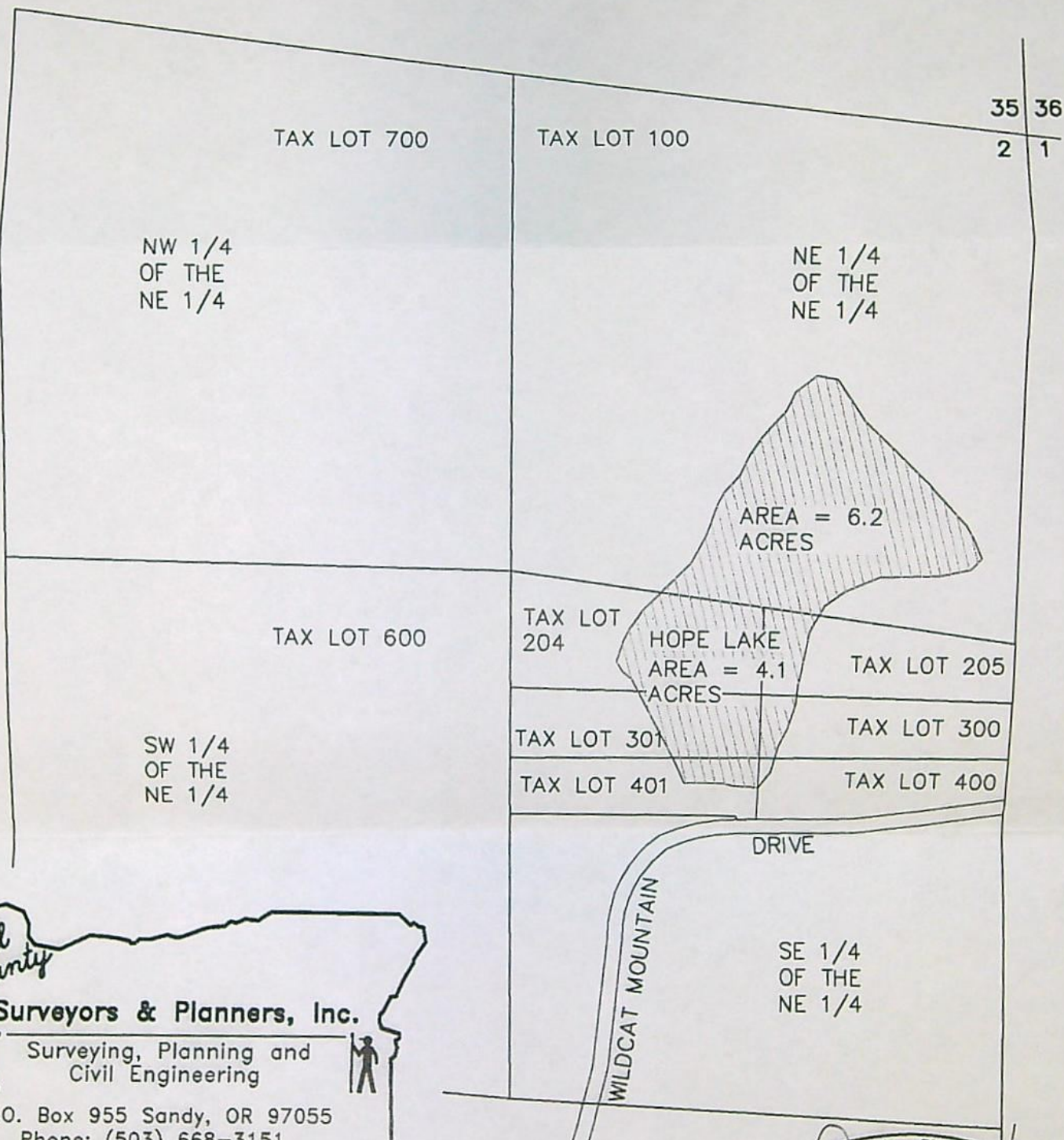
Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

FINAL PROOF MAP FOR HOPE LAKE

APPLICATION NO. R-84203
PERMIT NO. R-12872

CLIENT: JIM HOOPER

LOCATED IN THE N.E. 1/4 OF SECTION 2
TOWNSHIP 3 SOUTH, RANGE 5 EAST, W.M.
CLACKAMAS COUNTY, OREGON
SCALE: 1" = 400' NOVEMBER 26, 2002



All
County

Surveyors & Planners, Inc.



Surveying, Planning and
Civil Engineering

P.O. Box 955 Sandy, OR 97055

Phone: (503) 668-3151

Fax: (503) 668-4730

THIS DRAWING IS NOT A LAND SURVEY.
PROPERTY LINES AND/OR OTHER LINES
OF OCCUPATION SHOWN HEREON ARE NOT
REPRESENTED BY THE UNDERSIGNED TO
MEET ACCURACY STANDARDS OF LAND
SURVEYS.

RECEIVED

JAN 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON



DRAWING: 02-221.DWG
DATE: 11/26/02

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-84203

Permit: R-12872

Certificate: 89977

Permit/Certificate Holder:

HOPE LAKE PROPERTY OWNERS
JIM HOOPER
49897 SE WILDCAT MOUNTAIN DRIVE
SANDY, OR 97055

Copies Mailed

by: JH
(STAFF)

on: 3/27/15
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 20
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

Landowner Taxlots: 35E02 00100
35E02 00190

1. ALLAN D FLESHMAN, TRUSTEE
DONNA L FLESHMAN, TRUSTEE
PO BOX 517
SANDY, OR 97055

Landowner Taxlot: 35E02 00203

2. SUZANNE J STANTON, TRUSTEE
DREW R WHITNER, TRUSTEE
25051 SE HILTON LN
SANDY, OR 97055

Landowner Taxlot: 35E02 00204

3. JOSEPH MANUEL LEAVITT JR
LEE SHAWNA
49897 SE WILDCAT MOUNTAIN DR
SANDY, OR 97055

Landowner Taxlot: 35E02 00300

4. CARA A FISCHER
TROY V FISCHER
25100 SE HILTON LN
SANDY, OR 97055

Landowner Taxlot: 35E02 00301

5. BRUCE H GILLETTE
49901 SE WILDCAT MOUNTAIN DR
SANDY, OR 97055

Landowner Taxlot: 35E02 00400

6. JEROME W & SUSAN M HEIN
49951 SE WILDCAT MOUNTAIN DR
SANDY, OR 97055

Landowner Taxlot: 35E02 00401

7. CAMERON & PAMELA CORDER
49909 SE WILDCAT MOUNTAIN DR
SANDY, OR 97055



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: March 27, 2015

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HOPE LAKE PROPERTY OWNERS
JIM HOOPER
49897 SE WILDCAT MOUNTAIN DRIVE
SANDY, OR 97055

confirms the right to store water perfected under the terms of Permit R-12872. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-84203

SOURCE: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK

STORAGE FACILITY: HOPE LAKE

PURPOSE or USE: RECREATIONAL USE

MAXIMUM STORAGE VOLUME: 62.1 ACRE-FEET PER YEAR

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

DATE OF PRIORITY: JULY 13, 1999

The dam location is as follows:

Twp	Rng	Mer	Sec	Q-Q
3 S	5 E	WM	2	SE NE

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
3 S	5 E	WM	2	NE NE
3 S	5 E	WM	2	SE NE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The water user shall maintain a meter or other suitable measuring device as approved by the Director in good working order.
- B. The water user 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 water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The use may be restricted if the quality of the source stream decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

The water user shall maintain and operate fish screening as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversion. The water user shall also maintain a fishway at the obstruction as required by the ODFW to provide adequate upstream and downstream passage for fish.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

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 8 inches.

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

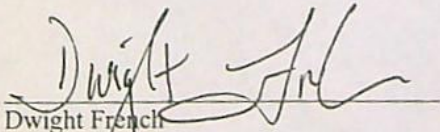
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 right to store water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued MAR 27 2015.



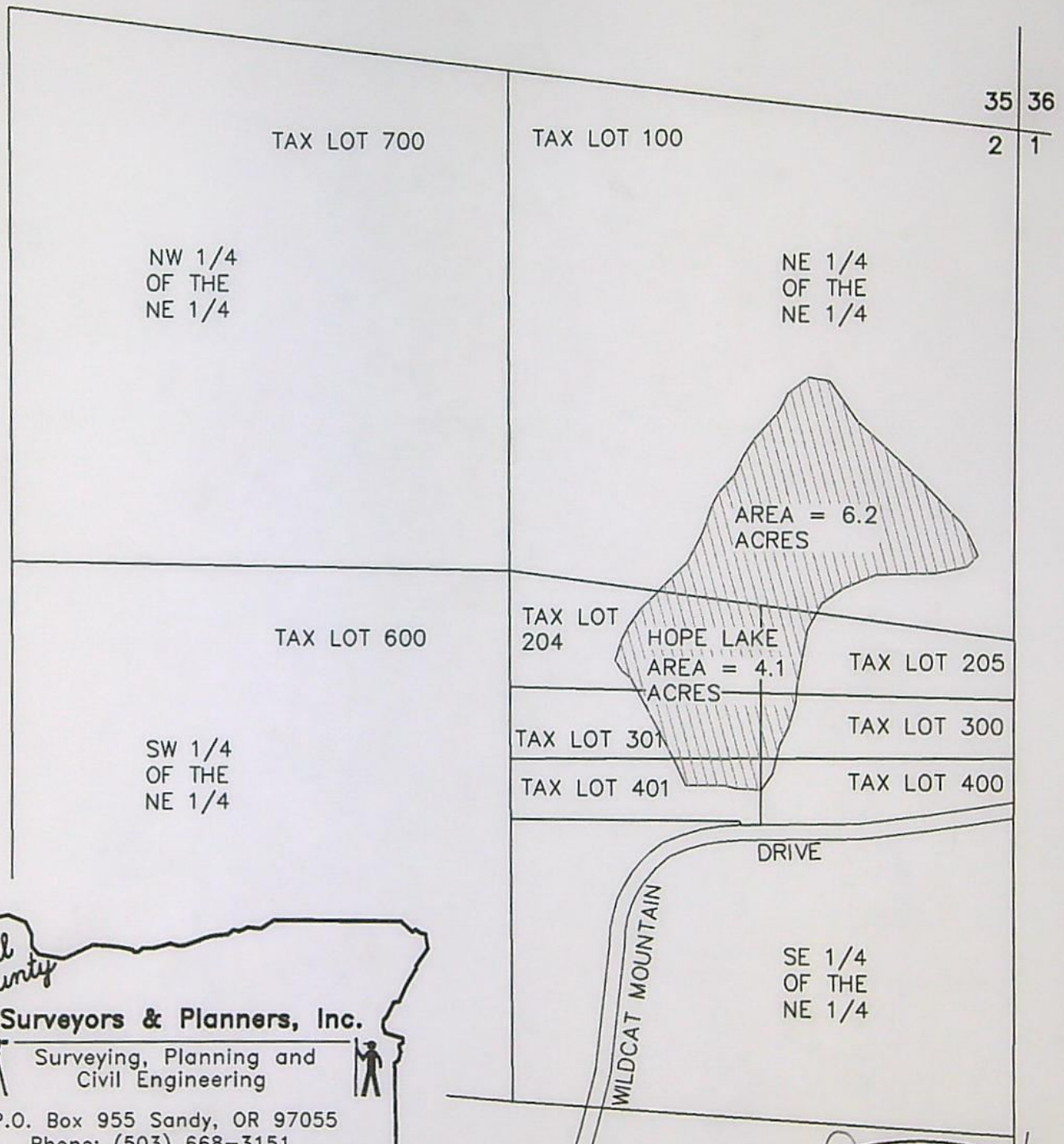
Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

FINAL PROOF MAP FOR HOPE LAKE

APPLICATION NO. R-84203
PERMIT NO. R-12872

CLIENT: JIM HOOPER

LOCATED IN THE N.E. 1/4 OF SECTION 2
TOWNSHIP 3 SOUTH, RANGE 5 EAST, W.M.
CLACKAMAS COUNTY, OREGON
SCALE: 1" = 400' NOVEMBER 26, 2002



All
County

Surveyors & Planners, Inc.



Surveying, Planning and
Civil Engineering



P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730

THIS DRAWING IS NOT A LAND SURVEY.
PROPERTY LINES AND/OR OTHER LINES
OF OCCUPATION SHOWN HEREON ARE NOT
REPRESENTED BY THE UNDERSIGNED TO
MEET ACCURACY STANDARDS OF LAND
SURVEYS.

RECEIVED

JAN 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON



DRAWING: 02-221.DWG
DATE: 11/26/02

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>R-84203</u>	Permit # <u>R-12872</u>	Transfer #
WRD Reviewer <u>Brian Creutzburg</u>	Date <u>2-17-2015</u>	
WRD Peer Reviewer <u>Mary Björk</u>	Date <u>2-23-15</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- Yes Fish Conditions shall install. Per CWRE "completed under the terms + conditions"
- Yes Meter/measuring device shall install, may require reporting
- NA Water Use Reporting
- NA Pump Test (post December 19, 1988)
- Other Conditions _____
- NA SWL
- Yes C-Date 10-1-2004
- NA Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

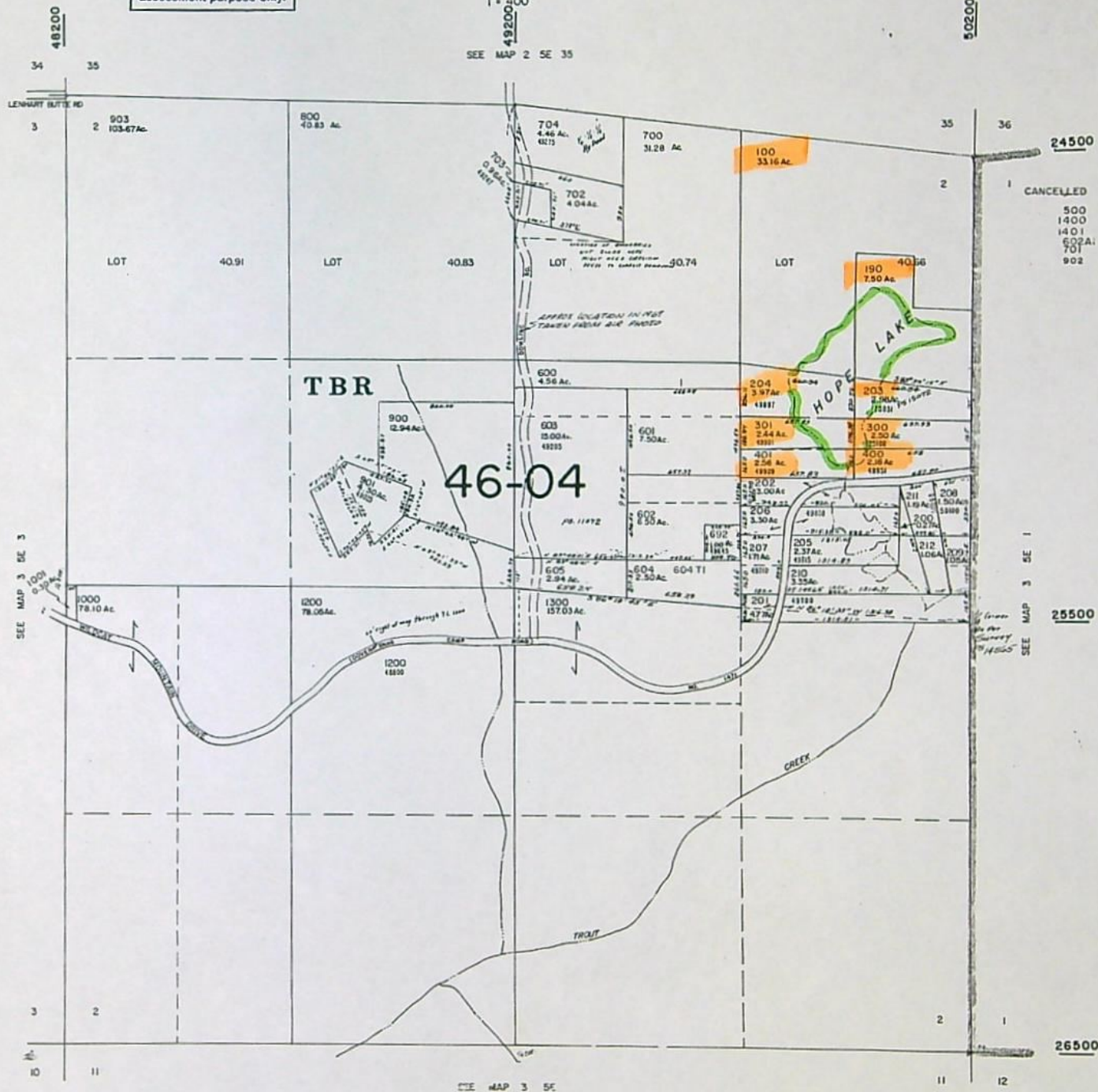
NOTES:

CLACKAMAS COUNTY

This map was prepared for assessment purpose only.

 $r = 400'$

SEE MAP 2 SE 35



3 5E 2
BOOK 33

LOT

100

190

7.50 Ac.

40.66

LAKE

204

3.97 Ac.

49897

660.94

203

2.98 Ac.

25051

$58^{\circ}59'15''$ E

660.94

PS 15012

301

2.44 Ac.

49901

657.85

300

2.50 Ac.

25100

657.93

401

2.56 Ac.

49909

657.83

400

2.18 Ac.

49951

658

657.90

202

3.00 Ac.

287.80

165.0

135.97

DEED

200'

211

220'

208

150 Ac.

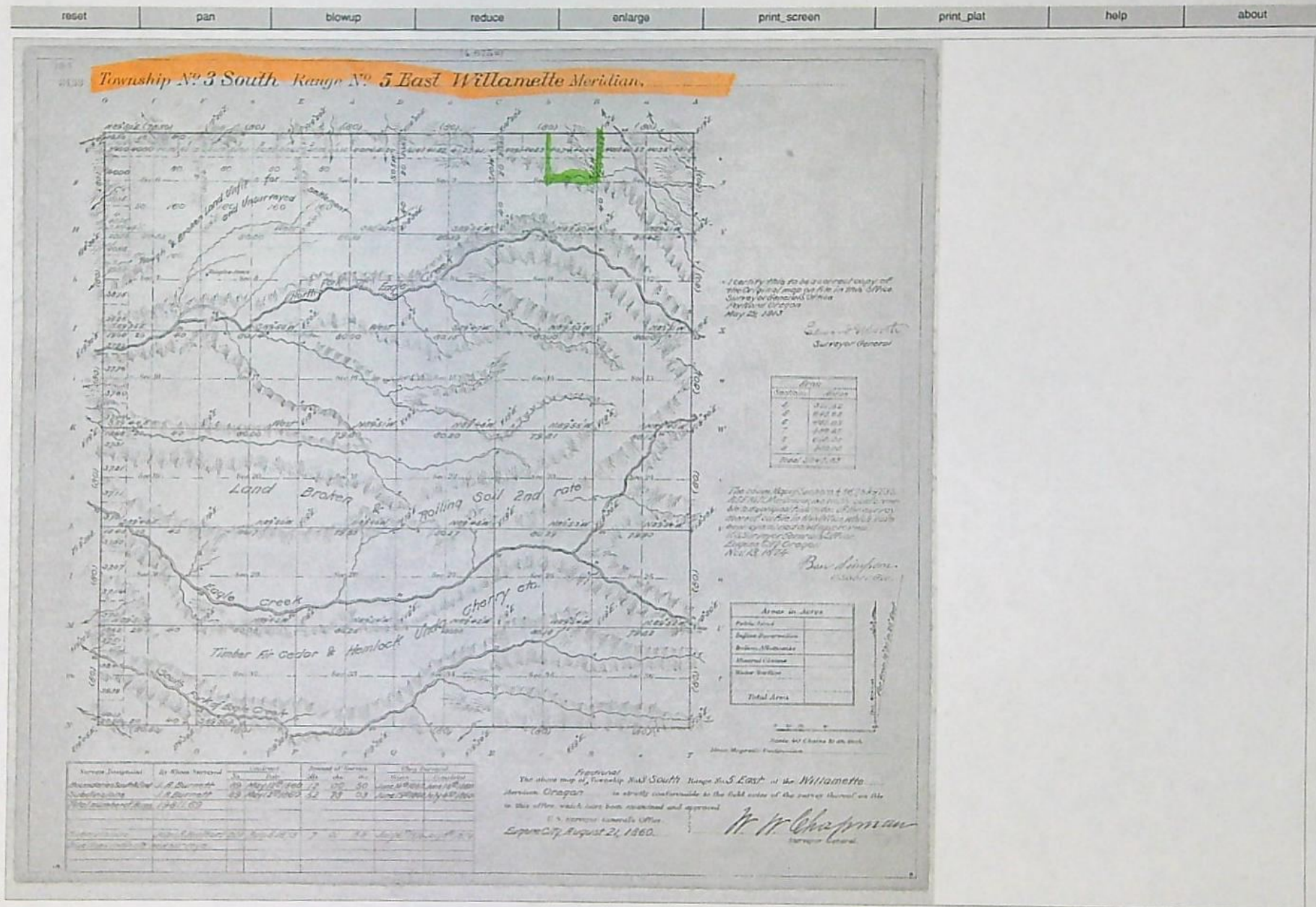
Account	Taxlot	Owner Name(s)	Mailing Address	Situs Address
00956549	35E02 00100	FLESHMAN ALLAN D TRUSTEE	PO BOX 517, SANDY, OR 97055	No Situs
		FLESHMAN DONNA L TRUSTEE	PO BOX 517, SANDY, OR 97055	No Situs
00956558	35E02 00190	FLESHMAN ALLAN D TRUSTEE	PO BOX 517, SANDY, OR 97055	No Situs
		FLESHMAN DONNA L TRUSTEE	PO BOX 517, SANDY, OR 97055	No Situs
00956594	35E02 00203	STANTON SUZANNE J TRUSTEE	25051 SE HILTON LN, SANDY, OR 97055	25051 SE HILTON LN, SANDY, OR 97055
		WHITNER DREW R TRUSTEE	25051 SE HILTON LN, SANDY, OR 97055	25051 SE HILTON LN, SANDY, OR 97055
00956601	35E02 00204	LEAVITT JOSEPH MANUEL JR & SHAWNA LEE	49897 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055	49897 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055
00956692	35E02 00300	FISCHER CARA A	25100 SE HILTON LN, SANDY, OR 97055	25100 SE HILTON LN, SANDY, OR 97055
		FISCHER TROY V	25100 SE HILTON LN, SANDY, OR 97055	25100 SE HILTON LN, SANDY, OR 97055
00956709	35E02 00301	GILLETTE BRUCE H	49901 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055	49901 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055
00956718	35E02 00400	HEIN JEROME W & SUSAN M	49951 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055	49951 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055
00956727	35E02 00401	CORDER CAMERON & PAMELA	49909 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055	49909 SE WILDCAT MOUNTAIN DR, SANDY, OR 97055

Water Rights Platcard Report

Meridian: Willamette Township: 3 South Range: 5 East Section: 2 Records per 999 Page: Search Platcards Maps! Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Select Cert:60991 OR *		4/14/1976	DOMESTIC							*														
Additional Info: DALE B ANIBAL App: S54137 Permit: S40528 Cert: 60991	NCR																							
Select Permit: R 12872 *		7/13/1999	RECREATION					*			*													
Additional Info: HOPE LAKE PROPERTY OWNERS App: R84203 Permit: R12872	Working File																							

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified







All County Surveyors & Planners, Inc.

P.O. Box 955 • Sandy, Oregon 97055 • 503/668-3151 • FAX 503/668-4730

December 13, 2002

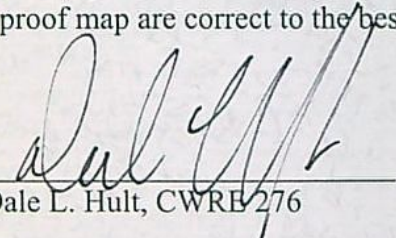
Att: Jim Hooper
49897 SE Wildcat Mt. Drive
Sandy, OR. 97055

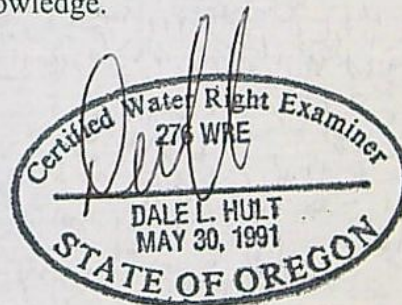
Water Resources Dept.
3850 Portland Road NE
Salem, OR. 97310

RE: Site Repot for Permit No. 12872

The following report was prepared by me Dale L. Hult, CWRE 276, and responds to items listed under OAR 690-14-100. The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit No. 12872 was completed by me on 11-28-02, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

BY:


Dale L. Hult, CWRE 276



Section 1:

- a) Type of use: There is an exiting reservoir named Hope Lake. The lake is used for private recreation, some fishing, water storage, and esthetics. He recreation use occur mostly during the summer months, however there's some recreation all year around.
- b) Place of use: The Lake is located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, T3S, R5E, WM, Clackamas County, Oregon and is 10.3 areas in area. This area varies during water level changes.
- c) Extent of Use: The water is for private use as described in a) above.

RECEIVED

JAN 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

d) Location of point of diversion: The lake is located as described in b) above. The lake is filled and drained by tributaries of Trout Creek basin. The water is stored from these tributaries, passes through the lake, and discharges near Wildcat Mountain Drive.

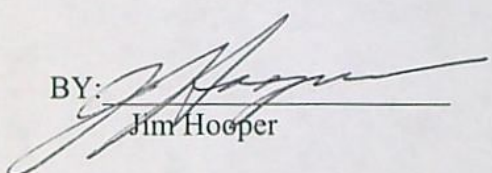
e) Sources of water: Tributaries of the Trout Creek basin drain into and through the lake area. Some local springs appear near the edges of the lake. The water level appears to remain steady.

f) Rate and duty: There is no pump system at this time. On my site visit there was about 0.5 CFS passing through the overflow Channel. There did no appear to be any leakage through the damn.

g) Measuring devices: There is a 4 foot wide concrete channel running through the damn. There is no measuring device on the overflow channel. There is a measuring gauge placed in the lake near the outlet channel which directly reeds the height of the lake.

h) Other conditions: The Lake appears to be 12 feet deep (at its lowest elevation). The damn appears to be in good condition. There is a screen on the overflow channel which is maintained by the property owners. There is a drain pipe placed at the bottom of the lake with a gate valve located downstream of the damn.

I Jim Hooper, for the Hope Lake Property Owners, agree to the findings of the CWRE and do herby submit this report of final proof as our claim of beneficial use of water under the terms and conditions of Permit No. 12872.

BY: 

Jim Hooper

Dated: 01/04/03

RECEIVED

JAN 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HOPE LAKE PROPERTY OWNERS

JIM HOOPER

49897 SE WILDCAT MOUNTAIN DRIVE

SANDY, OREGON 97055

(503) 668-0937

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-84203

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK

STORAGE FACILITY: HOPE LAKE

PURPOSE OR USE OF THE STORED WATER: RECREATIONAL USE

MAXIMUM VOLUME: 62.1 AF PER YEAR

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

DATE OF PRIORITY: JULY 13, 1999

The area submerged by the reservoir, when full, will be 10.4 acres and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 9.5 feet.

DAM LOCATION: SE 1/4 NE 1/4, SECTION 2, T3S, R5E, W.M.; 3350 FEET NORTH & 725 FEET WEST FROM SE CORNER, SECTION 2

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

NE 1/4 NE 1/4

SE 1/4 NE 1/4

SECTION 2

TOWNSHIP 3 SOUTH, RANGE 5 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.

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.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

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.

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 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.

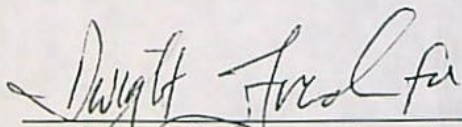
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by May 31, 2001. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued July 28 , 2000



Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

DEPARTMENT FISH AND
WILDLIFE

MEMORANDUM

REF WATER RESOURCES DEPT.

APPLICATION R-84203

PERMIT R-12872

DATE: April 16, 1999

TO: Don Bennett

FROM: Dave Liscia

SUBJECT: Grass carp pond inspection, Jim Hooper

I inspected Hope Lake, which is the body of water that Mr. Hooper wants to stock grass carp. It is an old log pond that is formed by a dam, and has a double screened outlet. One screen of the outlet is in need of repair, but Mr. Hooper has a welder scheduled to do the work, within the week.

Public access is difficult, since there is little space on the road for them to park. There are only three places where they could access the pond, but have not done so in the past. I advised Mr. Hooper to place "No Trespassing" signs at the access sites in a manner that would allow people to see them if they were trying to get to the pond, yet not advertise the site.

I recommend that as soon as a certificate of sterility, and Fish Pathology has approved the source of fish, that Mr. Hooper be allowed to import and release the grass carp into Hope Lake.

A. J. G.

RECEIVED

JAN 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

Mailing List for FO Copies

Application # R-84203

Mailing List Print Date May 16, 2000

Original mailed to (when permit issued, include copy of permit map):

Applicant: HOPE LAKE PROPERTY OWNERS, JIM HOOPER, 49897 SE WILDCATE MTN. DRIVE, SANDY, OREGON 97055

5/31

Copies Mailed
By: <u>JPB</u>
(SUPPORT STAFF)
on: <u>6/7/00</u>
(DATE)

For FO w/Draft Permit - Copies sent to:

- ~~1.~~ WRD - File # R-84203
- ~~2.~~ WRD - John Falk (for reservoir applications only)

For FO w/ Draft Permit - FO and Map Copies sent to:

- ~~3.~~ WRD - Watermaster District #:16
- ~~4.~~ ODFW District Biologist: DAVE LISCIA

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

- ~~1.~~ ALLEN & DONNA FLESHMAN, 49205 SE WILDCAT MTN. DR, SANDY 97055__
- ~~2.~~ MARK HASKO, 25051 HILTON LN, SANDY 97055_____
- ~~3.~~ RUBY HUDSON, PO BOX 1193, SANDY, OREGON 97055_____
- ~~4.~~ KENNETH JANSSENS, 49951 SE WILDCAT MTN DR., SANDY OR 97055
- ~~5.~~ MATT & TANA PHEMESTER 4304 NE 112th, PORTLAND, OREGON 97220__
- ~~6.~~ GLENN & JEAN SEVERNS, 49909 SE WILDCAT MTN DR, SANDY, 97055

CASEWORKER: AMH

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-84203

Final Order

Application History

On July 13, 1999, HOPE LAKE PROPERTY OWNERS; JIM HOOPER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 25, 2000. The protest period closed March 10, 2000, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

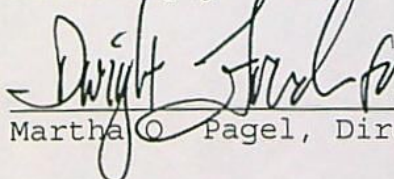
Order

Upon payment of outstanding permit recording fees, Application R-84203 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

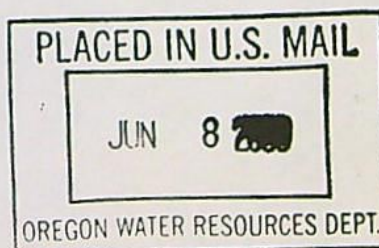
Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application R-84203.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED May 31 2000


Martha O. Pagel, Director

Appeal Rights



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been

filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 229. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HOPE LAKE PROPERTY OWNERS

JIM HOOPER

49897 SE WILDCAT MOUNTAIN DRIVE

SANDY, OREGON 97055

(503) 668-0937

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-84203

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK

STORAGE FACILITY: HOPE LAKE

PURPOSE OR USE OF THE STORED WATER: RECREATIONAL USE

MAXIMUM VOLUME: 62.1 AF PER YEAR

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

DATE OF PRIORITY: JULY 13, 1999

The area submerged by the reservoir, when full, will be 10.4 acres and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 9.5 feet.

DAM LOCATION: SE 1/4 NE 1/4, SECTION 2, T3S, R5E, W.M.; 3350 FEET NORTH & 725 FEET WEST FROM SE CORNER, SECTION 2

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

NE 1/4 NE 1/4

SE 1/4 NE 1/4

SECTION 2

TOWNSHIP 3 SOUTH, RANGE 5 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.

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.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

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.

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 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 issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2000

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-84203

Final Order

Application History

On July 13, 1999, HOPE LAKE PROPERTY OWNERS; JIM HOOPER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 25, 2000. The protest period closed March 10, 2000, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application R-84203 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 175.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application R-84203.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED May 31 2000


Martha O. Pagel, Director

Appeal Rights



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been

filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 229. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HOPE LAKE PROPERTY OWNERS

JIM HOOPER

49897 SE WILDCAT MOUNTAIN DRIVE

SANDY, OREGON 97055

(503) 668-0937

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-84203

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK

STORAGE FACILITY: HOPE LAKE

PURPOSE OR USE OF THE STORED WATER: RECREATIONAL USE

MAXIMUM VOLUME: 62.1 AF PER YEAR

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

DATE OF PRIORITY: JULY 13, 1999

The area submerged by the reservoir, when full, will be 10.4 acres and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 9.5 feet.

DAM LOCATION: SE 1/4 NE 1/4, SECTION 2, T3S, R5E, W.M.; 3350 FEET NORTH & 725 FEET WEST FROM SE CORNER, SECTION 2

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

NE 1/4 NE 1/4

SE 1/4 NE 1/4

SECTION 2

TOWNSHIP 3 SOUTH, RANGE 5 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.

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.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

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.

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 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 issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2000

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

FO CHECKLIST

FILE # R-84203
PFO WEEK # 235
FO WEEK # 243

PFO TO FO CONVERSION

REVIEW DATE: 5/16/00
INITIALS: _____

Applicant Name and Mailing

Address:

Hope Lake pry. owners
Jim Hooper
49897 SE Wildcat mtn. dr
Sandy, OR 97053

In preparing to create the FO, you should check the following:

1. Y / N Were comments or protests received? If so, from whom and when? Allen & Sandy Glesman
2. ✓ On the PFO CC list, verify names and mailing addresses of ALL commentors (regardless of comment date, affected landowners, and those who paid the \$10 fee).
see PFO mtg. list.
3. Y / N / NA Have affected land owners been notified?
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N / NA Has ODFW asked for self certification of screening condition?
If so, write "ODFW CERT" in the permit block on the front of the file.
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? Note: If short season letter is lacking, see item #10 below.
Give applicant 60 days to submit required information.
8. ✓ Verify Payment of recording fees (circle the appropriate option)

(1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO.

(2) Issue FO w/o permit if fees are lacking.

62.1
= 10x10 = 100
53x1 = 53

1st CFS/AF	<u>100</u>
Add'l	<u>53</u>
TOTAL Q	<u>153</u>

Exam Fee Paid	<u>250</u>
Q fee	<u>153</u>
Recording fee	<u>175</u>
Total	<u>578</u>
Amount Paid	<u>403</u>
Amount due/refund	<u>175</u>
9. Y / N Is further processing possible? If not state reason: need fees
10. Y / N Do the PFO conclusions require modification? Why?
(If YES, circle FOMOD and one other type below)
11. ✓ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

12. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. ☐ Include or exclude permit conditions and management codes.
14. ☒ Assign permit numbers to files with oaths, fees, and no protests or other issues.

FO Type: (circle types) DENIAL FO w/o PERMIT (REASON: Lacks Fees) Lacks Easement Map Other

FO & PERMIT (Permit # _____) FOMOD MGMT CODES:: 2

Once FO document is completed:

15. ☒ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 243 & delete duplicates.
16. ☒ Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed
18. ☐ Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
19. Route to Dwight for signature
20. Update folders, E-mail data center, send copy to HTML
21. To support for mailing

Watermaster District _____
Region Manager _____
ODFW District _____

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-84203

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On July 13, 1999, JIM HOOPER, for HOPE LAKE PROPERTY OWNERS, submitted an application to the Department for the following water use permit:

- Amount of Water: 62.1 ACRE-FEET
- Use of Water: RECREATIONAL USE
- Source of Water: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK
- Area of Proposed Use: CLACKAMAS County within SECTION 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, W.M.

On 10/5/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 62.1 ACRE-FEET from AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK for STORAGE FOR RECREATIONAL USE is only allowable from November 1 through June 30 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 10/19/99, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Willamette Basin Program allows storage for the following uses November 1 through June 30, from the Willamette River and tributaries: recreational use.

Senior water rights exist on an unnamed stream, a tributary of Trout Creek, or on downstream waters.

An unnamed stream, a tributary of Trout Creek, is above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at a 50 percent exceedance probability) November 1 through June 30, the period allowed by the basin program.

The Department finds that the amount of water requested, 62.1 ACRE-FEET, is allowable.

There is no evidence in the record of the presence of game fish at the described point of diversion.

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.

The proposed use requested in this application is allowed in the Sandy Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

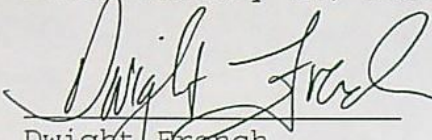
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water 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.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED January 25, 2000



Dwight French

Water Rights Section Manager

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **March 10, 2000**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310
Fax: (503)378-2496 .

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF CLACKAMAS

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HOPE LAKE PROPERTY OWNERS

JIM HOOPER

49897 SE WILDCAT MOUNTAIN DRIVE

(503) 668-0937

SANDY, OREGON 97055

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-84203

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK

STORAGE FACILITY: HOPE LAKE

PURPOSE OR USE OF THE STORED WATER: RECREATIONAL USE

MAXIMUM VOLUME: 62.1 AF PER YEAR

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

DATE OF PRIORITY: JULY 13, 1999

The area submerged by the reservoir, when full, will be 10.4 acres and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 9.5 feet.

DAM LOCATION: SE 1/4 NE 1/4, SECTION 2, T3S, R5E, W.M.; 3350 FEET NORTH & 725 FEET WEST FROM SE CORNER, SECTION 2

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

NE 1/4 NE 1/4

SE 1/4 NE 1/4

SECTION 2

TOWNSHIP 3 SOUTH, RANGE 5 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.

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.

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

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

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.

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 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 issuance of the final order approving the use. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(800)624-3199 • (503)378-8455
www.wrd.state.or.us

Fax Transmittal

TO: DONNA F
FAX: 503-668-6135 DATE: WED 2-23-2000 PAGES: 7
FROM: HERB 201

COMMENTS: COPY of AMPLIC.
PROTEST PERIOD ENDS 3-10-2000

FOR	<u>2000</u>		
DATE	<u>TUES FEB 22</u>	TIME	<u>830</u> P.M.
FROM	<u>DONNA FLEISMAN</u>		
FIRM	<u>TALK LATER</u>		
PHONE	<u>(503)-668-6135</u>		
☐ FAX	AREA CODE	NUMBER	EXTENSION
☐ MOBILE	AREA CODE	NUMBER	TIME TO CALL
TELEPHONED	☒	PLEASE CALL	☒
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	
MESSAGE	<u>"LAKE"</u>		
	<u>R-84203 x</u>		
	<u>FAX (503)- - DOUBLES.</u>		
	<u>COPY- WR AMPLIC</u>		
	<u>CLACK x</u>		
SIGNED	<u>EARTHEN</u>		

FORM 4007
MADE IN U.S.A.

ve Services
Fiscal

lopment

inagement
isons

ical Services
t

io

Water Rights & Adjudications

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates/Final Proofs
- Hearings/Contested Cases

Northwest Region

- District 16 Watermaster
- Transfers

FAX: 503-378-6203

MESSAGE HOOPER

19 (1)

SANDY SHIPPING CENTER

FAX: (503) 668-8624

Office: (503) 668-3514

FAX SERVICE COVER SHEET

To: *RUSSEL W. KLASSEN*Date: *02/07/00*FAX Number: *503 378-6203*From: *LITA HOOPER HOPE LAKE HOMEOWNERS*Message: *RE. APPLICATION R-84203*Number of Pages including Cover Sheet: 6

AGREEMENT

THIS AGREEMENT, Made and entered into this 23rd day of November, 1963, by and between EDWIN T. CORNWELL and IRIS CORNWELL, husband and wife, hereinafter referred to as "Cornwells," and ORVAL M. FLESHMAN and MARGARET E. FLESHMAN, husband and wife, hereinafter referred to as "Fleshmans";

WITNESSETH

WHEREAS, Cornwells are now the owners of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 2, Township 3 South of Range 5 East, Willamette Meridian, Clackamas County, State of Oregon, hereinafter referred to as "PARCEL I"; and

6497 I
WHEREAS, Fleshmans are now the owners of (a) the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 2, Township 3 South of Range 5 East, Willamette Meridian, Clackamas County, State of Oregon, and the southerly boundary line of which property is common with the northerly boundary line of the aforescribed property owned by Cornwells, hereinafter referred to as "PARCEL II", and (b) the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ Section 2, Township 3 South of Range 5 East, Willamette Meridian, Clackamas County, State of Oregon, and the easterly boundary line of which property is common with the westerly boundary line of the aforescribed property owned by Cornwells, hereinafter referred to as "PARCEL III"; and

WHEREAS, Fleshmans now have no access from Parcel III to a county road which crosses over Cornwells' property, said Parcel I, and do therefore desire to secure access thereto by way of an easement from Cornwells; and

WHEREAS, Cornwells desire to form a lake upon their own property and upon a part of Fleshmans' property above described, the said Parcel II, by erecting dams across and diverting water

from streams flowing upon and across said Parcels I and II; and

WHEREAS, the parties have come to an agreement with respect to the granting of an easement over Cornwells' land, the damming and diversion of said streams, and the resulting flooding of Parcel II of Fleshmans' land, and do by this instrument desire to reduce said agreement to writing,

NOW, THEREFORE, in consideration of the mutual covenants contained herein and to be kept and performed by the parties hereto, said parties do hereby agree as follows:

1. Cornwells have this day bargained and sold, and by these presents do hereby grant, bargain, sell, convey, transfer, and deliver unto Fleshmans a permanent easement and right-of-way, over the following described real property:

The Southerly twenty (20) feet of that part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 2, Township 2 South of Range 5 East, Willamette Meridian, Clackamas County, State of Oregon, which lies West of the Westerly line of the existing county road (known as Ira Cooper Road) which now intersects said property in a generally southwesterly and northeasterly direction. (which property is also referred to herein as Parcel I.)

for the use and benefit of said Parcel III of the hereinbefore described real property owned by Fleshmans, and their heirs, executors, administrators, successors, grantees and assigns of said Parcel III, for the following purposes, namely: The right to enter upon said land and grade, level, fill, drain, pave, build, maintain and repair a road, together with such bridges, culverts, ramps and cuts as may be necessary on, over and across the same, and it shall be lawful for the said Fleshmans, their agents and servants, and attendants and occupants from time to time of said Parcel III of the premises owned by Fleshmans as aforescribed, and any other person or persons for his and their benefit and advantage at all times to freely pass and re-pass on foot, or with animals, vehicles, loads,

or otherwise, through and over said roadway.

6497 III
2. Cornwells shall have and are hereby granted the right to build a dam upon their own property, said Parcel I, across the existing streams which flows over and upon both Parcels I and II of the aforescribed tracts, provided however, said dam shall not exceed ten feet at its highest point; and so long as the lake or backwater resulting from the construction of such dam does not flood the existing swamp area on Parcel II of Freshmans' said real property beyond the previous high-water mark thereof. For the purpose of maintaining the proposed lake, Cornwells shall have and are hereby given and granted the right to divert water thereinto from all streams situated on Parcel II of Freshmans' said property and Cornwells shall have the further right to go upon Parcel II of Freshmans' said property at such times and with such equipment and workmen as may be necessary for that purpose. Except as necessary for their own household uses, Freshmans shall not divert water from any stream on Parcel II of their property without Cornwells consent first having been obtained. So long as Cornwells comply with the requirements hereof, they shall not be liable to Freshmans for any damage to Parcel II of Freshmans' said real property or any growth thereon caused by said lake or backwater.

3. Freshmans shall under no circumstances be liable to Cornwells for any expense or costs incurred by Cornwells in the construction of said dam, the maintenance or repair thereof or the maintenance of the lake formed thereby, but Cornwells shall be under no obligation whatsoever to construct the dam or maintain the lake, the permission for which has been granted hereby.

4. It is understood and agreed that the covenants contained herein shall run to and be binding upon the heirs, assigns and representatives of all the parties hereto.

5. It is further understood and agreed by all the parties

hereto that concurrently with the execution of this agreement, that that certain agreement made and entered into by and between the parties hereto on the 12th day of April, 1963, and recorded the 5th day of October, 1963, in Book 629, page 558, of the Deed Records for the County of Clackamas, State of Oregon, be and the same hereby is declared to be terminated, cancelled, and of no further force and effect.

IN WITNESS WHEREOF, we have affixed our hands and seals the day and year first hereinabove written.

Edwin I. Cornwell

Edwin I. Cornwell
CORNWELLS

Emma M. Fleshman

Margaret E. Fleshman
FLESHMANS

STATE OF OREGON)
) ss.
County of)

BE IT REMEMBERED, that on this 26 day of November, 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named EDWIN I. CORNWELL and IRIS CORNWELL, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[Signature]
Notary Public for Oregon

My Commission Expires: 7-12-66

STATE OF OREGON)

County of Clackamas)

BE IT REMEMBERED that on this 20th day of November, 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named ORVAL M. FLESHMAN and MARGARET E. FLESHMAN, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Margaret S. Schumacher
Notary Public for Oregon

My Commission Expires: May 25, 1965

6497
SEAL DOCUMENT. 6497 RECORDED APR 20 1964 1:04 P. M. ROBERT SCHUMACHER, County Clerk

Fax

Please deliver immediately to: Mr. Russell Klassen
of: Oregon Water Resources Dept.
Fax number: 1-503-378-2496
Voice number:

Fax received from: Donna Fleshman
of:
Fax number: 668-6135
Voice number: 668-6135

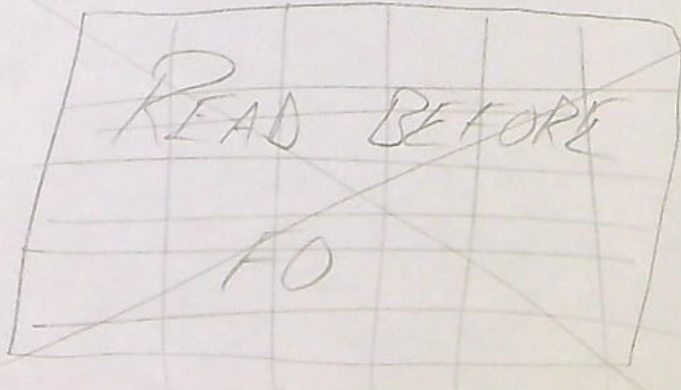
Date: 1/28/00

Time: 10:03:07 AM

Number of Pages: 3

Subject:

Message:



THERE IS AN
EXISTING
EASEMENT FOR
THE PROPERTY.

READ FAX OF
2/7/00

January 28, 2000

Water Rights Section
Oregon Water Resources Department
158 12th ST. NE
Salem, OR 97310

ATT: Russell W. Klassen

RE: Water Rights Application Number R-84203

This letter is in response to your department letter and our telephone conversation on Jan. 26, 2000 regarding above water application.

Your letter stated that on Oct. 5, 1999 that there was a notice sent to Mr. Hooper that the application was having an Initial Review. Also, that on October 19, 1999 your department gave public notice of application in its weekly notice and that there were no written comments received. Because we had no knowledge that the application had even been sent in or even seen, how could we respond?

The last time we talked with Mr. Hooper all he talked about was getting grass carp into the lake. We talked to fish hatchery people in the area and we were told that grass carp is illegal because they eat all the vegetation and therefore no other fish can then survive because of lack of food. We told Mr. Hooper about our reservation at that time and he told us that before he sent the application in we would be able to see what he wanted to do and that we would need to sign because we are land owners on the lake. In all actuality, we own at least half. Enclosed is a plat map of the lake. This was taken from a appraisal report prepared by Glen R. Crouch, MAI, ARA for U. S. Bank Trust Group when my father, Orval M. Fleshman passed away.

The lake was built by my father along with Ed Cornwell back in the '50's. At that time both men owned property along the lake. The lake was stocked with catfish in the 60's and were there for the fishing and enjoyment of the lake. Regretfully, Orval and Ed felt it was not necessary to get water rights. They did it to beautify even more a very pretty area. It is amazing to us that Mr. Hooper has only moved to the area, from the city, and wants to change what NO one has had a problem with since the lake was built.

We do not appreciate the fact the Mr. Hooper sent this application in without even showing it to us. We believe the reason he did that was because he knew we had reservations in our prior phone conversations with him. We feel that because he did not like what we had to say we were not included in any manner on obtaining water rights. Our family have been here longer than any of them and we don't appreciate the go behind the back way of doing things. Talking with you, we found out there was a fee of \$400. I'm sure down the line if the water rights came about they would say, "You didn't put anything in so you having nothing to say on the matter."

We have 80 acres of timber and at some time we will be doing some selective logging and we don't want them saying we will be hurting the lake and take some kind of restraining action on us.

We want to be notified of any future communication with Mr. Hooper regarding this application.

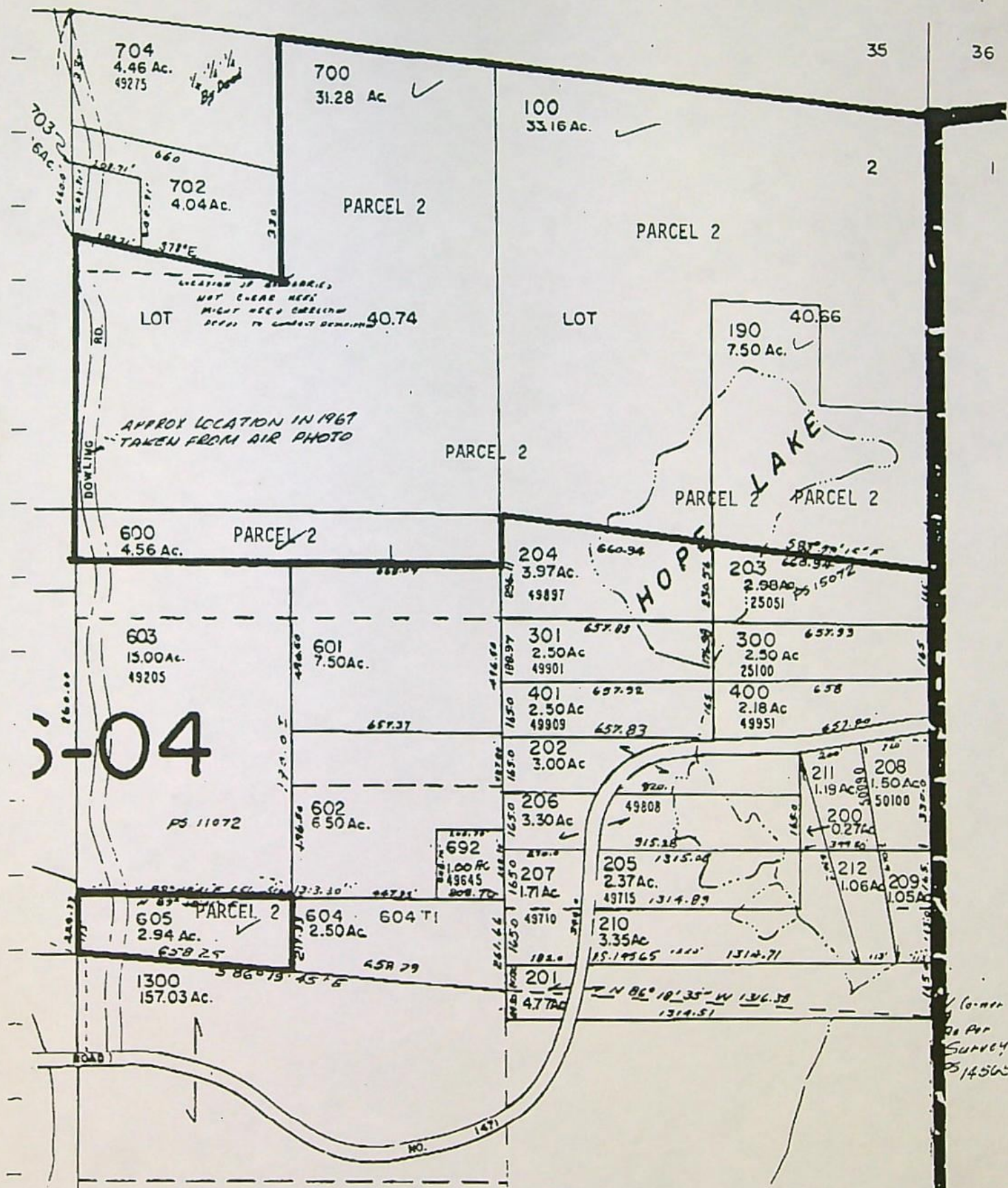
If you need any information from us we will be very happy to respond. Thank you for your time in regards to this matter.

Allan & Donna Fleshman
49205 SE Wildcat Mtn. Dr.
Sandy, OR 97055
(503)668-6135

RPC

PLAT MAP

E-4



Oregon

WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Address Service Requested

Ruby Hudson
25100 Hilton Lane
Sandy, OR 97055

SALEM OR 97301 20:33 01/25/00

PRESORTED
FIRST CLASS



*Rec'd
2/1/00 cal*

HUDS100 970553091 1898 17 01/27/00
FORWARD TIME EXP RTN TO SEND
HUDSON
PO BOX 1193
SANDY OR 97055-1193

97055-9635/4172



Mailing List for PFO Copies

Application #R-84203

PFO Date: January 25, 2000

Original mailed to:

Applicant: HOPE LAKE PROPERTY OWNERS; JIM HOOPER, 49897 SE WILDCAT MTN DR, SANDY, OREGON 97055

Copies sent to:

1. WRD - File # R-84203 ✓

PFO, Map, and Fact Sheet Copies sent to:

2. WRD - Watermaster # District 16 ✓

3. ODFW District Biologist: Dave Liscia ✓

Copies Mailed
By: <u>Cal</u>
(SUPPORT STAFF)
on: <u>1/24/00</u>
(DATE)

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

4. Allen & Donna Fleshman, 49205 SE Wildcat Mtn Drive, Sandy, OR 97055 ✓

5. Mark Hasko, 25051 Hilton Lane, Sandy, OR 97055 ✓

6. James & Joan Hooper, 49897, SE Wildcat Mtn Drive, Sandy, OR 97055 ✓

7. Ruby Hudson, ~~25100 Hilton Lane, Sandy, OR 97055~~ ✓

P.O. Box 1193
Sandy, OR 97055

8. Kenneth Janssens, 49951 SE Wildcat Mtn Drive, Sandy, OR 97055 ✓

9. Matt & Tana Phemester, 4304 NE 112th, Portland, OR 97220 ✓

10. Glenn & Jean Severns, 49909 SE SE Wildcat Mtn Drive, Sandy, OR 97055 ✓

CASEWORKER: RWK - WEEK 235

Before
you
send
PFO
correct
mailing
sheet

PFO CHECKLIST

Application #: 84203

County CLATSOP Basin: WILLAMETTE 2
Township 35 Range 5E Section 2 1/4 1/4 SE NE

1. Shortcomings preventing PFO, FO, or permit? Y / N Should process continue Y / N
2. Groundwater Review A B C D River/Stream Name _____
 - a. Groundwater Availability A B C
 - b. Is second groundwater review complete? Y / N necessary? Y / N
 - c. Is the well located in a GWLA or CA? Y / N (If Y or close include map of POD) Area _____
3. Is use from BOR / Doug Co. project? Y / N Contract in file? N / Contract # _____
4. Is the use allowed by the Basin Program? Y / N Limited? Y / N 11 - 6/30 690-502-040(4)(a)
5. Water Availability Data OK / REDONE / NA (80% live flow & 50% storage) 11 - 6/30
6. Is the source withdrawn or limited by statute or Department order? Y / N
7. Is the Proposed Use located in or above a SWW? Y / N
8. Division 33: Y / N / NA Above Bonn (after July 17, 1992) Y / N
Below Bonn (after April 8, 1994; June 3, 1994) Y / N
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N
9. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N
10. Have conflicts been addressed? Y / N / NA
11. Rate _____
Duty _____ Season: Normal Req _____ Allowed 11/1 - 6/30
12. Rate: Max 62.1 AF Req _____
13. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)
condition 7I and municipal use ≤ 0.1 cfs require the Large condition
14. Conditions PISR
New River Basin or Bonanza? Y / N / NA (see M:\groups\lwr\pfo\findings & other lang)
15. IR Date 10/5/99 Public Notice Date 10/19/99 Comment Rec'd _____
16. Filed after 10/23/99? Y / N (if Y A date should be removed)

CWRE, representatives or

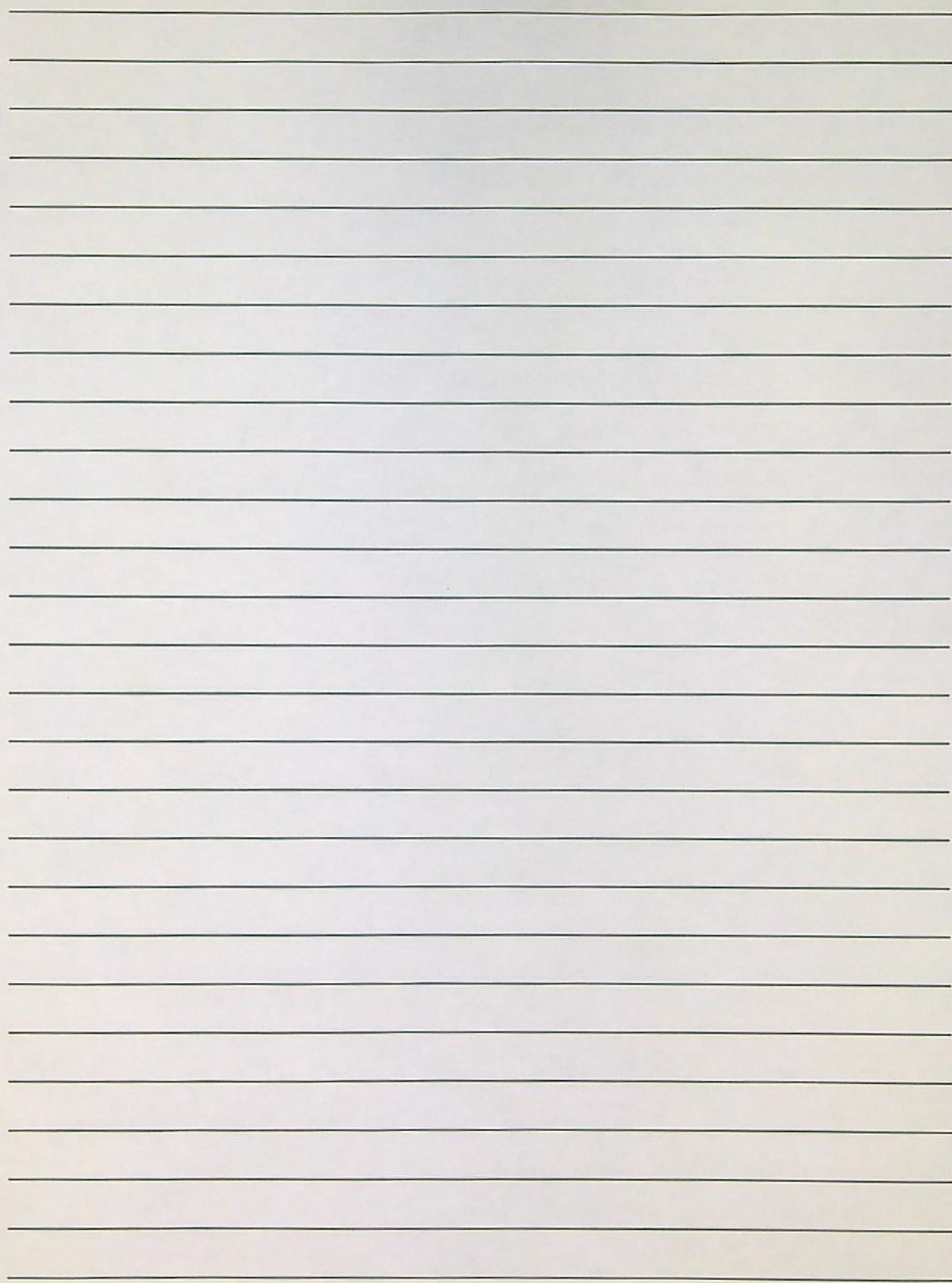
Property owners to notify? Y / N

summary:

ALLOW 11-5/31

Allen & Anna FLESHMAN, 49205 SE Willamette Ave Dr, Sandy, OR 97055
Mark HARRIS, 25051 Wilson Ln, Sandy, OR 97055
James & Jean HARRIS, 49877 SE Willamette Ave Dr, Sandy, OR 97055
Rory HARRIS, 25100 Wilson Ln, Sandy, OR 97055
KENNETH JENSEN, 49951 SE Willamette Ave Dr, Sandy, OR 97055
MATT & TARA PETERSEN, 43014 NE 112th, Portland, OR 97220
Glenn & Jean SEVENS, 49909 SE Willamette Ave Dr, Sandy, OR 97055

Initials: RWC Date: 11/4/00



IR CHECKLIST

Application # R-80203 Priority Date: 7/13/99
 Basin: 2-10-19-01 County: CLACK
 Township 3S Range 5E Section 2 1/4 1/4 SENE
 WAB: 010231 POU WAB: _____

✓ 1. Complete by Minimum Requirements checklist ☒ N Items still required: _____

N/A 2. Groundwater Review A B C D River/Stream Name _____

Conditions _____ Water Availability A B C

3. Is the well located in a groundwater limited area? Y N Name _____

4. Is the well located in TIN R3E SEC 20, 21, 28, 29 Y N

ABOVE SWW

✓ 5. Within or above a Scenic Waterway ☒ Y N Conditions/Restrictions Y N _____

6. Basin Maps have been checked Y N trout ck. 7 Eagle ck. 7 clack. R.

7. Allowed under Basin Program ☒ Y N Limitations ☒ Y N CLACK below ESTACADA

8. Withdrawn Y ☒ N Season Allowed NOV 1 - MAY 31 690-502-140(4)

9. Water Availability 80% (50%) NOV-JUNE N/A

10. Use RECREATION, AESTHETICS Period of allowed use NOV 1 - JUNE 30

N/A 11. Season requested by applicant _____

12. For Irrigation: Rate _____ Duty _____ Season _____

13. For Nursery or Cranberry: Rate _____ Duty _____ Season _____

14. Allowable rate of use: 62.1 AF

Requested Rate: 62.1 AF

✓ 15. BOR project Y ☒ N Contract # _____

16. Subject to Division 33: ☒ Y N N/A Above Bonneville _____ TES Y N

Below Bonneville ☒ TES Y ☒ N TES only Y N

17. Conflict Y ☒ N 60991

18. Conditions? (BOR, GW, other) Y ☒ N

19. Measuring condition Small _____ Medium ☒ Large _____

20. Within Dept. Of Agriculture Water Quality Management Area Y ☒ N N/A

TUALATIN _____ BEAR CREEK(ROGUE) _____

21. On DEQ 303d list Y ☒ N N/A

22. Land use approval ☒ OK'd Needs Approval County Notified N/A

23. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5 NCR) (6 8 9 10 ER)

(11 12 17 SCR) (13 14 15 19 SWR)

24. ODFW Biologist Dave Giscia

24. Letter will be: ☒ GOOD ☐ LIMITED ☐ BAD ☐ BAD W/IR SHORT ☐ BAD W/HC EXCEPT

Name: _____

Date: 9/20/99

WATER AVAILABILITY TABLE

Basin: WILLAMETTE Exceedance Level: 50
 Water Availability Subbasin: 0102310000000000 (and Nested Subbasins)
 Time: 09:44 Date: 09/20/1999

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0102000000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES
3	0102300000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES
4	0102310000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES

STREAM NAMES

Basin: WILLAMETTE
 Water Availability Subbasin: 0102310000000000 (and Nested Subbasins)
 Time: 09:44 Date: 09/20/1999

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R @ mouth	COLUMBIA R
0102000000000000	CLACKAMAS R @ mouth	WILLAMETTE R
0102300000000000	EAGLE CR @ mouth	CLACKAMAS R
0102310000000000	N FK EAGLE CR @ mouth	EAGLE CR

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0102310000000000
 Basin: WILLAMETTE Exceedance Level: 50
 Time: 09:44 Date: 09/20/1999

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0102310000000000	N FK EAGLE CR @ mouth	YES	115.0
2	0102310000000000	N FK EAGLE CR @ mouth	YES	88.0
3	0102310000000000	N FK EAGLE CR @ mouth	YES	59.0
4	0102310000000000	N FK EAGLE CR @ mouth	YES	74.0
5	0102310000000000	N FK EAGLE CR @ mouth	YES	53.1
6	0102310000000000	N FK EAGLE CR @ mouth	YES	11.0
7	0102000000000000	CLACKAMAS R @ mouth	NO	-131.0
8	0102000000000000	CLACKAMAS R @ mouth	NO	-240.0
9	0102000000000000	CLACKAMAS R @ mouth	NO	-164.0
10	0102000000000000	CLACKAMAS R @ mouth	NO	-14.1
11	0102310000000000	N FK EAGLE CR @ mouth	YES	26.5
12	0102310000000000	N FK EAGLE CR @ mouth	YES	138.0
Stor	0102310000000000	N FK EAGLE CR @ mouth	YES	33800.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Exceedance Level: 50

Stream: WILLAMETTE R @ mouth

Water Availability Subbasin: 010000000000000000

ID Number: 181

Time: 09:44

Date: 09/20/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	51100.00	484.00	50600.00	267.00	50300.00	1500.00	48800.00
2	49100.00	3530.00	45600.00	263.00	45300.00	1500.00	43800.00
3	42400.00	4600.00	37800.00	253.00	37500.00	1500.00	36000.00
4	36400.00	4420.00	32000.00	241.00	31800.00	1500.00	30300.00
5	28300.00	2170.00	26100.00	233.00	25900.00	1500.00	24400.00
6	15800.00	1260.00	14500.00	425.00	14100.00	1500.00	12600.00
7	7980.00	1640.00	6340.00	429.00	5910.00	1500.00	4410.00
8	5530.00	1460.00	4070.00	396.00	3670.00	1500.00	2170.00
9	5740.00	1090.00	4650.00	373.00	4280.00	1500.00	2780.00
10	8390.00	355.00	8030.00	178.00	7850.00	1500.00	6350.00
11	24400.00	376.00	24000.00	217.00	23800.00	1500.00	22300.00
12	52800.00	430.00	52400.00	264.00	52100.00	1500.00	50600.00
Stor	19600000	1310000	18300000	212000	18100000	1080000	17000000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R @ mouth

Water Availability Subbasin: 010000000000000000

Time: 09:44

Date: 09/20/1999

ISWRs						
APP #	181A	0	0	0	0	RESULTANT
STATUS	Cert.					
1	1500.00	.00	.00	.00	.00	1500.00C
2	1500.00	.00	.00	.00	.00	1500.00C
3	1500.00	.00	.00	.00	.00	1500.00C
4	1500.00	.00	.00	.00	.00	1500.00C
5	1500.00	.00	.00	.00	.00	1500.00C
6	1500.00	.00	.00	.00	.00	1500.00C
7	1500.00	.00	.00	.00	.00	1500.00C
8	1500.00	.00	.00	.00	.00	1500.00C
9	1500.00	.00	.00	.00	.00	1500.00C
10	1500.00	.00	.00	.00	.00	1500.00C
11	1500.00	.00	.00	.00	.00	1500.00C
12	1500.00	.00	.00	.00	.00	1500.00C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Exceedance Level: 50

Stream: CLACKAMAS R @ mouth

Water Availability Subbasin: 0102000000000000

ID Number: 80

Time: 09:44

Date: 09/20/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	4690.00	254.00	4440.00	12.20	4430.00	1000.00	3430.00
2	4400.00	254.00	4150.00	12.20	4140.00	1000.00	3140.00
3	3860.00	252.00	3610.00	12.20	3600.00	1000.00	2600.00
4	4150.00	252.00	3900.00	12.30	3890.00	1000.00	2890.00
5	3880.00	281.00	3600.00	12.50	3590.00	1000.00	2590.00
6	2240.00	278.00	1960.00	12.50	1947.00	1000.00	947.00
7	1170.00	288.00	882.00	12.80	869.00	1000.00	-131.00
8	947.00	284.00	663.00	12.60	650.00	890.00	-240.00
9	1000.00	272.00	728.00	2.29	726.00	890.00	-164.00
10	1240.00	252.00	988.00	2.06	985.90	1000.00	-14.10
11	2870.00	253.00	2620.00	12.00	2610.00	1000.00	1610.00
12	4600.00	254.00	4350.00	12.20	4340.00	1000.00	3340.00
Stor	2100000	190000	1910000	7660	1900000	705000	1230000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: CLACKAMAS R @ mouth

Water Availability Subbasin: 0102000000000000

Time: 09:44

Date: 09/20/1999

ISWRs							
APP #	-90206A	80A	0	0	0	RESULTANT	
STATUS	Scenic WW	Cert.					
1	1000.00	640.00	.00	.00	.00	1000.00X	
2	1000.00	640.00	.00	.00	.00	1000.00X	
3	1000.00	640.00	.00	.00	.00	1000.00X	
4	1000.00	640.00	.00	.00	.00	1000.00X	
5	1000.00	640.00	.00	.00	.00	1000.00X	
6	1000.00	640.00	.00	.00	.00	1000.00X	
7	1000.00	400.00	.00	.00	.00	1000.00X	
8	890.00	400.00	.00	.00	.00	890.00X	
9	890.00	640.00	.00	.00	.00	890.00X	
10	1000.00	640.00	.00	.00	.00	1000.00X	
11	1000.00	640.00	.00	.00	.00	1000.00X	
12	1000.00	640.00	.00	.00	.00	1000.00X	

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Exceedance Level: 50

Stream: EAGLE CR @ mouth

Water Availability Subbasin: 010230000000000000

ID Number: 96

Time: 09:44

Date: 09/20/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	522.00	.13	522.00	.01	522.00	125.00	397.00
2	435.00	.12	435.00	.01	435.00	125.00	310.00
3	345.00	.11	345.00	.01	345.00	125.00	220.00
4	416.00	.16	416.00	.01	416.00	125.00	291.00
5	368.00	.82	367.00	.02	367.00	125.00	242.00
6	181.00	1.26	180.00	.04	180.00	100.00	80.00
7	63.30	2.32	61.00	.06	60.90	100.00	-39.10
8	31.20	1.86	29.30	.05	29.30	40.00	-10.70
9	28.70	.69	28.00	.03	28.00	40.00	-12.00
10	36.50	.16	36.30	.00	36.30	40.00	-3.70
11	245.00	.11	245.00	.00	245.00	125.00	120.00
12	603.00	.13	603.00	.01	603.00	125.00	478.00
Stor	196000	471	196000	15	196000	71600	128000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: EAGLE CR @ mouth

Water Availability Subbasin: 010230000000000000

Time: 09:44

Date: 09/20/1999

ISWRs						
APP #	96A	0	0	0	0	RESULTANT
STATUS	Cert.					
1	125.00	.00	.00	.00	.00	125.00C
2	125.00	.00	.00	.00	.00	125.00C
3	125.00	.00	.00	.00	.00	125.00C
4	125.00	.00	.00	.00	.00	125.00C
5	125.00	.00	.00	.00	.00	125.00C
6	100.00	.00	.00	.00	.00	100.00C
7	100.00	.00	.00	.00	.00	100.00C
8	40.00	.00	.00	.00	.00	40.00C
9	40.00	.00	.00	.00	.00	40.00C
10	40.00	.00	.00	.00	.00	40.00C
11	125.00	.00	.00	.00	.00	125.00C
12	125.00	.00	.00	.00	.00	125.00C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Exceedance Level: 50

Stream: N FK EAGLE CR @ mouth

Water Availability Subbasin: 0102310000000000

ID Number: 138

Time: 09:44

Date: 09/20/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	160.00	.03	160.00	.00	160.00	45.00	115.00
2	133.00	.03	133.00	.00	133.00	45.00	88.00
3	104.00	.02	104.00	.00	104.00	45.00	59.00
4	119.00	.02	119.00	.00	119.00	45.00	74.00
5	98.20	.10	98.10	.00	98.10	45.00	53.10
6	41.20	.15	41.00	.00	41.00	30.00	11.00
7	13.80	.28	13.50	.00	13.50	20.00	-6.50
8	6.68	.22	6.46	.00	6.46	10.00	-3.54
9	6.81	.09	6.72	.00	6.72	10.00	-3.28
10	9.67	.02	9.65	.00	9.65	10.00	-.35
11	71.50	.02	71.50	.00	71.50	45.00	26.50
12	183.00	.03	183.00	.00	183.00	45.00	138.00
Stor	56700	61	56600	0	56600	23700	33800

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: N FK EAGLE CR @ mouth

Water Availability Subbasin: 0102310000000000

Time: 09:44

Date: 09/20/1999

ISWRs						
APP #	138A	0	0	0	0	RESULTANT
STATUS	Cert.					
1	45.00	.00	.00	.00	.00	45.00C
2	45.00	.00	.00	.00	.00	45.00C
3	45.00	.00	.00	.00	.00	45.00C
4	45.00	.00	.00	.00	.00	45.00C
5	45.00	.00	.00	.00	.00	45.00C
6	30.00	.00	.00	.00	.00	30.00C
7	20.00	.00	.00	.00	.00	20.00C
8	10.00	.00	.00	.00	.00	10.00C
9	10.00	.00	.00	.00	.00	10.00C
10	10.00	.00	.00	.00	.00	10.00C
11	45.00	.00	.00	.00	.00	45.00C
12	45.00	.00	.00	.00	.00	45.00C

Clackamas River Subbasin

690-502-140 The Clackamas Subbasin includes the drainage area of the Clackamas River upstream from the confluence with the Willamette River near Gladstone. Surface water classification:

(1) The following streams and tributaries are withdrawn, by order of the State Engineer, from further appropriation, unless otherwise specified:

(a) Memaloose Creek and South Fork Clackamas River for the exclusive use of the cities of Oregon City and West Linn, by order dated January 16, 1931. Limited licenses shall not be issued for the use of the waters of the South Fork Clackamas River or tributaries;

(b) Wade Creek, tributary to the Clackamas River near River Mill Dam, by order dated May 19, 1952. Limited licenses shall not be issued for the use of water from Wade Creek or tributaries;

(c) Currin Creek, tributary to Eagle Creek by order dated September 22, 1950. Limited licenses shall not be issued for the use of water from Currin Creek or tributaries.

(2) The Clackamas River from the boundary of the Olallie Lake Scenic Area at about river mile 82 downstream to the North Fork Reservoir and from River Mill Dam downstream to Carver Bridge, the North Fork Clackamas River from its headwaters downstream to North Fork Reservoir, and the South Fork Clackamas River from its confluence with an unnamed tributary near the western boundary of Section 7, Township 5 South, Range 5 East, downstream to its mouth, are designated state scenic waterways. The Clackamas River and tributaries from the headwaters to North Fork Dam near river mile 30 are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

(3) The Clackamas River main stem from North Fork Dam near river mile 30 downstream to the mouth is classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, municipal, livestock and public instream uses from July 1 through October 30.

(4) Except as provided in sections (1), (2) and (5) of this rule, the tributaries of the Clackamas River are classified for domestic, livestock, irrigation, municipal, power, fish life, wildlife, recreation, industrial, agricultural, commercial, pollution abatement, wetland enhancement and public instream uses from November 1 through May 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from June 1 through October 31.

WRONG CLASSIFICATION
SHOULD BE 690 502 040 (4)(a)

(5) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses:

- (a) Fish Creek tributary to Clackamas River;
- (b) Foster Creek tributary to Clackamas River;
- (c) Wash Creek tributary to Fish Creek;
- (d) Eagle Creek tributary to Clackamas River;
- (e) Clear Creek tributary to Clackamas River;
- (f) Richardson Creek tributary to Clackamas River;
- (g) Rock Creek tributary to Clackamas River;
- (h) Deep Creek tributary to Clackamas River.

(6) The waters of natural lakes with surface elevations above 3,000 feet mean sea level are classified only for domestic, excluding irrigation of lawn and noncommercial garden, livestock and public instream uses. No storage shall be allowed on these lakes.

46-04

SEE MAP 3 SE 3

SEE MAP 3 SE 1

25500

RECEIVED

JUL 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON

J. Hooper
49897 SE. Wildcat Mt. Dr.
Sandy, OR 97055

DAM LOCATED
FROM SE CORNER
3350' NORTH &
725' WEST

26500

SEE MAP 3 SE

3 SE 2

JUL 12 1999 BOOK 33

SEE MAP 3 5E 3

46-04

25500

26500

RECEIVED

JUL 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON

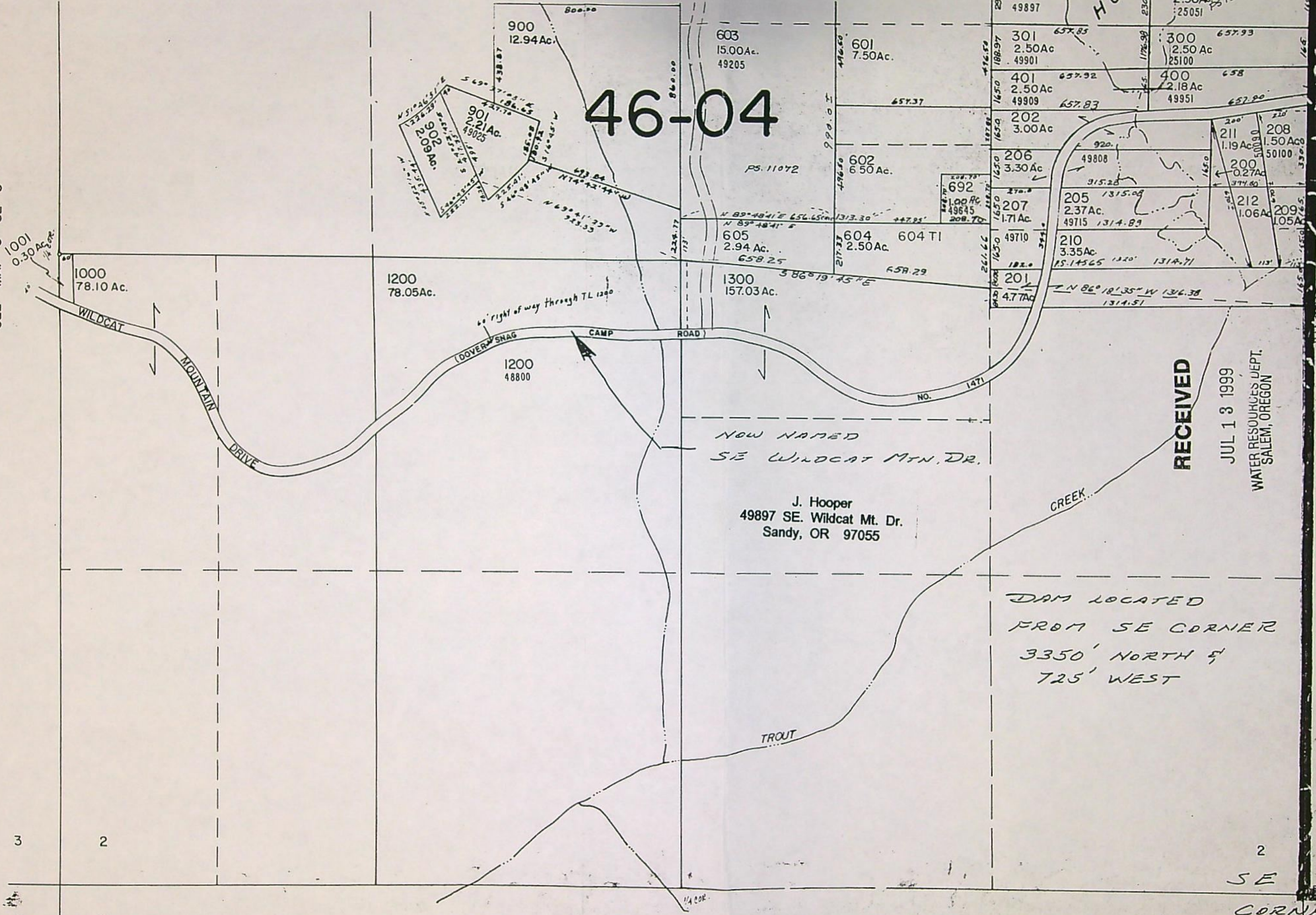
J. Hooper
49897 SE Wildcat Mt. Dr.
Sandy, OR 97055

DAM LOCATED
FROM SE CORNER
3350' NORTH &
725' WEST

SEE MAP 3 5E

3 5E 2

JUL 12 1999 BOOK 33



APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: R-84203

Applicant: HOPE LAKE PROPERTY OWNERS; HOOPER, JIM

County: CLACKAMAS

Watermaster: District 20

Priority Date: July 13, 1999

Source: AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK

Use: RECREATIONAL USE

Quantity: 62.1 ACRE-FEET

Basin Name & Number: Willamette #02

Stream Index Reference: Volume 2 CEDAR CR & MISC

Point of Diversion Location: SENE, SECTION 2, T 3S, R5E, W.M.; 3350 FEET NORTH & 725
FEET WEST FROM SE CORNER, SECTION 2

Place of Use: NENE SENE, SECTION 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, October 19, 1999

PUBLIC NOTICE DATE: Tuesday, October 26, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, November 25, 1999



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 5, 1999

HOPE LAKE PROPERTY OWNERS;
JIM HOOPER
49897 SE WILDCAT MTN DR
SANDY, OREGON 97055

(503)668-0937

Reference: File R-84203

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK for STORAGE FOR RECREATIONAL USE is **allowable** under OAR 690-502-140(4), the Willamette Basin Program.
3. Water in the amount of 62.1 ACRE-FEET for STORAGE FOR RECREATIONAL USE is **available** November 1 through June 30.

Summary of Initial Determinations

The use of 62.1 ACRE-FEET from AN UNNAMED STREAM, A TRIBUTARY OF TROUT CREEK for STORAGE FOR RECREATIONAL USE is only allowable from November 1 through June 30 of each year.



Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, October 19, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. 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.
2. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The

permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

3. 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.

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

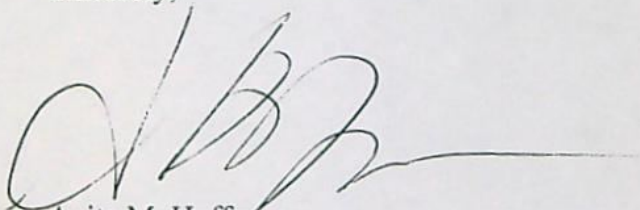
4. You will be required to comply with state and federal water quality standards.

5. The priority date for this application is July 13, 1999.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

Sincerely,



Anita M. Huffman
Water Rights Specialist

cc: Regional Manager, Watermaster District 20, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

R-84203
wab 03-010231
pou 03-010231
gw

Application No.

R-84203

RECEIVED

JUL 13 1999

RECEIVED

JUN 25 1999

WATER RESOURCES DEPT.
SALEM, OREGONWATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) HOPE LAKE PROPERTY OWNERS (JIM HOOPER)
(Please print or type - use dark ink)Mailing Address: 49897 SE. WILDCAT MTN. DR.
SANDY OR 97055 (503) 668-0937
City State Zip Daytime Phone No.I (We) make application for a permit to construct HOPE LAKE reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: AN UNNAMED,
a tributary of TROUT CREEK.
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 9 1/2 feet above stream bed or ground surface at the centerline.
The dam will be (check one) ☒ earthfill, _____ concrete, _____ flashboard, _____ other.
If "other" give description: _____

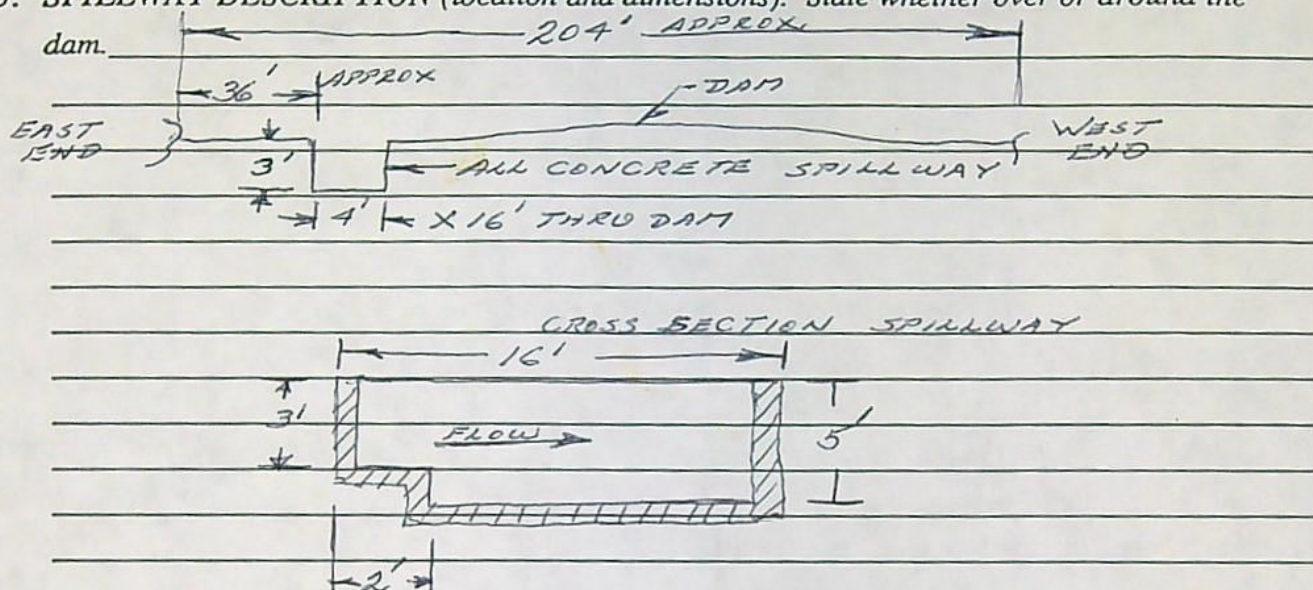
Give the location, description, and dimensions of the outlet conduit: THE RESERVOIR CAN BE DRAINED BY A 10" Ø PIPE AT THE BOTTOM OF THE DAM. NORMAL FLOW THRU THE DAM IS THRU THE SPILLWAY (SEE #5)

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: FISHING, SWIMMING,
NON-MOTORIZED BOATING AND THE TRANQUILITY OF
THE PROPERTY OWNERS.

4. THE AMOUNT OF WATER to be stored is: 62.1 EST. acre-feet.
The area submerged by the reservoir, when filled, will be 10.35 acres,
and the maximum depth of water will be 12 EST. feet.

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



6. PROJECT SCHEDULE: (List month and year) EXISTING

Proposed date construction work will begin _____

Proposed date construction work will be completed _____

Proposed date water use will be completed _____

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)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? NO. 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.

REMARKS: ALL HOPE LAKE PROPERTY OWNERS ARE APPLYING FOR WATER RIGHTS. THEIR SIGNATURES APPEAR BELOW.

ALLEN & DENNA FLESHMAN 49205 SE WILDCAT MTN. DR., SANDY, OR 97055

MARIL HASKO 25051 HILTON LANE, SANDY, OR 97055

JAMES & JOAN HOOPER 49897 SE WILDCAT MTN. DR., SANDY, OR 97055

RUBY HUDSON 25100 HILTON LANE, SANDY, OR 97055

KENNETH JANSSENS 49951 SE WILDCAT MTN. DR. SANDY, OR 97055

MATT & TANA PHEMESTER 4904 NE 112TH PORTLAND, OR 97220

GLENN & JEAN SEVERNS 49909 SE WILDCAT MTN. DR. SANDY, OR 97055

9. If you answered "NO" to question #8 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES ✓ NO

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Signature ALLEN & DENNA FLESHMAN *T.L. 100/190 Date

Signature MARIL HASKO *T.L. 203

Date

6-11-99

Signature JAMES & JOAN HOOPER *T.L. 204

6/7/99

Signature RUBY HUDSON

6/16/99

RUBY HUDSON *T.L. 300

Signature K JANSSENS *T.L. 400 6/23/99

Signature MATT & TANA PHEMESTER *T.L. 301

Signature GLENN & JEAN SEVERNS *T.L. 401 6/9/99

LOCATION OF RESERVOIR IS CLACKAMAS COUNTY
SECTION 2 T. 3S. R. 5E. W.M.

*T.L. = TAX LOT

RECEIVED

JUL 13 1999

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 13th day of July, 1999, at 8 o'clock, AM.

APPLICATION NO: R 84203 PERMIT NO: _____

SECTION 2 T.3S. R.5E. W.M.
CLACKAMAS COUNTY

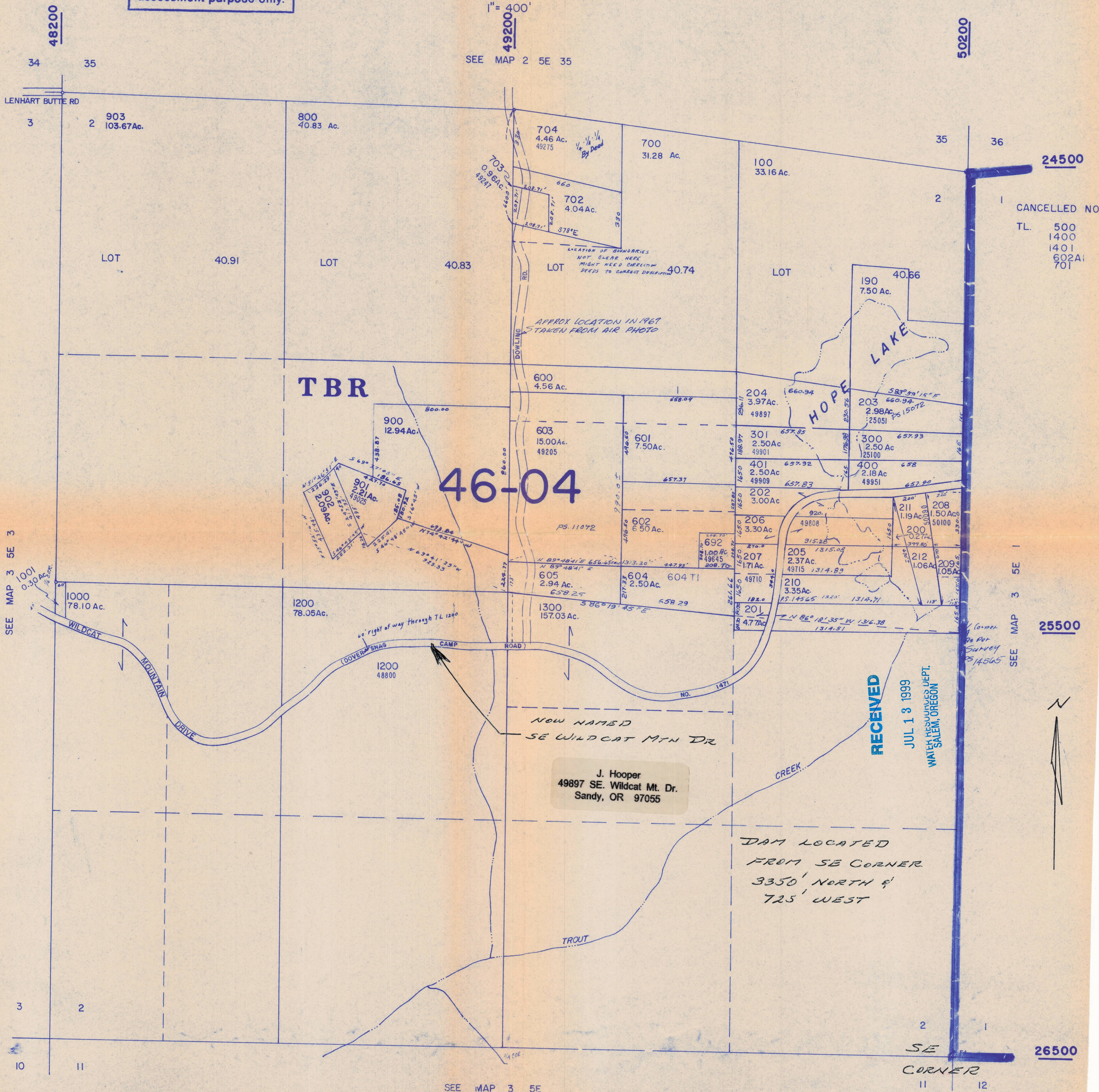
Application No. 84205
Permit No.

3 5E 2

This map was prepared for
assessment purpose only.

1" = 400'

SEE MAP 2 5E 35



CLACKAMAS COUNTY

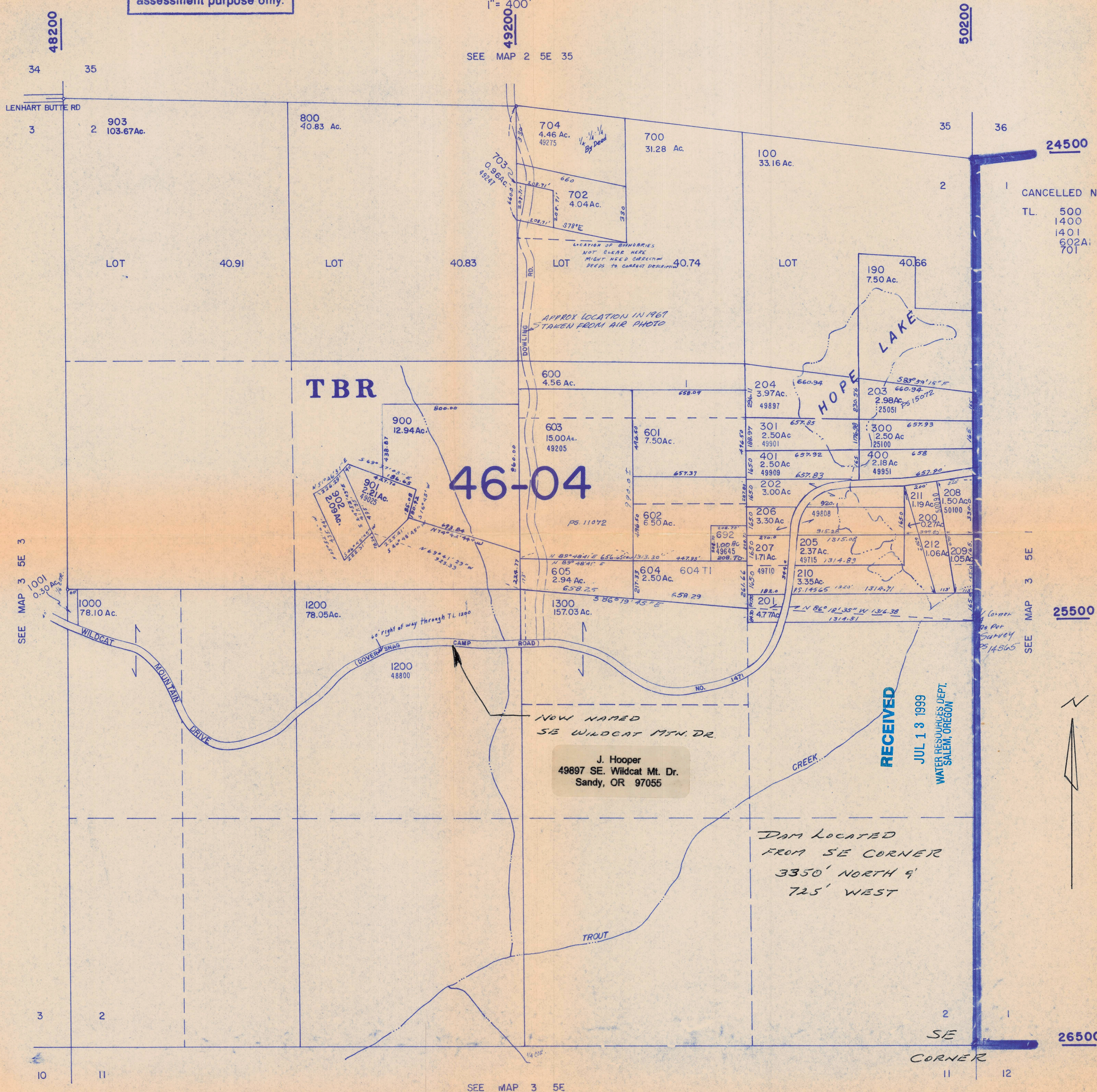
Application No. 12-84203

Permit No.

**This map was prepared for
assessment purpose only.**

$$1'' = 400'$$

SEE MAP 2 5E 35



////////////////////////////////////
/ ATTENTION /
/ WATER RIGHTS SECTION!!! /
////////////////////////////////////

The following point of diversions may have been filed on a restricted stream

Application	Stream	Restriction
G 15010	COOL CR > MILL CR	WDN ORS 538.220/230
R 84203	CEDAR CR > SANDY R	WTHDRWN ORS 538.251

Application No. 2-84203

Permit No. _____

Oregon Water Resources Department
Land Use Information Form

RECEIVED

JUN 25 1999

WATER RESOURCES DEPT.
SALEM, OREGON

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, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. ApplicantName: HOPE LAKE PROPERTY OWNERS (JIM HOOPER)Address: 49897 SE WILDCAT MTN. DR.

(503)

City: SANDY State: OR Zip: 97055 Day Phone: 668-0937**B. Land and Location**

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>355E2</u>	<u>TBR/Timber</u>	☐ Diverted	☐ Conveyed	☒ Used
<u>Tax Lots</u>		☐ Diverted	☐ Conveyed	☐ Used
<u>100, 190,</u>		☐ Diverted	☐ Conveyed	☐ Used
<u>203, 204,</u>		☐ Diverted	☐ Conveyed	☐ Used
<u>300-301,</u>				
<u>400, 401,</u>				

List counties and cities where water is

proposed to be diverted, conveyed, or used. CLACKAMAS**C. Description of Water Use**

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): RECREATION & AESTHETIC VALUE

Briefly describe: LAKE DEVELOPED FOR FISHING, SWIMMING
NON-MOTORIZED BOATING AND THE TRANQUILITY OF
THE PROPERTY OWNERS

D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water UNNAMED TRIBUTARY
OF TROUT CREEK
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

62.1 ☐ CFS ☐ GPM ☒ Acre-Feet

For Local Government Use Only

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 or feel free to copy.

A. Allowed Use

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); 406. Go to section B "Approval" below

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Jennifer Hughes Date: 6/9/99

Title: Planner Phone: (503) 650-3492

Signature: Jennifer Hughes

C. Additional Comments

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.

No commercial use of lake is approved. Approved for private use of residents, owners & nonpaying guests.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Application No. R-84203
Permit No.

ALLEN & DONNA FRESHMAN
TAX LOTS 100 & 190 COMBINED

THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ SEC. OF
SECTION 2 TOWNSHIP 35. RANGE 5
W.M.

49205 SE WILDCAT MTN. DR.
SANDY, OR. 97055

RECEIVED

JUL 13 1999
WATER RESOURCES DEPT.
SALEM, OREGON

STATUTORY WARRANTY DEED
(CONTINUED)

AL DESCRIPTION (Continued)

Order No.: 556933c

A tract of land situated in the Southeast one-quarter of the Northeast one-quarter of Section 2, Township 3 South, Range 5 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at an iron rod marking the Northwest corner of said legal subdivision; thence South 83° 59' 15" East along the North line of said legal subdivision, a distance of 660.94 feet to the Northeast corner of the West one-half of said legal subdivision, said point being the true point of beginning of the tract herein to be described; thence continuing South 83° 59' 15" East along the North line of said legal subdivision, a distance of 660.94 feet to the Northeast corner of said legal subdivision; thence South 0° 39' 31" West along the East line of said Section 2, a distance of 165.00 feet; thence North 89° 40' 47" West, a distance of 657.93 feet to a point in the East line of the West one-half of said legal subdivision; thence North 0° 37' 29" East along the East line of the West one-half of said legal subdivision, a distance of 230.56 feet to the true point of beginning.

RECEIVED

JUL 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON

MARK
HASKO

MARK HASKO

TAX LOT 203

25051 HILTON LANE

SANDY, OR 97055

Application No. 284203
Permit No.

STATE OF OREGON
County of Clackamas

I, John F. Kauffman, County Clerk for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

91 MAY 29 AM 10:27



Witness my hand and seal affixed
John F. Kauffman
JOHN F. KAUFFMAN
County Clerk
Recording Certificate
CCP-84 (Rev. 12/96)

91 24828

Application No. R-84203
Permit No.

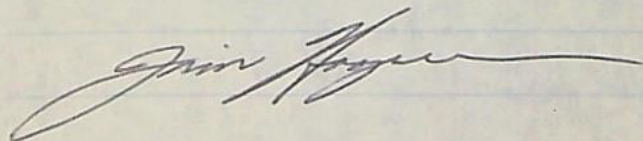
7/12/99

WATER RESOURCES DEPARTMENT
TO WHOM IT MAY CONCERN

AS REQUESTED I AM PROVIDING THE
ADDITIONAL INFORMATION.

PLEASE CONTACT GREG NELSON,
ASSISTANT WATERMASTER, DISTRICT 16.
I HAVE CONSULTED GREG, AND HE
HAS ADDITIONAL PERTINENT INFORMATION
CONCERNING THIS APPLICATION.

SINCERELY,



RECEIVED

JUL 13 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. *R-84203*
Permit No.

RECEIVED

JUL 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Loan Number: 1702375

JAMES S. LOAN HOOPER Date: 3/24/97

Property Address: 49897 SE WILDCAT MOUNTAIN DRIVE
SANDY, OR 97055

TAX LOT 204

EXHIBIT 'A'
LEGAL DESCRIPTION

APN #

956601

A tract of land situated on the Southeast one-quarter of the Northeast one-quarter of Section 2, Township 3 South, Range 5 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at an iron rod marking the Northwest corner of said legal subdivision; thence South 83°59'15" East along the North line of said legal subdivision, a distance of 660.94 feet to the Northeast corner of the West one-half of said legal subdivision; thence South 0°37'29" West along the East line of the West one-half of said legal subdivision, a distance of 230.56 feet; thence North 89°40'47" West, a distance of 657.85 feet to a point in the West line of said legal subdivision; thence North 0°35'33" East along the West line of said legal subdivision, a distance of 296.11 feet to the point of beginning.

12 Application No.
Permit No.

R-41203

Western Title Company

STATUTORY WARRANTY DEED
(Individual or Corporate)

RECEIVED

JUL 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Standard Federal Savings and Loan Association
grantor, conveys and warrants to Eugene D. Hudson and
Ruby M. Hudson, husband and wife
grantee, the following described real property, free and clear of encumbrances except as specifically set forth
herein, situated in the county of Clackamas, State of Oregon, to wit:

TAX LOT 300
25100 HILTON LANE
PARCEL I: SANDY, OR 97055

A tract of land situated in the Southeast one-quarter of the Northeast one-quarter of Section 2, Township 3 South, Range 5 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at an iron rod marking the Northwest corner of the Southeast one-quarter of the Northeast one-quarter of said Section 2; thence South 0 degrees 35'33" West along the West line of said Southeast one-quarter of the Northeast one-quarter of said Section 2, a distance of 296.11 feet; thence South 89 degrees 40'47" East a distance of 657.85 feet to a point in the East line of the West one-half of said legal subdivision, said point being the true point of beginning of the tract to be described; thence South 89 degrees 40'47" East a distance of 657.93 feet to a point in the East line of said Section 2 and said point being the Southeast corner of that tract conveyed to James E. Flynn, et ux, by deed recorded June 24, 1977, Fee No. 77-24684, Deed Records, which point bears South 0 degrees 39'31" West, a distance of 165.00 feet from the Northeast corner of said legal subdivision; thence South 0 degrees 39'31" West along the East line of said Section 2 a distance of 165.00 feet, to the Northeast corner of that tract of land conveyed to James D. Bates, et ux, by deed recorded August 28, 1979, Fee No. 79-37572, Deed Records; thence South 89 degrees 16'36" West along the North line of said Bates tract, a distance of 658.00 feet to a point in the East line of the West one-half of said legal subdivision; thence North 0 degrees 37'29" East along said East line a distance of 176.98 feet to the true point of beginning.

PARCEL II:

An easement for ingress and egress 20 feet in width as conveyed to Newell C. Fancher, et ux, by instrument recorded on February 17, 1965 in Book 653, Page 195, Deed Records, described as follows:

The Easterly 20 feet of the following described Parcel of land lying adjacent and parallel to the Easterly boundary line thereof:

A tract of land in the Southeast one-quarter of the Northeast one-quarter of Section 2, Township 3 South, Range 5 East, Willamette Meridian, Clackamas County, State of Oregon, more particularly described as follows:

87 33081

Beginning at the Southwest corner of said Southeast one-quarter of the Northeast one-quarter; thence North along the West line of said Southeast one-quarter of the Northeast one-quarter, 825 feet to the point of beginning; thence continuing North along the said West line, 165 feet to a point; thence East along a line parallel with the South line of said Southeast one-quarter of the Northeast one-quarter, 1320 feet to a point in the East line thereof; thence South along the East line of said Southeast one-quarter of the Northeast one-quarter, 165 feet to a point; thence West, 1320 feet to the point of beginning.

Application No. R-84203

Permit No.

LEGAL DESCRIPTION

A tract in the Southeast one-quarter of the Northeast one-quarter of Section 2, Township 3 South, Range 5 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at an iron rod marking the Northwest corner of said legal subdivision; thence South 0° 35' 33" West along the West line of said legal subdivision, a distance of 485.08 feet; thence North 89° 16' 36" East a distance of 657.92 feet to the true point of beginning of a tract herein to be described, said point being the Northeast corner of that tract of land sold on contract to Beverly A. Colosky, recorded September 23, 1971, Recorder's Fee No. 71-27652, Clackamas County Deed Records; thence North 89° 16' 36" East a distance of 658.00 feet to a point in the East line of said Section 2, which point bears South 0° 39' 31" West a distance of 330.00 feet from the Northeast corner of said legal subdivision; thence South 0° 39' 31" West along the East line of said Section 2, a distance of 165.00 feet; thence South 89° 16' 36" West a distance of 657.90 feet to a point, said point being in Southeast corner of said Colosky tract; thence North 0° 37' 29" East along said East line, a distance of 165.00 feet to the true point of beginning.

EXCEPT that portion conveyed to Ed Cornwell, by deed recorded August 30, 1979, Fee No. 7938135.

KENNETH JANSENS

TAX LOT 400

49951 SE WINDCAT MTN. DR.

SANDY, OR 97055

RECEIVED

JUL 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON

2

STATE OF OREGON } ss.
County of Clackamas }
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

92 NOV 12 PM 3:35



Witness my hand and seal affixed

John Kauffman
JOHN KAUFFMAN
County Clerk

Recording Certificate
CCP-94 (Rev. 8-7)

92 72269

Application No. *2-84703*

Permit No.

 TICOR TITLE INSURANCE

Report No. C642990

LEGAL DESCRIPTION

PARCEL 1: A tract of land situated in the Southeast one-quarter of the Northeast one-quarter of Section 2, Township 3 South, Range 5 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at an iron marking the Northwest corner of said legal subdivision; thence South 0° 35' 33" West along the West line of said legal subdivision a distance of 296.11 feet to the true point of beginning of the tract herein to be described; thence South 39° 40' 47" East a distance of 657.85 feet to a point in the East line of the West one-half of said legal subdivision; thence South 0° 37' 29" West along said East line a distance of 176.98 feet; thence South 89° 19' 36" West, a distance of 657.92 feet to a point in the West line of said legal subdivision; thence North 0° 35' 33" East along the West line of said legal subdivision a distance of 188.97 feet to the true point of beginning.

PARCEL 2: TOGETHER WITH an easement for roadway and utility purposes as described in Agreement, recorded September 28, 1977, Recorder's Fee No. 77 39316.

MATT & TANA PHEMESTER

TAX LOT 301

4304 NE 112TH

PORTLAND, OR 97055

RECEIVED

JUL 13 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

STATE OF OREGON **96-025548**
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 34481 \$30.00
DATE AND TIME: 04/11/96 03:43 PM
JOHN KAUFFMAN, COUNTY CLERK

2

DEED OF TRUST

THIS DEED OF TRUST is made this 18th day of September, 1979, among the Grantor, GLENN EDWARD SEVERNS and JEAN ANN SEVERNS, husband and wife (herein "Borrower"), PIONEER NATIONAL TITLE INSURANCE COMPANY, a California corporation (herein "Trustee"), and the Beneficiary, OREGON PIONEER SAVINGS AND LOAN ASSOCIATION, a corporation organized and existing under the laws of the State of Oregon, whose address is 401 S. W. 5th Avenue, Portland, Oregon 97204 (herein "Lender").

BORROWER, in consideration of the indebtedness herein recited and the trust herein created, irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the County of Clackamas, State of Oregon:

Part of the Southeast one-quarter of the Northeast one-quarter of Section 2, Township 3 South, Range 5 East, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at the Southwest corner of said legal subdivision thence North along the West line thereof 905.70 feet to the Southwest corner of that tract conveyed to Richard L. Derry, et ux, by deed recorded November 12, 1968 as Recorder's Fee No. 68-23083, Clackamas County Records and the true point of beginning of the tract herein to be described; thence east along the South line of said Derry tract a distance of 657.82 feet to the Southeast corner thereof; thence South along the East line of the West one-half of aforesaid legal subdivision 165 feet; thence West parallel with the South line of aforesaid Derry tract 657.72 feet to a point on the West line of aforesaid legal subdivision; thence north along the west line of said legal subdivision 165 feet to the true point of beginning.

RECEIVED

JUL 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON

GLENN & JEAN SEVERNS
TAX LOT 401

which has the address of 49909 S. E. Wildcat Mountain Drive, Sandy, Oregon 97055 (herein "Property Address");
(Street) (City) (State and Zip Code)

TOGETHER with all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents (subject however to the rights and authorities given herein to Lender to collect and apply such rents), royalties, mineral, oil and gas rights and profits, water, water rights, and water stock, and all fixtures now or hereafter attached to the property, all of which, including replacements and additions thereto, shall be deemed to be and remain a part of the property covered by this Deed of Trust; and all of the foregoing, together with said property (or the leasehold estate if this Deed of Trust is on a leasehold) are herein referred to as the "Property";

TO SECURE to Lender (a) the repayment of the indebtedness evidenced by Borrower's note dated September 18, 1979 (herein "Note"), in the principal sum of SIXTY THOUSAND AND NO/100ths Dollars, with interest thereon, providing for monthly installments of principal and interest, with the balance of the indebtedness, if not sooner paid, due and payable on March 1, 2010; (b) the payment of all other sums, with interest thereon, advanced in accordance herewith to protect the security of this Deed of Trust; and the performance of the covenants and agreements of Borrower herein contained; and (c) the repayment of any future advances, with interest thereon, made to Borrower by Lender pursuant to paragraph 21 hereof (herein "Future Advances").

Borrower covenants that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property, that the Property is unencumbered, and that Borrower will warrant and defend generally the title to the Property against all claims and demands, subject to any declarations, easements or restrictions listed in a schedule of exceptions to coverage in any title insurance policy insuring Lender's interest in the Property.



Oregon

John A. Kitzhaber, M.D., Governor

Application No. 2- 84203

Permit No.

Water Resources Department

Commerce Building

158 12th Street NE

Salem, OR 97310-0210

(503) 378-3739

FAX (503) 378-8130

HOPE LAKE PROPERTY OWNERS
49897 SE WILDCAT MTN DR
SANDY, OR 97055

The Water Resources Department has received your application to use or store water. At this time we are unable to accept your application because it does not meet minimum filing requirements.

RECEIVED

Please provide the following information checked below:

JUL 13 1999

WATER RESOURCES DEPT
SALEM, OREGON

- ☐ Complete the enclosed application form or page _____.
- ☐ A completed land-use information form that has been signed by the local planning department officials.
- ☒ ☒ A metes and bounds legal description ^{all} of the property where you plan to use the water. You may use a copy of your deed, land sales contract or title insurance policy. Do not send a copy of the tax assessor bill.
- ☐ Complete the enclosed form _____.
- ☐ The name and mailing address of the owner of any lands that are not owned by the applicant and that is crossed by the proposed ditch, canal or other works of the applicant. This includes public roads and rights-of-way.
- ☒ ☒ Examination fees of \$ 403⁰⁰. Please refer to the fee worksheet enclosed.
- ☐ Complete the well information or submit a well log for the well(s) indicated on the application. You may wish to consult with a well constructor for assistance with completing this information if the well has not been constructed yet.

☒ ☒ Other: **NO SEE REMARKS #8**
Is there a Hope Lake Homeowners Assn. or is the
application to be in all homeowner names?
please clarify.

☒ ☒ Please provide the following information with regard to your map:

- ☐ The map must be drawn in ink. Please do not use highlighter pens.

✓~~X~~

The map is larger than 11"X 17". Four copies must be submitted, or it must be drawn on tracing linen, tracing velum or Mylar.

Do not use Aerial photos please. Tax maps are best.

☐ The scale of the map must be a standard, even scale of not less than 4 inches to a mile, and must be indicated on the map. (A tax assessor map is generally the best map to provide for the requirements.)

☐ The North directional symbol must be indicated on the map.

✓~~X~~

The location of each diversion point, well or dam must be referenced to a recognized public land survey corner; **do not measure from property lines unless they are part of the public land survey lines.** The locations may be shown by distance and bearing or by coordinates (EX: "400 feet south and 350 feet west of the Northeast corner of section 27").

☐ The location of main canals, ditches, pipelines or flumes.

☐ The location of the place where water is to be used identified by **tax lot, township, range, section and nearest quarter-quarter section.** If the use is domestic, please show the location of the house to be served. For municipal or quasi-municipal, please show the service boundary on the map.

☐ The area to be irrigated in each quarter-quarter section shall be indicated by shading or hatchuring and **the number of acres in each quarter-quarter section**, donation land claim, government lot or other recognized public land survey lines must be indicated.

☐ Other: _____

Your application and supporting data are being returned. We can begin processing your application when the information noted above is received.

If you have any questions about the application procedure, you may call the Water Rights Information Group at (503) 378-8455 extension 499 or toll-free in Oregon at 1-800-624-3199 ext. 499.

cc: WM DIST 16
GEN CORR
FISCAL

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **31217**

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

INVOICE # _____

RECEIVED FROM: Joan Rye Hooper
BY: _____

APPLICATION	R-84203
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 24.750 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$403.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

PLAT # 66111

EXAM FEE

\$403.00

\$

\$

EXAM FEE

\$

\$

RECORD FEE

0202

0204

0206

0219

0220

\$
\$
\$
\$
\$
\$
\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD #	
CARD #	

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

\$
\$
\$

RECEIPT #

31217

DATED: 7-13-99

BY: *Roger Wright*

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **38250**

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

INVOICE # _____

RECEIVED FROM: Jean Raye Hooper

BY: James John Hooper

APPLICATION	R-84203
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X24-7588 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 175.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$ _____

PUBLICATIONS / MAPS

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

OTHER: (IDENTIFY) _____

\$ _____

REDUCTION OF EXPENSE

CASH ACCT.

\$ _____

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: (IDENTIFY) _____

\$ _____

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ _____

0202

RECORD FEE

\$ 175.00

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

\$ _____

0206

\$ _____

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$ _____

0219

LICENSE FEE

\$ _____

LANDOWNER'S PERMIT

0220

\$ _____

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD #

0210 MONITORING WELLS

\$ _____

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$ _____

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ _____

HRDRO APPLICATION

\$ _____

RECEIPT # **38250**

DATED: 6/14/00

BY: Pamela C. Cunniff

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

RECEIVED

JUN 14 2000

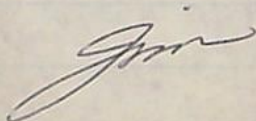
6/13/00

WATER RESOURCES DEPT.
SALEM, OREGON

OREGON WATER RESOURCES DEPT.
WATER RIGHTS DIVISION

ENCLOSED FIND CHECK #3381 IN THE AMOUNT
OF \$175⁰⁰ FOR FINAL ORDER PERMIT
RECORDING FEES OF WATER RIGHTS
APPLICATION #R-84203.

J. Hooper
49897 SE Wildcat Mt. Dr.
Sandy, OR 97055



FILE#: R 84203

HOPE LAKE PROPERTY OWNERS; HOOPER, JIM
49897 SE WILDCAT MTN DR
SANDY, OR 97055

FILE#: R 84203

HOPE LAKE PROPERTY OWNERS; HOOPER, JIM
49897 SE WILDCAT MTN DR
SANDY, OR 97055