

R7

Name R-87487
 By ALLDEVALE PROPERTIES, LLC
 Address 25571 SOUTH BARLOW RD
CANBY OR 97013

Application No. R 87487 RT FEES PAID

Permit No. _____

Certificate No. _____

Date	Amount	Receipt No.
<u>6-30-09</u>	<u>300⁰⁰</u>	<u>96961</u>
<u>9-30-10</u>	<u>400⁰⁰</u>	<u>101141</u>
	Cert. Fee	

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEES REFUNDED

Date	Amount	Receipt No.

CIS

Priority 6-30-2009

County CLACK WM# 20

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address

DEVELOPMENT

Date

Completion 10-7-2015

Extended to _____

Final Proof received _____

Proposed Cert. Mailed _____

REMARKS _____

MAP LOCATION _____

NEEDS DATE STAMP ON
ALL PAGES.

RECEIVED

JUN 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

K/

Received by OWRD

NOV 11 2024

Salem, OR

Ressler, Ted

From: WACKER Gregory J * WRD <gregory.j.wacker@water.oregon.gov>
Sent: Friday, November 1, 2024 9:32 AM
To: Ressler, Ted
Subject: RE: Outlet condition for alternate reservoirs

Good morning Ted,

The method described would meet the requirements for Alternate Reservoir flow passage and evacuation of water when necessary. The 8" culvert is considered a minimum standard if no other means of passing flow is present.

Thanks,

Greg Wacker

Watermaster, District 16
Oregon Water Resources Department
725 Summer St NE Ste A Salem, OR 97301 | 971-719-6262



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Ressler, Ted <tressler@summitwr.com>
Sent: Wednesday, October 30, 2024 8:07 AM
To: WACKER Gregory J * WRD <gregory.j.wacker@water.oregon.gov>
Subject: Outlet condition for alternate reservoirs

You don't often get email from tressler@summitwr.com. [Learn why this is important](#)

Hi Greg

I'm working with Willamette Nurseries on the nursery's water rights associated with two existing alternate reservoirs, [Permit R-14882](#) and [Permit R-14883](#). Both of these permits include the same condition regarding the need for an outlet pipe, or other means as approved by the Department, to allow evacuation of water from the reservoir.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

I reached out to Tony Janicek earlier this week regarding what the Department may accept as "other means" for evacuating water, and he suggested that I route my inquiry through you as the reservoirs are located in your district.

The design of both reservoirs include a concrete outlet structure with an integrated storage board rack. Incremental removal of the storage boards from the outlet structure allows stored water to be drained from each reservoir down to dead pool storage level. The dead pool storage would be evaluated by pump. The combination of the storage board rack and the pump allows the nursery to evacuate all water from each reservoir. The question is if this described means

for evacuating water from the reservoirs is acceptable to the Department. I have additional details regarding the reservoirs, outlets, and the pumps used for each reservoir that I can share if needed.

Please let me know if there are questions, or if you would like to schedule a time for a call for further discussion.

Thanks

Ted

Theodore R. Ressler, RG, CWRE, PG

Hydrogeologist and Water Resources Consultant

Summit Water Resources, LLC

a Geo-Logic Company

4784 SE 17th Avenue, Suite 111, Portland, OR 97202

Office: 503-967-7050 | Mobile: 503.701.4535

tressler@summitwr.com | [bio](#) | [LinkedIn](#)

www.summitwr.com | www.geo-logic.com

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RECEIVED BY OWRD

NOV 01 2013

SALEM, OR

TRANSMITTAL LETTER

To: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Date: October 30, 2013

Attention: Water Rights Section

Job Number: 10032.001

RE: Application S-87905, Permit S-54386

We are sending:

Number of Copies	Date	Description
1	9/16/2010	Letter from Todd Alsbury (Oregon Department of Fish & Wildlife) to Aldevale Properties LLC Re: Water Right Applications R-87487 and R-87488

The above are transmitted as indicated below:

- | | | |
|-------------------------------------------------|--------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> For Signature | <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> As Requested |
| <input type="checkbox"/> For Review and Comment | <input type="checkbox"/> Other (see comments) | <input type="checkbox"/> Returned to You |

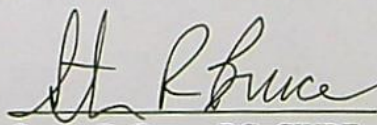
Delivery method:

- | | | |
|-----------------------------------------------|-----------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> U.S. Mail | <input type="checkbox"/> Overnight Mail | <input type="checkbox"/> Courier |
|-----------------------------------------------|-----------------------------------------|----------------------------------|

Comments: The attached letter from ODFW is intended to satisfy the condition in Permit S-54386 allowing the water user to submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary for use of the water. Please advise us as soon as possible if additional information is needed to satisfy the fish screening or by-pass device condition included in Permit S-54386.

cc. Mr. Devin Cooper; Aldevale
Properties LLC

Signed


Steven R. Bruce, RG, CWRE



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Northwest Region

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(971) 673-6000

FAX (971) 673-6070



September 16, 2010

Alldevale Properties, LLC.
25571 South Barlow Road
Canby, OR 97013

RE: Water Right Application #R-87487 & R-87488

Dear Mr. Cooper,

I am writing this letter in reference to Water Right Application #R-87487 & R-87488 in the name of Alldevale Properties, LLC. During a site visit on September 16, 2010, I inspected the existing reservoir and dam structure associated with Permit #1424 (Certificate #22820) on the unnamed tributary to Rock Creek for the need to provide fish passage and diversion screening. ODFW determined that native migratory fish were not currently nor were historically present in the unnamed tributary at or immediately below the existing reservoirs associated with both applications (R-87487 & R-87488). Therefore, ODFW does not require fish passage or diversion screening for use of the water from either reservoir.

Please let me know if you have any questions or need any further clarification.

Sincerely,

Todd Alsbury
District Fish Biologist
North Willamette Watershed District

Cc: Mike McCord, OWRD
Steve Bruce, Skookum Water Assoc.

RECEIVED BY OWRD

NOV 01 2013

SALEM, OR

Herb Mosgar

From: Devin Cooper [devin@canby.com]

Sent: Monday, June 20, 2011 12:55 PM

To: customerservice

Subject: Permits R-87488 and R-87487

To the Water Resources Department,

I am still working on my extension of time for these 2 permits and want to notify the Water Resources Department.

Thank you

Devin Cooper

Willamette Nurseries, Inc.

503-263-6405

STATE OF OREGON
COUNTY OF CLACKAMAS
PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ALLDEVALE PROPERTIES LLC
25571 S BARLOW RD
CANBY OR 97013

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

APPLICATION FILE NUMBER: R-87487

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY TO ROCK CREEK

STORAGE FACILITY: TAFFY'S POND

MAXIMUM VOLUME: 11.0 ACRE FEET

DATE OF PRIORITY: JUNE 30, 2009

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH JUNE 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	18	SE NE	1700 FEET SOUTH AND 1270 FEET WEST FROM NE CORNER, SECTION 18

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
5 S	1 E	WM	18	SW NE
5 S	1 E	WM	18	SE NE

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range between full reservoir level and dead-pool level must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall allow the watermaster access to the devices; provided however, where any 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.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted annual volume of water shall be stored within five years of the date of permit issuance.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Departmental standards.

Issued OCTOBER 7 2010.

E. Timothy Wall. for

Phillip C. Ward, Director
Water Resources Department

Mailing List for FO

Scheduled Mailing Date:

Application: R-87487

Permit: R-14882

Original mailed to Applicant with CBU form:

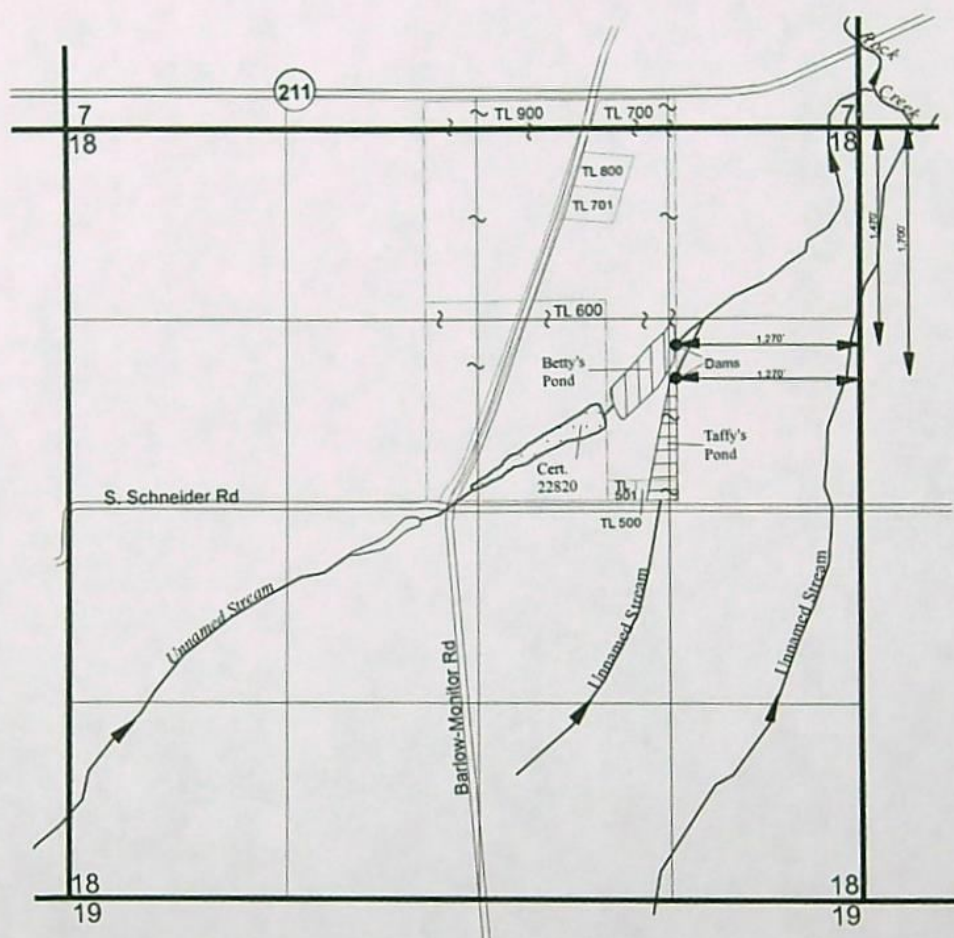
ALLDEVALE PROPERTIES LLC
25571 S BARLOW RD
CANBY OR 97013

Copies of FO and map sent to:

1. File R-87487
2. Water Availability (Ken Stahr)
3. Watermaster District 16

Copies Mailed	
by:	<u>JK</u> (STAFF)
on:	<u>10/8/10</u> (DATE)

T5S, R1E, Section 7 & 18, WM Clackamas County, Oregon Application Map



Proposed Places of Use

- Dam

Betty's Pond-
Proposed Place of Use
(13.0 acre-feet)

Taffy's Pond-
Proposed Place of Use
(11.0 acre-feet)

Existing Certificate

Certificate 22820

RECEIVED

JUN 30 2009

WATER RESOURCES DEPT
SALEM, OREGON



1 inch = 1,320 feet

THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR
LOCATIONS OF PROPERTY
OWNERSHIP LINES.

June 24, 2009

EnviroLogic Resources, Inc.
ENVIRONMENTAL WATER RESOURCES SCIENTISTS

FIGURE 1

ALLDEVALE
PROPERTIES, LLC

ORS 537.409 ALTERNATE RESERVOIR WORKSHEET

FILE #: R-87487

WM DIST: 16

REGION: W R

WID #: 2 - 151

PUBLIC NOTICE: 7/14/2009

☒ Land Use complete ☒ Yes ☐ No ☐ NA

☒ Appropriate Fees ☒ Yes ☐ No, need: \$400
(\$80 base, \$20 per af) OR (\$300 base, \$25 per af, & \$300 recording)

☒ Secondary app necessary ☐ Yes, App S- ☒ No

☒ Stream withdrawn ☐ Yes ☒ No, not for st & app of st wtr

☒ SWW ☐ In (may not be allowed) ☒ Out or Above

Mail forms to appropriate Interagency Review Team members. Mailed on August 15, 2009

ODFW Contact: Danette Faucera

DEQ Contact: Sally Puent

Watermaster: Mike McCord

If in Umatilla: Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, Pendleton, Oregon 97801

Water available: jan - jun, nov - dec

Allowed season: JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Measurement Conditions: Small (≤ 9.2 af) | Medium (> 9.2 , but < 100 af) | Large (≥ 100 af or govt. entity, 537.099)
*use staff gage for runoff 7.9.

Other Conditions: use fishmay if ODFW doesn't request screen/by-pass condition _____

nam: 6

odfw: nov-jun; wq. radarian

def: temp concerns

Assign permit number R- 14882

Remarks: _____

Completed by Jeana Eastman on 8/10/2009. Peer review: Jan

Revised 7/6/09

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

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

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

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

The review of alternate reservoirs is limited to these criteria only.

Date: August 15, 2009

R-87487

Please return to

WRAD before: September 18, 2009

Water is available: jan - jun, nov - dec

ALLDEVALE PROPERTIES LLC

25571 S BARLOW RD

CANBY OR 97013

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain: _____

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☒ NO ☐ YES

If YES, which conditions are recommended:

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

☒ NO ☐ YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

Watermaster signature: Michael M. Eastman Date: 9.4.09

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division

503-986-0859 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@ wrd.state.or.us

ODFW ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

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Date: August 15, 2009

R-87487

Please return to

WRD before: September 18, 2009

Water is available: jan - jun, nov - dec

ALLDEVALE PROPERTIES LLC

25571 S BARLOW RD

CANBY OR 97013

- 1) Would the proposed reservoir pose a significant detrimental impact to an existing fishery resource? NO / YES

Explain: (For example, list STE species or other existing fishery resources the

Spring chinook, coho, & winter steelhead are present in Rock Creek year-round & may be present in the lower portion of this tributary during part of the year for rearing.

Fish use in the unnamed tributary is unknown, but fish are present in Rock Creek

The proposed use may negatively impact water quality and downstream instream water rights.

Please check either of the boxes below if appropriate:

- ☒ Any diversion or appropriation of water for storage during the period July through October poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)

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

- 2) Can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? NO / YES

If YES, which conditions are recommended:

(select from the

6519 Nov-June
WQ; riparian

WQ, RIPARIAN: Water should only be diverted to fill the reservoir when state and federal water quality standards and downstream instream water rights are being met. Once the reservoir is full, all live flow should be bypassed in a manner that does not impact water quality.

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

NO / YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

ODFW Representative Signature: Danette Faucera Date: 11-16-09

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division

503-986-0859 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wr.state.or.us

DEQ ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

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The review of alternate reservoirs is limited to these criteria only.

Date: August 15, 2009

R-87487

Please return to

WRD before: September 18, 2009

ALLDEVALE PROPERTIES LLC

Water is available: jan - jun, nov - dec

25571 S BARLOW RD
CANBY OR 97013

- 1) Would the proposed reservoir pose a significant detrimental impact to an existing fishery resource? NO ☒ YES

Explain: Yes. Rock Creek is currently impaired by stream temperatures exceeding state standards. The temperature standard is set to protect various life stages of fish. Reducing streamflow to Rock Creek may increase stream temperature. Rock Creek is used by winter steelhead, and spring chinook.

- 2) Did you meet with staff from another agency to discuss this application? ☒ NO ☐ YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

But I consulted ODFW Fish Habitat Distribution Maps.

DEQ Representative Signature: Karen Williams Date: Sept. 15, 2009

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division
503-986-0859 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrdd.state.or.us

Point of Diversion Characteristics

Right:	App:R 87487 *
Name:	ALLDEVALE PROPERTIES LLC

TRSQQ: 05.00S-01.00E-18-SENE Digital Map of TRSQQ

County: Clackamas

Basin: Willamette

WM District: 16

WM Region: NW

Withdrawn Area: ROCK CREEK

WAB: PUDDING R > MOLALLA R - AB MILL CR (151)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited:

Water Availability Analysis

PUDDING R > MOLALLA R - AB MILL CR
WILLAMETTE BASIN

Water Availability as of 8/10/2009

Watershed ID #: 151

Date: 8/10/2009

Exceedance Level: 50%

Time: 3:08 PM

Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	69796	MOLALLA R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
3	69998	PUDDING R> MOLALLA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes
4	151	PUDDING R> MOLALLA R- AB MILL CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes	Yes

Limiting Watersheds

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	151	PUDDING R > MOLALLA R - AB MILL CR	Yes	2,110.00
FEB	151	PUDDING R > MOLALLA R - AB MILL CR	Yes	2,010.00
MAR	151	PUDDING R > MOLALLA R - AB MILL CR	Yes	1,590.00
APR	151	PUDDING R > MOLALLA R - AB MILL CR	Yes	1,110.00
MAY	69998	PUDDING R > MOLALLA R - AT MOUTH	Yes	598.00
JUN	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	Yes	87.30
JUL	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	No	-85.90
AUG	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	No	-82.10
SEP	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	No	-53.20
OCT	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	No	-190.00
NOV	69998	PUDDING R > MOLALLA R - AT MOUTH	Yes	807.00
DEC	151	PUDDING R > MOLALLA R - AB MILL CR	Yes	2,000.00
STO	151	PUDDING R > MOLALLA R - AB MILL CR	Yes	619,000.00

Detailed Reports for Watershed ID #181

WILLAMETTE R > COLUMBIA R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/10/2009

Watershed ID #: 181

Exceedance Level: 50%

Date: 8/10/2009

Time: 3:08 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	51,100.00	2,720.00	48,400.00	0.00	1,500.00	46,900.00
FEB	49,100.00	8,000.00	41,100.00	0.00	1,500.00	39,600.00
MAR	42,400.00	7,570.00	34,800.00	0.00	1,500.00	33,300.00
APR	36,400.00	7,200.00	29,200.00	0.00	1,500.00	27,700.00
MAY	28,300.00	4,460.00	23,800.00	0.00	1,500.00	22,300.00
JUN	15,800.00	2,610.00	13,200.00	0.00	1,500.00	11,700.00
JUL	7,980.00	2,550.00	5,430.00	0.00	1,500.00	3,930.00
AUG	5,530.00	2,320.00	3,210.00	0.00	1,500.00	1,710.00
SEP	5,740.00	1,950.00	3,790.00	0.00	1,500.00	2,290.00
OCT	8,390.00	746.00	7,640.00	0.00	1,500.00	6,140.00
NOV	24,400.00	1,030.00	23,400.00	0.00	1,500.00	21,900.00
DEC	52,800.00	1,380.00	51,400.00	0.00	1,500.00	49,900.00
STO	19,700,000.00	2,550,000.00	17,200,000.00	0.00	1,090,000.00	16,100,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	1,930.00	0.00	485.00	99.60	9.49	23.80	131.00	43.70	2,720.00
FEB	7,200.00	0.00	485.00	99.60	9.49	23.80	131.00	43.70	8,000.00
MAR	6,770.00	6.41	485.00	99.60	9.48	23.80	131.00	46.80	7,570.00
APR	6,370.00	42.50	485.00	99.60	9.48	23.80	125.00	46.80	7,200.00
MAY	3,430.00	293.00	481.00	99.60	9.33	23.80	93.70	26.20	4,460.00
JUN	442.00	586.00	1,340.00	99.60	9.18	23.80	82.90	24.90	2,610.00
JUL	14.00	993.00	1,340.00	94.30	9.17	23.80	54.30	24.60	2,550.00
AUG	2.03	780.00	1,340.00	94.30	9.17	22.40	52.60	24.50	2,320.00
SEP	0.75	385.00	1,340.00	99.50	9.17	22.40	68.10	24.80	1,950.00
OCT	0.54	27.70	476.00	99.60	9.17	22.40	71.20	38.60	746.00
NOV	262.00	0.00	485.00	99.60	9.47	23.80	110.00	42.10	1,030.00
DEC	584.00	0.00	485.00	99.60	9.49	23.80	132.00	43.70	1,380.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF181A	APPLICATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Maximum		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00

Detailed Reports for Watershed ID #69796

MOLALLA R > WILLAMETTE R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/10/2009

Watershed ID #: 69796

Date: 8/10/2009

Exceedance Level: 50%

Time: 3:08 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	3,950.00	108.00	3,840.00	0.00	500.00	3,340.00
FEB	3,670.00	106.00	3,560.00	0.00	500.00	3,060.00
MAR	2,960.00	89.00	2,870.00	0.00	500.00	2,370.00
APR	2,400.00	82.30	2,320.00	0.00	500.00	1,820.00
MAY	1,550.00	105.00	1,440.00	0.00	500.00	945.00
JUN	712.00	125.00	587.00	0.00	500.00	87.30
JUL	303.00	189.00	114.00	0.00	200.00	-85.90
AUG	178.00	160.00	17.90	0.00	100.00	-82.10
SEP	186.00	89.20	96.80	0.00	150.00	-53.20
OCT	307.00	47.40	260.00	0.00	450.00	-190.00
NOV	1,790.00	75.80	1,710.00	0.00	500.00	1,210.00

DEC	4,000.00	109.00	3,890.00	0.00	500.00	3,390.00
STO	1,320,000.00	77,800.00	1,250,000.00	0.00	295,000.00	975,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	48.60	0.00	23.50	1.80	0.49	0.96	27.20	5.93	108.00
FEB	45.90	0.00	23.50	1.80	0.49	0.96	27.50	5.93	106.00
MAR	25.40	1.25	23.50	1.80	0.48	0.96	26.70	8.93	89.00
APR	17.10	5.18	23.50	1.80	0.48	0.96	24.30	8.93	82.30
MAY	8.54	45.40	23.50	1.80	0.33	0.96	20.20	4.53	105.00
JUN	0.24	74.80	30.00	1.80	0.18	0.96	12.70	4.00	125.00
JUL	0.00	140.00	30.00	1.80	0.18	0.96	12.10	4.00	189.00
AUG	0.00	111.00	30.00	1.80	0.18	0.96	12.10	4.00	160.00
SEP	0.00	40.20	30.00	1.80	0.18	0.96	12.10	4.00	89.20
OCT	0.00	4.48	23.50	1.80	0.18	0.96	12.50	4.00	47.40
NOV	20.00	0.00	23.50	1.80	0.48	0.96	23.20	5.93	75.80
DEC	48.00	0.00	23.50	1.80	0.49	0.96	28.20	5.93	109.00

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS69796A	CERTIFICATE	500.00	500.00	500.00	500.00	500.00	500.00	200.00	100.00	150.00	450.00	500.00	500.00
Maximum		500.00	500.00	500.00	500.00	500.00	500.00	200.00	100.00	150.00	450.00	500.00	500.00

Detailed Reports for Watershed ID #69998

PUDDING R > MOLALLA R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/10/2009

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second

Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	2,380.00	81.60	2,300.00	0.00	80.00	2,220.00
FEB	2,270.00	79.80	2,190.00	0.00	80.00	2,110.00
MAR	1,790.00	62.00	1,730.00	0.00	80.00	1,650.00
APR	1,260.00	55.10	1,200.00	0.00	80.00	1,120.00
MAY	742.00	64.20	678.00	0.00	80.00	598.00
JUN	347.00	86.00	261.00	0.00	60.00	201.00
JUL	151.00	131.00	19.90	0.00	50.00	-30.10
AUG	91.00	109.00	-17.90	0.00	40.00	-57.90
SEP	88.90	65.30	23.60	0.00	40.00	-16.40
OCT	138.00	20.70	117.00	0.00	60.00	57.30
NOV	936.00	48.60	887.00	0.00	80.00	807.00
DEC	2,260.00	81.00	2,180.00	0.00	80.00	2,100.00
STO	748,000.00	53,400.00	696,000.00	0.00	48,900.00	652,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	47.80	0.00	3.13	0.33	1.34	0.32	23.20	5.40	81.60
FEB	45.70	0.00	3.13	0.33	1.34	0.32	23.60	5.40	79.80
MAR	25.10	0.72	3.13	0.33	1.33	0.32	22.70	8.40	62.00
APR	16.80	4.48	3.13	0.33	1.33	0.32	20.30	8.40	55.10
MAY	8.40	30.70	3.13	0.33	1.18	0.32	16.10	4.00	64.20
JUN	0.22	61.90	9.27	0.33	1.03	0.32	8.97	4.00	86.00
JUL	0.00	108.00	9.27	0.33	1.03	0.32	8.46	4.00	131.00
AUG	0.00	85.50	9.27	0.33	1.03	0.32	8.45	4.00	109.00
SEP	0.00	41.90	9.27	0.33	1.03	0.32	8.45	4.00	65.30
OCT	0.00	2.99	3.09	0.33	1.03	0.32	8.93	4.00	20.70
NOV	18.80	0.00	3.09	0.33	1.33	0.32	19.30	5.40	48.60
DEC	46.30	0.00	3.13	0.33	1.34	0.32	24.20	5.40	81.00

Detailed Report of Reservations for Storage and Consumptive Uses

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
IS69998A	CERTIFICATE	80.00	80.00	80.00	80.00	80.00	60.00	50.00	40.00	40.00	60.00	80.00	80.00
IS73532A	CERTIFICATE	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00	36.00
Maximum		80.00	80.00	80.00	80.00	80.00	60.00	50.00	40.00	40.00	60.00	80.00	80.00

Detailed Reports for Watershed ID #151

PUDDING R > MOLALLA R - AB MILL CR
WILLAMETTE BASIN

Water Availability as of 8/10/2009

Watershed ID #: 151

Date: 8/10/2009

Exceedance Level: 50%

Time: 3:08 PM

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	2,220.00	76.70	2,140.00	0.00	36.00	2,110.00
FEB	2,120.00	74.30	2,050.00	0.00	36.00	2,010.00
MAR	1,680.00	50.90	1,630.00	0.00	36.00	1,590.00
APR	1,190.00	46.40	1,140.00	0.00	36.00	1,110.00
MAY	710.00	56.50	653.00	0.00	36.00	617.00
JUN	335.00	76.50	259.00	0.00	36.00	223.00
JUL	148.00	117.00	30.70	0.00	36.00	-5.33
AUG	89.60	97.50	-7.87	0.00	36.00	-43.90
SEP	88.60	58.50	30.10	0.00	36.00	-5.87
OCT	139.00	17.90	121.00	0.00	36.00	85.10
NOV	916.00	42.70	873.00	0.00	36.00	837.00
DEC	2,110.00	75.90	2,030.00	0.00	36.00	2,000.00
STO	706,000.00	47,800.00	658,000.00	0.00	26,100.00	635,000.00

Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	53.40	0.00	2.89	0.33	0.04	0.28	17.80	2.00	76.70
FEB	50.80	0.00	2.89	0.33	0.04	0.28	18.00	2.00	74.30
MAR	24.50	0.65	2.89	0.33	0.03	0.28	17.30	5.00	50.90
APR	16.60	4.05	2.89	0.33	0.03	0.28	17.30	5.00	46.40
MAY	8.32	27.50	2.89	0.33	0.03	0.28	13.20	4.00	56.50
JUN	0.20	55.30	8.67	0.33	0.03	0.28	7.66	4.00	76.50
JUL	0.00	96.40	8.67	0.33	0.03	0.28	7.66	4.00	117.00
AUG	0.00	76.50	8.67	0.33	0.03	0.28	7.66	4.00	97.50
SEP	0.00	37.50	8.67	0.33	0.03	0.28	7.66	4.00	58.50
OCT	0.00	2.68	2.89	0.33	0.03	0.28	7.66	4.00	17.90
NOV	21.60	0.00	2.89	0.33	0.03	0.28	15.60	2.00	42.70
DEC	51.50	0.00	2.89	0.33	0.04	0.28	18.80	2.00	75.90

Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

[illegible]

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

BY ENGINEER
STEVE BRUCE

Application R 87487 County CLATSOP
Priority Date 6-30-2009 Township 5S Range 1E Section 18 Taxlot 500 700
Use M-P Caseworker JANA E
Amount (AF) 11.0 Watermaster 20

RECEIVED

JUN 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

*Minimum Requirements (ORS 537.409)

- ☒ Landowner Name, Mailing Address* and Telephone Number.
- ☒ Source* and tributary listed. NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!
- ☒ Reservoir Location- Township, Range, Section, Quarter Quarter, Taxlot
- ☒ Dam height*, if applicable
- ☒ Total Quantity * of Storage Requested: 11.0
- ☒ Proposed Use of the water....Cannot accept application for use of this stored water at the same time (E2)
- ☒ Property ownership indicated? * If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
- ☒ Environmental Impact section completed? Not fatal if omitted
- ☒ Application signed by the landowner(s)? All parties noted as applicants must sign the application. Must be an original "wet" signature.
- ☒ Completed Land-Use Form * or receipt signed by the appropriate planning department official enclosed? Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months. Land-use OK
- ☒ Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.
 - ☐ Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - ☐ Scale of the Map (not less than 1"-1320") **
 - ☐ Reference corner on map
 - ☐ North Directional Symbol **
 - ☐ 1/4 1/4's clearly identified
 - ☐ Reservoir clearly identified *
 - ☐ Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**

☒ Fees enclosed* ✓

Base Fee\$ 80

SEPARATE
CITEC

plus\$ 220

11420 = 220

plus\$ _____

Total Paid \$ 300

Total Fees \$ 300

Completeness Check by: HTM

Date: 6-30-2009



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Northwest Region

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(971) 673-6000

FAX (971) 673-6070



September 16, 2010

Alldevale Properties, LLC.
25571 South Barlow Road
Canby, OR 97013

RE: Water Right Application #R-87487 & R-87488

Dear Mr. Cooper,

I am writing this letter in reference to Water Right Application #R-87487 & R-87488 in the name of Alldevale Properties, LLC. During a site visit on September 16, 2010, I inspected the existing reservoir and dam structure associated with Permit #1424 (Certificate #22820) on the unnamed tributary to Rock Creek for the need to provide fish passage and diversion screening. ODFW determined that native migratory fish were not currently nor were historically present in the unnamed tributary at or immediately below the existing reservoirs associated with both applications (R-87487 & R-87488). Therefore, ODFW does not require fish passage or diversion screening for use of the water from either reservoir.

Please let me know if you have any questions or need any further clarification.

Sincerely,

Todd Alsbury
District Fish Biologist
North Willamette Watershed District

Cc: Mike McCord, OWRD
Steve Bruce, Skookum Water Assoc.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R-87487 & R-87488
ALLDEVALE PROPERTIES, LLC
25571 S BARLOW RD
CANBY OR 97013

2. Article Number

(Transfer from service label)

7006 2150 0000 4121 4993 OR

PS Form 3811, February 2004

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

William Cooper

☒ Agent

☐ Addressee

B. Received by (Printed Name)

ALLISON COOPER

C. Date of Delivery

7-26-10

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

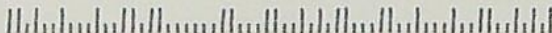
- Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1266

RECEIVED

JUL 27 2010

WATER RESOURCES DEPT
SALEM, OREGON





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

CERTIFIED MAIL
Return Receipt Requested

ALLDEVALE PROPERTIES, LLC
25571 S BARLOW RD
CANBY, OR 97013

July 23, 2010

Reference: Files R-87487 and R-87488

Dear Applicant:

On February 22, 2010, the Department issued Final Orders approving the applications contingent upon the payment of permit recording fees in the amount of \$800 (\$400 for each application). The Final Orders indicated that failure to pay the fees within 60 days may result in the proposed rejection of the applications, and also gave an opportunity to request additional time.

As of the date of this letter, the Department has not yet received the requested fees, nor a request for additional time.

Please submit \$800 (\$400 for each application) or a request for additional time no later than Tuesday, September 21, 2010 or the Department **will deny** the applications. If the applications are denied, the priority dates associated with your applications will be lost.

Feel free to contact me at jeana.m.eastman@state.or.us or 503-986-0859 with questions.

Sincerely,

Jeana Eastman
Water Rights Application Caseworker

cc: WM# 16
File

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of Water Rights Application)
R-87487, Clackamas County)

**FINAL ORDER
APPROVING THE STORAGE OF
SURFACE WATER**

Authority

Oregon Revised Statutes (ORS) 537.409 establishes the process by which an application to store waters of the public may be submitted.

Findings of Fact

1. On JUNE 30, 2009, ALLDEVALE PROPERTIES LLC submitted an application for a permit to store water pursuant to ORS 537.409:
Storage Capacity: 11.0 ACRE FEET
Dam Height: LESS THAN 10 FEET
Source: UNNAMED STREAM, TRIBUTARY TO ROCK CREEK
Location: CLACKAMAS COUNTY IN SECTION 18, TOWNSHIP 5S, RANGE 1E, W.M.
2. The required examination fees were paid and minimum application requirements were met.
3. The Department provided public notice of the application in the Department's weekly public notice on July 14, 2009. A 60-day comment period followed.
4. The Department has not received public comment related to the possible issuance of the attached draft permit.
5. The Department has determined that the proposed source has not been withdrawn from further appropriation.

APPEAL RIGHTS

Appeal to a circuit court: This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

Petition to the Department for Reconsideration of the Final Order: A person entitled to judicial review of this order may also file a petition for the Department's reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).

ORS 537.409 does not provide an opportunity to request a contested-case hearing. Appeal rights on this final order approving the application are limited to the above procedures.

6. The proposed reservoir is not prohibited under ORS 390.835.
7. Water is available for the proposed use according to the Department's water-availability model and the watermaster's assessment.
8. Because water is available, the Department finds that existing water rights would not be injured by the proposed use.
9. Based upon a review by the Oregon Department of Fish and Wildlife, the Department has determined that, as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources.

Conclusions of Law

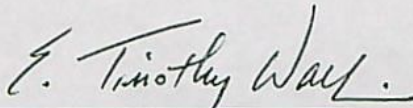
1. Water is available for the proposed use.
2. The proposed use will not injure existing water rights.
3. The proposed use will not pose a significant detrimental impact to existing fishery resources.
4. Application R-87487 is consistent with the requirements of ORS 537.409.

Now Therefore, it is Ordered:

Application R-87487 is approved. Upon payment of the permit recording fee of \$400, a permit shall be issued authorizing the proposed water use. Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.

Dated at Salem, Oregon on FEBRUARY 22 2010.



for Phillip C. Ward, Director
Water Resources Department

This order was produced by Jeana Eastman. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0859 or Jeana.M.Eastman@wr.d.state.or.us.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON
COUNTY OF CLACKAMAS
DRAFT PERMIT TO STORE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

ALLDEVALE PROPERTIES LLC
25571 S BARLOW RD
CANBY OR 97013

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

APPLICATION FILE NUMBER: R-87487

SOURCE OF WATER: UNNAMED STREAM, TRIBUTARY TO ROCK CREEK

STORAGE FACILITY: TAFFY'S POND

MAXIMUM VOLUME: 11.0 ACRE FEET

DATE OF PRIORITY: JUNE 30, 2009

WATER MAY BE APPROPRIATED AS FOLLOWS: NOVEMBER 1 THROUGH JUNE 30

USE: MULTIPLE PURPOSE

Dam Location/Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	18	SE NE	1700 FEET SOUTH AND 1270 FEET WEST FROM NE CORNER, SECTION 18

The Area To Be Submerged:

Twp	Rng	Mer	Sec	Q-Q
5 S	1 E	WM	18	SW NE
5 S	1 E	WM	18	SE NE

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range between full reservoir level and dead-pool level must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- B. The permittee shall allow the watermaster access to the devices; provided however, where any 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.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe (with a minimum diameter of 8" for any in-channel reservoir). This requirement may be waived if the Department determines other means have been provided to evacuate water when necessary.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

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

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.
5. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
6. The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

7. If the volume of the completed reservoir is 9.2 acre feet or more and a dam is used to impound the water, the height of the dam shall be less than 10.0 feet.
8. Construction shall be completed and up to the permitted annual volume of water shall be stored within five years of the date of permit issuance.
9. Within one year after storage of water, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.
10. The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir capacity is equal to or greater than 9.2 acre-feet.
11. If no secondary permit exists and the reservoir capacity is less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:
 - a. the dimensions of the reservoir;
 - b. the maximum capacity of the reservoir in acre-feet; and
 - c. a map identifying the location of the reservoir prepared in compliance with Departmental standards.

Issued _____ 2010.

DRAFT – NOT A PERMIT

Phillip C. Ward, Director
Water Resources Department

Mailing List for FO

Scheduled Mailing Date:

Application: R-87487

Permit: DRAFT

Original mailed to Applicant with CBU form:

ALLDEVALE PROPERTIES LLC
25571 S BARLOW RD
CANBY OR 97013

Copies of FO and map sent to:

1. File R-87487
2. Water Availability (Ken Stahr)
3. Watermaster District 16

Copies Mailed

by: JS
(STAFF)

on: 2/22/10
(DATE)



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

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: Aldevale Properties, LLC
First Last
Mailing Address: 25571 South Barlow Road
Canby Oregon 97013
City State Zip
Phone: (503) 263-6405 (503) 710-1486
Home Work Other
*Fax: *Email Address: willamette@canby.net
*optional information

2. LOCATION AND SOURCE

A. Reservoir Name: Taffy's Pond

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

Source: Unnamed Stream Tributary to: Rock Creek

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	Tax lot number
5S	1E	18	SWNE	500 & 700
5S	1E	18	SENE	500 & 700

D. County of Use: Clackamas

E. Dam: Maximum height of dam: 9.9 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity.

List quantity in Acre-Feet: 11.0

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

3. WATER USE

Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose

App. No. R-87487

For Department Use
Permit No. _____

Date _____

4. PROPERTY OWNERSHIP

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

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

☐ There are no encumbrances

☒ This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

☐ No (Please check the appropriate box below)

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

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

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

List Name and mailing addresses of all affected land owners:

N/A

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5. ENVIRONMENTAL IMPACT

A. Channel: is the reservoir ☒ In Stream or ☐ off channel?

B. Wetland: is the project in a wetland? ☐ Yes ☐ No ☒ Don't know

C. Existing: is this an existing reservoir? ☒ Yes ☐ No

If yes how long has it been in place? > 25 years

D. Fish Habitat: Is there fish habitat upstream from the proposed structure? ☐ Yes ☒ No ☐ Don't know

If yes, how much? _____ miles

E. Partnerships: Have you been working with other agencies? ☐ Yes ☒ No

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

N/A

6. SIGNATURE

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

Landowner Signature

Date

Before you submit your application be sure you have:

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

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF= \$ 100 ; 1.5 AF= \$ 120 ; 20.0 AF= \$ 480 ; 30.0 AF= \$ 680.



R-87487

Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Alldevale Properties, LLC

First

Last

Mailing Address: 25571 South Barlow RoadCanby

City

Oregon

State

97013

Zip

Daytime Phone: (503) 263-6405

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
5S	1E	18	SWNE	500 & 700	Agriculture EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
5S	1E	18	SENE	500 & 700	Agriculture EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

Clackamas CountyRECEIVED
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B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Unnamed StreamEstimated quantity of water needed: 11.0 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feetIntended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other Multipurpose

Briefly describe:

Water will be stored in a reservoir for multiple uses.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon Water
Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

For Local Government Use Only

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

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
None	Sec. 401, primary purpose is nursery irrigation	<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

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

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Name:

Rick McIntire

Title:

Sr. Planner

Signature:

Rick McIntire

Phone:

503-742-4516

Date:

6/29/09

Government Entity:

Clackamas County Planning Div.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____

Staff contact: _____

Signature: _____

Phone: _____

Date: _____

R-87487

Clackamas County Official Records
Sherry Hall, County Clerk

2007-011814



\$51.00

01065870200700118140060069

02/09/2007 02:45:58 PM

D-D Cnt=1 Str=6 BEVERLY
\$30.00 \$11.00 \$10.00

After Recording Return To:

Ticor Title
580 Glatt Circle, Suite B
Woodburn OR 97071

Send Tax Statements To:

Devin M. Cooper
Allison A. Cooper
32011 South Barlow Road
Canby OR 97013Title Order No.
Escrow No. 200613038
Tax Account No.

WARRANTY DEED

(ORS 93.850)

Randy L. Bremer and Jean E. Bremer, Warren William Bremer and Darlene A. Bremer, Grantor, conveys and warrants to Barlow Oaks, LLC, an Oregon Limited Liability Company Barlow Ponds, LLC, an Oregon Limited Liability Company Aldevale Properties, LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$960,000.00.

Dated this 6 day of February, 2007.Randy L. Bremer
Randy L. BremerJean E. Bremer
Jean E. BremerWarren William Bremer
Warren William BremerDarlene A. Bremer
Darlene A. BremerState of OR, County of Mason)ss.This instrument was acknowledged before me on 2/06, 2007
by Randy L. BremerMy commission expires: 10-18-2010

Page 1

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Recorded By TICOR TITLE

CBS-1404

30
10
11
68

State of OR, County of Marion)ss.

This instrument was acknowledged before me on 2/06, 2007
by Jean E. Bremer

Eileen H. Christie
Notary Public

My commission expires: 10-18-2010



State of OR, County of Marion)ss.

This instrument was acknowledged before me on 2/06, 2007
by Warren William Bremer

Eileen H. Christie
Notary Public

My commission expires: 10-18-2010



State of OR, County of Marion)ss.

This instrument was acknowledged before me on 2/06, 2007
by Darlene A. Bremer

Eileen H. Christie
Notary Public

My commission expires: 10-18-2010



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PARCEL 1: A tract of land situated in the Southwest one-quarter of the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, and being more particularly described as follows:

Beginning at the Southeast corner of that certain tract of land conveyed to Warren A. and Darlene A. Bremer, by deed recorded in Book 458, Page 628, Deed Records of Clackamas County, said beginning point being 26.05 chains West of the East one-quarter corner of said Section 18, and being on the centerline of Schneider Road, County Road No. 628; thence East along the centerline of the County Road and the center of section line, 197.0 feet to a point which is 1552.0 feet West of said East one-quarter corner of Section 18, to the true point of beginning; thence North $0^{\circ} 54' 15''$ West parallel with the East line of Section 18, a distance of 165 feet; thence East parallel with and 165 feet from the center of Schneider Road, County Road No. 628, a distance of 270.5 feet to a point, said point being 1281.5 feet West and 165.0 feet North $0^{\circ} 54' 15''$ West of the East one-quarter corner of Section 18; thence South $0^{\circ} 54' 15''$ East 165.0 feet to the center of Schneider Road, County Road No. 628; thence West along the center of said Schneider Road 270.5 feet to the true point of beginning.

PARCEL 2: All of that part of the following bounded and described real property, and lying Easterly of the centerline of the established Barlow-Monitor County Road located on and over said real property on the date of this conveyance, to-wit:

Beginning 18 chains 72 links (1235.52 feet) West of the half mile post between Sections 17 and 18, Township 5 South, Range 1 East, of the Willamette Meridian; thence North 42 chains 74 links (2820.84 feet); thence West 7 chains 33 links (483.78 feet); thence South 42 chains 74 links (2820.84 feet); thence East 7 chains 33 links (483.78 feet) to the point of beginning, and being a part of the Northeast one-quarter of Section 18, also a fractional part of the South side of Section 7, in said township and range.

ALSO beginning 2 chains 74 links (180.84 feet) North and 26 chains 5 links (1749 feet) West from the corner stake between Sections 7, 8, 17 and 18, Township 5 South, Range 1 East, of the Willamette Meridian; thence West 18 chains 95 links (1250.70 feet); thence South 21 chains 37 links (1410.42 feet); thence East 18 chains 95 links (1250.70 feet); thence North 21 chains 37 links (1410.42 feet) to the place of beginning.

EXCEPTING THEREFROM the following described tract:

A tract of land situated in the Southwest one-quarter of the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, and being more particularly described as follows:

Beginning at the Southeast corner of that certain tract of land conveyed to Warren A. and Darlene A. Bremer, by deed recorded in Book 458, Page 628, Deed Records of Clackamas County, said beginning point being 26.05 chains (1749 feet) West of the East one-quarter corner of said Section 18, and being on the centerline of Schneider Road, County Road No. 628; thence East along the centerline of the County Road and the center of section line, 197.0 feet to a point which is 1552.0 feet West of said East one-quarter corner of Section 18; thence North $0^{\circ} 54' 15''$ West parallel with the

East line of Section 18, a distance of 10 rods; thence West parallel with the East-West center of section line, 197.0 feet to the East line of the Warren A. Bremer deed line; thence South $0^{\circ} 54' 15''$ East parallel with the East line of Section 18, a distance of 10 rods to the point of beginning.

EXCEPT PARCEL 1 above.

ALSO EXCEPT: Beginning at a $\frac{3}{4}$ " iron pipe at the Northwest corner of that certain tract of land conveyed to John H. Hammond, Jr. and Susan K. Hammond by deed recorded as Clackamas County Clerk's No. 85-25157, located in the Northeast one-quarter of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and running thence North $15^{\circ} 18' 00''$ East along the Easterly line of Market Road No. 9 a distance of 51.33 feet to a $\frac{5}{8}$ inch iron rod; thence South $87^{\circ} 35' 00''$ East, a distance of 359.26 feet to a $\frac{5}{8}$ inch iron rod; thence South $15^{\circ} 28' 33''$ West, a distance of 238.81 feet to a $\frac{5}{8}$ inch iron rod; thence North $87^{\circ} 35' 00''$ West, a distance of 120.74 feet to the Southeast corner of said Hammond tract; thence North $15^{\circ} 18' 33''$ East along the East line of said Hammond tract, a distance of 187.49 feet to a $\frac{3}{4}$ " iron pipe; thence North $87^{\circ} 35' 00''$ West along the North line of said Hammond tract, a distance of 238.51 feet to the point of beginning.

AND beginning at the Northeast corner of that certain tract of land conveyed to Boni S. Halton by deed recorded as Clackamas County Clerk's Fee No. 96-080398, located in the Northeast one-quarter of Section 18, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, and running thence South $87^{\circ} 35' 00''$ East, a distance of 120.74 feet to a $\frac{5}{8}$ inch iron rod; thence South $15^{\circ} 28' 33''$ West, a distance of 238.78 feet to a $\frac{5}{8}$ inch iron rod; thence North $87^{\circ} 35' 27''$ West, a distance of 362.83 feet to a $\frac{5}{8}$ inch iron rod on the Easterly line of Market Road No. 9 at a point on a 11551.09 foot radius curve to the left; thence along said curve to the left, the chord of which bears North $16^{\circ} 45' 29''$ East 51.61 feet, and having a central angle of $0^{\circ} 15' 22''$, a distance of 51.61 feet to the Southwest corner of said Halton tract; thence South $87^{\circ} 35' 27''$ East along the South line of said Halton tract, a distance of 240.90 feet to a $\frac{3}{4}$ inch iron pipe; thence North $15^{\circ} 28' 33''$ East along the East line of said Halton tract, a distance of 187.47 feet to the point of beginning.

PARCEL 3: Part of Section 18, Township 5 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, to-wit:

Beginning at the Southwest corner of a tract of land conveyed to Minnie J. Sacry by deed recorded December 12, 1898, in Book 66, Page 427, Deed Records, said point being 26.05 chains West of the one-quarter section corner between Sections 17 and 18, in said township and range; thence North tracing the West line of said Sacry tract 21.108 chains; thence West 18.95 chains, more or less, to the East line of a tract conveyed to Silas A. Yoder, et ux, by deed recorded November 6, 1919, in Book 155, Page 287, Deed Records; thence South tracing the East line of said Yoder tract and the East line of a tract conveyed to Milford White, et ux, by deed recorded March 13, 1945, in Book 362, Page 510, Deed Records, 21.108 chains to the one-quarter section line running East and West through the center of said Section 18; thence East on said one-quarter section line 18.95 chains, more or less, to the place of beginning.

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SUBJECT TO:

Any improvement located upon the insured property which is described or defined as a mobile home under the provisions of Chapters 803 and 820, OREGON REVISED STATUTES, and is subject to registration as provided therein as to Parcel 3, Tax Lot No. 01705053.

Any adverse claim based upon the assertion that:

- A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the unnamed creeks or has been formed by accretion or reliction to any such portion.
- B) Some portion of said property has been created by deposit of artificial fill. And Excepting;
- C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the unnamed creeks.
- D) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of unnamed creeks.

Rights of the public in and to that portion lying within streets, roads and highways.

Easement, including the terms and provisions thereof,

From: Warren W. Bremer and Helen E. Bremer, wife
 To: Portland General Electric Company, a corporation of Oregon
 Recorded Date: May 2, 1953
 Recording Number: 41913, Book 468, Page 465

Oil and Gas Lease, including the terms and provisions thereof,

From: Warren W. Bremer and Darlene A. Bremer, his wife, Lessor
 To: TransOcean Oil, Inc., Lessee
 Dated: August 20, 1979
 Recorded Date: January 21, 1980
 Recording Number: 80 2171
 Records of: Clackamas County

Assignment, including the terms and provisions thereof,

From: Mobil-Transocean Company
 To: Mobil Oil Corporation
 Amount: \$100.00
 Recorded Date: March 9, 1981
 Recording Number: 81 8088

The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.

As disclosed by the tax rolls, the premises herein described have been zoned or classified for farm. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

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BEFORE THE STATE ENGINEER OF OREGON
Clackamas County

IN THE MATTER OF THE ACCEPTANCE)
OF APPLICATIONS FOR PERMITS TO)
APPROPRIATE WATER FROM ROCK)
CREEK AND ITS TRIBUTARIES)
-----)

ORDER
TO REJECT CERTAIN
FUTURE APPLICATIONS

This order covers the waters of Rock Creek and its tributaries, which drain parts of Township 4 South, Range 1 East; Township 5 South, Range 1 East; Township 5 South, Range 2 East; Township 6 South, Range 1 East; and Township 6 South, Range 2 East, W. M. Rock Creek flows into Pudding River in the south half of Section 25, Township 4 South, Range 1 West, W. M.

Investigations made August 2, 1951, by a representative of the State Engineer indicate that there is not sufficient water flowing in the stream in question and its tributaries, during the irrigation season, to satisfy existing rights, and it appears that the approval of any more applications proposing use of the direct flow of this stream or its tributaries would conflict with existing rights.

THEREFORE, IT IS HEREBY ORDERED that no more applications for permits to appropriate water from Rock Creek as described above, or its tributaries, be accepted, unless the applications are for storage and the appropriation of stored water.

Dated at Salem, Oregon, this 13th day of August, 1951.

Chas. E. Stricklin
CHAS. E. STRICKLIN
State Engineer

RECEIVED
JUN 30 2009
WATER RESOURCES DEPT
SALEM, OREGON

EnviroLogic Resources, Inc.

ENVIRONMENTAL • WATER RESOURCES SCIENTISTS



June 24, 2009

10263.001

Oregon Water Resources Department
725 Summer Street N.E., Suite A
Salem, Oregon 97301-1271

VIA First Class Mail

Subject: New Reservoir Storage Applications (Alternate Process)
Aldevale Properties, LLC (Willamette Nurseries Inc.)
Section 18, Township 5 South, Range 1 East, Willamette Meridian
Clackamas County, Oregon

To Whom It May Concern:

This letter accompanies two reservoir storage applications being filed by Aldevale Properties, LLC (Willamette Nurseries Inc.). The source of water will be an unnamed tributary of Rock Creek, which is tributary to the Pudding River.

Although Rock Creek and its tributaries are closed to certain new appropriations, the attached copy of an August 13, 1951 Order by Chas.E. Stricklin, State Engineer, clearly allows the filing of new applications for storage and the appropriation of stored water. Mr. Jerry Sauter of the Oregon Water Resources Department provided this information to us at a June 11, 2009 pre-application conference.

Please call me at (503) 768-5121 if you have questions about the applications.

Sincerely,
EnviroLogic Resources, Inc.

Steven R. Bruce, RG, CWRE
Principal Hydrogeologist

RECEIVED
JUN 30 2009
WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **101141**

INVOICE # _____

RECEIVED FROM: A. Holsvale Properties

BY: _____

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1074 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 8000

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER: (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

\$ _____
\$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____

0240 EXTENSION OF TIME

46111

R-87488
R-87488 14000
each

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

EXAM FEE	
\$	
\$	
\$	
EXAM FEE	
\$	

0202

0204

RECORD FEE

\$ 8000
\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

0219

0220

LICENSE FEE

\$ _____
\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

\$ _____
\$ _____

CARD # _____
CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$ _____
\$ _____
\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **101141**

DATED: 9-20-10 BY: AR

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **96961**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: Aldeville Properties, LLC

APPLICATION 587487

BY: _____

PERMIT _____

TRANSFER _____

CASH: _____ CHECK: # _____ OTHER: (IDENTIFY) _____

☐

☒ 1044

☐

TOTAL REC'D \$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER: (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____

0240 EXTENSION OF TIME

WATER RIGHTS:

0201 SURFACE WATER ALT. RES.

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE
\$ <u>300.00</u>
\$
\$
EXAM FEE
\$

0202

0204

0219

0220

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD #

CARD #

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$
\$
\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **96961**

DATED: 6-30-09 BY: LSB

R-87487

ALLDEVALE PROPERTIES, LLC
25571 SOUTH BARLOW RD
CANBY OR 97013