

R8

Name R-87488
 By ALLDEVALE PROPERTIES, LLC
 Address 25571 SOUTH BARLOW RD
CANBY OR 97013

C18 C2024

Priority G-3a-2009
 County CLACK WM# 20

RELATED FILES

DEVELOPMENT

Date

Completion 10-7-2015Extended to 10/1/2024

Final Proof received _____

Proposed Cert. Mailed _____

Application No. R 87488 AZPermit No. R-14883

Certificate No. _____

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEES PAID

Date	Amount	Receipt No.
<u>6-30-09</u>	<u>340.00</u>	<u>96962</u>
<u>9-20-10</u>	<u>400.00</u>	<u>101141</u>
<u>9-16-2021</u>	<u>780.00</u>	<u>136418</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION _____

Mailing List for Extension FO Copies

FO Date: January 14, 2021

Copies Mailed

Application: R-87488

By: TM

Permit: R-14883

On: 1/14/2022

Original mailed to permit holder

Alldevale Properties, LLC
25571 S. Barlow Rd.
Canby, OR 97013

Copies sent to:

1. WRD - App. File R-87488/ Permit R-14883
2. Other permit holders of record besides applicant
3. WRD – Keith Mills, Dam Safety (*for standard reservoir permits only*)
4. WRD - Kelly Starnes, Permit Amendments (*if necessary*)
5. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

6. None

Receiving notification via e-mail FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

7. WRD - Watermaster District 16, Greg Wacker

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit R-14883, Water Right Application R-87488) FINAL ORDER
in the name of Alldevale Properties, LLC)

Permit Information

Application:	R-87488
Permit:	R-14883
Basin:	Middle Willamette / Watermaster District 16
Date of Priority:	June 30, 2009
Source of Water:	unnamed stream, tributary to Rock Creek
Storage Facility:	Betty's Pond
Purpose or Use:	multiple purpose
Maximum Volume:	13.0 acre feet (AF)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.

Application History

Permit R-14883 was issued by the Department on October 7, 2010. The permit specified completion of construction by October 7, 2015, and complete application of water to beneficial use by, October 7, 2015. On September 16, 2021, Devin Cooper, member of Alldevale Properties, LLC submitted an Application for Extension of Time for Permit R-14883. In accordance with OAR 690-315-0050(2), on November 16, 2021, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 7, 2015, to October 1, 2024, and the time to apply water to full beneficial use from October 7, 2015, to October 1, 2024. The protest period closed December 31, 2021, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated November 16, 2021.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

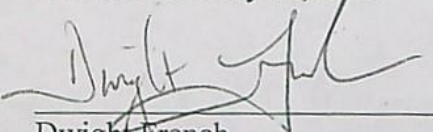
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application R-87488, Permit R-14883, therefore, is approved. The deadline for completing construction is extended from October 7, 2015, to October 1, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 7, 2015, to October 1, 2024.

DATED: January 14, 2021



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

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503)979-3213.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: November 16, 2021

Copies Mailed

Application: R-87488

Permit: R-14883

By: TM

On: 11/16/2021

Original mailed to Applicant:

Alldevale Properties, LLC
25571 S. Barlow Rd.
Canby, OR 97013

Copies sent to:

1. WRD - App. File R-87488/ Permit R-14883
2. Agents or CWRE's representing the Permit Holder
3. Other permit holders of record besides applicant

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

5. WRD - Watermaster District 16, Greg Wacker

CASEWORKER: JDP

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time
for Permit R-14883, Water Right Application R-87488
in the name of Alldevale Properties, LLC

) PROPOSED
) FINAL
) ORDER

Permit Information

Application:	R-87488
Permit:	R-14883
Basin:	Middle Willamette / Watermaster District 16
Date of Priority:	June 30, 2009
Source of Water:	unnamed stream, tributary to Rock Creek
Storage Facility:	Betty's Pond
Purpose or Use:	multiple purpose
Maximum Volume:	13.0 acre feet (AF)

Please read this Proposed Final Order in its entirety.

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 7, 2015, to October 1, 2024.
- Grant an extension of time to apply water to full beneficial use from October 7, 2015, to October 1, 2024.¹

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

¹ Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Water Resources Department
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
FOF – Finding of Fact
AF - acre feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On October 7, 2010, Permit R-14883 was issued by the Department. The permit authorizes the storage of up to 13.0 AF of water in Betty’s Reservoir from an unnamed stream, tributary to Rock Creek, for multiple purpose. The permit specified construction shall be completed, and the permitted annual volume of water shall be stored within five years of the date of permit issuance, being October 7, 2015.
2. On September 16, 2021, Devin Cooper, member of Alldevale Properties, LLC, submitted an “Application for Extension of Time” (Application) to the Department, requesting the time to complete construction and the time to apply water to full beneficial use under the terms and conditions of Permit R-14883 be extended from October 7, 2015, to October 1, 2024. This is the first permit extension requested for Permit R-14883.
3. On October 12, 2021, notification of the Application for Permit R-14883 was published in the Department’s Public Notice. No public comments were received.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On September 16, 2021, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Construction of the water system or reservoir began prior to permit issuance. The permit holder states, construction began prior to the issuance of Permit R-14883, with the excavation of the downstream side of the reservoir and construction of the cut-off trench.

Based on Findings of Fact (FOF) 5, the Department has determined the permit holder began construction prior to October 7, 2015.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is “good cause” to approve the extension. In making a “good cause” finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of “good cause” to approve the extension, the Department shall consider whether the applicant has demonstrated “reasonable diligence” in previous performance under the permit. OAR 690-315-0040(2)(a). In determining “reasonable diligence”, the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction [OAR 690-315-0040(3)(a)]

The amount of construction completed within the time allowed in the permit or previous extension.²

6. Construction of the reservoir began prior to October 7, 2015.

² “Actual Construction” is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder’s good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

7. During the original development time frame under Permit R-14883, construction of the dam was completed, and the required staff plate was installed.

The Application provides evidence that progress of physical work, enough to qualify as the minimum necessary, has been made towards completion of the water system for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

The water right permit holder's conformance with the permit or previous extension conditions.

8. The Department has considered the permit holder's compliance with conditions, and has identified the following concern, the record does not show that the outlet pipe has not been installed in the dam.

Based on FOF 8, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit R-14883:

- "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).

In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

The amount of beneficial use made of the water during the permit time limits or previous extension time limits.

9. A maximum volume of 9.5 AF of water has been stored from the unnamed stream, tributary to Rock Creek in Betty's Reservoir.

The Department has determined that beneficial use of water, in compliance with the terms and conditions of the permit, has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 7, 2015.

Financial Investments to appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

10. The permit holder has invested approximately \$120,260, which is about 71 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$50,000 investment is needed for the completion of this project.

Based on FOF 10, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

11. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-14883; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
12. Current Water Availability Analysis for the Pudding River, (Tributary of Molalla River) above Mill Creek (watershed ID 151) show that no water is available during the months of July, August, September, and October at the 50% exceedance level.

continued on following page

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

13. The point of diversion is located on unnamed stream, tributary to Rock Creek, and is located within a Withdrawn Area.
14. Rock Creek is not located within or above a/the state or federal scenic waterway.
15. The point of diversion is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

16. Rock Creek is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

17. An approximate total of \$120,260 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

18. Other economic interests dependent on the completion of the project have been identified. Fifteen employees at Willamette Nurseries, and an additional 40 seasonal employees rely on the employment provided by the use of the water stored under this permit.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

19. No other factors relevant to the determination of the market and present demand for water and power have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

20. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0042(2)(g)]

21. Delay in the development of this project that was caused by other governmental requirements have not been identified.

Unforeseen Events [OAR 690-315-0040(2)(h)]

22. Unforeseen events extended the length of time needed to fully develop and perfect Permit R-14883, in that the fine-grained soils required longer than expected to dry out, delaying the construction of the reservoir.

Denial of an Extension Would Result in Undue Hardship [OAR 690-315-0040(2)(i)]

23. The water authorized for storage under this permit is the source for Permit S-54836.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

24. The Application provides evidence of good faith of the appropriator under Permit R-14883.

Based on FOF 5, 6, 7, 9, 10, and 17, the Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

25. As of September 16, 2021, the permit holder states the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2024, to complete construction of the reservoir and to accomplish the application of water to beneficial use under the terms and conditions of Permit R-14883 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 5, through 24, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2024³, as required by OAR 690-315-0040(1)(c).
4. The Applicant can complete the project within the time period requested for the extension on the project.
5. The Applicant has demonstrated good cause for the extension.

continued on following page

³Pursuant to ORS 537.230(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

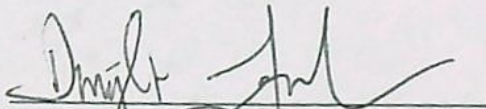
PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit R-14883 from October 7, 2010, to October 1, 2024.

Extend the time to apply water to beneficial use under Permit R-14883 from October 7, 2015, to October 1, 2024.

DATED: November 16, 2021


Dwight French, Administrator
Water Right Services Division
Proposed Final Order Hearing Rights

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

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **December 31, 2021**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or

- b. Schedule a contested case hearing if a protest has been submitted, and:
- 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

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- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 979-3213.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-979-9160.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: R-87488 Permit: E-14883 Permit Amendment? No ☐ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Alldevate Prop LLC

Permit Holder's Mailing Address: 25571 S. Barlow Rd

email Willamette@canby.com Canby, OR 97013

Phone Number: 503-263-6405

Agent/CWRE Steve Bruce

Drainage Basin: 2B County: Clackamas Watermaster District: 16 Watermaster: _____

Date Permit was issued: 10-7-2010 Priority Date: 6-30-2009 Date of PN: 10-12-2021

Source: unnamed stream, tributary to Rock Creek

Use: multiple Purpose

"Q": 130 AF

within 5 yrs

Orig "A" Date: _____ Orig "B" Date: _____ Orig "C" Date: _____

Extension request received: 9-16-21 Last Authorized Date: _____ "C" Date: _____

Request Number (1, 2, 3...): _____ Proposed "B" Date: _____ Proposed C Date: 10-1-2024

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
		Begin construction:
		Staff gage
		outlet pipe

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

(Yes/No)

- ☒ Work was accomplished within the time allowed in the permit or previous extension
- ☒ Water right permit holder conformed with the permit or previous extension conditions
- ☒ Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 9.5 cfs/gpm/af of the total permitted quantity of water on _____ acres

- ☒ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$ 120,200 Estimated Remaining Cost: \$ 50,000

the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

Application _____ - Permit _____ - Township _____ Range _____ Section _____

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☐ ☒ above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverlist.html
- ☒ ☒ within a critical or limited Ground Water Area? Name of area Rock Creek Sp OR Vol 7, P 229
690-502-0120(1)(e)
- ☐ ☒ within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
- ☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- ☒ ☐ within an area ranking low / moderate / high / Highest (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Maps (by region)"

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☒ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☐ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- ☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- ☒ **COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- ☐ **COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water right examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."


NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____ FO Issuance Date: _____

Reviewer's Name: _____ Date: _____

Application for
Extension of Time
for a Water Right Permit
(NON-Municipal/ NON-Quasi-Municipal)

OREGON

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

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Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

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I, Devin Cooper of Alldevale Properties LLC

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

25571 S. Barlow Road
ADDRESS

Canby
CITY

OR
STATE

97013
ZIP

(503) 263-6405
PHONE

Willamette@canby.com
E-MAIL ADDRESS

the permit holder of: Application Number R-87488

Permit Number R-14883
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and
water put to full beneficial use, which time now expires on Month: October Day: 7 Year:
2015, be extended to October 1, 2024, [OAR 690-315-0020(3)(i)]

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading
statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny
the extension.

Signature

Date

Devin Cooper

Member

Printed Name

Title

The agent below is authorized to represent the applicant in all matters relating to THIS application.

Permit Holder Initials

Steven R. Bruce Skookum Water Associates Inc.

Steve@skookumwater.com

Authorized Agent (Print Agent Name)

Agent contact

Before submitting your Application for Extension of Time, make sure the following items are included:

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- This completed Application for Extension of Time.
- Statutory fee of \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits NA

Has construction of the point of appropriation (well) authorized under this permit begun?

☐ Yes ☐ No

Date construction began Month: Day: Year: NA

Details of construction and attach documentation:

For Surface/Reservoir Permit

Has construction of the water system begun? ☒ Yes ☐ No

Date construction began Month: July Day: 1 Year: 2012

Details of construction and attach documentation: In August 2010, we cleared and grubbed the reservoir footprint, and excavated and stockpiled soils for use in constructing the dam. This work was conducted after the proposed final order was issued indicating a permit would be issued after the recording fee was paid. The permit was then issued in on October 7, 2010. The dam was constructed in spring 2012 using the excavated soils after the moisture content in the materials had decreased.

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

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CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Surface Water or Reservoir		
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input checked="" type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	July 1, 2022
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA
<input checked="" type="checkbox"/>	Other (Specify): Installation of a staff gage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sept 2015
<input checked="" type="checkbox"/>	Other (Specify): The riparian zone disturbed during construction of the POD has been restored in general accordance with OAR Chapter 635, Division 415	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA. The area prior to development of the POD was farmland
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	NA

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

The outlet pipe has not been installed, but there is a spillway. The requirement for an outlet pipe was missed by Willamette Nurseries and the contractor constructing the dam. The outlet pipe will be installed by June 1, 2022. We are making this a priority, but will be dependent on an extended period of dry weather as we will need to excavate into the dam. In the interim, we have a 15-hp pump that can be used to pass live flow.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is *not* considered work in the development of the water system. *Work accomplished under other water rights may not be considered work under this permit.*)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
August 2010	Soil was excavated from the downstream side of the planned dam to allow it to dry for future construction of the dam. A cut-off trench was excavated and backfilled with compacted material. This work was started because the proposed final order indicated a reservoir permit would be issued after the recording fee was paid.	\$30,000 (approx.)
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
10/7/2010	Date the permit was signed - find date above signature on last page of permit.	
9/2012	The dam and spillway were completed	\$90,000 (approx.)
9/15	A staff gage was installed allowing the water use to begin	\$260
10/7/2015	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
NA		NA
Total Cost for Chart-B		\$120,260 (approx.)

* If exact cost is not known, you must provide your best estimate.

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
NA - This is the first extension application	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	NA
NA	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	NA
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
NA		
Total Cost of Chart-C		NA

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$120,260 (approx.)

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = NA cfs (cubic feet per second) or,

Maximum rate used to date = NA gpm (gallons per minute) or,

Maximum volume of stored water used to date = NA AF or,

Maximum volume stored annually to date = 9.5 AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

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Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes ☐ No ☐
If yes, identify Transfer No. T-NA

[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: NA

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
NA					

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# NA Acres NA

(POD/POA) # NA Acres NA

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[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
Fall 2021 to June 1, 2022	Install the outlet pipe (weather dependent)	\$50,000
June 2022 to October 1, 2024	Fill the reservoir in 2022, 2023 and 2024 between November 1 and June 30.	\$1,000
Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$51,000

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$51,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) The remaining tasks are to install an 8-inch-diameter outlet pipe through the dam per the condition in the permit and then store water in the reservoir after receiving approval of this time extension application. The storage is expected to occur from November 1 through June 30 in 2022, 2023 and 2024.

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. (Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)

We plan to divert water and fill the reservoir during the winter and spring of 2022 and 2023, but may extend this into 2024, provided this time extension application is approved. The extension to 2024 is intended to provide time to meet any new conditions contained in a time-extension order. In addition, this time span is requested in case precipitation is limited in 2022 and/or 2023 and we are unable to store the full volume of water authorized by the permit.

[OAR 690-315-0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.) YES. We have a secondary use permit to use the stored water for nursery uses (Application S-87905, Permit S-54836). If the time extension is not authorized, we will lack water for a critical part of our nursery operations.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail, consider other potential sources of water, and describe their feasibility) NO. There are no other sources available to irrigate the 24.1 acres authorized by Permit S-54836 (Application S-87905) other than this reservoir and another small reservoir to be constructed under Permit R-14882 (Application R-87487). Groundwater is not available in the area for irrigation and there are no municipal systems or irrigation districts serving the area.

[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) NO.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) We did not realize the fine-grained soils, which were in wet areas, would need to be excavated and stored for an extended period to reduce the moisture content before they would be suitable for the dam construction. This process delayed us for more than a year because the soils could only be excavated in late summer and then incorporated into the dam in 2012.

In addition, there have been financial limitations. We have been concurrently conducting work under three other permits: Permit R-14882 (Application R87487), Permit S-54836 (Application S-87905) and Permit G-17412 (Application G-17680), which went through a protest and settlement agreement. There also have been difficulties in constructing the reservoir authorized by Permit R-14882 (Application R-87487) as described below.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

We missed the condition requiring the installation of the outlet pipe and had believed the spillway was adequate for passing live flow. We will be installing the outlet pipe in the dam as soon as possible, but this will be weather dependent.

The delay in completing construction of the reservoir authorized by this permit was also related in part to completion of a separate reservoir authorized by Permit R-14882 (Application R-87487). The final design for transferring water from the two reservoirs to the irrigation authorized under Permit S-54836 (Application S-87905) was contingent on completion of both reservoirs. A pumping system dedicated to Permit R-14883 (Application R-87488) has now been installed.

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[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

The pandemic in 2020 and 2021 affected our operations. We had a number of employees out sick due to COVID at times. The general economic slowdown and our focus on the COVID workplace health and safety requirements delayed filing this time extension application.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* The income from the water will ensure the ability to grow crops on the entire acreage. With an additional 13 acre-ft of water roughly 4 acres of nursery stock can be produced. One acre of nursery production will generate gross sales of between \$60,000-\$120,000. Using an average of \$90,000 gross sales per acre and a profit margin of 20%, the gross profit per acre would be \$18,000 per acre. Four acres of increased production would result in \$72,000 of additional gross profit. With the total project costing approximately \$170,000 the payback period would be 3 years.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)* Willamette Nurseries provides employment for 15 people year-round with benefits including health insurance. In addition, we employ approximately 40 people seasonally for 8 months of the year. All of these employees depend on Willamette Nurseries for their livelihoods. Many of them, both seasonal and full-time employees, have worked at Willamette Nurseries for over 20 years and have valuable knowledge about our operations.

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Attach permit, and documentation to the application



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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 |

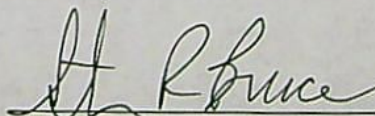
Delivery method:

- | | | |
|---|---|----------------------------------|
| <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.

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SALEM, OR

STATE OF OREGON
COUNTY OF CLACKAMAS
PERMIT TO STORE PUBLIC WATERS

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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-87488

SOURCE OF WATER: UNNAMED STEAM, TRIBUTARY TO ROCK CREEK

STORAGE FACILITY: BETTY'S POND

MAXIMUM VOLUME: 13.0 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	1470 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.

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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.

OWRD

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 Ward *for*

Phillip C. Ward, Director
Water Resources Department

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SEP 16 2021

OWRD

EYMAN EQUIPMENT, INC.
9718 SOUTH BARNARDS ROAD
CANBY, OREGON 97013
Phone: (503) 266-2567
Fax: (503) 651-3500

RECEIVED

SEP 16 2021

OWRD

JOB INVOICE

NO. 07256

SOLD TO: Willamette Nurseries, Inc
25571 S Barlow Road
Canby, Oregon 97013

LOCATION:

PD \$37,989.50
OK# 1086
2/10/11

DATE ORDERED August 2010	PHONE 503-263-6405	DISC 700x	ORDERED BY/ CUSTOMER ORDER NUMBER Devon	INVOICE DATE 12/27/2010
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DESCRIPTION OF WORK: Move in equipment. Remove soil from downstream side of structure. Remove roots and stumps found in the S.E. corner of the embankment area. Remove cottonwood trees on the SE corner of the structure. Lower the water level in the lower reservoir, excavate cut-off trench and then backfill and compact the cut-off trench. Clean up metal debris buried at site and burn stumps and branches.

(09/01/10 to 10/23/10)

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENSION
24.50	hrs - Labor	50.00	1,225.00
6.50	hrs - Cougar 1000 w/sheepsfoot roller	80.00	520.00
81.00	hrs - Kobelco SK 200 excavator	160.00	12,960.00
72.25	hrs - dump truck	85.00	6,141.25
82.50	hrs - 3 inch pump - lower water level	6.00	495.00
66.50	hrs - JD 650-H dozer	115.00	7,647.50
12.25	hrs - GPS survey, set stakes, check grade	110.00	1,347.50
5.50	hrs - Hitachi EX-120 excavator	120.00	660.00
55.75	hrs - Morooka MST-1500 dump truck	120.00	6,690.00
300	l.f. - 6 inch diameter single wall tubing	0.97	291.00
5	each - 6 inch diameter internal coupler	2.45	12.25

DATE COMPLETED 10/23/2010	JOB INVOICE NO. 07256	THANK YOU	TOTAL	\$ 37,989.50
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REMIT TO: EYMAN EQUIPMENT, INC. 9718 SOUTH BARNARDS ROAD CANBY, OREGON 97013

TERMS: ACCOUNTS DUE AND PAYABLE 10 DAYS FOLLOWING INVOICE DATE. SERVICE CHARGE OF 1 1/2% PER MONTH (18% per annum) WILL BE CHARGED ON PAST DUE ACCOUNTS.

EYMAN EQUIPMENT, INC.
 9718 SOUTH BARNARDS ROAD
 CANBY, OREGON 97013
 Phone: (503) 266-2567
 Fax: (503) 651-3500

RECEIVED

SEP 16 2021

OWRD

JOB INVOICE NO. 07304

SOLD TO: Willamette Nurseries, Inc
 25571 S. Barlow Road
 Canby, Oregon 97013

LOCATION:
 N.E. Corner Schneider Rd & Barlow Rd
 Canby, OR 97013

DATE ORDERED 03/01/2012	PHONE 503-263-6405	DISC 700x	ORDERED BY/ CUSTOMER ORDER NUMBER Devon	INVOICE DATE 12/21/2012
----------------------------	-----------------------	--------------	--	----------------------------

DESCRIPTION OF WORK: Move in equipment and repair existing embankment of reservoir. Complete repairs and construct concrete spillway.

(07/30/12 to 10/12/12)

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENSION
57.50	hrs – labor	54.00	3,105.00
7.75	hrs – Terramodel, check embankment shape, alignment	95.00	736.25
175.75	hrs – Moxy 5222B dump truck	135.00	23,726.25
212.75	hrs – Kobelco SK 200 excavator	160.00	34,040.00
32.50	hrs – 76 Kenworth dump truck	80.00	2,600.00
138.75	hrs – JD 650-H dozer	115.00	15,956.25
12.00	hrs – GPS survey	110.00	1,320.00
44.00	hrs – Hitachi EX-120 excavator	120.00	5,280.00
80.25	hrs – Morooka MST-1500 crawler dump truck	124.00	9,951.00
240.00	hrs – Honda de-watering pump	6.00	1,440.00
1	project – concrete spillway, 22 cu yds w/rebar etc.	5817.00	5,817.00

DATE COMPLETED J/12/2012	JOB INVOICE NO. 07304	THANK YOU	TOTAL	\$ 103,971.75
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REMIT TO: EYMAN EQUIPMENT, INC. 9718 SOUTH BARNARDS ROAD CANBY, OREGON 97013

TERMS: ACCOUNTS DUE AND PAYABLE 10 DAYS FOLLOWING
 INVOICE DATE. SERVICE CHARGE OF 1 1/2% PER MONTH (18%
 per annum) WILL BE CHARGED ON PAST DUE ACCOUNTS.

Application: R-87488

Permit: R-14883

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit

Holder(s) Alldevale Properties, LLC

ATTN: Devin Cooper

25571 S Barlow Rd

Canby OR 97013

Proposed Completion Date: 10-1-2024

☐ WRIG...Money Receipted on: 9-16-21

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

☒ Tonya Miller...

☒ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 10/12/2021

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application
was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was
received.

☐ Yes or ☐ No: Return file to Extension Specialist after PN _____

NOTES:

**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 # **136418**

INVOICE # _____

RECEIVED FROM: Alldendale Properties, LLC

BY: _____

APPLICATION R-87488

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # 1212 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 780.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

4611

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ 780.00

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$ _____

0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$ _____

0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$ _____

LANDOWNER'S PERMIT 0220 LICENSE FEE \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____

0210 MONITORING WELLS \$ _____ CARD# _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$ _____

0231 HYDRO LICENSE FEE (FWWRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **136418**

DATED: 9-16-2021 BY: Mindy Carlson



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

October 5, 2021

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: R-87488 (Permit R-14883)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



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

6/20/2011

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-87488

SOURCE OF WATER: UNNAMED STEAM, TRIBUTARY TO ROCK CREEK

STORAGE FACILITY: BETTY'S POND

MAXIMUM VOLUME: 13.0 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	1470 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.

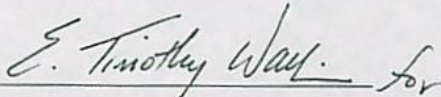
This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes,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

 *Phillip C. Ward*

Phillip C. Ward, Director
Water Resources Department

Mailing List for FO

Scheduled Mailing Date:

Application: R-87488

Permit: R-14883

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-87488
2. Water Availability (Ken Stahr)
3. Watermaster District 16

Copies Mailed

by: JS

(STAFF)

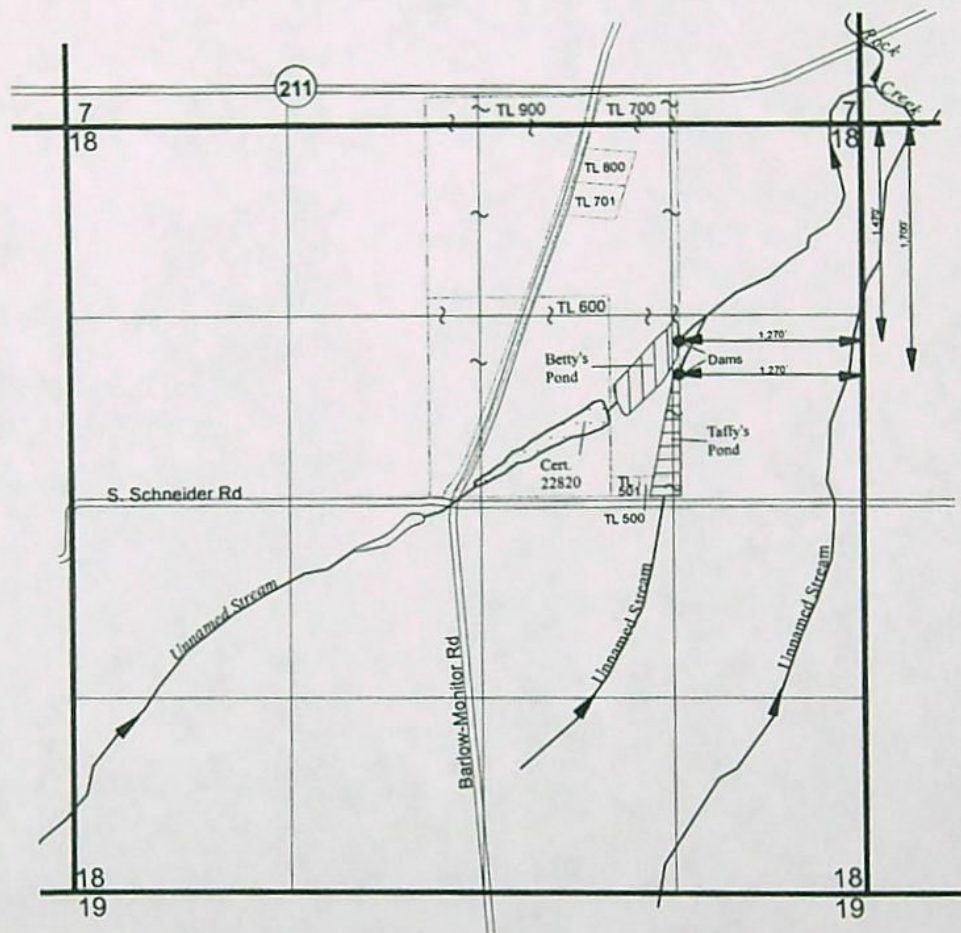
on: 10/8/10

(DATE)

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

RECEIVED

JUN 30 2009


WATER RESOURCES DEPT
SALEM, OREGON**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



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-87488
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 5.9

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

wm: 5

edf: nov-jun, wq, riparian

deg: temp concerns

Assign permit number R- 14883

Remarks:

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

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-87488

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 J. McCool 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)

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.

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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-87488

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: (For example, list STE species or other existing fishery resources that w

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 M:

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@wrdd.state.or.us

DEQ 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-87488

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: 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@wr.state.or.us

Point of Diversion Characteristics

Right:	App:R 87488 *
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: 3:10 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: 3:10 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: 3:10 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

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
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: 3:10 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 87488 County CLATSOP
Priority Date 6-30-2009 Township SS Range 15 Section 18 Taxlot 700
Use M-P Caseworker JENNA E
Amount (AF) 13.0 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: 13.0
- ☒ 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 Form 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 CHECK

plus\$ 260

13 x 20 = 260

plus\$ _____

Total Paid \$ 340

Total Fees \$ 340

Completeness Check by: JTM

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.



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 Ca

cc: WM# 16
File

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>ALLISON CHAPMAN</u></p> <p>C. Date of Delivery <u>7-26-10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
1. Article Addressed to:		3. Service Type	
<p>R-87487 & R-87488 ALLDEVALE PROPERTIES, LLC 25571 S BARLOW RD CANBY OR 97013</p>		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<p>700621500000 4121 4993 OR</p>			



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-87488, 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: 13.0 ACRE FEET
Dam Height: LESS THAN 10 FEET
Source: UNNAMED STEAM, 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

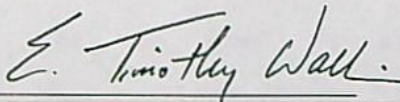
1. Water is available for the proposed use.
2. The proposed use will not injure existing water rights.
3. The proposed use will not pose a significant detrimental impact to existing fishery resources.
4. Application R-87488 is consistent with the requirements of ORS 537.409.

Now Therefore, it is Ordered:

Application R-87488 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@wrdd.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-87488

SOURCE OF WATER: UNNAMED STEAM, TRIBUTARY TO ROCK CREEK

STORAGE FACILITY: BETTY'S POND

MAXIMUM VOLUME: 13.0 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	1470 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-87488


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-87488
2. Water Availability (Ken Stahr)
3. Watermaster District 16

Copies Mailed	
by:	<u></u>
	(STAFF)
on:	<u>2/24/10</u>
	(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: Alldevale 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: Betty'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	700
5S	1E	18	SENE	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: 13.0

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-87488 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

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SALEM, OREGON

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? +/- 20 years

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

If yes, how much? miles

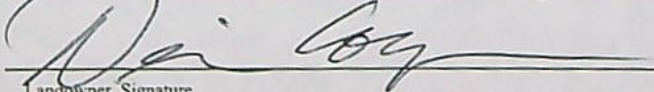
E. Partnerships: Have you been working with other agencies? ☐ Yes ☒ No

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

6-29-09

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-87488

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: Aldevale 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	700	Agriculture EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
5S	1E	18	SENE	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 County

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SALEM, OREGON

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: 13.0 ☐ 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. 401/2 zoning & Dev. Ord. primary purpose 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

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: Rock McIntire Title: Sr. Planner
 Signature: [Signature] 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: _____

Clackamas County Official Records
Sherry Hall, County Clerk

2007-011814



\$51.00

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02/09/2007 02:45:58 PM

D-D Cnt=1 Stn=6 BEVERLY
\$30.00 \$11.00 \$10.00**TICOR TITLE™**

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
Jean E. Bremer
Warren William 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

Recorded By TICOR TITLE

CER-1404

30
10
11
68**RECEIVED**

JUN 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

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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WATER RESOURCES DEPT
SALEM, OREGON

2

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

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JUN 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

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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WATER RESOURCES DEPT
SALEM, OREGON

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.

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 SALEM, OREGON

R-87488

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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WATER RESOURCES DEPT
SALEM, OREGON

(6)

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)
 -----)

O R D E R
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

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 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

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JUN 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

VIA First Class Mail

Subject: New Reservoir Storage Applications (Alternate Process)
Alldvale 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 Alldvale 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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **96962**

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

INVOICE # _____

RECEIVED FROM: Alldevale Properties, LLC

BY: _____

APPLICATION S 87488

PERMIT

TRANSFER

CASH: ☐ CHECK: # 1042 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$340.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER: (IDENTIFY) _____

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

**RECEIVED
OVER THE COUNTER**

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

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE

\$ 340.00

\$

\$

EXAM FEE

\$

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: **96962**

DATED: 6-30-09 BY: LKH

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **101141**

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

INVOICE # _____

RECEIVED FROM: A. H. Hodge Properties

BY: _____

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

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

TOTAL REC'D \$ 8000

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER: (IDENTIFY) _____

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

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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
0203 GROUND WATER
0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE

\$ _____
\$ _____
\$ _____

EXAM FEE

\$ _____

RECORD FEE

\$ 8000
\$ _____

LICENSE FEE

\$ _____
\$ _____

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 (FWWRD)
0231 HYDRO LICENSE FEE (FWWRD)
HYDRO APPLICATION

\$ _____
\$ _____
\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **101141**

DATED: 9-20-10 BY: 28

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

R-87488
ALLDEVALE PROPERTIES, LLC
25571 SOUTH BARLOW RD
CANBY OR 97013