

2

FILE#: R 80582

RICHARD STRACHAN

~~2717 NE HAMBLET~~

PORTLAND, OR

1030 NW JOHNSON #609

~~97212~~ 97209Application No. R 80582Permit No. R-12068

Certificate No. \_\_\_\_\_

Stream Index, Page No. 4

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until A 97 FPD

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

## CONSTRUCTION

Date for beginning 10-29-97Date for completion 10-1-98

Extended to \_\_\_\_\_

Date for application of water 10-1-99

Extended to \_\_\_\_\_

## PROSECUTION OF WORK

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

## FINAL PROOF

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Date Certificate issued \_\_\_\_\_

## FEES PAID

Date Amount Receipt No.

Exam Fee { 8-15-95 100<sup>00</sup> 127544  
 8-3-96 100<sup>00</sup> 3979  
 11-30-96 100<sup>00</sup> 4835

Cert. Fee

## FEES REFUNDED

Date Amount Check No.

## ASSIGNMENTS

Date

To Whom

Address

Volume

Page

## REMARKS

See file 80581 & T-7554

R12068



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **3979**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Richard Strachan

BY: \_\_\_\_\_

APPLICATION	80582
PERMIT	
TRANSFER	

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

TOTAL REC'D \$ 100.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

**0427 WRD OPERATING ACCT**

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$

TC165

DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302

LOTTERY PROCEEDS

\$

**0467 HYDRO ACTIVITY**

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **3979**

DATED: 7-3-96

BY: Flo

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

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT #

**4935**

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

INVOICE #

RECEIVED FROM:

*Richard Strachan*

BY:

APPLICATION

*80584*

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

*24-12*

☐

TOTAL REC'D

\$

*150.00*

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

\$

**0427 WRD OPERATING ACCT**

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC165

DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

**0437 WELL CONST. START FEE**

0211

WELL CONST START FEE

\$

CARD #

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MONITORING WELLS

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CARD #

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POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

**4935**

DATED:

*7-30-96*

BY:

*JLO L*

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



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

Application # <u>R-80582</u>	Permit # <u>R-12068</u>	Transfer #
WRD Reviewer <u>Jessica Jaye</u>	Date <u>11/19/14</u>	
WRD Peer Reviewer <u>Kerry</u>	Date <u>12-22-14</u>	

## Research

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

## Reviewing Claim

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

N/A Fish Conditions  
YES Meter/measuring device See #1 reverse  
N/A Water Use Reporting  
N/A Pump Test (post December 19, 1988)  
YES Other Conditions Conduit/gate assembly. See #2 reverse  
N/A SWL  
YES C-Date 10/1/99

N/A Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)  
\* Natural gravity flow system

### NOTES:

A- 10/29/07

B- 10/1/98

C- 10/1/99

CBU REC'D - 9/2/02

Current owner - TAXLOT - 2N11E310000600

David B. Ryan  
250 Wisteria Way  
Stevenson, WA 97648



## Determination

☐ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

☒ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

Calculated volume of Res., as per CWRE, is 9.9 A.F.  
This volume is less than permitted, and Cert. should reflect that

☐ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

## Processing

☐ Stamp PROPOSED or Assign CERT# \_\_\_\_\_ or ORDER OF CERTIFICATION (circle one)

☐ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

☐ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

<input type="checkbox"/> Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

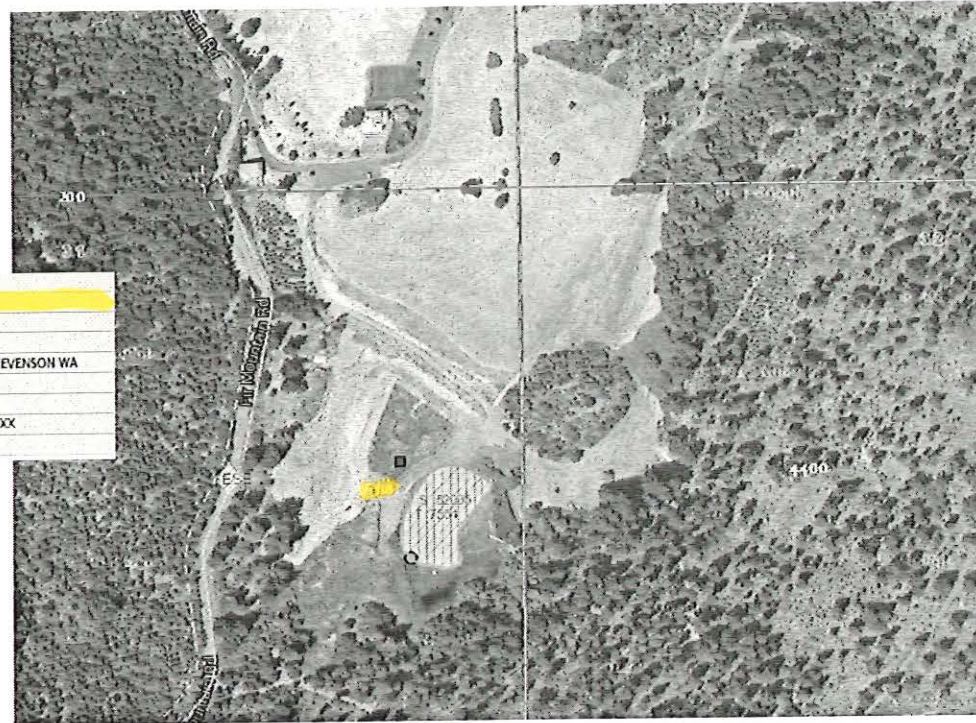
### NOTES:

- #1 - CBU/CWRE - States another suitable measuring device has been installed, per approval. See COBU. 11/19/14 - I spoke w/ Kerry K. she agrees it falls w/in suitable measuring device.  
L 12-23-14 GC agrees
- #2 - CBU/CWRE - States no conduit/gate assembly installed, 11/19/14 - Spoke w/ Kerry K. She agrees that the condition provision of "other means" is OK in this circumstance.
- #3 - The Reservoir capacity will need to be carried forward on T-7554. Spoke w/ Kerry K. She agrees.

S:\groups\wr\certs\2014-2015 Certificate Project\Checklist

APP-R-80582  
P-R-12068

County:	Hood River
Taxlot:	2N11E310000600
Owner1:	RYAN, DAVID B
Owner2:	
Owner Address:	250 WISTERIA WAY STEVENSON WA
Site Address:	HOOD RIVER 97031
Acres:	0
TRISQ:	WM2.00N11.00E31XXXX
Effective Date:	January 1, 2014







Results

[Clear All](#)

☒ Find Taxlot (1)

☒ Parcels (1)

☒ 02N11E3100600

02N11E31 600

Assessor's Account Number: 6341

Assessed Acres: 16.81

Owner:

RYAN, DAVID B

250 WISTERIA WAY

STEVENSON, WA 97648-4204

Site Address:

4051 FIR MOUNTAIN RD, HOOD RIVER

Property Class Code: 600

Real Market Value: \$8830

Assessed Value: \$5759



Water Rights Platcard Report

Meridian: Willamette Township: 2 North Range: 11 East Section: 31 Records per Page: 15 Search

Platcards Maps! [Learn about](#) \* [View Map](#)

RGR

NCR

NCR

NCR

NCR

NCR

NCR

RGR

RGR

NCR

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Permit: S 43393 *		2/23/1977	AGRICULTURE USES									*	*		*	*					*			
Additional Info: EAST FORK IRRIGATION DISTRICT App: S55336 Permit: S43393																								
Select Permit: R 12068 *		7/3/1996	FIRE PROTECTION																				*	
Additional Info: RICHARD STRACHAN App: R80582 Permit: R12068																								
Select Permit: S 43393 *		2/23/1977	FIRE PROTECTION									*	*		*	*					*			
Additional Info: EAST FORK IRRIGATION DISTRICT App: S55336 Permit: S43393																								
Select Permit: S 52905 *		8/15/1995	FIRE PROTECTION																				*	
Additional Info: RICHARD STRACHAN App: S80581 Permit: S52905																								
Select Permit: S 29377 *		1/22/1964	GROUP DOMESTIC					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Additional Info: CRYSTAL SPRINGS WATER DISTRICT App: S39422 Permit: S29377																								
Select Cert: 7802 OR CN	under T-7554 60062	6/28/1926	IRRIGATION	CN																			12	*
Additional Info: E. BEAUREGARD App: S10850 Permit: S7408 Cert: 7802																								
Select Cert: 1210 OR CN	under T-7554	7/17/1914	IRRIGATION AND DOMESTIC	CN																			20	*
Additional Info: ROBERT H KEMP App: S3798 Permit: S2157 Cert: 1210																								
Select Cert: 8813 OR CN		10/16/1928	IRRIGATION AND DOMESTIC	CN										1-1										
Additional Info: H.L. HASBOUCK App: S12380 Permit: S8822 Cert: 8813																								
Select Permit: S 36542 CN		4/13/1973	IRRIGATION, LIVESTOCK AND DOMESTIC	CN															4					
Additional Info: RICHARD A ANDERSON App: S48626 Permit: S36542																								
Select Permit: S 34196 *		3/3/1969	MUNICIPAL USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Additional Info: CRYSTAL SPRINGS WATER DISTRICT App: S45826 Permit: S34196																								
Select Inchoate: T 7554 CF (REG) *		7/17/1914	POND MAINTENANCE																					(*)
Additional Info: RICHARD STRACHAN App: S3798 Permit: S2157																								
Select Permit: R 12068 *		7/3/1996	RECREATION																				*	
Additional Info: RICHARD STRACHAN App: R80582 Permit: R12068																								
Select Permit: S 52905 *		8/15/1995	RECREATION																				*	
Additional Info: RICHARD STRACHAN App: S80581 Permit: S52905																								
Select Permit: S 36542 CN		4/13/1973	SUPPLEMENTAL CN IRRIGATION (Suppl'mtl)																4				2	
Additional Info: RICHARD A ANDERSON App: S48626 Permit: S36542																								

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



CERT # 1210 - CN

STATE OF OREGON

WATER DIVISION No. 2 COUNTY OF HOOD RIVER

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That ROBERT H. KEMP

of Hood River, R.F.D. No. 2, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Three unnamed springs in the SW ~~Quarter~~ of Section 32, T. 2 N. R. 11 E., T. 11.

for the purpose of the irrigation of 20 acres of land, and domestic use

under Permit No. 2157 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 225, on the 29th day of September, 1916; that the priority of

the right hereby confirmed dates from July 17, 1914; that the amount of

water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not

exceed 0.35 cubic foot per second.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 20 acres in the Southeast quarter of Southeast quarter of Section Thirty-one (31), Township Two (2) North, Range Eleven (11) East of Willamette Meridian, in Hood River County, Oregon.

The use for irrigation purposes hereunder shall be limited to one-eightieth of one cubic foot per second for each acre irrigated, or its equivalent in case of rotation; balance for domestic use. The use for irrigation purposes shall conform to any reasonable rotation system ordered by the proper State Officer.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 2nd day

of November, 1916.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS  
State Engineer, President

Attest: M. F. MERS  
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, Page 1210



STATE OF OREGON

COUNTY OF HOOD RIVER

ORDER APPROVING A CHANGE IN USE AND CANCELLING WATER RIGHTS

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7554 submitted by

RICHARD STRACHAN  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON 97031.

The right to be modified, as evidenced by a portion of Certificate 1210, was perfected under Permit 2157 with a date of priority of JULY 17, 1914. The right allows the use of THREE UNNAMED SPRINGS in the SW¼ SW¼, SECTION 32, T 2 N, R 11 E, WM, for IRRIGATION of 12.2 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.15 cubic foot per second, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under an other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SE¼ SE¼ 12.2 ACRES  
SECTION 31  
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

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

The applicant proposes to change the USE to storage and maintenance of a reservoir, constructed under Permit R-12068, for wildlife habitat and fire protection. The pond is located as follows:

SE¼ SE¼  
SECTION 31  
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

An affidavit was received from Richard Strachan, the owner of certain land and the water rights appurtenant to it. The water rights have been abandoned and are requested to be cancelled.

An affidavit was received from Hood River County, the owner of certain land and the water rights appurtenant to it. The water rights have been abandoned are requested to be cancelled.



THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2001.
2. The former place of use shall no longer be irrigated as a part of this water right.
3. The quantity of water stored for wildlife habitat and fire protection shall not exceed 12.0 acre feet during the irrigation season of each year. The quantity of water stored from October 1 to October 1 of each year shall not exceed 12.0 acre feet under this water right and the water right perfected under Permit R-12068.
4. The amount of water used for maintenance of the reservoir for wildlife habitat and fire protection is limited to 0.15 cubic feet per second during the irrigation season.

The portion of the water right evidenced by Certificate 1210 and the water right evidenced by Certificate 7802 requested to be cancelled are cancelled.

Certificates 1210 and 7802 are cancelled. When satisfactory proof of the completed change approved by the transfer order is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed MAY 24 2000.

  
Martha O. Pagel, Director

The first abandoned water right is a portion of the right described by Certificate 1210, State Record of Water Right Certificates. The abandoned right is for irrigation of 7.8 acres and domestic use of up to 0.20 cubic feet per second from three unnamed springs in the SW¼ SW¼, Section 32, T 2 N, R 11 E, WM. The date of priority is July 17, 1914.

The second abandoned water right is the right described by Certificate 7802, State Record of Water Right Certificates. The abandoned right is for the irrigation of 12.0 acres by the use of up to 0.15 cubic foot per second from an Unnamed Spring, tributary of Neal Creek. The date of priority is June 28, 1926.

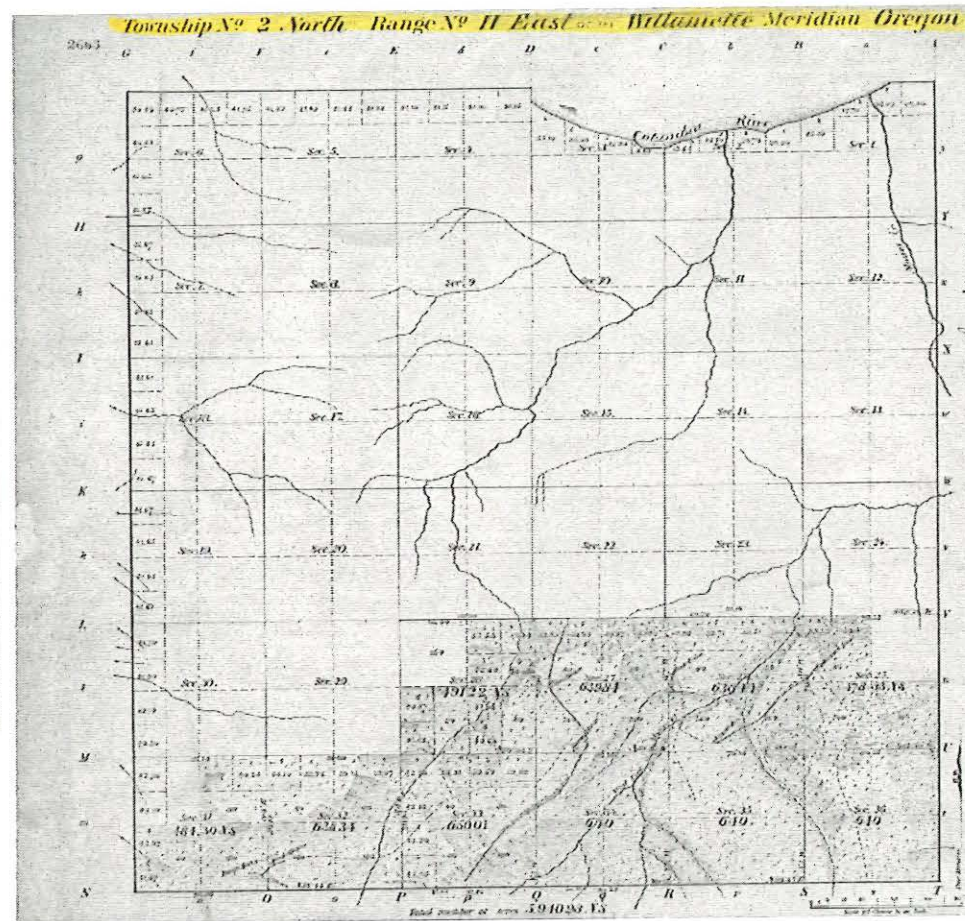
A description of the place of use of the abandoned rights is as follows:

CERTIFICATE		
	1210	7802
SE¼ SE¼	7.8 ACRES	12.0 ACRES
SECTION 31		
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.		

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certified under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order cancelling the water right."

Mr. Strachan and Hood River County own all of the SE¼ SE¼, Section 31, between them. They are requesting that all of the water rights appurtenant to that land be cancelled; except for the portion of the water right evidenced by Certificate 1210 requested to be transferred by this transfer application.



[illegible]

# CLAIM OF BENEFICIAL USE AND SITE REPORT

in the name of:

**RICHARD STRACHAN**

**APPLICATION S-80581**

**PERMIT 52905**

**APPLICATION R-80582**

**PERMIT R-12068**

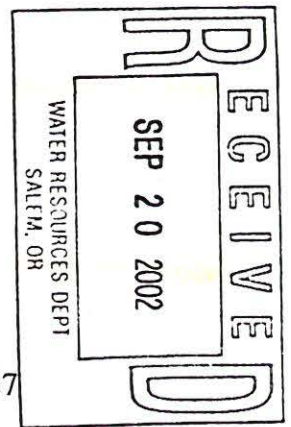
**TRANSFER**

**T-7554**

September 19, 2002

RICHARD STRACHAN  
4051 FIR MOUNTAIN RD  
HOOD RIVER, OR 97031

541-354-1937



## General Information

The methods and sources used to determine the information contained in this document are as follows:

1. On-site inspection and topographic survey of the pond September 4 & 16, 2002.
2. Interview with Richard Strachan, September 4, 2002.
3. Recorded surveys.
4. Surface Water Permit 52905, Reservoir Permit R-12068, and Transfer T-7554
5. Water Rights Certificates 1210 and 7802.

**Source of Water:** Two (2) unnamed springs in the SE1/4 SE1/4, Section 31 and one (1) unnamed spring in the SW1/4 SW1/4 Section 32, T 2 N, R 11 E, W.M., tributaries of Kershaw Creek, within the Hood River Basin.

**Diversion Point:** SE 1/4 SE 1/4, Section 31, Township 2 North, Range 11 East, W.M.; Spring 1 - North 425 feet and West 10 feet from SE Corner of Section 31; Spring #2 - North 540 feet and East 40 feet from the SE Corner Section 31; Spring #3 - North 695 feet and West 27 feet from SE Corner Section 31.

## Place of Use:

SE 1/4 SE 1/4

SECTION 31

TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

**Uses:** Storage and maintenance of a reservoir constructed under Permit R12068, for recreation, wildlife habitat, wetland, and fire protection.

**Description:** The three springs feed the reservoir by natural flow. Exploration by others hired by Mr. Strachan show that the reservoir area is part of a peat bog. The reservoir and associated wetlands are contained within a natural bowl which tends to trap water from the springs. The previously existing pond was deepened and enlarged to the south and west and an overflow area improved to the west and northwest of the existing dike. Measurements indicate that little changes were made to the previously existing dike. This dike is effective in retaining a portion of the reservoir water during dry periods, but water overflows into lower areas of the bowl northwest of the dike prior to water entering the overflow to Kershaw Creek. Flow into the reservoir is seepage and broad surface flow from the springs and it



does not appear practical to measure the amount flowing into the reservoir. The water level at the time of the inspection, September 4, 2002, was approximately 1 foot below the overflow channel, and no water was visible flowing out of the pond through the overflow at the time of the inspection. Mr. Strachen indicated that there was water flowing in the overflow channel close to Fir Mountain Road.

**Reservoir Calculations:** Because a significant area of this reservoir is shallow and in wetland, but the portion around the island is deep, I calculated the volume of water retained using contouring techniques, assuming a flow depth at the outlet of 0.2 feet.

Maximum surface area: 4.3 acres

Maximum depth: 12.5 feet

$$(4.3)(25)(.4) = 21.5 A \cdot F$$

★ Calculated volume from topography: 9.9 acre feet — FPS

Volume calculated by standard formula: 20.6 acre feet Max.

Conditions on September 4, 2002:

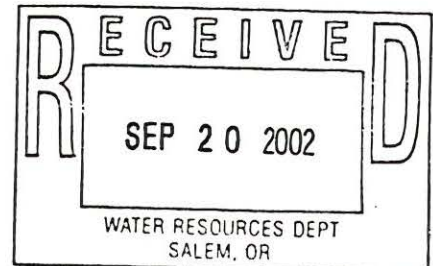
Surface area: 2.2 acres

Depth September 4: 11.5 feet

Calculated volume: 6.3 acre feet

$$(2.2)(11.5)(.4) = 10.12 A \cdot F$$

Capacity Noted.



#### Overflow Cross Section

<u>68.0</u>	<u>67.5</u>	<u>66.2</u>	<u>70.1</u>	<u>71.5</u>
15.7	7.8	0	4.9	12
	LT	CL	RT	

#### Overflow profile:

<u>65.2</u>	<u>66.2</u>	<u>66.6</u>	<u>67.0</u>	<u>66.2</u>	<u>65.92</u>	<u>64.5</u>	<u>64.0</u>
0	52	86	91	104	107	148	167
		Up	CREST	Down			
		Stream		Stream			

#### Typical Dike Cross Section

<u>61.2</u>	<u>66.2</u>	<u>67.2</u>	<u>68.0</u>	<u>67.2</u>	<u>65.6</u>
0	32	47	62	81	116
	Current water	Max water	top dam	max water	

**Measurement, recording, and reporting requirements:** Under Permit 52905, a measuring device may be required by the Director, but none is currently installed. Under Permit R-12068, a meter or other measuring device shall be installed. During initial preparation of this report, no measuring device was installed, however conversation with Steve Brown of the Water Resources Department indicated that a simple level gage was sufficient. I drove an 8 foot long 2"x4" post into the bottom of the pond and nailed the top to an existing foot bridge. A section of fiberglass measuring tape 6 feet long was nailed to the post so that water level readings could be made. Water level on September 16, 2002 was 5.7 feet on the gage. Maximum pond level at overflow is calculated at 6.5 feet. No record of water levels is currently required. As most of the water entering the reservoir is sheet flow over a large area, it

OK  
for  
meter?  
Cond.

does not appear practical to measure the quantity of water entering the reservoir from the springs.

OK? cond.  
**Conditions:** Permit R-12068 requires installation of a conduit/gate assembly. No conduit or gate assembly is currently installed. As the reservoir is located in a naturally occurring bowl and is part of an extensive wetland development, it does not appear practical to install the conduit/gate assembly. The conduit would have to be approximately 400 feet long in order to drain the reservoir. I recommend and request that the Director waive the requirement for the conduit/gate assembly or change the conditions of the permit to allow a different method of draining the reservoir.

The former place of use does not appear to be irrigated.

**Tie:** The springs, reservoir, and other features were located by survey with respect to a found monument at the Southeast corner Section 31, T 2 N, R 11 E, W.M.

**Certification:**

This claim of beneficial use survey and inspection of the use as found to be completed under the terms and conditions of Permit 52905, Permit R-12068, and Transfer T-7554, was made by me on September 4 and 16, 2002, and the facts contained in this report and accompanying claim of beneficial use map are correct to the best of my knowledge.

**PARSONS SURVEYING**

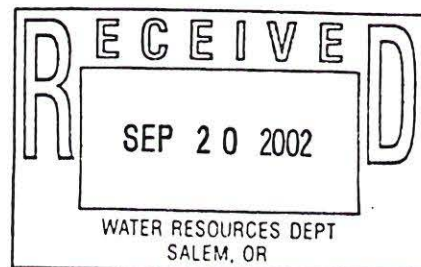
1915 SE Stone Street  
Corvallis, OR 97333  
(541) 752-7515  
FAX (541) 752-7515  
Project No. 0225



EXP: 12/31/2002

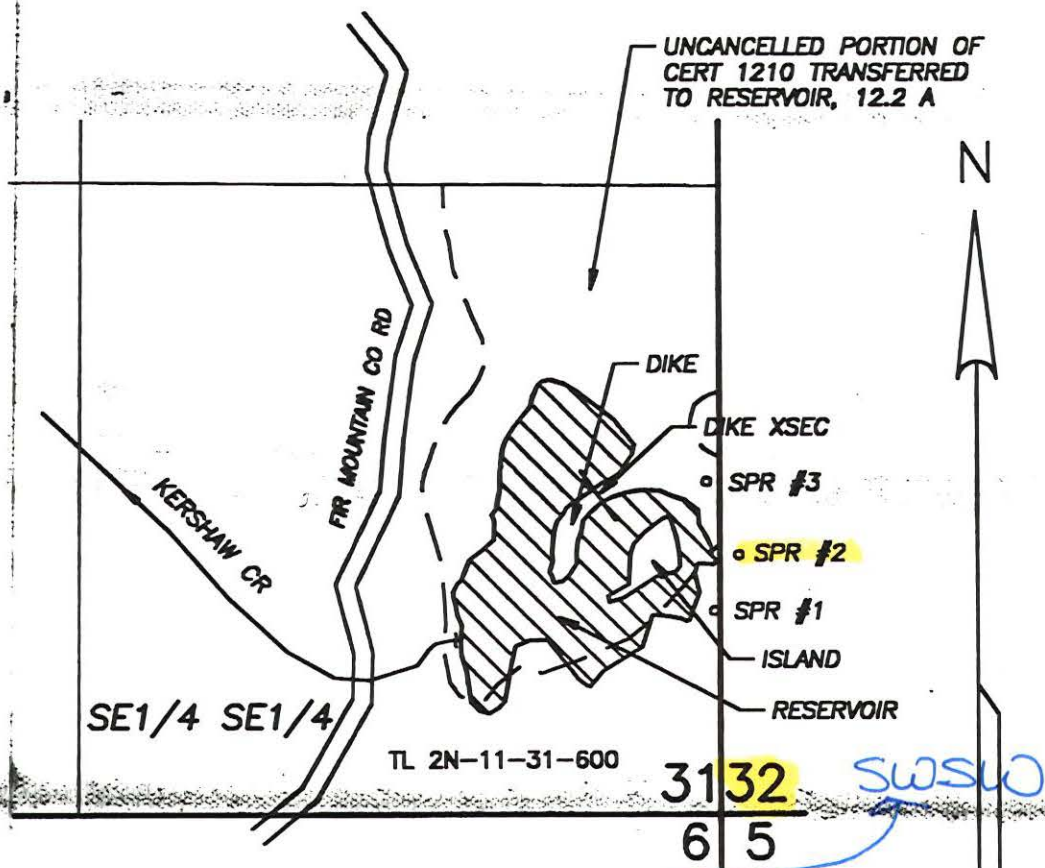
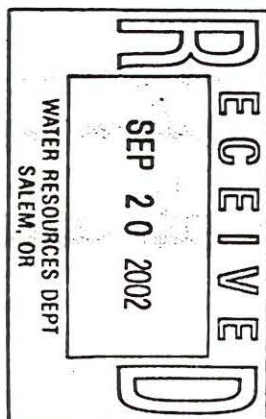
I, Richard Strachan, agree to the findings of the CWRE, and submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of Permit 52905, Permit R-12068, and Transfer T-7554, and hereby request that a Water Right Certificate be issued.

Richard Strachan 9-16-02  
Richard Strachan Date





T 2 N, R 11 E, W.M.  
SECTION 31



SPRING #1 - N 425' & W 10' from SE Cor S31  
SPRING #2 - N 540' & E 40' from SE Cor S31  
SPRING #3 - N 695' & W 27' from SE Cor S31

RESERVOIR AREA (MAX): 4.3 ACRES  
DEPTH (MAX): 12.5 FEET  
CAPACITY (MAX): 9.2 AF

1" = 400'

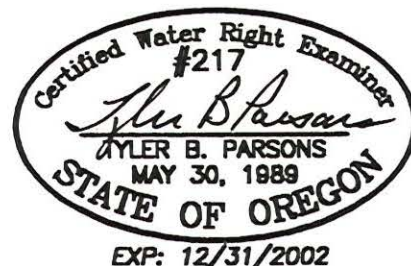
**CLAIM OF BENEFICIAL USE MAP**  
FOR  
**RICHARD STRACHAN**

APPLICATION S-80581  
APPLICATION R-80582  
TRANSFER

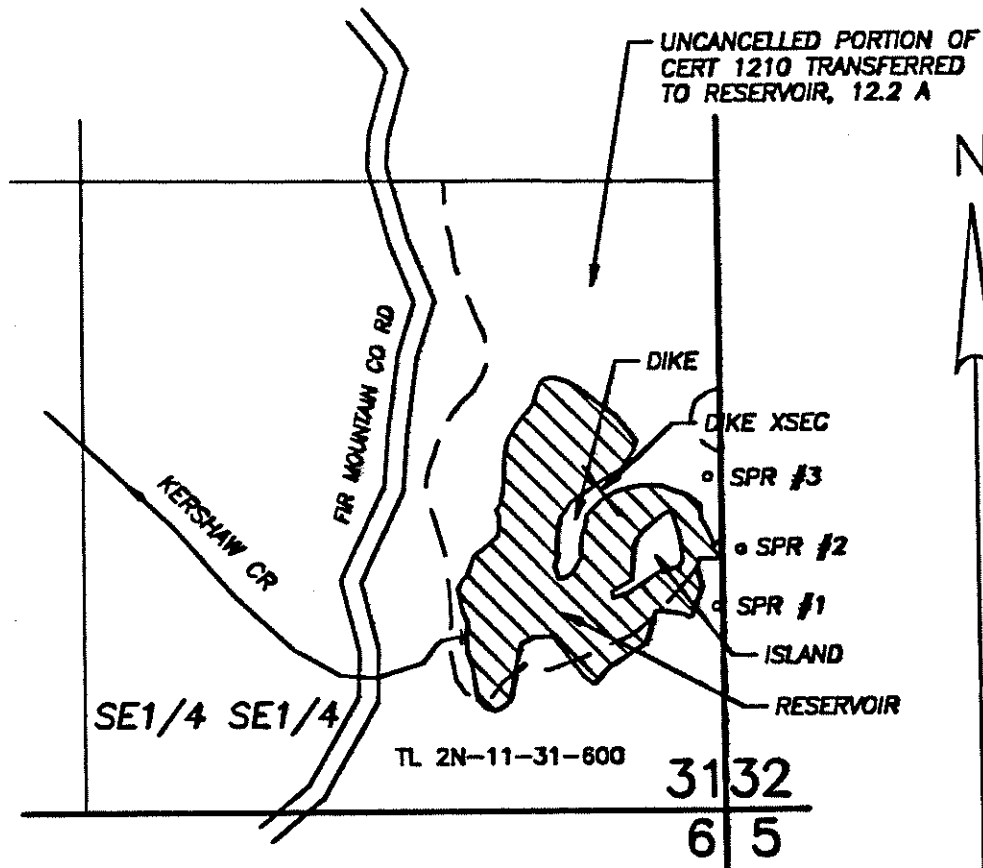
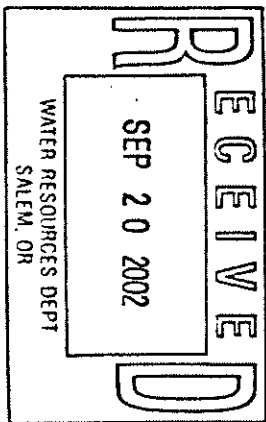
PERMIT 52905  
PERMIT R-12068  
T-7554

Prepared September 16, 2002  
PARSONS SURVEYING  
1915 S.E. Stone St.  
Corvallis, OR 97333  
(503) 752-7515  
Project No. 0225

This map is for location of Water Right  
only and does not constitute a boundary survey.



T 2 N, R 11 E, W.M.  
SECTION 31



1" = 400'

SPRING #1 - N 425° & W 10° from SE Cor S31  
SPRING #2 - N 540° & E 40° from SE Cor S31  
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RESERVOIR AREA (MAX): 4.3 ACRES  
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CAPACITY (MAX): 9.4 AF

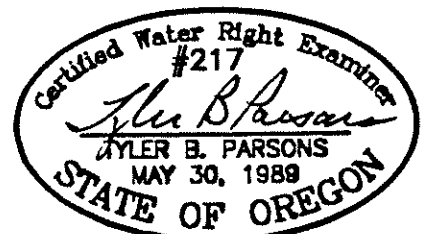
**CLAIM OF BENEFICIAL USE MAP**  
FOR  
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APPLICATION S-80581  
APPLICATION R-80582  
TRANSFER

PERMIT 52905  
PERMIT R-12068  
T-7554

Prepared September 16, 2002  
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(503) 752-7515  
Project No. 0225

This map is for location of Water Right  
only and does not constitute a boundary survey.



EXP: 12/31/2002





# Oregon

John A. Kitzhaber, MD, 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

**DATE MAILED:**

**JAN 16 2015**

**NOTICE**

Reference: Application R-80582 Permit R-12068

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

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

Sincerely,

Dwight French  
Water Right Services Administrator

STATE OF OREGON  
COUNTY OF HOOD RIVER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD STRACHAN  
1030 NW JOHNSON #609  
PORTLAND OR 97209

confirms the right to store water perfected under the terms of Permit R-12068. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-80582  
SOURCE: THREE UNNAMED SPRINGS, TRIBUTARIES OF KERSHAW CREEK, WITHIN THE HOOD RIVER BASIN  
STORAGE FACILITY: ONE UNNAMED RESERVOIR  
PURPOSE OR USE: TO BE MAINTAINED UNDER PERMIT S-52905 FOR FIRE PROTECTION AND RECREATION  
MAXIMUM STORAGE VOLUME: 9.9 ACRE-FEET  
WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: OCTOBER 1 THROUGH MARCH 31  
DATE OF PRIORITY: JULY 3, 1996  
DAM LOCATION: SE ¼ SE ¼, SECTION 31, TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	11 E	WM	31	SE SE	SPRING #1 – 425 FEET NORTH AND 10 FEET WEST FROM SE CORNER, SECTION 31
2 N	11 E	WM	32	SW SW	SPRING #2 – 540 FEET NORTH AND 40 FEET EAST FROM SE CORNER, SECTION 31
2 N	11 E	WM	31	SE SE	SPRING #3 – 695 FEET NORTH AND 27 FEET WEST FROM SE CORNER, SECTION 31

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
2 N	11 E	WM	31	SE SE

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

PROPOSEL



Measurement, recording and reporting conditions:

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

The storage of water allowed herein is subject to the maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior to downstream rights.

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

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

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

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

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

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

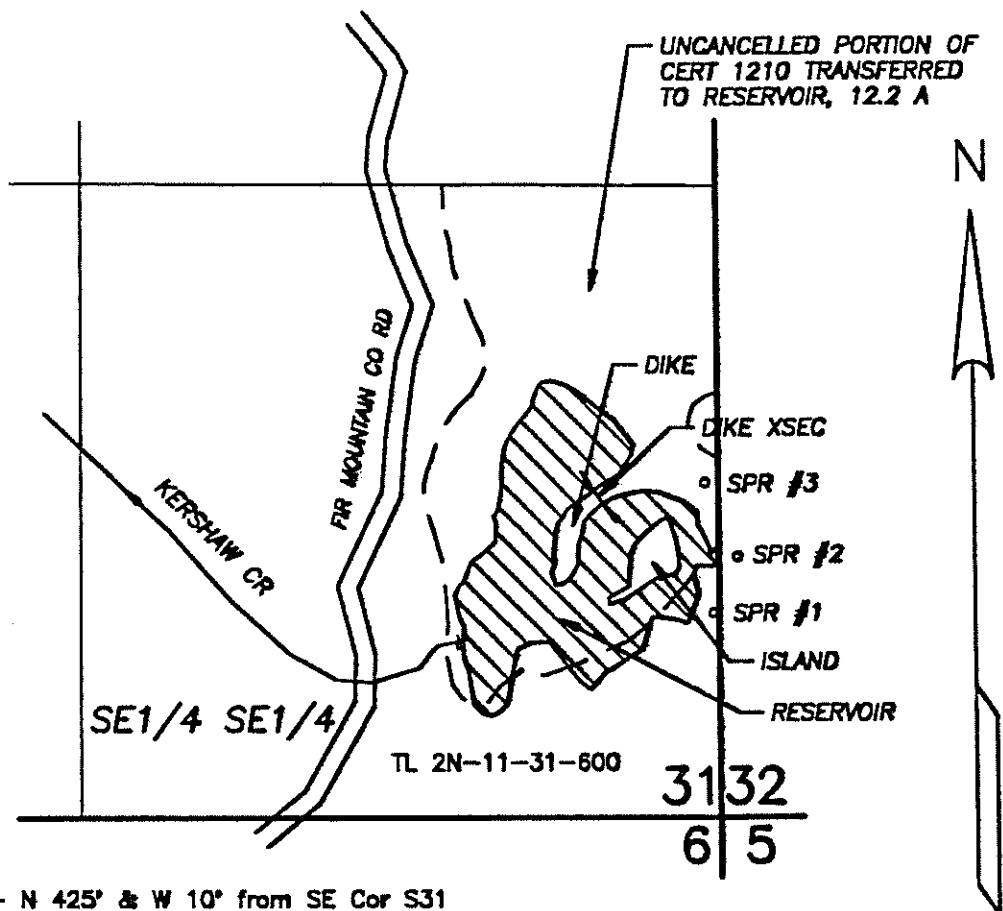
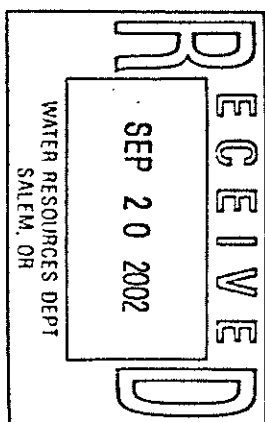
Issued

**PROPOSED**

---

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

T 2 N, R 11 E, W.M.  
SECTION 31



SPRING #1 - N 425' & W 10' from SE Cor S31  
 SPRING #2 - N 540' & E 40' from SE Cor S31  
 SPRING #3 - N 695' & W 27' from SE Cor S31  
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 DEPTH (MAX) : 12.5 FEET  
 CAPACITY (MAX): 9.4 AF

1" = 400'

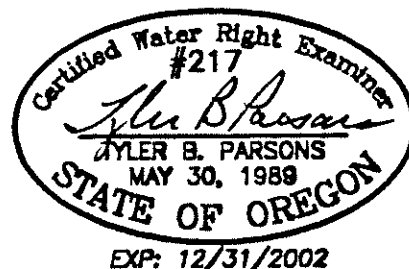
**CLAIM OF BENEFICIAL USE MAP**  
**FOR**  
**RICHARD STRACHAN**

APPLICATION S-80581  
 APPLICATION R-80582  
 TRANSFER

PERMIT 52905  
 PERMIT R-12068  
 T-7554

Prepared September 16, 2002  
 PARSONS SURVEYING  
 1915 S.E. Stone St.  
 Corvallis, OR 97333  
 (503) 752-7515  
 Project No. 0225

This map is for location of Water Right  
 only and does not constitute a boundary survey.





# Mailing List for Certificate

Scheduled Mailing Date:

Application: R-80582

Permit: R-12068

Certificate: \*\*\*\*\*

90112

Permit/Certificate Holder:

✓ RICHARD STRACHAN  
1030 NW JOHNSON #609  
PORTLAND OR 97209

## Copies Mailed

by: Liz Lopez  
(STAFF)

on: JAN 16 2015  
(DATE)

### Copies of Final Certificate to be sent to:

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

### Other persons to receive copies: (include map):

- ✓ 1. TYLER BARNETT PARSONS, CWRE  
PARSONS SURVEYING
- ✓ 2. CURRENT LANDOWNER – TAXLOT – 2N11E310000600  
DAVID B. RYAN  
250 WISTERIA WAY  
STEVENSON, WA 97648

PROPOSED

90112

4 copies  
5 maps



# Oregon

John A. Kitzhaber, MD, 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

**DATE MAILED:**

JAN 16 2015

**NOTICE**

Reference: Application R-80582 Permit R-12068

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

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

Sincerely,

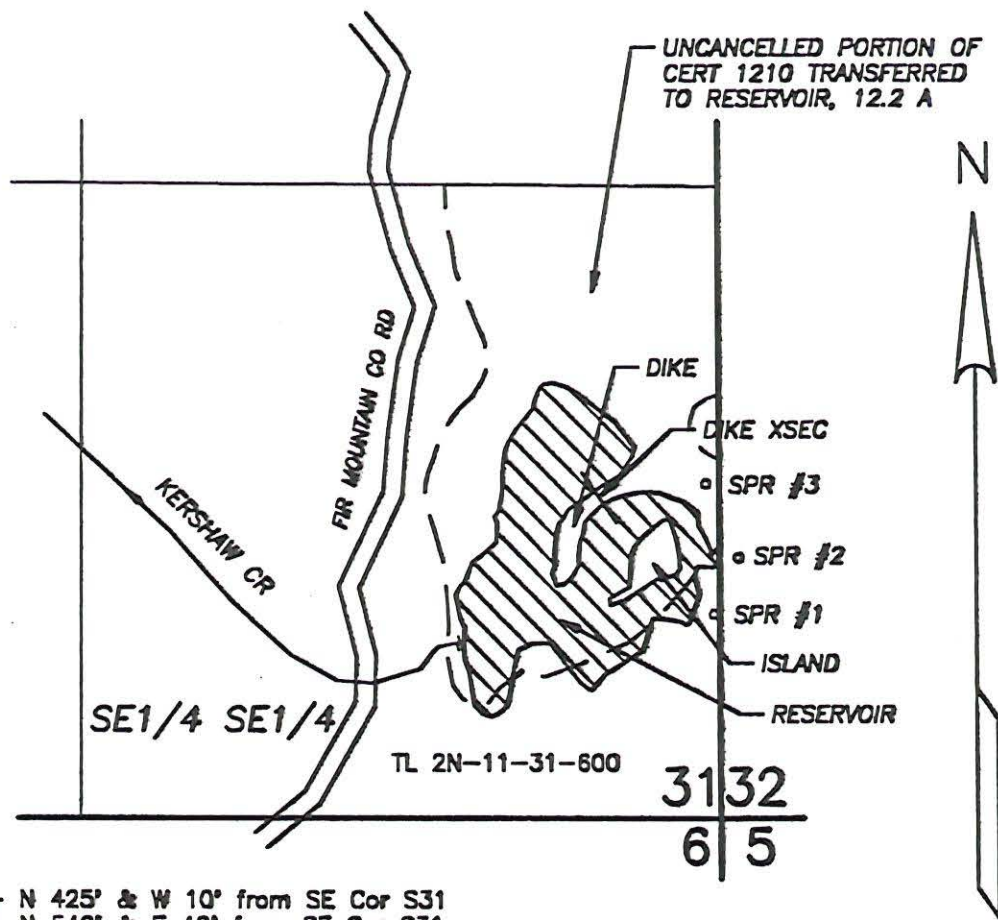
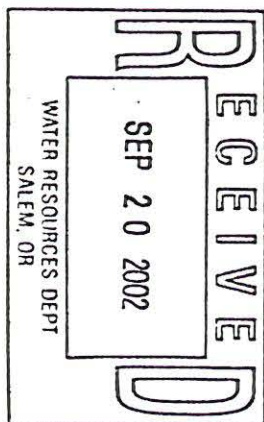
Dwight French

Water Right Services Administrator



**COPY**

T 2 N, R 11 E, W.M.  
SECTION 31



SPRING #1 - N 425' & W 10' from SE Cor S31  
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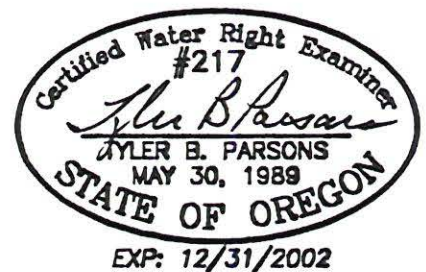
### CLAIM OF BENEFICIAL USE MAP FOR RICHARD STRACHAN

APPLICATION S-80581  
APPLICATION R-80582  
TRANSFER

PERMIT 52905  
PERMIT R-12068  
T-7554

Prepared September 16, 2002  
PARSONS SURVEYING  
1915 S.E. Stone St.  
Corvallis, OR 97333  
(503) 752-7515  
Project No. 0225

This map is for location of Water Right  
only and does not constitute a boundary survey.



# Mailing List for Certificate

Scheduled Mailing Date:

Application: R-80582

Permit: R-12068

Certificate: 90112

Permit/Certificate Holder:

RICHARD STRACHAN  
1030 NW JOHNSON #609  
PORTLAND OR 97209

## Copies Mailed

by: JH  
(STAFF)

on: 4/24/15  
(DATE)

### Copies of Final Certificate to be sent to:

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

### Other persons to receive copies: (include map):

1. TYLER BARNETT PARSONS, CWRE  
PARSONS SURVEYING
2. CURRENT LANDOWNER – TAXLOT – 2N11E310000600  
DAVID B. RYAN  
250 WISTERIA WAY  
STEVENSON, WA 97648





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

**Date Mailed: April 24, 2015**

**NOTICE OF CERTIFICATE ISSUANCE**

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

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

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

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

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

STATE OF OREGON  
COUNTY OF HOOD RIVER  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD STRACHAN  
1030 NW JOHNSON #609  
PORTLAND OR 97209

confirms the right to store water perfected under the terms of Permit R-12068. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-80582

SOURCE: THREE UNNAMED SPRINGS, TRIBUTARIES OF KERSHAW CREEK, WITHIN THE HOOD RIVER BASIN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE: TO BE MAINTAINED UNDER PERMIT S-52905 FOR FIRE PROTECTION AND RECREATION

MAXIMUM STORAGE VOLUME: 9.9 ACRE-FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: OCTOBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 3, 1996

DAM LOCATION: SE ¼ SE ¼, SECTION 31, TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	11 E	WM	31	SE SE	SPRING #1 – 425 FEET NORTH AND 10 FEET WEST FROM SE CORNER, SECTION 31
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2 N	11 E	WM	31	SE SE	SPRING #3 – 695 FEET NORTH AND 27 FEET WEST FROM SE CORNER, SECTION 31

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
2 N	11 E	WM	31	SE SE

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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

Application R-80582.jlj

Page 1 of 2

Certificate 90112.



Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device, as approved by the Director, in good working order.
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Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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

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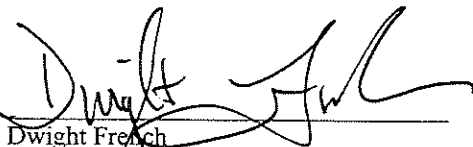
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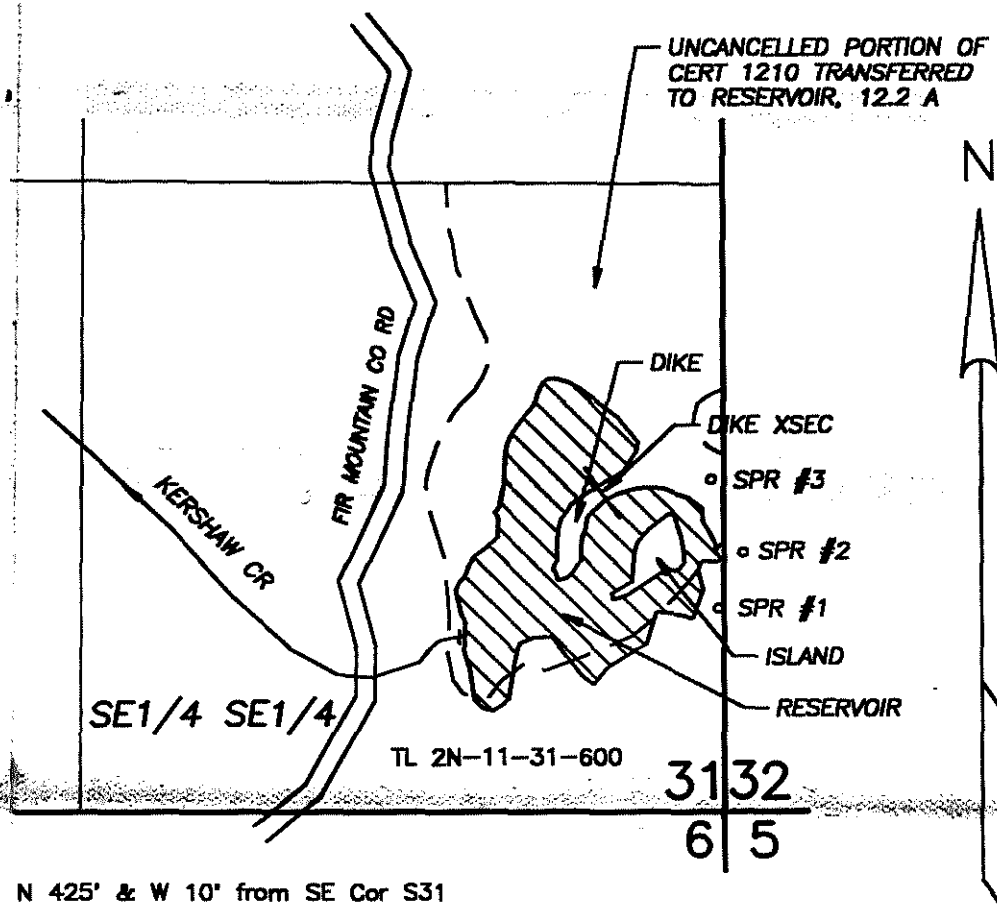
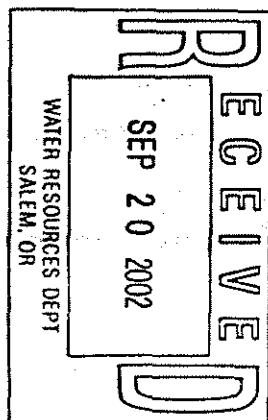
**APR 24 2015**

Issued \_\_\_\_\_



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

T 2 N, R 11 E, W.M.  
SECTION 31



SPRING #1 - N 425' & W 10' from SE Cor S31  
SPRING #2 - N 540' & E 40' from SE Cor S31  
SPRING #3 - N 695' & W 27' from SE Cor S31

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DEPTH (MAX): 12.5 FEET  
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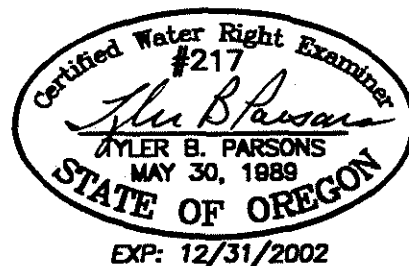
**CLAIM OF BENEFICIAL USE MAP**  
FOR  
**RICHARD STRACHAN**

APPLICATION S-80581  
APPLICATION R-80582  
TRANSFER

PERMIT 52905  
PERMIT R-12068  
T-7554

Prepared September 16, 2002  
PARSONS SURVEYING  
1915 S.E. Stone St.  
Corvallis, OR 97333  
(503) 752-7515  
Project No. 0225

This map is for location of Water Right  
only and does not constitute a boundary survey.







**PARSONS  
SURVEYING**

# FAX COVER PAGE

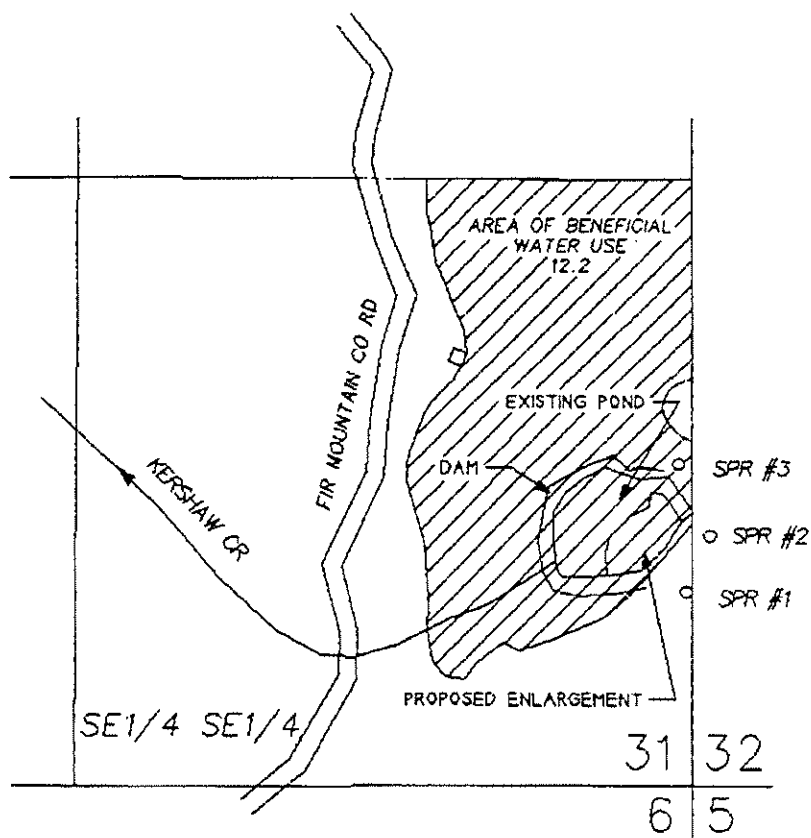
1915 S.E. Stone Street, Corvallis, OR 97333

ANITA McCLOUD		From: TYLER PARSONS
WRD 503-378-6203		Phone: 541-752-7515
Date: 3/28/96	Time:	Fax Number : 541-752-7515
Total Pages: 4		

PLEASE REVIEW DRAFT CANCELLATION  
DOLS FOR RICHARD STRACHAN

*Tyler Parsons*  
CWRE217

T 2 N, R 11 E, W.M.  
SECTION 31



1" = 400'

SPRING #1 - N 425' & W 10' from SE Cor S31  
 SPRING #2 - N 540' & E 40' from SE Cor S31  
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## RESERVOIR & SURFACE WATER APPLICATION

IN THE NAME OF

**RICHARD STRACHAN**

Surveyed May 17, 1995  
 Revised 3/26/96

PARSONS SURVEYING  
 1915 SE Stone Street  
 Corvallis, OR 97333  
 (541) 752-7515  
 Project 9522

NOTE: Map is for purpose of identifying  
 location of water right and does not dimension  
 or locate property ownership lines.



Post-it Brand

Fax Transmittal Memo 7672

To ANITA MC CLOUD

Company WRD

Location

Fax # 503-378-6203

Telephone #

Comments



No. of Pages

1

Today's Date

3/28/96

Time

From

TYLER PARSONS

Company

PARSONS SURVEYING

Location

Dept. Charge

Fax #

541-752-7515

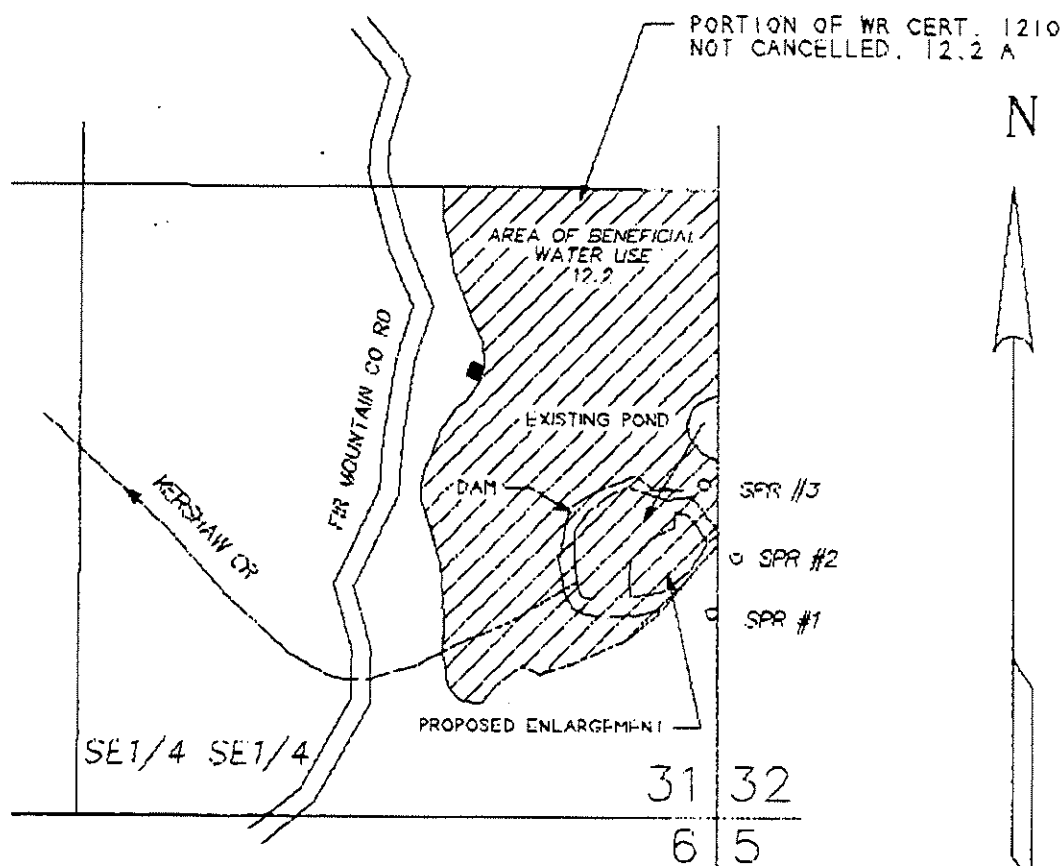
Telephone #

541-752-7515

Original  
Disposition:☐ Destroy☐ Return☐ Call for pickup

PLEASE SUBSTITUTE THIS CANCELLATION MAP FOR  
THE ONE SENT 3/28/96 WITH AFFIDAVITS.

T 2 N, R 11 E, W.M.  
SECTION 31



CANCEL ALL CERTIFICATE NO 7807  
CANCEL CERTIFICATE NO. 1210, EXCEPT 12.2 ACRES

SPRING #1 - N 425' & W 10' from SE Cor S31  
SPRING #2 - N 510' & E 40' from SE Cor S31  
SPRING #3 - N 695' & W 27' from SE Cor S31

1" = 400'

# WATER RIGHT CANCELLATION FOR RICHARD STRACHAN

Surveyed May 17, 1995  
Revised 3/26/96

PARSONS SURVEYING  
1915 SE Stone Street  
Corvallis, OR 97333  
(541) 752-7515  
Project 9522

NOTE: Map is for purpose of identifying  
location of water right and does not dimension  
or locate property ownership lines.

## AFFIDAVIT

State of Oregon                    )  
  )ss  
County of Multnomah            )

I, Richard C. Strachan, of 2717 NE Hamblet, Portland, Oregon, 97212, being first duly sworn, depose and say:

1. That I am the legal owner of the property described by the deed and legal description attached to and made part of this affidavit;
2. That Water Right Certificate No. 1210, Permit No. 2157, was issued to Robert H. Hemp, under a priority date of July 17, 1914, for the use of 0.35 cfs of water from unnamed springs for the irrigation of 20 acres of land and domestic use in the SE 1/4 of the SE 1/4 of Section 31, Township 2 North, Range 11 East, of the Willamette Meridian, in Hood River County, Oregon;
3. That a portion of Certificate No. 1210 is appurtenant to my property as described above;
4. That I have abandoned any and all interest in the portion of this water right outside the limits shown on the attached map and request that the portion of said right lying outside the limits shown on the map which is appurtenant to my land be cancelled.

\_\_\_\_\_  
Richard C. Strachan

\_\_\_\_\_  
Date

Subscribed and Sworn to Before me this \_\_\_\_\_ day of \_\_\_\_\_, 19

\_\_\_\_\_  
Notary Public for Oregon

My commission expires: \_\_\_\_\_

## AFFIDAVIT

State of Oregon                    )  
  )ss  
County of Multnomah            )

I, Richard C. Strachan, of 2717 NE Hamblet, Portland, Oregon, 97212, being first duly sworn, depose and say:

1. That I am the legal owner of the property described by the deed and legal description attached to and made part of this affidavit;
2. That Water Right Certificate No. 7802, Permit No. 7804, was issued to E. Beauregard, under a priority date of June 28, 1928, for the use of 0.15 cfs of water from unnamed springs for the irrigation of 12 acres of land in the SE 1/4 of the SE 1/4 of Section 31, Township 2 North, Range 11 East, of the Willamette Meridian, in Hood River County, Oregon;
3. That a portion of Certificate No. 7802 is appurtenant to my property as described above;
4. That I have abandoned any and all interest in this water right and request that the portion of said right which is appurtenant to my land be cancelled.

\_\_\_\_\_  
Richard C. Strachan

\_\_\_\_\_  
Date

Subscribed and Sworn to Before me this \_\_\_\_\_ day of \_\_\_\_\_, 19

\_\_\_\_\_  
Notary Public for Oregon

My commission expires: \_\_\_\_\_



October 18, 1995

Richard Strachan  
2717 NE Hamblet  
Portland, OR 97212

Dear Mr. Strachan:

I have just spoken with Chris Wohlers regarding your water right applications 80581, for a permit to appropriate surface water, and R-80582, a permit to construct a reservoir.

There is an existing water right on your property, certificate number 1210, for domestic and irrigation of 20 acres. Mr. Wohlers and I discussed the possibility of you withdrawing the application 80581, for fire protection use, and transferring a portion of the existing right from irrigation to fire protection. You would then withdraw the application 80581 from processing. The reservoir application would remain on file.

I am enclosing the appropriate paperwork for the transfer and the withdrawal. If you have any questions, please give me a call toll free in the state at 1-800-624-3199, ext 273.

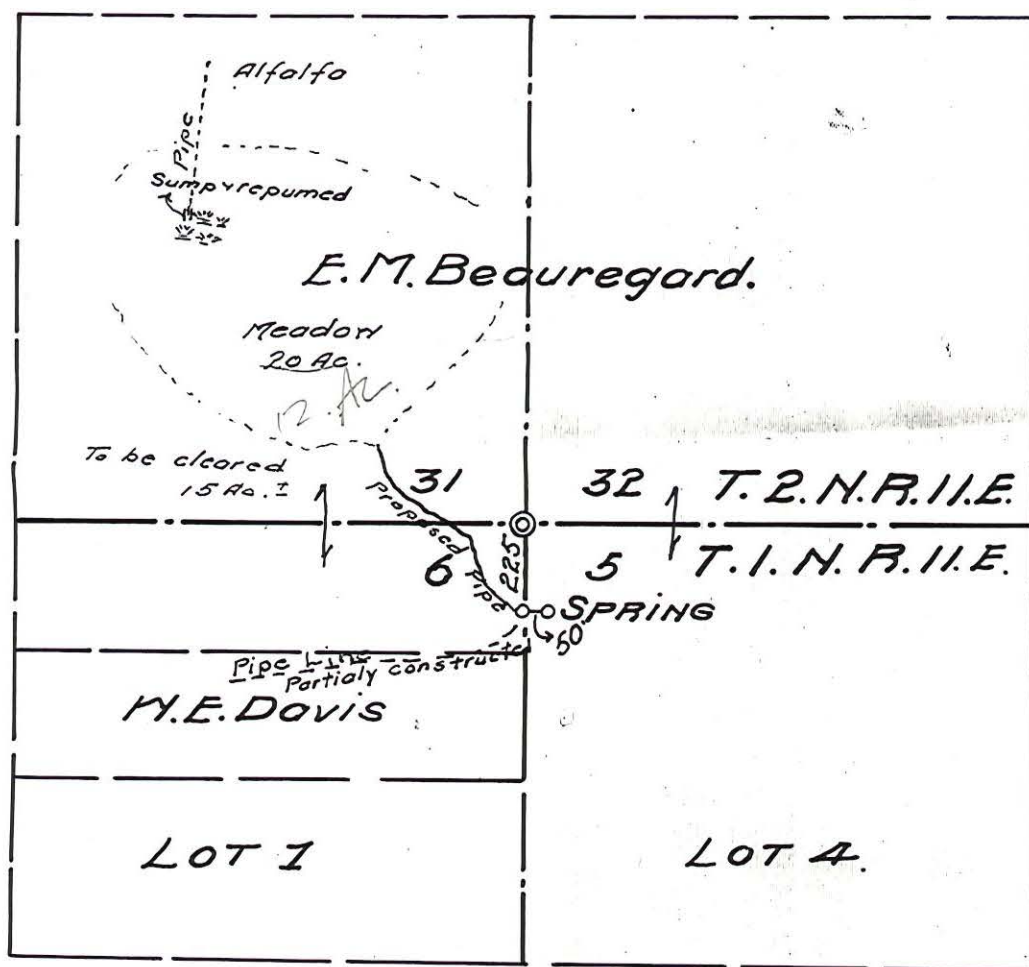
Sincerely,

Anita McLoud  
Water Rights Specialist



---

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



MAP

Accompanying application for permit  
to appropriate water for irrigation  
of lands of:

E. BEAUREGARD

In Section 31 Twp 2. N. Range 11 E. 14. M.

Scale 1" = 500'

# FIR MOUNTAIN Ranch

Richard Strachan  
2717 NE Hamblet St  
Portland, OR 97212

Hood River, 1.23.199

Re: Water Usage on Fir Mountain Ranch between 1989 and 1995

Dear Mr. Strachan,

I leased the "Fir Mountain Ranch" from the previous owners Art Ober/John Sterling from 1989 through June 1995.

During this time I operated the ranch as a guest ranch, providing hourly horseback riding, week long pack trips and lodging at our Bed&Breakfast. On an average and yearlong, we pastured 20 horses.

1. The well by the main house we used: a) for domestic use and to irrigate our extensive garden  
b) to keep the upper stock tanks filled up
2. The spring we used continuously: a) to keep the lower stock tanks filled  
b) to keep the 2000 Gal. tank on top of the mountain filled for fire protection  
c) to supply the cabin with domestic water and irrigation water for the garden and the lower horse corral.
3. The pond by the lower barn we used: a) to irrigate our lower fields  
b) to water our stock  
c) as the major back up for fire suppression

I hope, the previous owners have let you know that the Pine Grove Fire Dept. is not obligated to drive up this steep road to fight fires. Therefore, I cannot stress enough the importance of keeping all the water systems running at all times and ready to be used to fight fires.

Sincerely,

  
Franz Brun



SEP 4 1990

RECEIVED

AUG 27 1990

## STATEMENT OF WATER RIGHTS

WATER RESOURCES DEPT.  
SALEM, OREGON

1. ☐ The parcels identified within this plan, plat or replat DO NOT have a water right.

How will water be applied to these lands? (i.e. city water supply, district supply, or exempt well use)

Sign this form and file with the plan, plat, or replat.

\*\*\*\*\*

2. ☒ The parcels identified within this plan, plat or replat DO have a water right, as issued to:

A 3798 531 Permit #2157 Certificate # 1210 for/irrigation and use  
A 10850 531 Permit #7408 Certificate # 7802 for domestic use  
for irrigation use

Acres	Township	Range	Section	Tax-Lot Number
20	T2N	R11E	32	4300, 4400, 300 & 600
12	T2N	R11E	31 & 32	4300, 4400, 300 & 600

Proceed to back page and attach extra pages as necessary.

Sign this form and mail with the plan, plat or replat to Water Resources Dept.

\*\*\*\*\*

The above information is true and complete to the best of my knowledge.

Signed: \_\_\_\_\_

Date: 8-20-90

Name: (type or print) WILL CAREY, ATTORNEY FOR JOHN STERUNG ETAL

\*\*\*\*\*

Please do not write below this line.

\*\*\*\*\*

## ACKNOWLEDGEMENT

The Oregon Water Resources Department has received a statement of water right and revised plan, plat or replat for the property listed below.

- ☐ The lands identified within this plan, plat or replat DO NOT have a recorded water right.

- ☒ The lands identified within this plan, plat or replat DO have a recorded water right, as issued to: Robert Kemp; E. Beauregard

Permit # 2157; 7408 Certificate # 1210; 7802

Acres	Township	Range	Section	Use
20 <sup>0</sup>	2N	11E	31	irr + domestic
12 <sup>2</sup>	2N	11E	31	irr.

902404

There are no water rights of record in Section 32.

The water right has been put to beneficial use within the past 5 years.

☒ yes

☐ no

☐ Don't know.

The water right has been continuously used without a five year interruption since it was established and documented.

☒ yes

☐ no

☐ Don't know

☒ The water right will not be modified for this plat.

☐ The water right will be modified and the owner(s) of the lands have filed for:

☐

a change in use

☐

a change in point of diversion

☐

a change in place of use

☐

an additional point of diversion

☐

cancellation of the water right

Please fill in a complete mailing address. Please print or type.

Name: WILL CAREY

Street: P.O. BOX 325

City: HOOD RIVER, OR 97031

Zip

1315E

902404

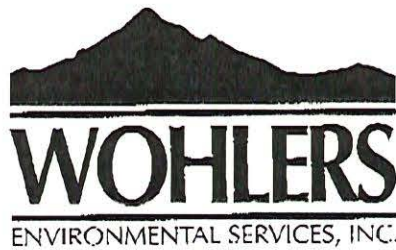
**WOHLERS ENVIRONMENTAL SERVICES****P.O. Box 1132****Tualatin, Oregon 97062****Ph: 503-620-8151 Fax: 503-639-3119****Facsimile Communication**Date 12/4/95 Time 12<sup>30</sup> am (pm) Fax No. 1-378-8130TO: Ms Anita McLeod, Water ResourcesFROM: Chris WohlersNo. of Pages (including cover sheet) 11


Attached are materials describing  
The Hood River project we  
discussed earlier. Please  
contact me if you have questions,  
and if you can provide your  
signature on the original ODS  
form.

Thanks again!

Chris Wohlers



**MEMORANDUM**

**FROM:** Christopher C. Wohlers, Senior Consultant  
Wohlers Environmental Services, Inc. 

**TO:** Mr. Jeff Hunter, Associate Planner, Hood River County  
Ms. Anita McLoud, Water Rights Specialist, Water Resources Dept.  
Mr. Leland Gilsen, Archeologist, Historic Preservation Office  
Mr. Jim Torland, Oregon Department of Fish & Wildlife

**SUBJECT:** Review of Attached Materials Regarding Expansion of a Pond  
on Private Property Located in Hood River County, Oregon

**DATE:** December 4, 1995

Thank you for your assistance in reviewing the attached materials describing the expansion of an existing man-made pond located at the Fir Mountain Ranch located approximately seven miles southeast of the City of Hood River, Oregon. Included in these materials is a description of project activities and objectives, Site Vicinity and Site Maps, site photographs, and schedule of activities. As we discussed, these materials are in support of the Oregon Division of State Lands (ODSL) "Wetland Enhancement/Restoration General Authorization Reporting Form" which is also attached. As noted on the form, your signatures are required to obtain State of Oregon approval to proceed with the expansion of the onsite pond. **Please do not sign the attached form; if you do not anticipate difficulties with affixing your signature to the original ODSL document, please call or fax me with this information.** If you anticipate issues of concern, I would appreciate communication of these issues, either by phone or by fax. Once all issues of concern are resolved, we will send the original form to each of you in sequence for signature.

Your assistance with this project is greatly appreciated! If possible, may we anticipate hearing back from you by Friday, December 8, 1995?

Thank you again, and we look forward to your reply.



December 15, 1995

Mr. Jerry Hedrick  
Oregon Division of State Lands  
Wetlands Program  
775 Summer Street, N.E.  
Salem, Oregon 97310-1337

RE: Submittal of Information in Support of Wetland Enhancement/Restoration:  
General Authorization Reporting Form for the Proposed Expansion of an Existing  
Man-Made Pond at Fir Mountain Ranch Located at 4051 Fir Mountain Road,  
Hood River, Oregon  
Wohlers Environmental Project No. 95-0026

Dear Mr. Hedrick:

Thank you for your assistance with the efforts by Mr. Rick Strachan to obtain approval for the proposed expansion of the existing man-made pond located at the above-referenced address in Hood River, Oregon. Per your correspondence dated November 2, 1995, it is our understanding that while the area of interest (i.e., the onsite pond) may be considered a jurisdictional wetlands, the expansion of the pond could be approved as an enhancement or restoration of wetlands. It is our understanding following discussions with Ms. Judy Linton of the U.S. Army Corps of Engineers (COE) that COE approval is not required for projects completed under the wetlands enhancement/restoration general authorization provided by the State of Oregon.

#### Site History and Project Background

The Fir Mountain Ranch is comprised of approximately 123 acres of primarily wooded (less than 10% meadow) property zoned Forest ('F-1') land use. The property is located approximately seven miles southeast of the City of Hood River (see Figure 1), and was purchased by Mr. Strachan in June 1995. Several buildings are located on the property, including the main dwelling, a small cabin, two barns, and several storage structures (see Figure 2). Most recent land use has been as a bed and breakfast operated by the previous owners.

A man-made pond is located south of the access road and main cabin (see Figure 2). According to several former property owners, the pond was constructed in the late-1930s or early-1940s by a previous owner. The pond reportedly is fed by several springs located

Mr. Jerry Hedrick  
December 15, 1995  
Page 2

on the slopes of the adjacent forested areas located east of the pond. These springs presumably are located in the drainage basin associated with Kershaw Creek, a tributary of Neal Creek.

Recent site conditions observed during a May 1995 site visit completed by Wohlers Environmental Services, Inc. ("Wohlers Environmental") staff indicated that prior to construction of the pond, the area likely would have been characterized as an uplands habitat based on the presence of typical uplands plant species (e.g., blackberry, pine, etc.) in the surrounding areas. Conversations with several prior owners confirmed that the area where the pond is currently located reportedly was 'dry land' prior to the pond's construction. Please see the enclosed photographs for additional reference of land and habitat features.

Total area of the pond approximates 0.8 acres; shoreline field observations indicated that water depth varied between several feet to approximately six feet. A small concrete spillway was observed near the southern end of the pond, apparently utilized to assist in regulating the flow of spring-fed water through the pond system.

#### Proposed Pond/Wetlands Expansion

Beginning in the summer of 1996, Mr. Strachan intends to use the property as a principal residence. This will include year-round residence and an absence of commercial farming or ranching activities at the property. Mr. Strachan has proposed to expand the existing pond/wetlands by approximately 50% in surface area to approximately 1.2 acres in size, and to deepen the pond to a maximum depth of 15 feet. The objectives of the proposed enlargement of the storage capacity of the pond are to increase wetlands area (ecological benefit), improve the aesthetics of the pond, and allow for fire protection of nearby forested areas. Water from the pond will not be used for irrigation or grazing purposes, or other commercial activities.

Material removed from the edges of the pond, and lesser amounts of bottom material removed from the bottom of the pond, will be placed in uplands areas removed from the immediate area of the pond (precluding re-entering of removed materials into the pond). An estimated 100 cubic yards of subsurface materials will be removed from the perimeter and center of the existing pond. Removed vegetation primarily will be limited to grasses, sedges and bulrushes located along the immediate edge of the pond.

Please refer to the enclosed photographs for illustration of site/pond conditions, as observed during a site visit completed by Wohlers Environmental staff in May 1995.



Mr. Jerry Hedrick  
December 15, 1995  
Page 3

Per applicable State of Oregon wetlands and water use regulations, Mr. Strachan has applied to the State of Oregon Water Resources Department for an "Application for a Permit to Construct a Reservoir."

Enclosed is a completed State of Oregon, Division of State Lands "Wetland Enhancement/Restoration: General Authorization Reporting Form" with signatures from applicable local and state reviewing agencies.

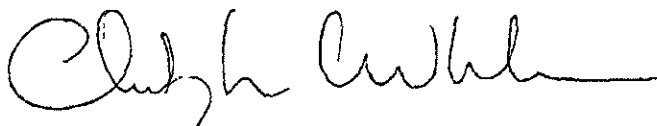
As we have discussed on several occasions, Mr. Strachan is committed to complying with whatever regulatory requirements are applicable at the Fir Mountain Ranch. Since Mr. Strachan is already planning on enhancing and not diminishing existing wetlands benefits at his property, we trust that our request for a general authorization for wetlands restoration and enhancement under OAR 141-89-020 will be approved.

Per our earlier discussions, Mr. Strachan and Wohlers Environmental staff will be available to answer questions regarding the enclosed information, plans to enlarge the current onsite pond, or other appropriate issues. If it is deemed necessary, we will also be available to meet with you at the Fir Mountain Ranch to review current conditions and planned pond modifications.

Thank you again for your interest in our project, and we look forward to your response.

Sincerely,

**WOHLERS ENVIRONMENTAL SERVICES, INC.**



Christopher C. Wohlers  
Senior Scientist

Enclosures

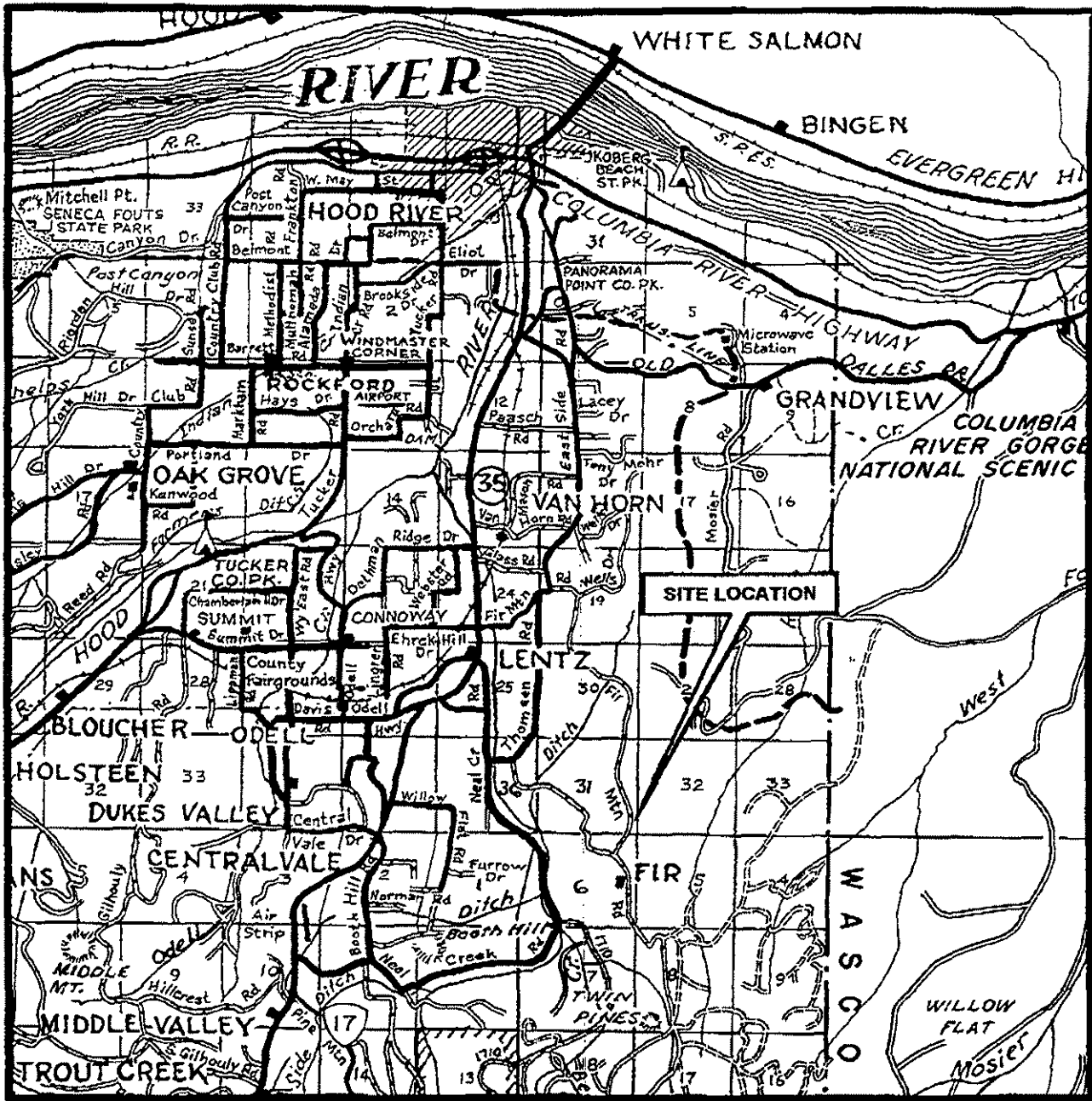
Figure 1 Site Vicinity Map

Figure 2 Site Map

Site Photographs

ODSL "Wetlands Enhancement/Restoration: General Authorization Reporting Form"

cc: Mr. Rick Strachan (w/encl)  
Ms. Judy Linton, U.S. Army Corps of Engineers (w/encl)



SOURCE: PITTMON'S MAP OF HOOD RIVER AND HOOD RIVER  
COUNTY. REVISED 1991.



FIGURE 1

**SITE VICINITY MAP**

FIR MOUNTAIN RANCH  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON

PROJECT NO.:	95-0026
DATE:	10/30/95
SCALE:	2.5" = 4 MILES
FILE:	SV0026
DRAWN BY:	JT

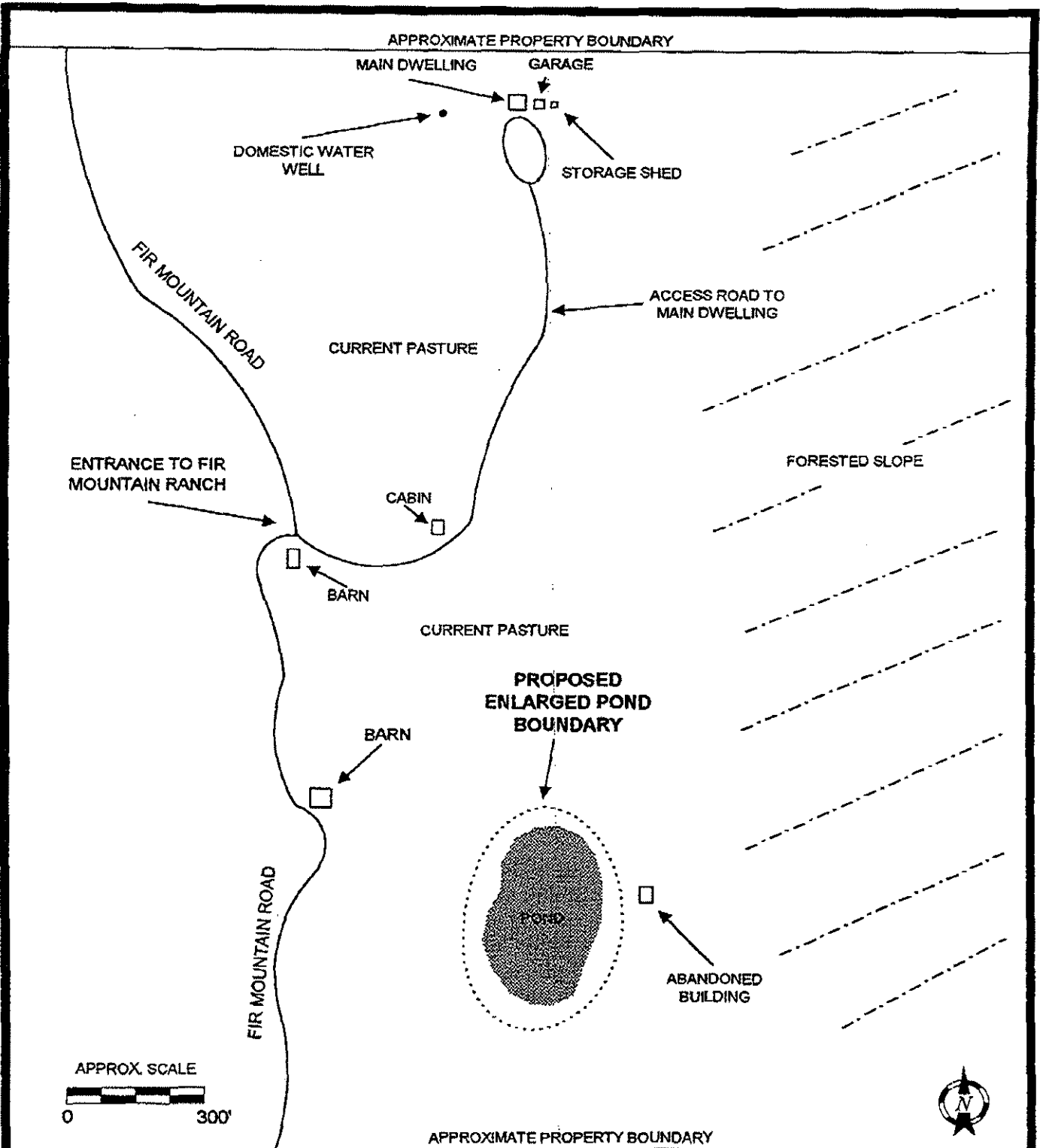


FIGURE 2

**SITE MAP**

FIR MOUNTAIN RANCH  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON

PROJECT NO.:	95-0026
DATE:	10/30/95
SCALE:	1" = 300'
FILE:	MP0026
DRAWN BY:	JT





**Photo No. 1:** View of the onsite cabin (left edge), entrance-area barn, and barn located immediately west of the onsite pond, looking south-southwest.



**Photo No. 2:** View of the northeastern edge of the onsite pond with abandoned structure (left edge) and forested eastern slope, looking southeast.



APPENDIX A

**SITE PHOTOGRAPHS**

FIR MOUNTAIN RANCH  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON

PROJECT NO.:	95-0052
DATE:	10/30/95
PHOTOLOG NO.:	1
PHOTO NOS.:	1 and 2
FILE:	PHMP1026



**Photo No. 3:** View of the southern edge of the onsite pond, looking north.



APPENDIX A

**SITE PHOTOGRAPHS**

FIR MOUNTAIN RANCH  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON

PROJECT NO.:	95-0052
DATE:	10/30/95
PHOTOLOG NO.:	2
PHOTO NOS.:	3
FILE:	PHMP2026

**DIVISION OF STATE LANDS  
WETLAND ENHANCEMENT/RESTORATION  
GENERAL AUTHORIZATION REPORTING FORM**

1. RESPONSIBLE PARTY Mr. Rick Strachan DSL Project No. \_\_\_\_\_

Contact Person Mr. Christopher C. Wohlers

Address Wohlers Environmental Serv. Phone 503-635-6808

P.O. Box 1132

Tualatin, Oregon 97062

2. TYPE OF PROJECT

☐ Water Diversion of \_\_\_\_\_ (stream)

☐ Water Impoundment of \_\_\_\_\_ (stream)

☐ Ditch Plugging ☐ Ditch Construction ☒ Other (describe) Pond

☐ Dike Construction ☐ Dike Removal Expansion - See

☐ Surface Grading ☐ Drain Tile Removal Attached Materials

☐ Bank Excavation of \_\_\_\_\_ (stream)

3. PROJECT DESCRIPTION Explain, in detail, what will be done and what the project will accomplish for wetland restoration/enhancement. (Attach drawings of site location and proposed actions and further written description. See additional requirements on the back.)

See Attached Materials

4. LOCATION

Drainage Basin Kershaw Creek Section 31 Township 2N Range 11E  
Nearest Stream Kershaw Creek County Hood River NE 1/4 of SE 1/4

5. CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT (To be completed by local planning official)

CERTIFY THAT:

☐ This project is not regulated by the local comprehensive plan and zoning ordinance.

☐ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.

☐ This project has been reviewed and is not consistent with the local comprehensive plan and zoning ordinance.

☐ This project complies with floodplain ordinances.

☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approvals are obtained:

☐ Conditional Use Approval ☐ Development Permit ☐ Plan Amendment ☐ Zone Change ☐ Other \_\_\_\_\_

An application ☐ has ☐ has not been made for local approvals checked above.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

continued on back

**6. DEPARTMENT OF FISH AND WILDLIFE REVIEW**

- ☐ I have reviewed this project and concur that it will provide benefit to Oregon's wildlife resources.
- ☐ Work should be conducted between \_\_\_\_\_ and \_\_\_\_\_.
- ☐ There are no known occurrences of state or federal listed threatened or endangered species on the site.
- ☐ The following state or federal listed threatened or endangered species occur on the site:

\_\_\_\_\_  
ODFW Signature

Title

Date

**7. DEPARTMENT OF AGRICULTURE REVIEW (635 Capitol Street NE, Salem, OR 97331)**

- ☐ There are no known occurrences of state or federal listed threatened or endangered plant species on the site.
- ☐ The following state or federal listed threatened or endangered plant species occur on the site:

\_\_\_\_\_  
ODA Signature

Title

Date

**8. HISTORIC PRESERVATION OFFICE REVIEW (1115 Commercial St. NE, Salem, OR 97310 ☎ 378-6508)**

- ☐ I have reviewed this project and find that the site does not have any known cultural resources.
- ☐ I have reviewed this project and our records indicate that cultural resources are likely present and should be protected by:

\_\_\_\_\_  
SHPO Signature

Date

**9. WATER RESOURCES DEPARTMENT REVIEW (158 12th Street NE, Salem, OR 97310 ☎ 378-3739)**

- ☐ I have reviewed this project and no approval is required by the Water Resources Department.
- ☐ A \_\_\_\_\_ ☐ permit is required ☐ has been applied for to construct this project.

\_\_\_\_\_  
Watermaster Signature

Date

**10. ADDITIONAL INFORMATION REQUIRED:**

- Map Showing Location
- Photographs of the site
- Site Plan (scale at least 1" = 400') showing:
  - existing conditions (show wetland, streams, etc.)
  - proposed construction activities
- Restoration/Enhancement Description:
  - Resource enhancement goals/objectives
  - Areal extent of alteration
- Approximate cubic yardage of material proposed to be filled, moved, altered.

Please return completed form and additional information to:

Division of State Lands  
775 Summer St. NE  
Salem, OR 97310-1337  
☎ (503) 378-3805

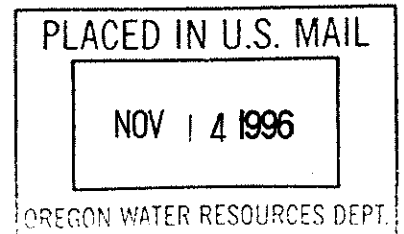
05/30/95

wppermit:330



STATE OF OREGON  
COUNTY OF HOOD RIVER

PERMIT TO STORE THE PUBLIC WATERS



THIS PERMIT IS HEREBY ISSUED TO

RICHARD STRACHAN  
2717 NE HAMBLET  
PORTLAND, OREGON 97212

(503) 282-6854

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

APPLICATION FILE NUMBER: R-80582

SOURCE OF WATER: THREE UNNAMED SPRINGS, TRIBUTARIES OF KERSHAW CREEK  
WITHIN THE HOOD RIVER BASIN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE MAINTAINED UNDER APPLICATION  
S-80581, PERMIT 52905 FOR FIRE PROTECTION AND RECREATION

AMOUNT/VOLUME ALLOWED: 12.0 ACRE-FEET EACH YEAR

THE PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM  
OCTOBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 3, 1996

The area submerged by the reservoir, when full, will be 1.2 acres and  
the maximum depth of water will be 15.0 feet. The maximum height of the  
dam shall not exceed 6.0 feet.

DAM LOCATION: SE 1/4 SE 1/4, SECTION 31, TOWNSHIP 2 NORTH, RANGE 11  
EAST, W.M.

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

SE 1/4 SE 1/4  
SECTION 31  
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee  
shall install a meter or other suitable measuring device as  
approved by the Director. The permittee shall maintain the  
meter or measuring device in good working order.

Application R-80582 Water Resources Department

PERMIT R-12068

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

#### STANDARD CONDITIONS

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

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

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

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

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

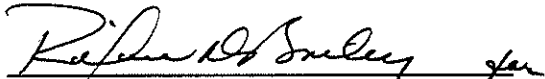
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

SEE NEXT PAGE

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

Issued October 29, 1996

  
Martha O. Pagel, Director  
Water Resources Department

Application R-80582 Water Resources Department  
Basin 04 Volume 1 Neal Creek & Misc.

PERMIT R-12068  
District 03

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-80582

**Final Order**

*Application History*

On August 15, 1995, RICHARD STRACHAN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on April 16, 1996. The protest period closed May 31, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the application priority date.

**Order**

Upon payment of outstanding permit recording fees, Application R-80582 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$ 200.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application R-80582.

DATED July 17, 1996

  
for Martha O. Pagel  
Director

*Hearing and Appeal Rights*

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 527.153(6) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.



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



STATE OF OREGON

COUNTY OF HOOD RIVER

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

RICHARD STRACHAN  
2717 NE HAMBLET  
PORTLAND, OREGON 97212

(503) 282-6854

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

APPLICATION FILE NUMBER: R-80582

SOURCE OF WATER: THREE UNNAMED SPRINGS, TRIBUTARIES OF KERSHAW CREEK WITHIN THE HOOD RIVER BASIN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FIRE PROTECTION AND RECREATION, TO BE MAINTAINED UNDER APPLICATION S-80581, PERMIT \_\_\_\_\_

AMOUNT/VOLUME ALLOWED: 12.0 ACRE-FEET EACH YEAR

THE PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM OCTOBER 1 THROUGH MARCH 31

DATE OF PRIORITY: JULY 3, 1996

The area submerged by the reservoir, when full, will be 1.2 acres and the maximum depth of water will be 15.0 feet. The maximum height of the dam shall not exceed 6.0 feet.

DAM LOCATION: SE 1/4 SE 1/4, SECTION 31, TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

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

SE 1/4 SE 1/4  
SECTION 31  
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

Application R-80582 Water Resources Department

PERMIT DRAFT

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

#### STANDARD CONDITIONS

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

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

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

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

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

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

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

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

{DATE}

DRAFT

---

Martha O. Pagel, Director  
Water Resources Department

Application R-80582  
Basin 04

Water Resources Department  
Volume 1 Neal Creek & Misc.

PERMIT DRAFT  
District 03



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-80582

**Proposed Final Order**

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

*Application History*

On August 15, 1995, Richard Strachan submitted an application to the Department for the following water use permit:

- Amount of Water: 12.0 acre-feet
- Use of Water: Fire protection and Recreation
- Source of Water: Three unnamed springs, tributaries of Kershaw Creek
- Area of Proposed Use: Hood River County within Section 31, Township 2 North, Range 11 East, W.M.
- Water Delivery System: This reservoir is an existing reservoir in the channel of the stream that the springs flow into

On December 29, 1995, the Department mailed the applicant notice of its Initial Review, determining that the storage of 12.0 acre-feet of water from three unnamed springs, tributaries of Kershaw Creek, for Fire Protection and Recreation may be allowed from October 1 through March 31 of each year. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On January 16, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record

- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

#### *Findings of Fact*

The Hood Basin Program allows the following uses: Storage for Fire Protection and Recreation

Senior water rights exist on an unnamed reservoir, and three unnamed springs, tributaries of Kershaw Creek or on downstream waters.

Three unnamed springs, tributaries of Kershaw Creek are not within or above a State Scenic Waterway.

Water is available for further appropriation (at a 50 percent exceedance probability) for the period: October 1 through March 31 (storage season).

The Department finds that 12.0 acre-feet would be beneficial for the proposed use. The amount of water requested, 12.0 acre-feet, is allowable.

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

At the time the Initial Review was conducted, conflicts were noted with existing rights for a portion of the land to be covered by the proposed reservoir. The Applicant has submitted Affidavits of cancellation for those portions of the identified rights in conflict. Therefore this proposed use can be allowed.

#### *Conclusions of Law*

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

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

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

For these reasons, the required presumption has been established.

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

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

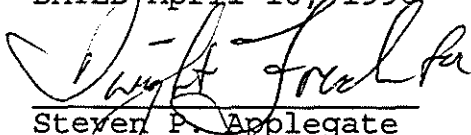
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

#### Recommendation

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

DATED April 16, 1996



Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

#### Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.

Your protest must be received in the Water Resources Department no later than **May 31, 1996**.

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

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

JKS-007



DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF HOOD RIVER

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

RICHARD STRACHAN  
2717 NE HAMBLET  
PORTLAND, OREGON 97212

(503)282-6854

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WITHIN THE HOOD RIVER BASIN

STORAGE FACILITY: ONE UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: FIRE PROTECTION AND RECREATION, TO  
BE MAINTAINED UNDER APPLICATION S-80581

AMOUNT/VOLUME ALLOWED: 12.0 ACRE-FEET EACH YEAR

THE PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM  
OCTOBER 1 THROUGH MARCH 31 (STORAGE SEASON)

DATE OF PRIORITY: AUGUST 15, 1995

The area submerged by the reservoir, when full, will be 1.2 acres and  
the maximum depth of water will be 15.0 feet. The maximum height of the  
dam shall not exceed 6.0 feet.

DAM LOCATION: SE 1/4 SE 1/4, SECTION 31, TOWNSHIP 2 NORTH, RANGE 11  
EAST, W.M.;

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

SE 1/4 SE 1/4  
SECTION 31  
TOWNSHIP 2 NORTH, RANGE 11 EAST, W.M.

Application R-80582 Water Resources Department

PERMIT DRAFT

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**STANDARD CONDITIONS**

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

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

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

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

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

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

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

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

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department  
Director

Application R-80582    Water Resources Department  
Basin 04                Volume 1 Neal Creek & Misc.  
JKS-007                        MGMT.CODE

PERMIT DRAFT  
District 03

CERTIFIED MAIL  
Return Receipt Requested

June 24, 1996

WATER  
RESOURCES  
DEPARTMENT

RICHARD STRACHAN  
2717 NE HAMBLET  
PORTLAND, OR 97212

RE: Application File # R-80582

Dear Applicant,

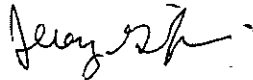
The Water Resources Department is currently reviewing your applications to issue permits. However, the application does not have the required fees.

- ▶ The exam fees for application R-80582 add up to \$200, But we only recieved \$100. We need to recieve the other \$100 before any work can be done on your applications.

In order to expedite the processing of your application, we request that you submit these items by JULY 15, 1996.

Should you have any questions regarding your applications or the required materials listed above, please call me personally at 1-800-624-3199 extension 327.

Sincerely,



Jeremy Giffin  
Final Order Team  
Water Rights



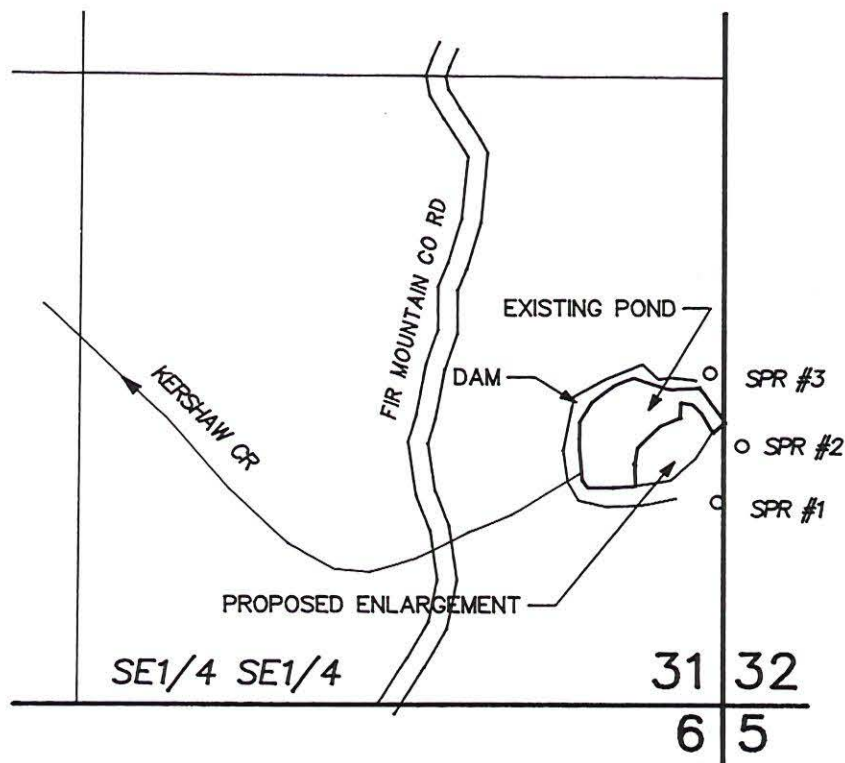
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

T 2 N, R 11 E, W.M.  
SECTION 31

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AUG 15 1995  
3:20 PM  
AUG 15 1995

Application No. R-80582

Permit No. R-12068



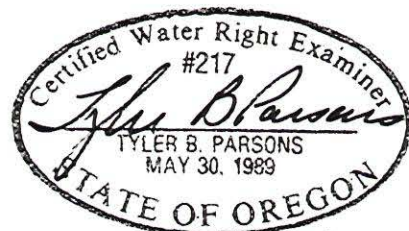
1" = 400'

SPRING #1 - N 425' & W 10' from SE Cor S31  
SPRING #2 - N 540' & E 40' from SE Cor S31  
SPRING #3 - N 695' & W 27' from SE Cor S31

**RESERVOIR & SURFACE WATER APPLICATION**  
IN THE NAME OF  
**RICHARD STRACHAN**

Surveyed May 17, 1995  
PARSONS SURVEYING  
1915 SE Stone Street  
Corvallis, OR 97333  
(503) 752-7515  
Project 9522

NOTE: Map is for purpose of identifying  
location of water right and does not dimension  
or locate property ownership lines.



Exp: 12/31/96



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT #

**127544**

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

INVOICE #

RECEIVED FROM:

*Richard Strachan*

APPLICATION

*R 80582*

BY:

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☐
☐

TOTAL REC'D

\$

*350.00*

**01-00-0 WRD MISC CASH ACCT**

842.010 ADJUDICATIONS

\$

831.087 PUBLICATIONS / MAPS

\$

830.650 PARKING FEES Name / month

\$

OTHER: (IDENTIFY)

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

\$

COST CENTER AND OBJECT CLASS

VOUCHER #

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS**

840.001 COPY FEES

\$

850.200 RESEARCH FEES

\$

880.109 MISC REVENUE: (IDENTIFY)

\$

520.000 OTHER (P-6) (IDENTIFY)

\$

**WATER RIGHTS:**

842.001 SURFACE WATER

**EXAM FEE**

\$

842.002

**RECORD FEE**

\$

842.003 GROUND WATER

\$

842.004

\$

842.005 TRANSFER

\$

842.006

\$

**WELL CONSTRUCTION**

**EXAM FEE**

842.022 WELL DRILL CONSTRUCTOR

\$

842.023

**LICENSE FEE**

\$

LANDOWNER'S PERMIT

842.024

\$

OTHER (IDENTIFY)

**06-00-0 WELL CONST. START FEE**

842.013 WELL CONST START FEE

\$

CARD #

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

**45-00-0 LOTTERY PROCEEDS**

864.000 LOTTERY PROCEEDS

\$

**07-00-0 HYDRO ACTIVITY**

LIC NUMBER

842.011 POWER LICENSE FEE (FW/WRD)

\$

842.115 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT #

**127544**

DATED:

*8-15-95*

BY:

*J. L. L.*

Application No. R80582

RECEIVED  
AUG 15 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT

## Application for a Permit to Construct a Reservoir

Applicant(s) Richard Strachan

(Please print or type - use dark ink)

Mailing Address: 2717 NE Hamblet

Portland, OR 97212 (503) 282-6854

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to construct one reservoir and store the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Three unnamed springs,  
a tributary of Kershaw Cr, a tributary of Neal Cr.  
If not in channel of a stream, state how it is to be filled: \_\_\_\_\_

2. **THE DAM:** The maximum height of the structure will be 6 feet above stream bed or ground surface at the centerline.

The dam will be (check one) ☒ earthfill, \_\_\_\_\_ concrete, \_\_\_\_\_ flashboard, \_\_\_\_\_ other.

If "other" give description: \_\_\_\_\_

Give the location, description, and dimensions of the outlet conduit: Proposed outlet conduit is to be an 8" CMP with sliding shutter valve. in the existing stream channel.

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

3. **THE USE(s)** of the impounded water will be: Fire protection, recreation

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SALEM, OREGON

4. **THE AMOUNT OF WATER** to be stored is: 12 acre-feet.  
The area submerged by the reservoir, when filled, will be 1.2 acres,  
and the maximum depth of water will be 15 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. Minimum 12" CMP through the center of the dam in the vicinity  
of the existing creek. Alternatively, a 2 foot wide channel  
around the south end of the dam, the crest to be riprapped against  
erosion. There is no other visible source of water for this  
reservoir other than the three springs.

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

Proposed date construction work will begin OCT 95  
Proposed date construction work will be completed OCT 96  
Proposed date water use will be completed OCT 97

NOTE: Prior to issuance of a permit, it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

       Applicant        X   CWRE             Other (Identify in REMARKS section)

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

       Applicant        X   CWRE             Other (Identify in REMARKS section)



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WATER RESOURCES DEPT.  
SALEM, OREGON

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

**REMARKS:** This reservoir will be an enlargement of an existing unpermitted pond for the purpose of recreation and fire protection. The existing pond is to be enlarged and deepened by excavation into natural ground to a maximum depth of approximately 12.5 feet.

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

Richard H. Hatcher  
Signature

AUGUST 9, 1995  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

RECEIVED

AUG - 7 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

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

-----  
-----

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

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

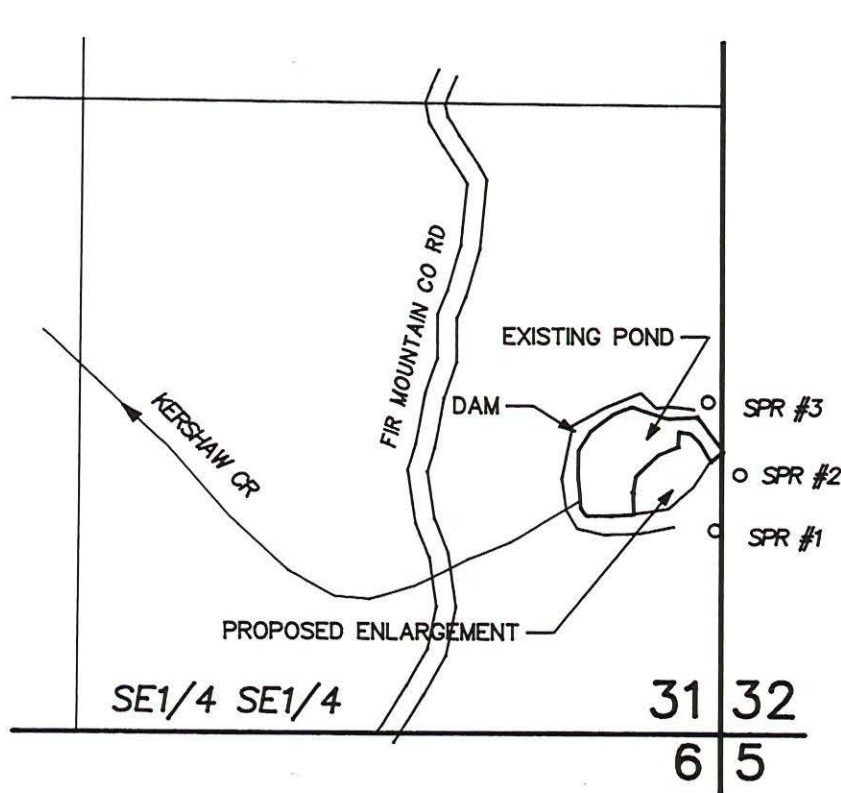
This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 15<sup>th</sup> day of August, 19 95, at 8 o'clock, A M.

APPLICATION NO: R80582



T 2 N, R 11 E, W.M.  
SECTION 31

RECEIVED  
AUG 15 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON



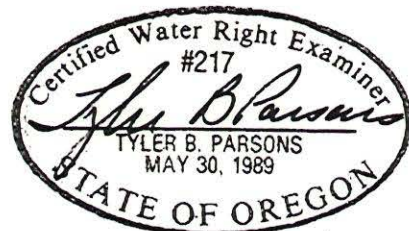
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IN THE NAME OF  
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Surveyed May 17, 1995  
PARSONS SURVEYING  
1915 SE Stone Street  
Corvallis, OR 97333  
(503) 752-7515  
Project 9522

NOTE: Map is for purpose of identifying  
location of water right and does not dimension  
or locate property ownership lines.



Exp: 12/31/96

RECEIVED  
AUG 15 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON



**PFO CHECKLIST**Application #: R 80582Basin: Trask River

WAB: \_\_\_\_\_

Township 2N Range 11E Section 31 1/4 1/4 \_\_\_\_\_A1. Public Interest Screen Criteria

1. Is the file complete by the Completeness Checklist?
2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)
3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
  - a. Is second groundwater review necessary? (objection)
  - b. Is HB 1033 review complete?
5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
6. Is the Proposed Use located in or above a Scenic Waterway?
7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
8. Is the use allowed or limited by the Basin Program?
9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
11. Rate \_\_\_\_\_ Duty \_\_\_\_\_ Irrigation Season \_\_\_\_\_
12. Period of Allowed Use OCTOBER 1 - MARCH 31 (STORAGE SEASON)
13. Is use from a B.O.R. project and if so, is a signed contract in the file?
14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
15. Have conflicts been identified, verified and/or addressed? CONFLICTS CLEARED BY APPLICANT
16. Is the use Small ( $\leq 0.1$ cfs,  $\leq 9.2$ AF), Medium ( $> 0.1$  or  $< 1.5$ cfs,  $> 9.2$  or  $< 100$ AF) or Large ( $\geq 1.5$  cfs,  $\geq 100$  AF)? \_\_\_\_\_
17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
18. Fill out Accuracy Checklist
19. Spell Check
20. Documents used in determination are attached and highlighted
21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
  - NO a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
22. Final PFO report hard copy check (format, margins, etc.)
23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: \_\_\_\_\_ Date: 4-2-1996 JKS-007

## MEMO TO FILE

To: Application R-80582, Proposed Final Order Team  
From: Lisa Juul, Initial Reviewer  
Subject: Transfer of 1.2 acres

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The Initial Review for this application determined that 1.2 acres of the proposed enlargement of an existing pond is in conflict with existing Certificate 7802. (The land on which Certificate 7802 and Application R-80582 exists is owned by the applicant, Richard Strachan).

On Tuesday, February 6, 1996, Mr. Strachan met with Anita McLoud and myself to discuss what could be done to resolve this conflict. Mr. Strachan concluded that he will be submitting an application to transfer 1.2 acres of existing rights for Irrigation, (under Certificate 7802), to Reservoir Maintenance (under R-80582).

*CANCELLED AFTER REVIEWED 1-29-1996*  
*JS*

DECEMBER 29, 1995

RICHARD STRACHAN  
2717 NE HAMBLET  
PORTLAND, OREGON 97212

Reference: File R-80582

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE DURING NEXT PHASE OF PROCESS**

This letter is to inform you of the unfavorable analysis of your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for FIRE PROTECTION AND RECREATION is allowed under OAR 504, the Hood Basin Program.
4. The storage of 12.0 ACRE-FEET of water from 3 unnamed springs, tributaries of Kershaw Creek, for FIRE PROTECTION AND RECREATION is available year round.
5. Use of water from direct flow is not allowed April 15 through September 30 except for human consumption by rule, OAR 690-33-115 through 690-33-140.
6. Application R-80582 covers approximately 1.2 acres of the same land as existing permits S-2157 and S-7408. Therefore, the proposed use will not be allowed until the conflicts have been resolved.

*pond. give back 1.2 acres for maintenance of*



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



December 29, 1995

Summary of Allowable Water Use

Provided that the conflicts listed in #6 above are resolved, the storage of 12.0 acre-feet of water from 3 unnamed springs, tributaries of Kershaw Creek, for fire protection and recreation may be allowed from October 1 through March 31 of each year.

It is not likely that you will be issued a permit due to #6 above. At this time, you must decide whether to proceed or to withdraw your application as described below.

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **JANUARY 12, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

1. You may be required to measure the amount of water used and report that use annually.
2. You will be required to comply with state and federal water quality standards.
3. The priority date for this application is August 15, 1995.

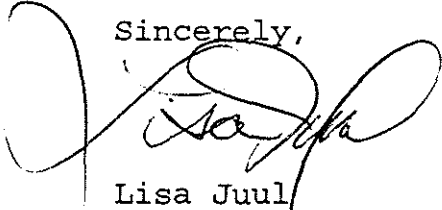
Richard Strachan  
File #R-80582  
Page 3

December 29, 1995

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 267 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Juul', is written over the word 'Sincerely,'.

Lisa Juul  
Initial Reviewer  
Water Rights Division

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

January 31, 1996

Richard Strachan  
2717 NE Hamblet Street  
Portland, OR 97212

RE: Request to convert pond application R-80582

Dear Mr. Strachan:

I am responding to your letter to Lisa Juul of this department for your request to convert the reservoir application referenced above to an exempt pond under HB 2376.

The pond, as it stands without the proposed enlargement, may be filed under the House Bill as exempt from the permit requirements. However, since the application is for the enlargement of the pond, it must continue on under the reservoir process. You may convert the entire application, including the existing reservoir, to another part of HB2376, the Expedited Permit Process, or you may convert just the enlargement.

The enclosed brochure gives more information on the Bill. I'm also enclosing a Notice of Exempt Reservoir and an application for the Expedited Process. If you have any questions, please give me a call at 1-800-624-3199 extension 273.

Sincerely,

Anita McLoud  
Water Rights Specialist  
Water Rights Division



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

# IR CHECKLIST

Application #: R-80582 Vol \_\_\_\_\_ Subbasin \_\_\_\_\_  
 Basin: 4-Hood WAB: 01000 POU-WAB: 01000  
 Township 2N Range 11E Section 31 1/4 1/4 SE of SE

- ☒ 1. Items have been verified on Completeness Checklist.
- ☐ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
  - ☒ a. Is the well located in a groundwater limited area?
  - ☒ b. A B C

*3 Springs trib to Kershaw Cr. trib to Neal Cr. trib to Hood R. (mile 4.5) trib to Columbia R.*
- ☒ 4. Is the Proposed Use located in or above a Scenic Waterway?
- ☒ 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 6. Is the use limited or limited by the Basin Program? \_\_\_\_\_ OAR(s) 690-504-001(1)
- ☒ 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☒ 8. Basin Maps (metal cabinet) have been checked and River Mile (4.5 of Hood River) has been identified
- ☒ 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) Water Available Year Round
- ☒ 10. Rate 1/80 Duty 3 Season year round
- ☒ 11. Use Fire Protection & Recreation Period of Allowed Use 1/2 Conflicts Resolved, @ 1995
- ☒ 12. Priority Date(s) August 15, 1995 Storage of Water - Oct 1 thru Mar. 31.
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? \_\_\_\_\_
- ☒ 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) NO LIVE FLOW FOR STORAGE Apr. 1 - Sept. 30. App. 3798 Permit 2157 App. 10850 Permit 7408
- ☒ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with See Land Use Form associated File S-80581.
- ☒ 17. Land use approval OK'd needs approval county notified Water Quality Standards
- ☒ 19. conditions? (BOR, GW, etc.) Water Quality Standards
- ☒ 20. Watermaster District #: 3 - Larry Toll
- ☒ 21. Regional Office (NWR, NCR, ER, SCR, or SWR)
- ☒ 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

*\* Conflict - if they want to cancel irrigation rights which reservoir covers, then it would be OK.*

Name: [Signature] Date: 12-27-95



OREGON WATER RESOURCES DEPARTMENT  
ADMINISTRATIVE RULES  
CHAPTER 690  
DIVISION 504  
HOOD BASIN PROGRAM

**Classifications**

690-504-001

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Hood Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, fish life, pollution abatement uses, and the waters of the Hood Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for municipal use and the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, are hereby so classified.

(b) The maximum economic development of this state and the attainment of the highest and best use of the waters of the natural lakes of the Hood Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of natural lakes of the basin are hereby so classified.

(2) Applications for the use of these specified waters of the Hood Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(3) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

**Minimum Perennial Streamflows**

690-504-002

*Adopted March 30, 1966. Amended January 10, 1980; April 4, 1981 and February 26, 1985.*



(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic, livestock or municipal uses or waters to be legally stored or legally released from storage shall be made or granted by a state agency or public corporation of the state for the waters of:

(a) Hood River above Powerdale Diversion Dam for flows below 45 cubic feet per second measured at said dam and maintained to the mouth of Hood River.

(b) West Fork Hood River and its tributaries above U.S. Geological Survey - Water Resources Department Gage 1185 one-half mile above the mouth for flows of below 100 cubic feet per second measured at said gage and maintained to the mouth of West Fork Hood River.

(c) Middle Fork Hood River and its tributaries above its mouth for flows of below 10 cubic feet per second measured at said point.

(2) (a) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws, 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the streams listed in Table 1 and tributaries when flows are below the specified levels. This limitation shall not apply to:

(A) Human and livestock consumption

(B) Municipal use

(C) Water legally released from storage

(D) Irrigation use from Green Point and Dead Point Creeks and tributaries (applicable to flow on the mainstem Hood River priority 11-3-83 only)

(E) Water legally stored on Mill or Fifteenmile Creek and tributaries.

(b) Attainment of the specified flow levels on most streams during some portions of the year will require development of water storage or implementation of other measures.

## **Water Quality**

690-504-003

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

**Note:** The Hood Basin is delineated on State Water Resources Board Map, File 4.6, available from the Water Resources Department.

*Upper*  
**Columbia / Snake Threatened and Endangered Fish Species Above Bonneville Dam**

**690-33-115 (1)** These rules apply to applications filed after July 17, 1992, upstream from Bonneville Dam in the Columbia / Snake Basin in the areas listed below for which no permit has been granted, or on which no contested case has been ordered:

(a) Hood Basin;

(b) Deschutes Basin;

(c) John Day Basin;

(d) Umatilla Basin;

(e) Grande Ronde Basin;

(f) Powder Basin;

(g) Malheur Basin;

(h) Owyhee Basin;

(i) Mainstem Columbia River above Bonneville Dam; and

(j) Mainstem Snake River.

(2) These definitions, standards and procedures are in addition to, not in lieu of, existing rules and laws.

(3) These rules will be reviewed and may be revised as additional information becomes available concerning the recovery of threatened or endangered fish stocks in the Columbia / Snake Basin.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

**Determination of Consistency with the Fish and Wildlife Program**

**690-33-120 (1)** To determine whether a proposed use is consistent with the Fish and Wildlife Program, the Department shall consult with the Northwest Power Planning Council, ODFW, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Indian tribes and appropriate local governments. If the Department determines that a proposed use of water is inconsistent with the Fish and Wildlife Program and cannot be conditioned to achieve consistency, the application shall be presumed to impair or be detrimental to the public interest.

(2) The applicant shall provide information to show compliance with the following standards which will form the basis for permit conditions:

(a) The proposed use does not involve appropriation of direct streamflow during the time period of April 15 to September 30, except as provided in OAR 690-33-140;

(b) The proposed use does not involve hydraulically connected groundwater with potential for substantial interference as listed in Division 9 during the time period of April 15 to September 30, except that which is artificially recharged or as otherwise provided in OAR 690-33-140;

(c) The proposed use complies with screen design, installation, operation specifications and passage requirements as listed in ORS 498.248 through 498.268 and 509.600 through 509.630;

(d) The proposed use complies with existing state and federal water quality standards; and

(e) The proposed use complies with water use measurement, recording and reporting required by the Director.

(3) Based on the consultation in OAR 690-33-120(1), the proposed use may be



further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian area is restored or enhanced.

(4) If a proposed use is not consistent with the Fish and Wildlife Program, the applicant may propose mitigation compatible with OAR 690-33-120(2) and (3). The Director shall determine if the proposed use with mitigation is consistent with the Fish and Wildlife Program. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

#### Flow Management Objectives

690-33-130 If the flow management objectives cannot be achieved because of differing requirements between fish species in the management area, the Department shall consult with the affected fish and wildlife agencies and the appropriate Indian tribes to assist in resolving the flow management conflicts.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94

#### Exemptions

690-33-140 Notwithstanding OAR 690-33-120(2)(a) and (b), the Commission may approve a water right permit for:

- (a) Domestic water use;
  - (b) Projects that provide net benefits for native resident and native anadromous fish recovery. For example, these projects may include, but are not limited to, livestock watering away from water courses which results in improved riparian areas;
  - (c) Emergency use necessary for public health and safety;
  - (d) Existing water uses covered under House Bill 2153 (Oregon Legislature 1993);
- or
- (e) Multipurpose storage projects or other projects with measurable public benefits.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94

#### *Lower* Additional Public Interest Review Standards for Applications Proposing New Water Uses in the Columbia River below Bonneville Dam for the Protection of Threatened and Endangered Fish Species

690-33-210 (1) These rules apply to applications filed after April 8, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered as of the effective date of these rules:

- (a) Portions of the North Coast Basin which drain into the Columbia River; and
- (b) Clackamas Subbasin of the Willamette Basin.

(2) These rules apply to applications filed after June 3, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered, as of the effective date of these rules:

- (a) Sandy Basin;

WATER AVAILABILITY TABLE

Basin: HOOD

Water Availability Subbasin: 0100000000000000 (and Nested Subbasins)

Time: 14:32

Exceedance Level: 80

Date: 12/27/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Basin: HOOD

Water Availability Subbasin: 0100000000000000 (and Nested Subbasins)

Time: 14:32

Date: 12/27/1995

WAB #	Stream Name	Tributary to
0100000000000000	HOOD R	COLUMBIA R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0100000000000000

Basin: HOOD

Exceedance Level: 80

Time: 14:32

Date: 12/27/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0100000000000000	HOOD R	YES	567.0
2	0100000000000000	HOOD R	YES	615.0
3	0100000000000000	HOOD R	YES	648.0
4	0100000000000000	HOOD R	YES	616.0
5	0100000000000000	HOOD R	YES	669.0
6	0100000000000000	HOOD R	YES	356.0
7	0100000000000000	HOOD R	YES	197.0
8	0100000000000000	HOOD R	YES	135.0
9	0100000000000000	HOOD R	YES	184.0
10	0100000000000000	HOOD R	YES	257.0
11	0100000000000000	HOOD R	YES	431.0
12	0100000000000000	HOOD R	YES	535.0
Stor	0100000000000000	HOOD R	YES	502000.0

Water Available  
year Round.



DETAILED REPORT ON WATER AVAILABILITY

Basin: HOOD

Stream: HOOD R > COLUMBIA R

Water Availability Subbasin: 0100000000000000

Exceedance Level: 80

Time: 14:32

Date: 12/27/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	798.00	61.00	737.00	0.03	737.00	170.00	567.00
2	947.00	62.00	885.00	0.03	885.00	270.00	615.00
3	981.00	63.00	918.00	0.05	918.00	270.00	648.00
4	1000.00	114.00	886.00	0.25	886.00	270.00	616.00
5	1020.00	181.00	839.00	0.14	839.00	170.00	669.00
6	754.00	228.00	526.00	0.19	526.00	170.00	356.00
7	603.00	276.00	327.00	0.25	327.00	130.00	197.00
8	468.00	233.00	235.00	0.20	235.00	100.00	135.00
9	446.00	162.00	284.00	0.13	284.00	100.00	184.00
10	425.00	68.00	357.00	0.12	357.00	100.00	257.00
11	591.00	60.00	531.00	0.03	531.00	100.00	431.00
12	765.00	60.00	705.00	0.03	705.00	170.00	535.00
Stor	719000	95900	623000	87	623000	121000	502000

DETAILED REPORT OF ISWRs

Basin: HOOD

Stream: HOOD R > COLUMBIA R

Water Availability Subbasin: 0100000000000000

Time: 14:32

Date: 12/27/1995

ISWRs							RESULTANT
APP # :	191A	192A	0	0	0		
STATUS:	Cert.	Cert.					
1	45.0	170.0	0.0	0.0	0.0	170.0	C
2	45.0	270.0	0.0	0.0	0.0	270.0	C
3	45.0	270.0	0.0	0.0	0.0	270.0	C
4	45.0	270.0	0.0	0.0	0.0	270.0	C
5	45.0	170.0	0.0	0.0	0.0	170.0	C
6	45.0	170.0	0.0	0.0	0.0	170.0	C
7	45.0	130.0	0.0	0.0	0.0	130.0	C
8	45.0	100.0	0.0	0.0	0.0	100.0	C
9	45.0	100.0	0.0	0.0	0.0	100.0	C
10	45.0	100.0	0.0	0.0	0.0	100.0	C
11	45.0	100.0	0.0	0.0	0.0	100.0	C
12	45.0	170.0	0.0	0.0	0.0	170.0	C



TOWNSHIP <u>2 N.</u> RANGE <u>11 E.</u> W. M.																SECTION <u>31</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	LOT 16			
40 <sup>24</sup>	40 <sup>11</sup>			42 <sup>3</sup>	42 <sup>1</sup>			42 <sup>2</sup>	41 <sup>21</sup>									
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																		
																20	3798	2157
																12	10850	7408
																	12380	8822
																	INCHDATE	257
																	Decree, Vol. 6	PAGE 2
																	39422	29377
																	45826	34196
																	40626	51542
																	Supplement	21542
																	40626	51542
																	55336	43393
																	56365	43395
																		23

(SEE BACK OF CARD FOR PLAT OF SECTION)

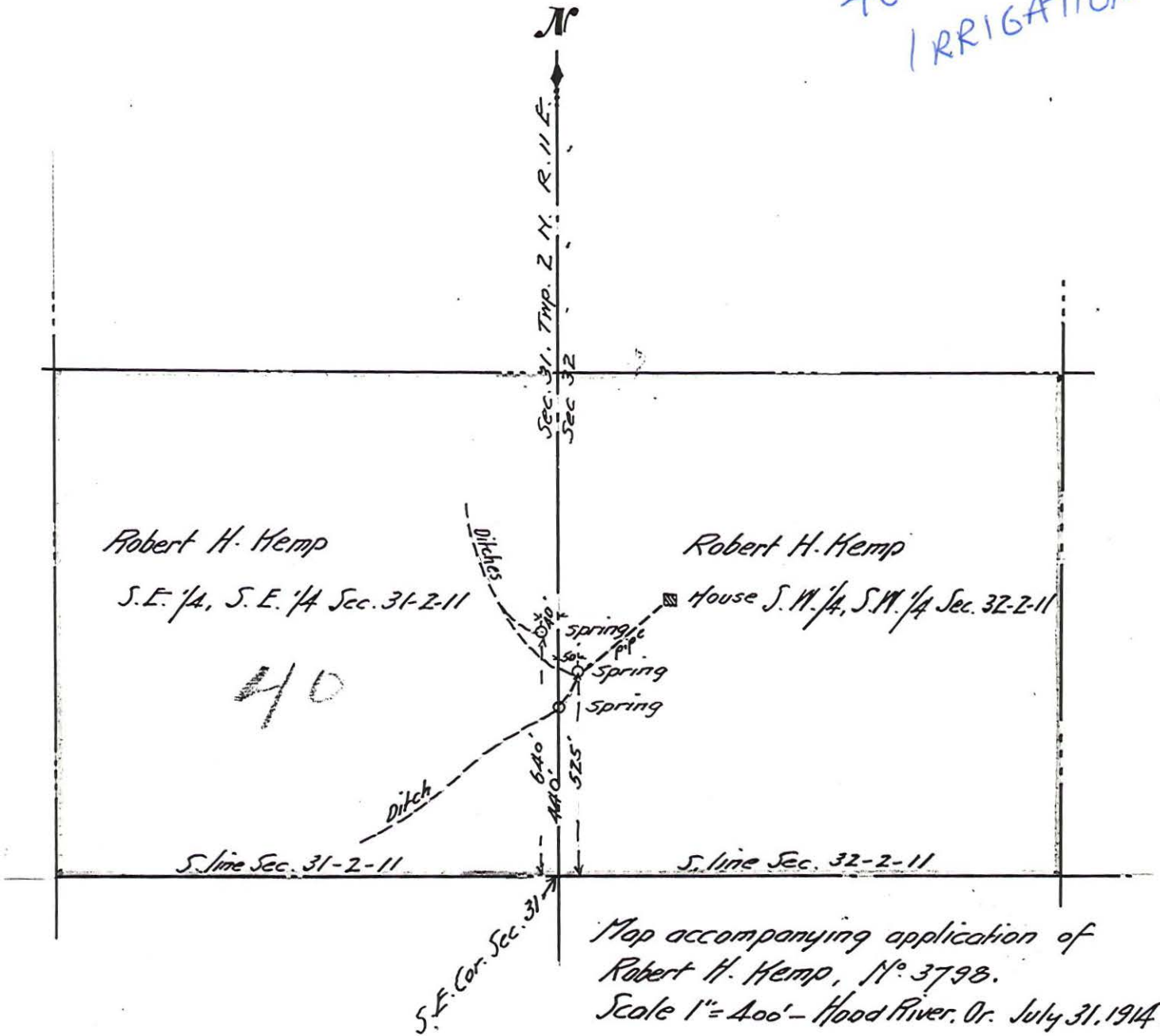
Conflict  
Conflict

42 <sup>30</sup>		Lot 2 40 <sup>17</sup>	Lot 1 40 <sup>24</sup>
42 <sup>10</sup>			
Lot 3 42 <sup>02</sup>	31		
Lot 4 41 <sup>87</sup>			

MURRAY KAY,  
CIVIL ENGINEER AND SURVEYOR,  
15 BROSIUS BLDG.  
HOOD RIVER, OREGON.

A-3798  
R 2157

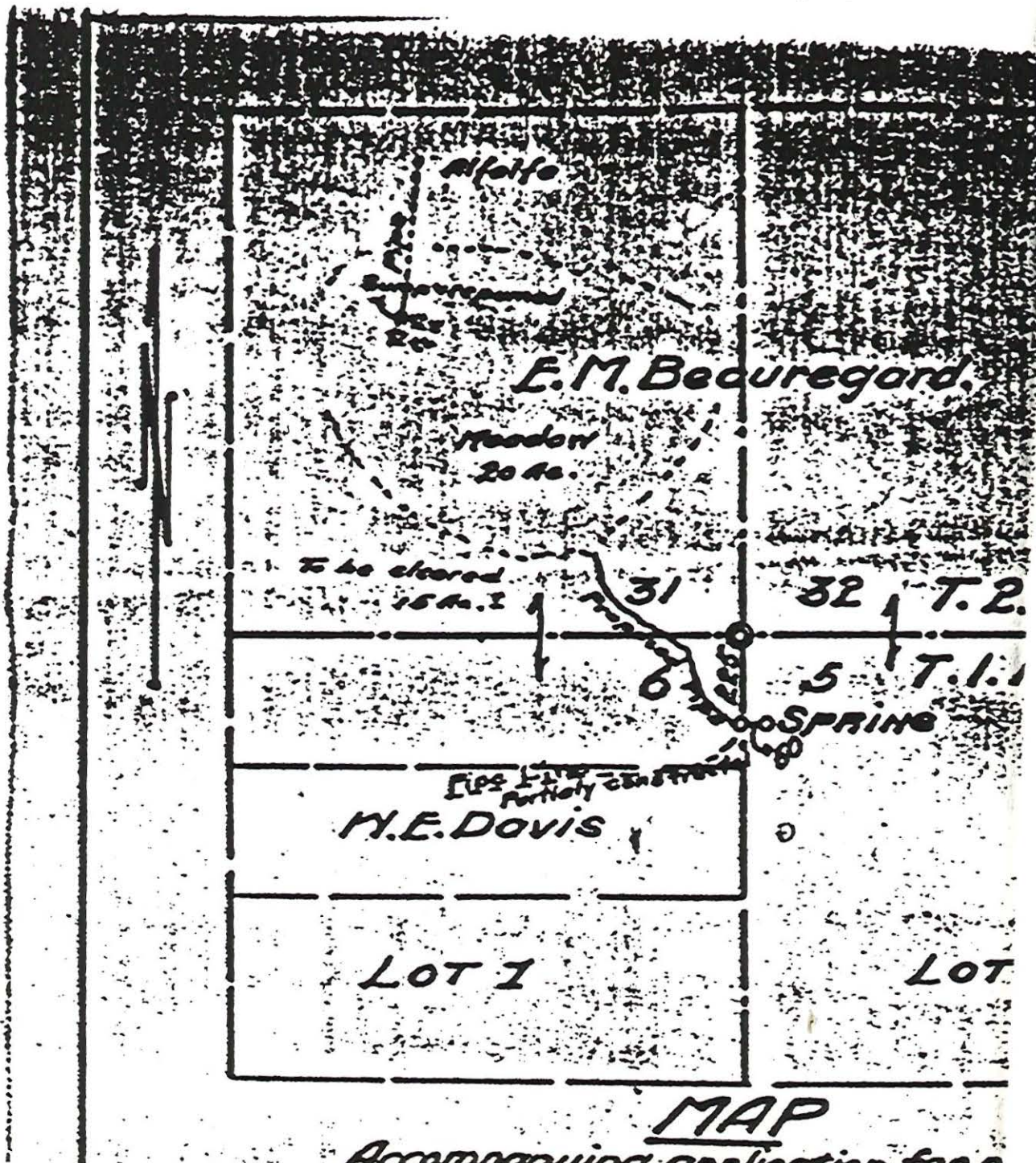
40 AC. OF  
IRRIGATION



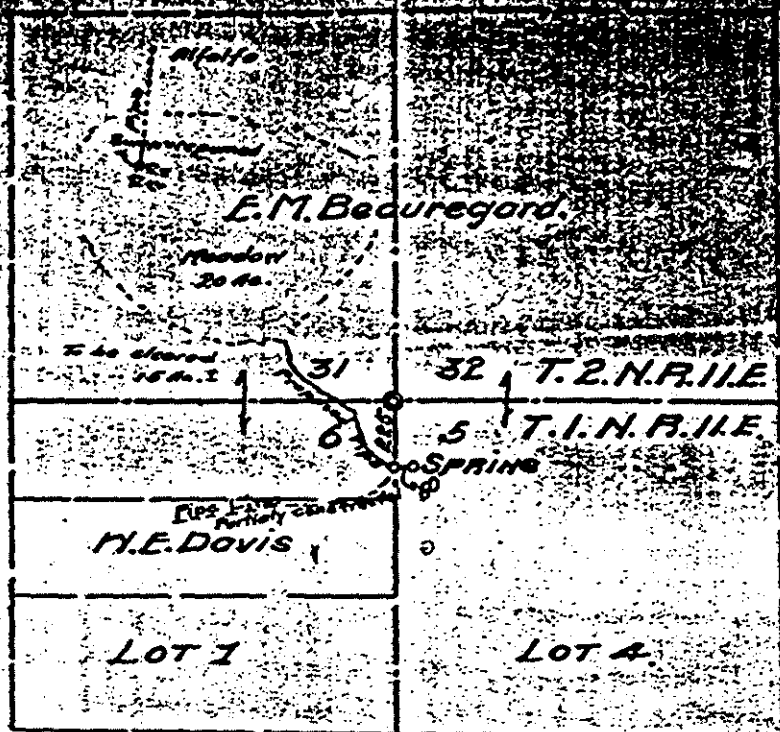


Appl. # 10850  
Permit # 7408

20 AC. OF  
IRRIGATION



MAP  
Accompanying application for p  
for irrida



### MAP

Accompanying application for permit  
to appropriate water for irrigation  
of lands of

E. BEAUREGARD

In Section 31 Twp 2 N. Range 11 E. N. 11 W.

Scale 1" = 500 June 22, 1926.

### CERTIFICATE OF SURVEYOR

I, G. M. HURLBURT of Hood River, Oregon,  
do hereby certify that this map was  
made from notes taken from an ac-  
tual Survey made by me June 21, 26,  
that it correctly represents the marks  
described in the accompanying applica-  
tion together with the location of streams  
in the immediate vicinity and that it is  
written thereon in each smallest legal  
subdivision which it is proposed to  
irrigate.

G. M. Hurlburt

June 22, 1926

STATE ENGINEER  
NOT RECEIVED





TEL 503 • 282 • 6854

FAX 503 • 331 • 2309

2717 NE HAMBLET ST.  
PORTLAND, OR 97212

Can exempt  
pond - but not  
convert This  
app. The app  
is for an  
enlargement  
of existing

RECEIVED

JAN 29 1996

RECEIVED  
JAN 29 1996  
SALEM, OREGON

January 25, 1996

Ms. Lisa Juul  
Water Resource  
158 12th Street NE  
Salem, Oregon 97310-0210

Re: Water within the limits of the existing and proposed pond shown  
in Application No. R-80582

Dear Ms. Juul

I wish to convert this pond from a 1993 legislative bill exempt pond to  
a 1995 legislative bill (HB 2376) exempt pond.

Thank you.

Richard Strachan  
enc.

## AFFIDAVIT

STATE OF OREGON                    )  
  )SS  
COUNTY OF MULTNOMAH)


RECEIVED  
JAN 29 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

I, Richard Strachan, of 2717 NE Hamblet, Portland, OR 97212, being first duly sworn, depose and say that I am the legal owner of the following described property:

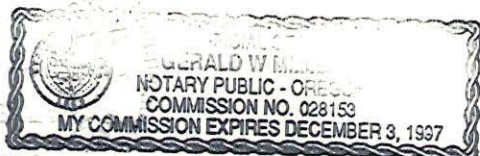
## SEE ATTACHED LEGAL DESCRIPTION

and that the water right that is appurtenant thereto, it being Certificate No. 1210, Permit No S-2157, in the name of ROBERT H. KEMP, under a priority date of July 17, 1914, for the use of 0.35 cfs of water from the waters of three unnamed springs for domestic use and the irrigation of 20 acres of land in the SE 1/4 of the SE 1/4 of Section 31, Township 2 North, Range 11 East, of the Willamette Meridian, in Hood River County, Oregon; that I have abandoned any and all interest in any portion of that water right contained within the limits of the existing and proposed pond shown in Application No. R-80582, being 1.2 acres in the SE 1/4 of the SE 1/4 of Section 31, and request that 1.2 acres of this water right be cancelled that is appurtenant to my land.

IN WITNESS WHEREOF, I hereunto set my hand this 25TH day of JANUARY, 1996.

  
Richard Strachan

Subscribed and sworn to before me this 25TH day of JANUARY, 1996.





Black Box 100  
JAN 11

951741 (2)

RECEIVED

JAN 29 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

After Recording Deliver to:  
COLUMBIA TITLE COMPANY  
P O BOX 660  
HOOD RIVER OR 97031

Until A Change Is Requested, All Tax  
Statements Shall Be Sent to The Fol-  
lowing Address:  
RICHARD STRACHAN  
2717 NE HAMBLET ST.  
PORTLAND OR 97212

Tax Acct. Nos.:  
8-2N-11-31-300, Ref. No. 6340  
8-2N-11-31-600, Ref. No. 6341  
8-2N-11-4300, Ref. No. 6342  
8-2N-11-4400, Ref. No. 6343

True Actual Consideration Paid Is \$586,912.50

STATUTORY WARRANTY DEED

JOHN M. STIRLING, hereinafter called "grantor," conveys  
and warrants to RICHARD STRACHAN, hereinafter called "grantee," the  
following described real property, free of encumbrances except as  
specifically set forth herein, situated in the County of Hood River  
and State of Oregon, to wit:

An undivided one-half (1/2) interest in the following  
described two parcels of real property:

Parcel 1: The East half of the Southeast quarter of  
Section 31, Township 2 North, Range 11 East of the  
Willamette Meridian, in the County of Hood River and  
State of Oregon; EXCEPTING THEREFROM that portion lying  
West of the West right of way line of Fir Mountain Road.

Parcel 2: The West half of the Southwest quarter of  
Section 32, Township 2 North, Range 11 East of the  
Willamette Meridian, in the County of Hood River and  
State of Oregon.

SUBJECT TO:

1. Standard title policy exceptions.
2. The rights of the public in roads and highways.
3. The assessment roll and tax roll disclose that  
the within described premises were specially assessed as  
Forest Land. If the land becomes disqualified for the  
special assessment under the statute, an additional tax,  
interest and penalties thereon may be levied for the  
years in which the land was subject to the special land  
use assessment.
4. Easement, including the terms and provision  
thereof, for right of way for electric transmission  
lines, granted to Pacific Power & Light Company, from  
John E. Long and Dorothea B. Long, husband and wife,

GC #1697d

ANNALA, CAREY & VANKOTEN, P.C.  
ATTORNEYS AT LAW  
P.O. BOX 325  
HOOD RIVER, OREGON 97031  
TELEPHONE 386-1611

RECEIVED

JAN 29 1996

WATER RES.  
SALEM, OREGON

recorded November 30, 1948, in Book 39, page 340, Deed Records. (Affects the Northeast quarter of the Southeast quarter of Section 31.)

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6. Minor Partition, including the terms and provisions thereof, recorded September 14, 1990, as Recorder's Fee No. 902404, Hood River County Microfilm Records.

7. Easement, including the terms and provisions thereof, in favor of Hood River County, recorded August 30, 1993, as Recorder's Fee No. 932921, Hood River County Microfilm Records.

TO HAVE AND TO HOLD the same unto the said grantee, and grantee's heirs, successors and assigns forever.

The said property is free from encumbrances except as set forth above.

The true and actual consideration paid for this transfer is \$ 586,912.50, which is being paid to an accommodator pursuant to an IRC 1031 tax exchange.

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WITNESS grantor's hand this 22nd day of

June, 1995.

GRANTOR:

John M. Stirling  
John M. Stirling

STATE OF OREGON

County of Hood River

) ss.

JUNE 22, 1995

Personally appeared the above named grantor, JOHN M. STIRLING, and acknowledged the foregoing instrument to be grantor's voluntary act and deed.

Before Me:



Elaine J. Vincent  
Notary Public for Oregon  
My Commission Expires: 4.8.96

ANNALA, CAREY & VANKOTEN, P.C.  
ATTORNEYS AT LAW  
P.O. BOX 325  
HOOD RIVER, OREGON 97031  
TELEPHONE 386-1511



951740 (2)

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JAN 29 1996

WATER RESOURCES DIV.  
SALEM, OREGON

Black Box 132  
Jan 3

After Recording Deliver to:

COLUMBIA TITLE COMPANY

P O BOX 660

HOOD RIVER OR 97031

Until A Change Is Requested, All Tax  
Statements Shall Be Sent to The Fol-  
lowing Address:

RICHARD STRACHAN

2727 NE HAMBLET ST.

PORTLAND OR 97212

Tax Acct. Nos.:

8-2N-11-31-300, Ref. No. 6340

8-2N-11-31-600, Ref. No. 6341

8-2N-11-4300, Ref. No. 6342

8-2N-11-4400, Ref. No. 6343

True Actual Consideration Paid Is \$586,912.50.

#### STATUTORY WARRANTY DEED

ARTHUR I. OBER, hereinafter called "grantor," conveys and  
warrants to RICHARD STRACHAN, hereinafter called "grantee," the  
following described real property, free of encumbrances except as  
specifically set forth herein, situated in the County of Hood River  
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TO HAVE AND TO HOLD the same unto the said grantee, and grantee's heirs, successors and assigns forever.

The said property is free from encumbrances except as set forth above.

The true and actual consideration paid for this transfer is \$586,913.50, which is being paid to an accommodator pursuant to an IRC 1031 tax exchange.

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WITNESS grantor's hand this 21<sup>st</sup> day of June, 1995.

GRANTOR:

Arthur I. Ober  
Arthur I. Ober

STATE OF Montana  
County of Park

ss.

June 21, 1995

Personally appeared the above named grantor, ARTHUR I. OBER, and acknowledged the foregoing instrument to be grantor's voluntary act and deed.

Before Me:

Kathy A. Tuder  
Notary Public for Montana  
My Commission Expires: 11/10/97

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JAN 29 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

## AFFIDAVIT

STATE OF OREGON                    )  
  )SS  
COUNTY OF MULTNOMAH)

I, Richard Strachan, of 2717 NE Hamblet, Portland, OR 97212, being first duly sworn, depose and say that I am the legal owner of the following described property:

## SEE ATTACHED LEGAL DESCRIPTION

and that the water right that is appurtenant thereto, it being Certificate No. 7802, Permit No S-7408, in the name of E. Beauregard, under a priority date of June 28, 1926, for the use of .015 cfs of water from the waters of an unnamed springs for the irrigation of 12 acres of land in the SE 1/4 of the SE 1/4 of Section 31, Township 2 North, Range 11 East, of the Willamette Meridian, in Hood River County, Oregon; that I have abandoned any and all interest in any portion of that water right contained within the limits of the existing and proposed pond shown in Application No. R-80582, being 1.2 acres in the SE 1/4 of the SE 1/4 of Section 31, and request that 1.2 acres of this water right be cancelled that is appurtenant to my land.

IN WITNESS WHEREOF, I hereunto set my hand this 25TH day of JANUARY, 1996.



Richard Strachan

Subscribed and sworn to before me this 25TH day of JANUARY, 1996.





951740 (2)

Black Box 11.2  
Jan 3

RECEIVED

JAN 29 1996

WATER RESOURCES  
SALEM, OREGON

After Recording Deliver to:  
COLUMBIA TITLE COMPANY

P O BOX 660

HOOD RIVER OR 97031

Until A Change Is Requested, All Tax  
Statements Shall Be Sent to The Fol-  
lowing Address:

RICHARD STRACHAN

2727 NE HAMBLET ST.

PORTLAND OR 97212

Tax Acct. Nos.:

8-2N-11-31-300, Ref. No. 6340

8-2N-11-31-600, Ref. No. 6341

8-2N-11-4300, Ref. No. 6342

8-2N-11-4400, Ref. No. 6343

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lines, granted to Pacific Power & Light Company, from  
John E. Long and Dorothea B. Long, husband and wife,



RECEIVED  
JAN 29 1996  
WATER RESOURCES DIV.  
SALEM, OREGON

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WITNESS grantor's hand this 21<sup>st</sup> day of June, 1995.

GRANTOR:

Arthur I. Ober  
Arthur I. Ober

STATE OF Montana )  
County of Park ) ss.

June 21, 1995

Personally appeared the above named grantor, ARTHUR I. OBER, and acknowledged the foregoing instrument to be grantor's voluntary act and deed.

Before Me:



Kary A. Tindren  
Notary Public for Montana  
My Commission Expires: 11/10/97

951741 (2)

After Recording Deliver to:  
COLUMBIA TITLE COMPANY

P O BOX 660

HOOD RIVER OR 97031

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JAN 29 1996

WATER RESOURCES  
SALEM, OREGON

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WITNESS grantor's hand this 22nd day of

June, 1995.

GRANTOR:

John M. Stirling  
John M. Stirling

STATE OF OREGON

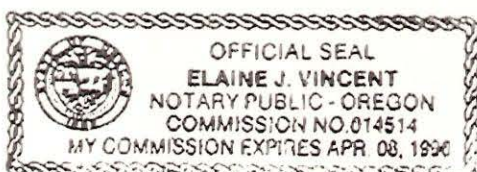
County of Hood River

ss.

JUNE 22, 1995

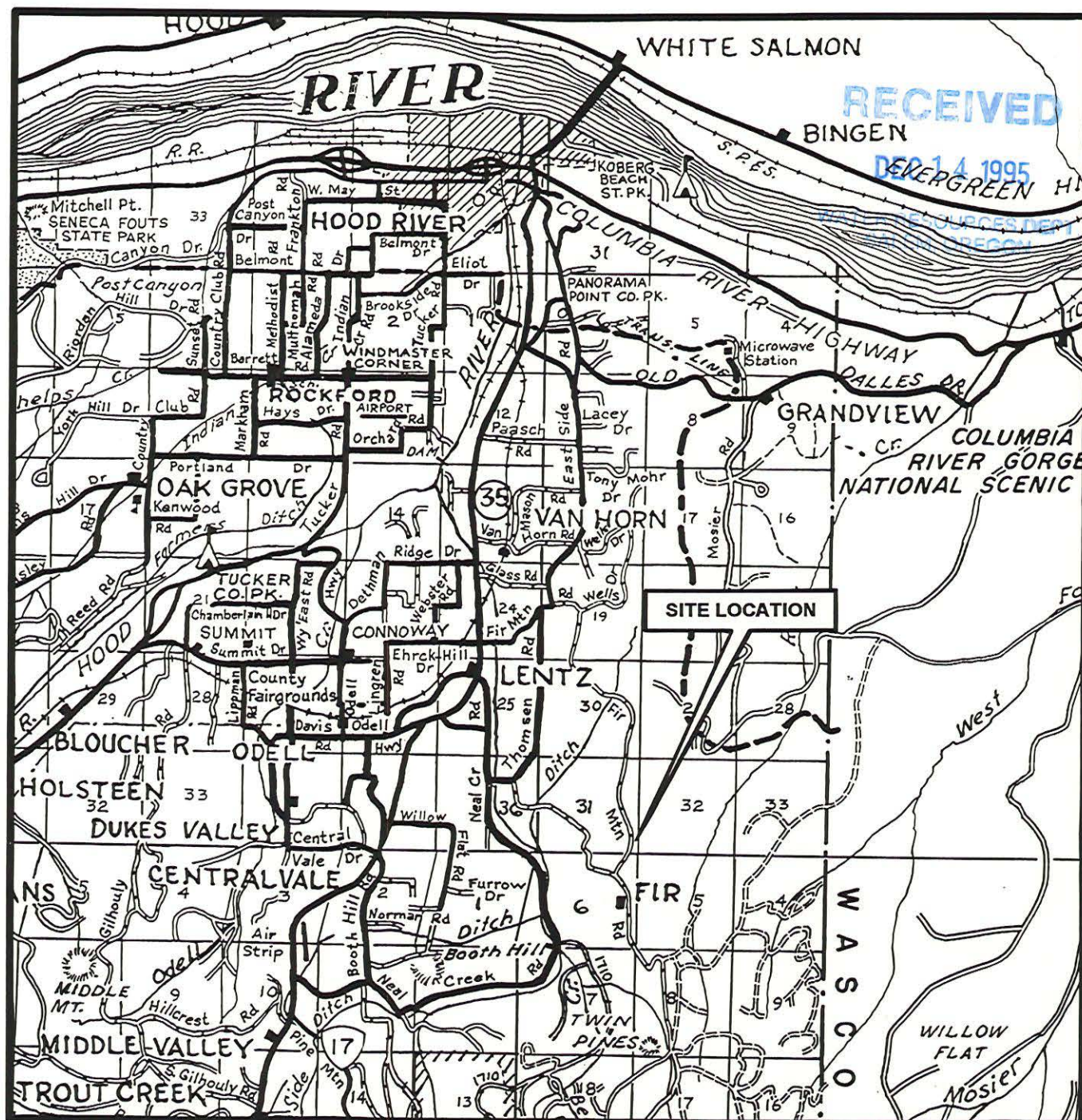
Personally appeared the above named grantor, JOHN M. STIRLING, and acknowledged the foregoing instrument to be grantor's voluntary act and deed.

Before Me:



Elaine J. Vincent  
Notary Public for Oregon  
My Commission Expires: 4.8.96





SOURCE: PITTMON'S MAP OF HOOD RIVER AND HOOD RIVER COUNTY. REVISED 1991.

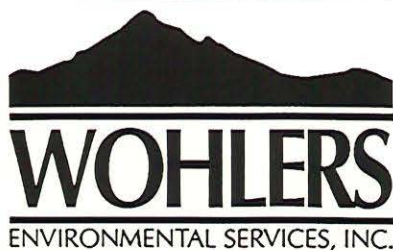


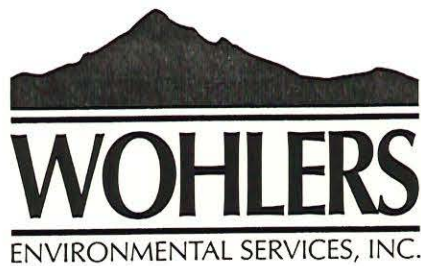
FIGURE 1

## SITE VICINITY MAP

FIR MOUNTAIN RANCH  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON

PROJECT NO.:	95-0026
DATE:	10/30/95
SCALE:	2.5" = 4 MILES
FILE:	SV0026
DRAWN BY:	JT





RECEIVED

DEC 14 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

December 15, 1995

Mr. Jerry Hedrick  
Oregon Division of State Lands  
Wetlands Program  
775 Summer Street, N.E.  
Salem, Oregon 97310-1337

RE: Submittal of Information in Support of Wetland Enhancement/Restoration:  
General Authorization Reporting Form for the Proposed Expansion of an Existing  
Man-Made Pond at Fir Mountain Ranch Located at 4051 Fir Mountain Road,  
Hood River, Oregon  
Wohl's Environmental Project No. 95-0026

Dear Mr. Hedrick:

Thank you for your assistance with the efforts by Mr. Rick Strachan to obtain approval for the proposed expansion of the existing man-made pond located at the above-referenced address in Hood River, Oregon. Per your correspondence dated November 2, 1995, it is our understanding that while the area of interest (i.e., the onsite pond) may be considered a jurisdictional wetlands, the expansion of the pond could be approved as an enhancement or restoration of wetlands. It is our understanding following discussions with Ms. Judy Linton of the U.S. Army Corps of Engineers (COE) that COE approval is not required for projects completed under the wetlands enhancement/restoration general authorization provided by the State of Oregon.

#### Site History and Project Background

The Fir Mountain Ranch is comprised of approximately 123 acres of primarily wooded (less than 10% meadow) property zoned Forest ('F-1') land use. The property is located approximately seven miles southeast of the City of Hood River (see Figure 1), and was purchased by Mr. Strachan in June 1995. Several buildings are located on the property, including the main dwelling, a small cabin, two barns, and several storage structures (see Figure 2). Most recent land use has been as a bed and breakfast operated by the previous owners.

A man-made pond is located south of the access road and main cabin (see Figure 2). According to several former property owners, the pond was constructed in the late-1930s or early-1940s by a previous owner. The pond reportedly is fed by several springs located

Mr. Jerry Hedrick  
December 15, 1995  
Page 2

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DEC 14 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

on the slopes of the adjacent forested areas located east of the pond. These springs presumably are located in the drainage basin associated with Kershaw Creek, a tributary of Neal Creek.

Recent site conditions observed during a May 1995 site visit completed by Wohlers Environmental Services, Inc. ("Wohlers Environmental") staff indicated that prior to construction of the pond, the area likely would have been characterized as an uplands habitat based on the presence of typical uplands plant species (e.g., blackberry, pine, etc.) in the surrounding areas. Conversations with several prior owners confirmed that the area where the pond is currently located reportedly was 'dry land' prior to the pond's construction. Please see the enclosed photographs for additional reference of land and habitat features.

Total area of the pond approximates 0.8 acres; shoreline field observations indicated that water depth varied between several feet to approximately six feet. A small concrete spillway was observed near the southern end of the pond, apparently utilized to assist in regulating the flow of spring-fed water through the pond system.

#### Proposed Pond/Wetlands Expansion

Beginning in the summer of 1996, Mr. Strachan intends to use the property as a principal residence. This will include year-round residence and an absence of commercial farming or ranching activities at the property. Mr. Strachan has proposed to expand the existing pond/wetlands by approximately 50% in surface area to approximately 1.2 acres in size, and to deepen the pond to a maximum depth of 15 feet. The objectives of the proposed enlargement of the storage capacity of the pond are to increase wetlands area (ecological benefit), improve the aesthetics of the pond, and allow for fire protection of nearby forested areas. Water from the pond will not be used for irrigation or grazing purposes, or other commercial activities.

Material removed from the edges of the pond, and lesser amounts of bottom material removed from the bottom of the pond, will be placed in uplands areas removed from the immediate area of the pond (precluding re-entering of removed materials into the pond). An estimated 100 cubic yards of subsurface materials will be removed from the perimeter and center of the existing pond. Removed vegetation primarily will be limited to grasses, sedges and bulrushes located along the immediate edge of the pond.

Please refer to the enclosed photographs for illustration of site/pond conditions, as observed during a site visit completed by Wohlers Environmental staff in May 1995.



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WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Jerry Hedrick  
December 15, 1995  
Page 3

Per applicable State of Oregon wetlands and water use regulations, Mr. Strachan has applied to the State of Oregon Water Resources Department for an "Application for a Permit to Construct a Reservoir."

Enclosed is a completed State of Oregon, Division of State Lands "Wetland Enhancement/Restoration: General Authorization Reporting Form" with signatures from applicable local and state reviewing agencies.

As we have discussed on several occasions, Mr. Strachan is committed to complying with whatever regulatory requirements are applicable at the Fir Mountain Ranch. Since Mr. Strachan is already planning on enhancing and not diminishing existing wetlands benefits at his property, we trust that our request for a general authorization for wetlands restoration and enhancement under OAR 141-89-020 will be approved.

Per our earlier discussions, Mr. Strachan and Wohlers Environmental staff will be available to answer questions regarding the enclosed information, plans to enlarge the current onsite pond, or other appropriate issues. If it is deemed necessary, we will also be available to meet with you at the Fir Mountain Ranch to review current conditions and planned pond modifications.

Thank you again for your interest in our project, and we look forward to your response.

Sincerely,

**WOHLERS ENVIRONMENTAL SERVICES, INC.**



Christopher C. Wohlers  
Senior Scientist

Enclosures

Figure 1 Site Vicinity Map  
Figure 2 Site Map  
Site Photographs  
ODSL "Wetlands Enhancement/Restoration: General Authorization Reporting Form"

cc: Mr. Rick Strachan (w/encl)  
Ms. Judy Linton, U.S. Army Corps of Engineers (w/encl)

DIVISION OF STATE LANDS  
WETLAND ENHANCEMENT/RESTORATION  
GENERAL AUTHORIZATION REPORTING FORM

RECEIVED

DEC 14 1995

1. RESPONSIBLE PARTY Mr. Rick Strachan DSL Project No. \_\_\_\_\_  
Contact Person Mr. Christopher C. Wohlers  
Address Wohlers Environmental Serv. Phone 503-635-6808  
P.O. Box 1132  
Tualatin, Oregon 97062

WATER RESOURCES DEPT.  
SALEM, OREGON

2. TYPE OF PROJECT

- ☐ Water Diversion of \_\_\_\_\_ (stream)  
☐ Water Impoundment of \_\_\_\_\_ (stream)  
☐ Ditch Plugging ☐ Ditch Construction ☒ Other (describe) Pond  
☐ Dike Construction ☐ Dike Removal Expansion - See  
☐ Surface Grading ☐ Drain Tile Removal Attached Materials  
☐ Bank Excavation of \_\_\_\_\_ (stream)

3. PROJECT DESCRIPTION Explain, in detail, what will be done and what the project will accomplish for wetland restoration/enhancement. (Attach drawings of site location and proposed actions and further written description. See additional requirements on the back.)

See Attached Materials

4. LOCATION

Drainage Basin Kershaw Creek Section 31 Township 2N Range 11E  
Nearest Stream Kershaw Creek County Hood River NE 1/4 of SE 1/4

5. CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT (To be completed by local planning official)

CERTIFY THAT:

- ☐ This project is not regulated by the local comprehensive plan and zoning ordinance.  
☐ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.  
☐ This project has been reviewed and is not consistent with the local comprehensive plan and zoning ordinance.  
☐ This project complies with floodplain ordinances.  
☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approvals are obtained:  
☐ Conditional Use Approval ☐ Development Permit ☐ Plan Amendment ☐ Zone Change ☐ Other \_\_\_\_\_  
An application ☐ has ☐ has not been made for local approvals checked above.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

continued on back



6. DEPARTMENT OF FISH AND WILDLIFE REVIEW

- ☐ I have reviewed this project and concur that it will provide benefit to Oregon's wildlife resources.
- ☐ Work should be conducted between \_\_\_\_\_ and \_\_\_\_\_.
- ☐ There are no known occurrences of state or federal listed threatened or endangered species on the site.
- ☐ The following state or federal listed threatened or endangered species occur on the site:

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DEC 14 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

\_\_\_\_\_  
ODFW Signature Title Date

7. DEPARTMENT OF AGRICULTURE REVIEW (635 Capitol Street NE, Salem, OR 378-3773)

- ☐ There are no known occurrences of state or federal listed threatened or endangered plant species on the site.
- ☐ The following state or federal listed threatened or endangered plant species occur on the site:

\_\_\_\_\_  
ODA Signature Title Date

8. HISTORIC PRESERVATION OFFICE REVIEW (1115 Commercial St. NE, Salem, OR 97310 ☎ 378-6508)

- ☐ I have reviewed this project and find that the site does not have any known cultural resources.
- ☐ I have reviewed this project and our records indicate that cultural resources are likely present and should be protected by:

\_\_\_\_\_  
SHPO Signature Date

9. WATER RESOURCES DEPARTMENT REVIEW (158 12th Street NE, Salem, OR 97310 ☎ 378-3739)

- ☐ I have reviewed this project and no approval is required by the Water Resources Department.
- ☐ A \_\_\_\_\_ ☐ permit is required ☐ has been applied for to construct this project.

\_\_\_\_\_  
Watermaster Signature Date

10. ADDITIONAL INFORMATION REQUIRED:

- Map Showing Location
- Photographs of the site
- Site Plan (scale at least 1" = 400') showing:
  - existing conditions (show wetland, streams, etc.)
  - proposed construction activities
- Restoration/Enhancement Description:
  - Resource enhancement goals/objectives
  - Areal extent of alteration
- Approximate cubic yardage of material proposed to be filled, moved, altered.

Please return completed form and additional information to:

Division of State Lands  
775 Summer St. NE  
Salem, OR 97310-1337  
☎ (503) 378-3805

05/30/95

wppermit:330

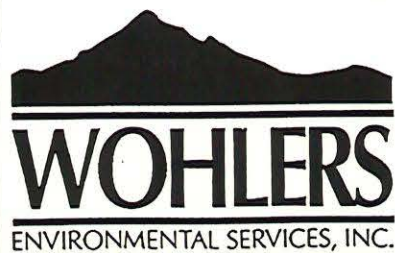
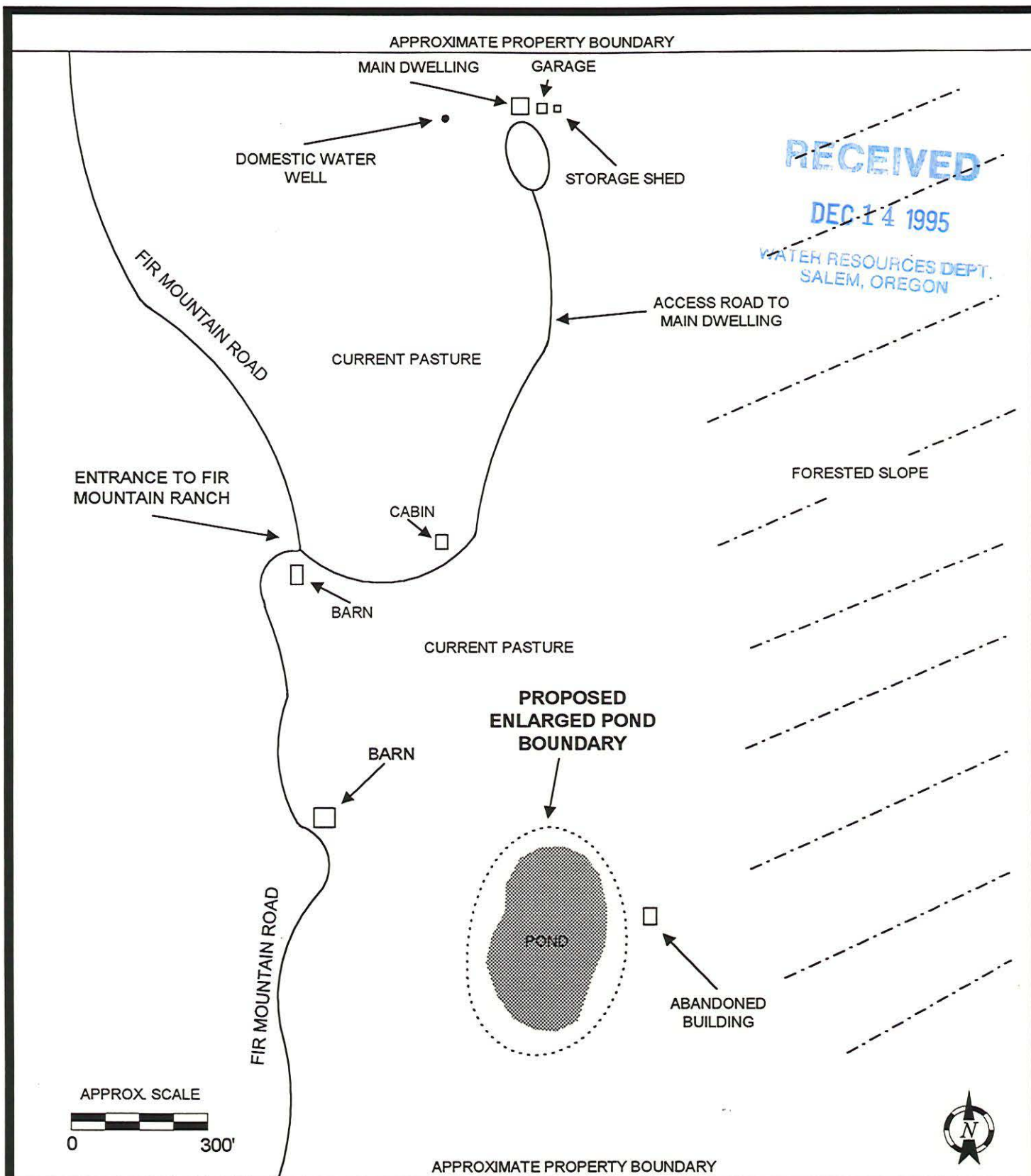


FIGURE 2

**SITE MAP**

FIR MOUNTAIN RANCH  
4051 FIR MOUNTAIN ROAD  
HOOD RIVER, OREGON

PROJECT NO.: 95-0026

DATE: 10/30/95

SCALE: 1" = 300'

FILE: MP0026

DRAWN BY: JT



August 25, 1995

RICHARD STRACHAN

2717 NE HAMBLET  
PORTLAND, OR 97212

REFERENCE: File(s) R-80582,S-80581

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

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

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

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



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

REFERENCE: File(s) - R-80582,S-80581

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

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

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

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

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita Mc Loud', written over a horizontal line.

Ms. Anita Mc Loud  
Water Rights Specialist  
Water Rights/Adjudication Division

cc: CWRE



A

97

~~Duplicate~~

Application No.

R-80582

Permit No.

R-12068

Name

Richard Strachan

Address

2717 NE Hamblet Portland OR 97212

Assigned

Address

Beginning construction

10-29-97

Completion of construction

10-1-98

Extended to

Complete application of water

10-1-99

Extended to