

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

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



Use a separate form for each reservoir

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant (may be an individual(s) or organization)

Name(s) (as it should appear on any permit that may be issued) Townsend HB LLC c/o William Townsend	Primary Contact (required if applicant is an organization) Deke Gundersen		
Mailing Address 23400 NE Townsend Way	City Fairview	State OR	Zip 97024
Email Address * billy@townsendfarms.com, Deke.gundersen@townsendfarms.com		Phone Deke: 971-930-7464	

Applicant (may be an individual(s) or organization)

Name(s) (as it should appear on any permit that may be issued)	Primary Contact (required if applicant is an organization)		
Mailing Address	City	State	Zip
Email Address *	Phone		

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

Agent/Business Name Doann Hamilton / Will McGill Surveying LLC			
Mailing Address 15333 Pletzer Rd. SE	City Turner	State OR	Zip 97392
Email Address * phgdmh@gmail.com		Phone 503-349-6946	

* Unless requested otherwise, the Department will send documents and notifications associated with the processing of this application in electronic form (i.e., by email). Please note, the Department will send the applicant the Proposed Final Order by certified mail and any permit that may be issued by standard mail.

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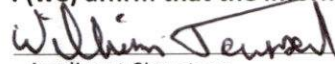
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Salem, OR

By my signature below, I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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


Applicant Signature

William Townsend CEO
Print Name and Title (if Organization)

5/12/26
Date

Applicant Signature

Print Name and Title (if Organization)

Date

SECTION 2: PROPERTY OWNERSHIP AND SIGNATORY AUTHORITY

A. Property Ownership

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed and used.

- ☒ YES, there are no encumbrances.
- ☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☐ NO, I have a recorded easement or written authorization permitting access.
- ☐ NO, I do not currently have written authorization or easement permitting access.
- ☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submerged and/or submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ NO, because water is to be diverted, conveyed and used only on federal lands.
- ☐ NO, written authorization or an easement is not necessary, because the application is made by or on behalf of a public corporation. ORS 537.211(7). Public corporation is defined in ORS 536.007(7).

B. Affected Landowners

List the names, mailing addresses, and, if available, email addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, or any lands not owned by the applicant within the proposed place of use, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary.)*

C. Legal Description

You must provide legal descriptions for all of the following: *(Attach copies)*

1. The property from which the water is to be diverted,
2. Any property crossed by the proposed ditch, canal or other work, and
3. Any property on which the water is to be used as depicted on the map.

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D. Evidence of Signatory Authority

If the applicant is a public agency, corporation or business, trust, or other organization, you must provide the title or authority of the person signing the application on behalf of the entity in **Section 1**, and you must attach evidence of signatory authority or a signed statement that such authority exists. *(Attach copies)*

SECTION 3: SOURCE OF WATER

A. Reservoir Name: T1 Additional 0.64 AF

B. Proposed Source of Water

Provide the name of the water body from which water will be diverted ("unnamed", if appropriate) and the name of the stream or lake it flows into. Indicate if the source is runoff, seepage, or a spring.

	SOURCE NAME	TRIBUTARY TO
Source 1:	Unnamed Stream	Deep Creek
Source 2:		
Source 3:		

C. The amount of water to be stored is 0.64 acre-feet.
This can be estimated as length (ft) x width (ft) x depth (ft) ÷ 43,560.

D. The area submerged by the reservoir, when filled, will be 2.0 acres.

E. The maximum height of the structure will be 8.0 feet above streambed or ground surface at the centerline of the crest of the dam. (If excavated only, indicate "zero feet".)

SECTION 4: WATER USE

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

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

SECTION 5: ENVIRONMENTAL IMPACT

- Is this an existing reservoir?
☒ Yes ☐ No
- Is the reservoir an enlargement of an existing dam/reservoir?
☐ Yes ☒ No
- Is the reservoir in a wetland (as determined by DSL)?
☐ Yes ☐ No ☒ Don't know
- Is the reservoir in-channel of a stream or off-channel:
☒ In-channel ☐ Off-Channel
- If the reservoir is proposed to be in-channel, is the stream:
☐ Perennial ☐ Intermittent ☒ Ephemeral ☐ N/A

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SECTION 5: ENVIRONMENTAL IMPACT, continued

- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
☐ Yes ☒ No ☐ Don't know ☐ N/A
- Is the reservoir in the 100-year floodplain?
☐ Yes ☐ No ☒ Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled:

If you have been working with other agencies, indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SECTION 6: WITHIN A DISTRICT

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

Irrigation District Name		Mailing Address	
City	State	Zip	

SECTION 7: DESCRIPTION

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

Existing T1 reservoir is one reservoir with a roadway in-between. The upper pond is connected to the lower pond through a pipe built into the base of the road way. The reservoir is dug out to about 14 foot depth in the southern pond with a dam/berm about 8 feet high on the south end. The southern pond has a spillway over the dam/berm and if water is needed to be evacuated, a portable centrifugal pump can be used.

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SECTION 7: DESCRIPTION, continued

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

See attached maps

SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application. (*attach additional sheets if necessary*)

The existing reservoir was permitted under Permit R-15344. The claim of beneficial use submitted 6-2-2025 found the reservoir held 0.64 additional AF from what was permitted. This application is submitted to apply for the additional AF the reservoir is holding.

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Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. Applications received by OWRD without the Land Use Information Form will be returned to you. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
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NAME Townsend HB LLC c/o William Townsend				PHONE 971-930-7464	
MAILING ADDRESS 23400 NE Townsend Way					
CITY Fairview		STATE OR	ZIP 97024	EMAIL billy@townsendfarms.com	

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
2S	4E	21	SWNW	600	EFU	☒ Diverted	☐ Conveyed	☒ Used	farming
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Clackamas

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

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.64 + 8.6
☐ cubic feet per second
☐ gallons per minute
☒ acre-feet

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

Briefly describe:

Original permit R-15344 claim of beneficial use found that the reservoirs stored 0.64 AF more than what was authorized. This application is being submitted to authorize the additional 0.64 AF of stored water.

See Page 4 →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZDO Section 401.04

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

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

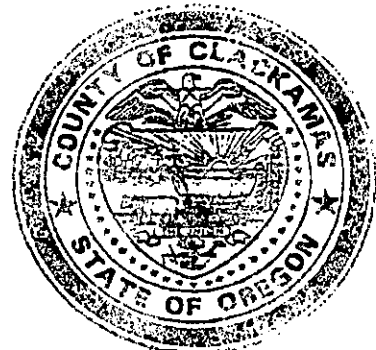
Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Name: Melissa Lord Title: Senior Planner
 Signature: [Signature] Date: 5/5/2026
 Governmental Entity: Clackamas County Phone: 503-742-4500

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Watermaster Alternate Reservoir Application Review Sheet

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

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

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

Applicant's Name: <u>Townsend HB LLC</u>
1. Does the proposed reservoir have the potential to injure existing water rights? ☐ YES ☒ NO
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☐ YES ☐ NO ☒ N/A
3. Is water available for the proposed reservoir? ☒ YES ☐ NO
4. If yes, during what period? Beginning: <u>November 1</u> End: <u>May 31</u>
Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))

Watermaster Name: Amy Landvoigt

Watermaster Signature: *Amy Landvoigt* Date: 4/22/2026

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Townsend HB LLC c/o William TownsendAddress: 23400 NE Townsens Way, Fairview OR. 97024Phone/Email: 971-930-7464 / billy@townsendfarms.comReservoir Name: type hereVolume (AF): 0.64Source: Unnamed TribBasin Name: Willamette☒ in-channelTwp Rng Sec QQ: 2S 4E 21 SWNW☐ off-channel

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

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

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

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

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

3) If NMF are or were historically present:

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

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

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

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

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

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

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

Applicant Name: Townsend HB LLC c/o Willaim Townsend

Review Date: 4/24/2026

during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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

ESA-listed fish (winter steelhead and spring Chinook Salmon), sensitive species (Coastal Cutthroat Trout and Pacific Lamprey), and other game fish (Coho Salmon) may be present in Deep Creek and/or the Clackamas River during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during July – November.

In addition, ODFW reviewed available information (Temperature TMDL Replacement: Willamette Subbasins) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. DEQ has identified water quality impairments for temperature and dissolved oxygen in the Clackamas River. Both temperature and dissolved oxygen are related to flow modifications and water withdrawals, and both, when combined with reduced streamflow, can increase stress on aquatic life. Consequently, ODFW recommends that the proposed use, including any releases throughout the year from the reservoir to waters of the state (see "Water Quality" condition below), be restricted during May – October to protect water quality that supports existing fishery resources (e.g., habitat).

The proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

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

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

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

☒ See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during January – April and December. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period.

Janna

Digitally signed by
Janna Guzman

ODFW Signature: Guzman

Date: 2026.04.24
11:21:56 -07'00'

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 4/24/2026

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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

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

shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

- ☒ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☒ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July.15 – August.31 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☐ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☒ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Received by OWRD

JUN 03 2026

AFTER RECORDING RETURN TO:
CASCADE TITLE COMPANY
811 WILLAMETTE ST., EUGENE, OR 97401

158158 GB



After recording return to:
Townsend HB, LLC
23400 NE Townsend Way
Fairview, OR 97024

Until a change is requested all tax
statements shall be sent to the
following address:
Townsend HB, LLC

File No.: 7000-1892135 (wlh)
Date: November 17, 2012

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2020-101189

11/30/2020 03:40:02 PM

D-D Cnt=1 Stn=9 COUNTER1
\$40.00 \$16.00 \$10.00 \$62.00

\$128.00

This Deed is given in fulfillment of that Contract of Sale between the parties dated: November 26, 2012, recorded November 29, 2012 as Recording number 2012-078556, and the warranties hereof shall be construed as of the date of said contract.

STATUTORY SPECIAL WARRANTY DEED

Arthur Gary Schmale, Trustee of the Schmale Survivor's Trust created under The Schmale Living Trust dated April 18, 1990, as to an undivided one-half interest, and Arthur Gary Schmale, Trustee of the Schmale Family Trust created under The Schmale Living Trust dated April 18, 1990 as to an undivided one-half interest, as tenants in common, Grantor, conveys and specially warrants to Townsend HB, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$950,000.00**. (Here comply with requirements of ORS 93.030)

Received by OWRD

JUN 03 2026

Salem, OR

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 26 day of November, 2012.

Schmale Survivor's Trust created under the
Schmale Living Trust dated April 18, 1990

Schmale Family Trust created under the
Schmale Living Trust dated April 18, 1990

Arthur Gary Schmale *trustee*
Arthur Gary Schmale, Trustee

Arthur Gary Schmale *trustee*
Arthur Gary Schmale, Trustee

STATE OF Oregon)
County of Multnomah) ss.
Clackamas)



This instrument was acknowledged before me on this 26 day of November, 2012 by Arthur Gary Schmale, Trustee of the Schmale Survivor's Trust created under the Schmale Living Trust and Arthur Gary Schmale as Trustee of Schmale Family Trust created under the Schmale Living Trust, on behalf of the said Trusts.

Kathleen Mae Wall

Notary Public for Oregon
My commission expires:

Received by OWRD

JUN 03 2026

Salem, OR

EXHIBIT A

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

PARCEL 1: PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SECTION 21, IN THE CENTER OF THE BARTLEMAY COUNTY ROAD, SAID POINT BEING 586.0 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE RUNNING SOUTH 70° 34' EAST TRACING SAID CENTER LINE OF SAID COUNTY ROAD 690.15 FEET TO AN IRON SHAFTEING SET AT THE ROAD ANGLE; THENCE ALONG THE CENTER OF SAID ROAD SOUTH 9° 54' EAST 340.0 FEET TO AN IRON PIPE DRIVEN IN THE QUARTER SECTION LINE; THENCE EAST ON THE QUARTER SECTION LINE TO THE CENTER OF SECTION 21; THENCE NORTH TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 21; THENCE WEST TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 21; THENCE SOUTH TO THE PLACE OF BEGINNING; EXCEPT THAT PORTION THEREOF WITHIN THE BOUNDARIES OF ROADS.

TOGETHER WITH THAT PORTION OF VACATED GUNDERSON ROAD, COUNTY ROAD NO 1792, WHICH INURED THERETO BY ORDER NO. 96-68, RECORDED FEBRUARY 7, 1996 AS FEE NO. 96-008762.

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COMMENCING AT THE NORTHWEST CORNER OF SAID LEGAL SUBDIVISION; THENCE NORTH 88° 38' 20" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 338.08 FEET TO THE NORTHEAST CORNER OF THAT TRACT CONVEYED TO ALVIN SCHMALE, ET UX, BY RECORDERS FEE NO. 71-34070 AND THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 88° 38' 20" EAST A DISTANCE OF 979.71 FEET; THENCE SOUTH 0° 59' 00" WEST ALONG THE EAST LINE OF SAID LEGAL SUBDIVISION A DISTANCE OF 1334.75 FEET; THENCE SOUTH 89° 24' 20" WEST ALONG THE SOUTH LINE OF SAID LEGAL SUBDIVISION A DISTANCE OF 1267.40 FEET TO A POINT IN THE EAST LINE OF COUNTY ROAD NO. 356; THENCE NORTH 0° 07' 20" EAST ALONG SAID EAST LINE A DISTANCE OF 30.00 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE NORTH 89° 24' 20" EAST, PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 307.99 FEET; THENCE NORTH 0° 07' 20" EAST, PARALLEL WITH THE WEST LINE OF SAID LEGAL SUBDIVISION A DISTANCE OF 1291.16 FEET TO THE POINT OF BEGINNING.

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NOTE: This legal description was created prior to January 1, 2008.

Received by OWRD

JUN 03 2026

Salem, OR

ATTACHED FOR LEGIBILITY



After recording return to:
Townsend HB, LLC
23400 NE Townsend Way
Fairview, OR 97024

Until a change is requested all tax
statements shall be sent to the
following address:
Townsend HB, LLC

File No.: 7000-1892135 (wlh)
Date: November 17, 2012

THIS SPACE RESERVED FOR RECORDER'S USE

This Deed is given in fulfillment of that Contract of Sale between the parties dated: November 26, 2012, recorded November 29, 2012 as Recording number 2012-078556, and the warranties hereof shall be construed as of the date of said contract.

STATUTORY SPECIAL WARRANTY DEED

Arthur Gary Schmale, Trustee of the Schmale Survivor's Trust created under The Schmale Living Trust dated April 18, 1990, as to an undivided one-half interest, and Arthur Gary Schmale, Trustee of the Schmale Family Trust created under The Schmale Living Trust dated April 18, 1990 as to an undivided one-half interest, as tenants in common, Grantor, conveys and specially warrants to Townsend HB, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

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See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$950,000.00**. (Here comply with requirements of ORS 93.030)

Received by OWRD

JUN 03 2026

Salem, OR

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Dated this _____ day of _____, 20_____.

Arthur Gary Schmale

Schmale Survivor's Trust, crated under the
Schmale Living Trust

Schmale Family Trust crated under the
Schmale Living Trust

Arthur Gary Schmale, Trustee

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this _____ day of _____, 20_____,
by Arthur Gary Schmale, Trustee of the Schmale Survivor's Trust created under the Schmale Living Trust
and Arthur Gary Schmale as Trustee of Schmale Family Trust created under the Schmale Living Trust, on
behalf of the said Trusts.

Notary Public for Oregon
My commission expires:

Received by OWRD

JUN 03 2026

Salem, OR

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Received by OWRD

JUN 03 2026

Salem, OR

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NOTE: This legal description was created prior to January 1, 2008.

Received by OWRD

JUN 03 2026

Salem, OR



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Northwest Region
17330 SE Evelyn Street
Clackamas, OR 97015-9514
(971) 673-6000
FAX (971) 673-6070

September 16, 2024

Townsend Farms, Inc
Attn: Deke Gunderson
33865 NW Vadis Rd.
Cornelius, OR 97113



RE: Status of Fish Screens and Passage for R-15344

To whom it may concern,

The Oregon Department of Fish and Wildlife (ODFW) is submitting this letter regarding the fish screening condition contained in permit R-15344 in the name of Townsend Farms, Inc. The permit allows the water user to submit evidence in writing that ODFW has determined screens and/or passage devices are not necessary.

After inspection of aerial imagery, ODFW has determined that native fish are not currently or were historically present at this location. Therefore, fish screening and passage devices are not necessary for R-15344, which allows the storage of water from unnamed stream, a tributary of Deep Creek in the Clackamas River Basin (Application R-87872, Permit R-15344).

Although ODFW has determined that fish screening and passage devices are not necessary for R-15344, the permittee shall not stock fish in the associated reservoirs without a fish transport permit approved by ODFW. Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). **As part of the permitting process, the permittee may need to screen the outlet of the reservoirs to ensure that fish cannot escape into public waters.** Please let me know if you need any additional information or have any further questions.

Sincerely,

Michael D. Hayworth
Oregon Department of Fish and Wildlife
Assistant District Fish Biologist
Michael.D.Hayworth@ODFW.Oregon.Gov

Received by OWRD

JUN 03 2026

Salem, OR

Cc: Katherine Nordholm, Fish Screens and Passage Coordinator, ODFW Salem (via email)

OREGON



Received by OWRD

JUN 03 2026

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Townsend HB LLC
23400 NE Townsend way Fairview OR 97024
Transaction Type: A14 Res.
Fees Received: \$ 1697.00

☐ Cash

☒ Check:

Check No. 2628

Name(s) on Check: Will McGill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

Submission received by:

Conie Lannier
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

Minimum Requirements Checklist

Minimum Requirements (ORS 537.409 and OAR 690-305-0010)

Include this checklist with the application

Check that each of the following items are included. The application will be returned as incomplete if all required items are not included. Please submit the original application and signatures to the Oregon Water Resources Department. Applicants are encouraged to keep a copy of the completed application. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership and Signatory Authority
- ☒ SECTION 3: Source of Water
- ☒ SECTION 4: Water Use
- ☒ SECTION 5: Environmental Impact
- ☐ SECTION 6: Within a District
- ☒ SECTION 7: Description
- ☒ SECTION 8: Remarks

A COMPLETE APPLICATION INCLUDES THE FOLLOWING ITEMS:

Additional information may be required.

- ☒ Completed ***Application for a Permit to Store Water in a Reservoir (Alternate Review)*** (including Sections 1-8, as described above).
- ☒ Completed ***Land Use Information Form*** with original signature of local planning department. This form must be dated no more than one year prior to application submission.
- ☒ **Legal Description** of: (1) the property(ies) from which the water is to be diverted, (2) any property(ies) crossed by the proposed ditch, canal or other work, and (3) any property(ies) on which the water is to be used as depicted on the map.
- ☒ **Evidence of signatory authority** or a signed statement that such authority exists for applications submitted on behalf of an entity (e.g., organization).
- ☒ **Application Map** that includes all required elements as described in [OAR 690-305-0010](#).
- ☒ **Application Fees** – Please use the Fee Calculators at apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/ or contact the Customer Service Group at wrddl_customerservice@water.oregon.gov or (503) 986-0900.

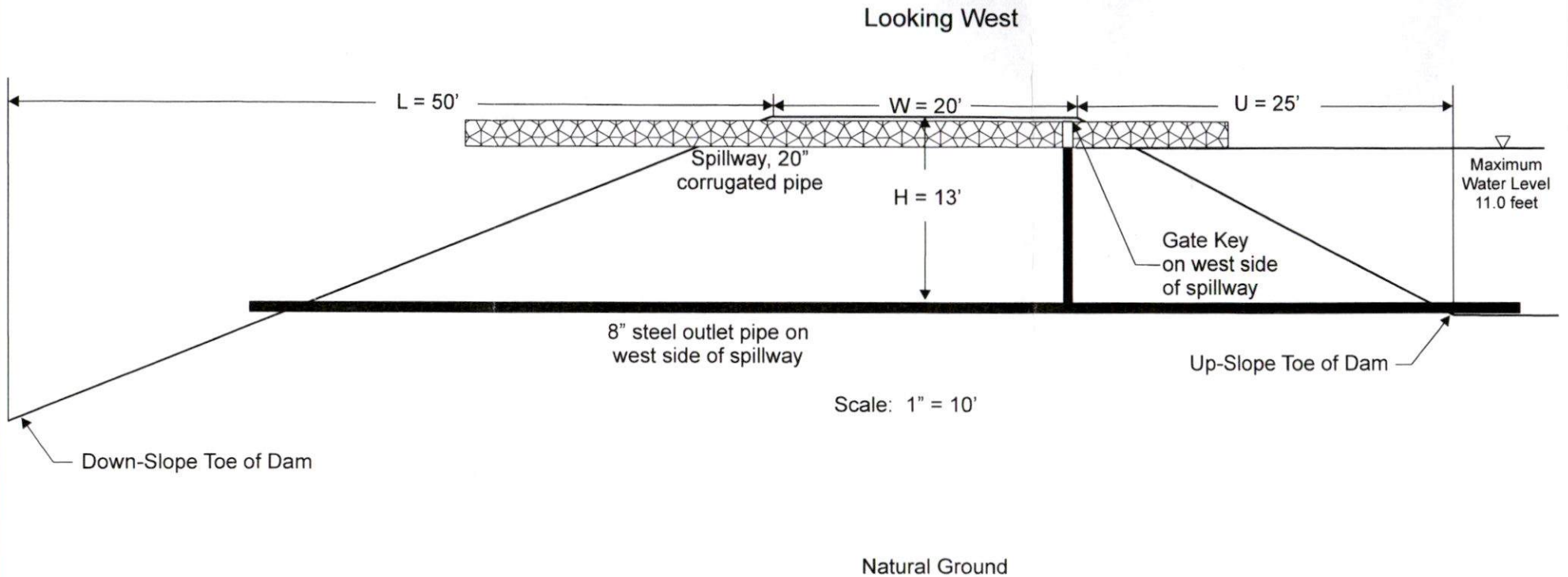
Total Examination Fee: \$ 782

Recording Fee: \$ 915

Received by OWRD

JUN 03 2026

Salem, OR



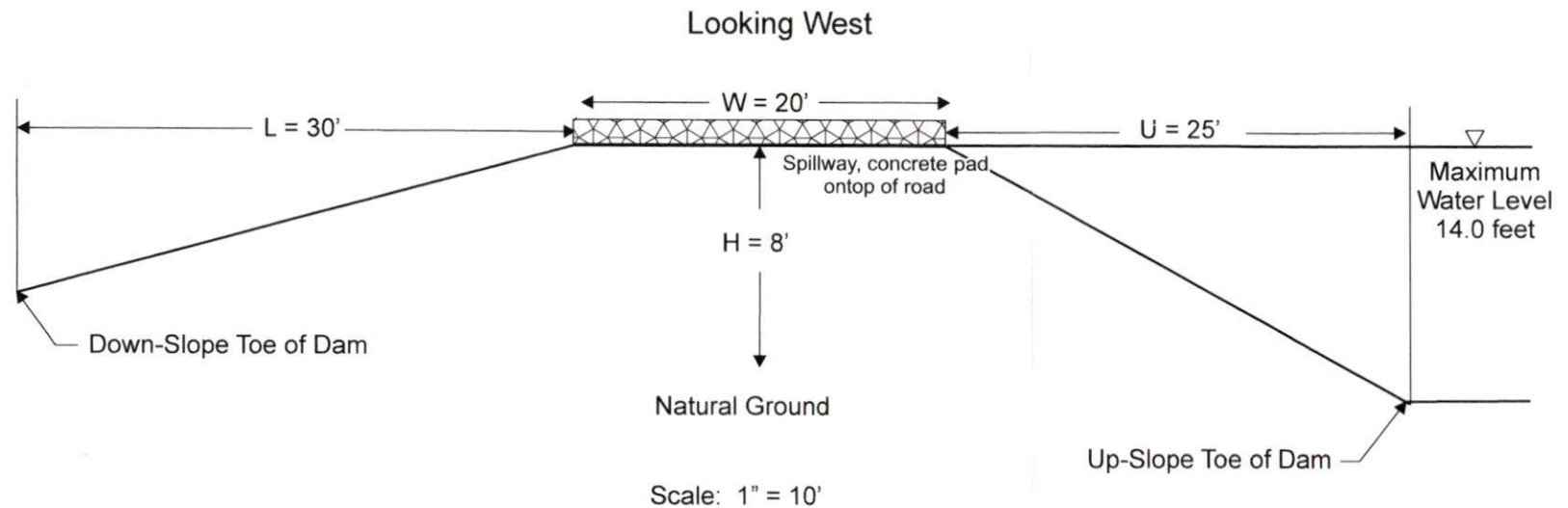
Received by OWRD
 JUN 03 2026
 Salem, OR


 WILL MCGILL SURVEYING LLC

04/2026

North Pond Cross-Section Map
 T1 Additional 0.64 AF

Townsend HB LLC
 T.2S. R.4E. Section 21, W.M.



Salem, OR

JUN 03 2026

Received by OWRD

WM
WILL MCGILL SURVEYING LLC

04/2026

South Pond Cross-Section Map
T1 Additional 0.64 AF

Townsend HB LLC
T.2S. R.4E. Section 21, W.M.