

FILE# : R 84451

ALTON R MADDOX  
MADDOX, CATHY L  
19665 S LYONS RD  
OREGON CITY

OR 97045

**Application No.****Permit No.**

**Certificate No.**

Stream Index, Page No.

Date filed

**Priority**

Action suspended until.

Return to applicant

Date of approval

## CONSTRUCTION

Date for beginning

**Date for completion**

Extended to

Date for application of water

**Extended to**

## PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

**FINAL PROOF**

**Blank mailed**

**Proof received**

Date Certificate issued

tit  
es

## ASSIGNMENTS

Date \_\_\_\_\_

To Whom

**Address**

Volume

Page

## REMARKS

\* See Also S-84452  
G-151666

REJECTED 12-5-00 F/O

# Mailing List for FO Copies

Application # R-844512

Mailing List Print Date June \_\_, 2001

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

Applicant: ALTON & CATHY MADDOX, 19665 S LYONS RD, OREGON CITY, OR 97045

|                    |
|--------------------|
| Copies Mailed      |
| By: <u>D. G.</u>   |
| (SUPPORT STAFF)    |
| on: <u>6/20/01</u> |
| (DATE)             |

**For FO w/Permit - Copies sent to:**

1. WRD - File # R-84451
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - John Falk

**For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):**

5. WRD - Watermaster District #16: Bill Ferber
6. ODFW District Biologist: GREG ROBART

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

1. \_\_\_\_\_
2. \_\_\_\_\_

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. \_\_\_\_\_
2. \_\_\_\_\_

CASEWORKER: AMH



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

VIA MAIL

June 7, 2001

Alton R. Maddox  
19665 S. Lyons Rd.  
Oregon City, OR 97045

RE: Water Right Application R 84451 in the Name of Alton R. and Cathy L. Maddox

Dear Mr. Maddox:

Enclosed is the settlement agreement, final order incorporating settlement agreement and permit for the above-referenced application.

Please note that I have corrected the reference to your application in the settlement agreement. Also note that your permit has been corrected to reflect that G 15166 is also a source for this reservoir. Do not hesitate to call me if you have any questions: (503) 378-8455 ext. 239.

The Department appreciates the efforts you took to resolve this matter through settlement.

Sincerely,

Renee Moulun  
Protest Program Coordinator

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON R MADDOX AND CATHY L MADDOX  
19665 S LYONS RD  
OREGON CITY, OREGON 97045

(503) 631-7898

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

APPLICATION FILE NUMBER: R-84451

SOURCE OF WATER: RUNOFF AND A WELL, FILED UNDER APPLICATION # G-15166, PERMIT #G-13991, TRIBUTARY OF ABERNATHY CREEK

STORAGE FACILITY: BETTY RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, TO BE APPROPRIATED UNDER PERMIT 53730, AQUATIC LIFE, WILDLIFE AND FIRE PROTECTION

MAXIMUM STORAGE VOLUME: 3.5 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: JUNE 10, 2000

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 2.00 FEET.

DAM LOCATION: NESE, SECTION 17, T 3S, R3E, W.M.;

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

NE 1/4 SE 1/4  
SECTION 17  
TOWNSHIP 3 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director.

Application R-84451 Water Resources Department

PERMIT R-13003

If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such

installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The ~~Director may~~ provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

**The permit holder shall plant and maintain native vegetation to provide riparian cover and aquatic habitat for this pond.**

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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.

#### STANDARD CONDITIONS

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

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

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

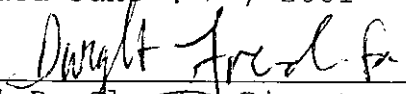
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

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.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report.

Issued June 19, 2001

  
 Paul R. Cleary, Director  
 Water Resources Department

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

SALEM, OREGON

In the Matter of Water Right Application )  
R 84451 in the Name of Alton R. and Cathy L. )  
Maddox )  
*Applicants and Protestants* )

The Oregon Water Resources Department by and through Paul Cleary, Director, and Alton R. Maddox, Applicant and Protestant, do hereby agree and stipulate as follows:

### Stipulated Facts

1. On June 10, 2000, Alton R. and Cathy L. Maddox ("Applicants") submitted an application to the Oregon Water Resources Department ("Department") for 3.5 acre feet of water for a pond in Clackamas County, Oregon.
2. The applicant filed pursuant to ORS 537.409 which provides that the Department must provide public notice of the application and that any person may request the Department to deny the application for a permit on the basis that the reservoir would pose a significant detrimental impact to existing fishery resources.
3. Because the requested water is in an area that provides habitat for threatened and sensitive fish species, the Department solicited comments from the Oregon Department of Fish and Wildlife ("ODFW"), pursuant to OAR Chapter 690, Division 33. ODFW determined that the water in the pond would be thermally warmed and thus contribute heated water to tributaries of the Lower Willamette River thereby degrading habitat for listed species such as cutthroat trout, chinook salmon and steelhead trout. ODFW subsequently recommended denial of Application R 84412:84551
4. On December 5, 2000, the Department issued a Final Order denying Application R 84412:84551 because the proposed use would result in a loss of essential habitat of threatened or endangered species and a net loss of essential habitat for sensitive fish species. Thus the use would pose a significant detrimental impact to existing fishery resources.
5. On December 13, 2000, Applicants protested the Department's Final Order.
6. On February 1, 2001, representatives from the Department and ODFW met with Applicant, Alton Maddox, at Applicants' pond.

/// //

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MAR 02 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

A stream channel, which Applicant constructed leads into Applicants' pond. This channel drains a pool formed by a spring not on Applicant's land. Applicant fills and maintains the pond using ground water under G 15166. Waters from the pond overflow and drain into another channel ("drainage channel") constructed by Applicants only during the winter months. The channel draining Applicants' pond does not drain into any watercourse but leads into a roadside ditch and a dry gulley.

8. ODFW identified the pond as having an incremental detrimental effect on fish and wildlife habitat and recommended planting the site with native vegetation to restore riparian areas and improve aquatic habitat. ODFW concluded its concerns would be addressed if the water use is issued with specific conditions which mitigate any habitat degradation associated with the pond.

### Terms of the Agreement

1. The parties of this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement, the Applicant withdraws his protest and request for hearing to Application R 84227. ~~84451~~
3. Applicant shall design a planting plan that will provide adequate riparian cover to the pond and to the pond's drainage channel that is within the bounds of Applicants' property. The Applicant shall use native plant and tree species and indicate on the planting plan the location, distribution and species of the plants.
4. Applicant's planting plan shall be approved by ODFW before a permit from the Department shall issue. Applicant shall produce proof to the Department that ODFW has approved Applicants' planting plan.
5. The planting and maintenance of the riparian plants and trees shall be an enforceable condition of the water right. Applicants' permit shall contain the following specific condition: "The permit holder shall plant and maintain native vegetation to provide riparian cover and aquatic habitat for this pond."

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BEFORE THE OREGON WATER RESOURCES DEPARTMENT

|                                              |   |                           |
|----------------------------------------------|---|---------------------------|
| In the Matter of Water Right Application     | ) |                           |
| R 84451 in the Name of Alton R. and Cathy L. | ) | FINAL ORDER INCORPORATING |
| Maddox                                       | ) | SETTLEMENT AGREEMENT      |
| <i>Applicants and Protestants</i>            | ) |                           |

Based on the attached settlement Agreement which is incorporated herein and which includes the draft permit attached, I find that the proposed use will not pose a significant detriment to existing fishery resources.

Therefore, it is ordered that pursuant to ORS 537.409, Application R 84451 is approved and a permit shall issue.

DATED this 19<sup>th</sup> day of June, 2001.

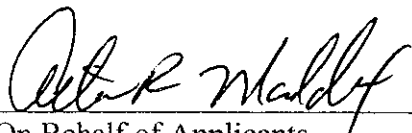


Paul Cleary, Director  
Oregon Water Resources Department

MAR 02 2001

WATER RESOURCES  
SALEM, OREGON

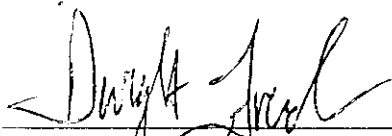
6. The issues raised in Applicants' protest have been resolved and the attached draft permit meets to the satisfaction of all parties and hereby is incorporated into this Agreement by reference.



On Behalf of Applicants

2-28-01

Date



On Behalf of the Oregon Water  
Resources Department

6-18-01

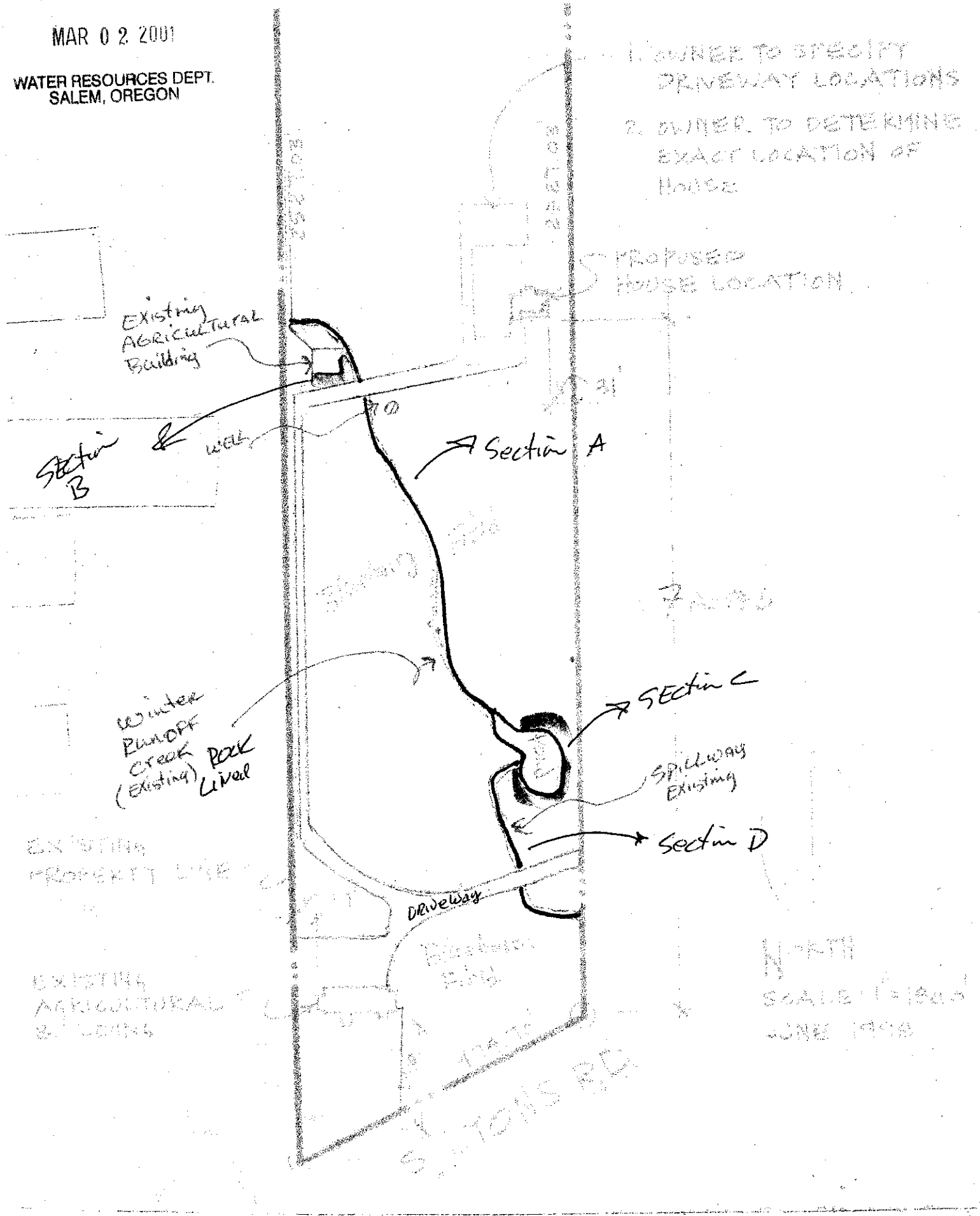
Date

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MAR 02 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

1. OWNER TO SPECIFY DRIVEWAY LOCATIONS
2. OWNER TO DETERMINE EXACT LOCATION OF HOUSE



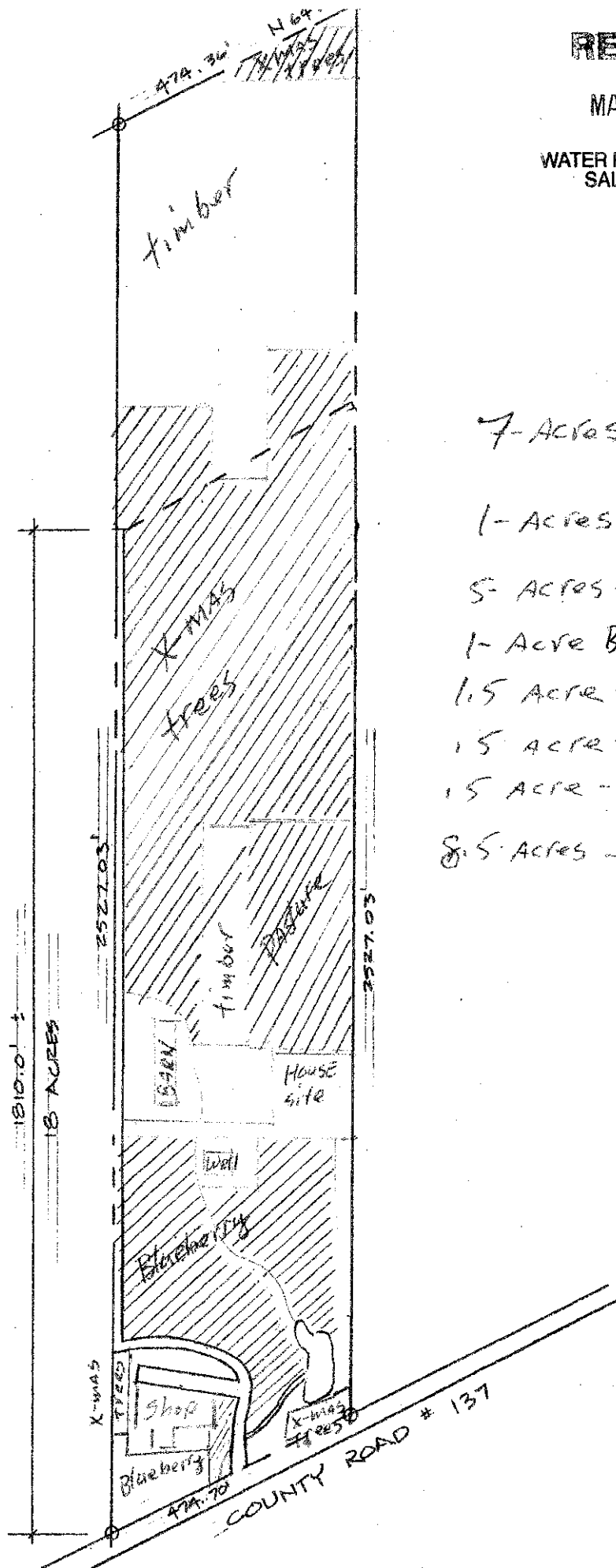
Section 17  
Township 3-S  
Range 3E  
Tax Lot 1200

25 Acres  
EFU Zoning

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WATER RESOURCES DEPT.  
SALEM, OREGON



7-Acres - LEASED  
X-MAS t.  
1-Acres - X-MAS t.  
5-Acres - Blueberry  
1-Acre Blueberry  
1.5 Acre - Pasture  
1.5 Acre - House site  
1.5 Acre - Shop-X-MAS  
trees  
8.5 Acres - timber

STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ALTON R MADDOX AND CATHY L MADDOX  
19665 S LYONS RD  
OREGON CITY, OREGON 97045

( 503)631-7898

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

APPLICATION FILE NUMBER: R-84451

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ABERNATHY CREEK

STORAGE FACILITY: BETTY RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, AQUATIC LIFE, WILDLIFE  
AND FIRE PROTECTION

MAXIMUM STORAGE VOLUME: 3.5 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: JUNE 10, 2000

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 2.00 FEET.

DAM LOCATION: NESE, SECTION 17, T 3S, R3E, W.M.;

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

NE 1/4 SE 1/4  
SECTION 17  
TOWNSHIP 3 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless

special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permit holder shall plant and maintain native vegetation to provide riparian cover and aquatic habitat for this pond.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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.

### STANDARD CONDITIONS

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

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.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report.

Issued \_\_\_\_\_, 2001

---D R A F T -----

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Paul R. Cleary, Director  
Water Resources Department

STATE OF OREGON  
COUNTY OF CLACKAMAS

*need  
FO*

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALTON R MADDOX AND CATHY L MADDOX  
19665 S LYONS RD  
OREGON CITY, OREGON 97045

( 503)631-7898

The specific limits and conditions of the use are listed below

APPLICATION FILE NUMBER: R-84451

SOURCE OF WATER: RUNOFF *and a well filed under App# 61516 and per* *Permit #* ~~TRIBUTARY OF ABERNATHY CREEK~~

STORAGE FACILITY: BETTY RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, TO BE APPROPRIATED  
UNDER PERMIT 53730, AQUATIC LIFE, WILDLIFE AND FIRE PROTECTION

MAXIMUM STORAGE VOLUME: 3.5 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: JUNE 10, 2000

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 2.00 FEET.

DAM LOCATION: NESE, SECTION 17, T 3S, R3E, W.M.;

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

*W/C 244*  
NE 1/4 SE 1/4  
SECTION 17  
TOWNSHIP 3 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless

special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

**The permit holder shall plant and maintain native vegetation to provide riparian cover and aquatic habitat for this pond.**

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.

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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.

**STANDARD CONDITIONS**

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

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

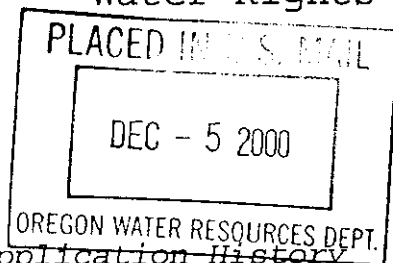
Actual construction work shall begin by May , 2002. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2004. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report.

Issued May , 2001

Paul R. Cleary, Director  
Water Resources Department

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

Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number R-84451

**Final Order**

On JUNE 10, 2000, ALTON R MADDOX and CATHY L MADDOX submitted an application to the Department for a water use permit. Pursuant to 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

The Department **has** received adverse comments related to the possible approval of Application R-84451 from the Department of Environmental Quality.

The Department **has** received comments from Oregon Department of Fish and Wildlife related to the possible approval of Application R-84451. The Oregon Department of Fish and Wildlife recommends **denial** of the application because the proposed use will occur in an area that may affect the essential habitat of sensitive fish species; the proposed use will result in a NET LOSS in the habitat of the sensitive species and that no conditions can be applied to mitigate the impact to the essential habitat of the species.

Therefore, the proposed use, as described in Application R-84451, would injure existing water rights and poses potential detrimental impacts to existing fishery resources. ORS 537.409(6).

Application R-84451 therefore, **is denied**.

Notice of a Right to a Hearing

Pursuant to ORS 537.409(8) you have the right to a hearing before the Oregon Water Resources Department to contest this order. The hearing, if requested, will be conducted according to ORS chapter 183 and the applicable administrative rules. If you want a hearing you must submit a request in writing to the Department within 30 days of the date of this proposed order. To be timely a request must be received by the Department within the 30 day request period. If a request for a hearing is not received by the Department within the time allowed, you will have waived the right to a contested case hearing.

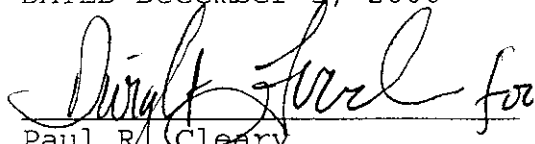
A request for a hearing shall include:  
Your name, address, and telephone number;

A statement that you are requesting a hearing;  
A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency.

If you request a hearing, the Department will notify you of the time and place of the hearing. The Department will give you information on the procedures and other rights of parties relating to the conduct of the hearing before the hearing. You may be represented by counsel at the hearing.

If you do not request a hearing within 30 days of the date of this order or if you withdraw a request for a hearing, or request a hearing and then notify the Department that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order by default denying your application. If the Director issues a final order by default, the Department designates its file on this matter as the record.

DATED December 5, 2000

  
Paul R. Cleary  
Director  
Water Resources Department

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

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

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

6/6/01

Renee,

Jerry Graving is preparing FO's on this file group.

In the settlement agreement signed by Maddox, 4 of the file references are incorrect.

I'll defer to your judgement on what to do.

let me know.

Dwight

# MADDOX FARM

19665 S. Lyons Road • Oregon City, Oregon 97045 • (503) 631-7898

RECEIVED

DEC 13 2000

WATER RESOURCES DEPT  
SALEM, OREGON

ATT. RENEE MOULIN

RIGHT TO HEARING ON PERMITS

1) R-84551

2)G-15166

3) S-84452

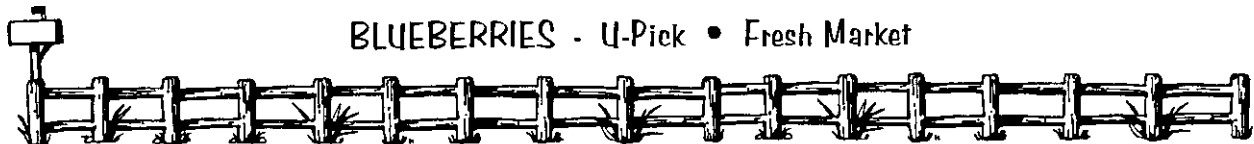
ALTON AND CATHY MADDOX

19665 S LYONS RD.

OREGON CITY, OREGON 97045

503-631-7898

T3S R3E SECTION 17



BLUEBERRIES - U-Pick • Fresh Market

# MADDOX FARM

19665 S. Lyons Road • Oregon City, Oregon 97045 • (503) 631-7898

**RECEIVED**

DEC 13 2000

OREGON WATER RESOURCES DEPT.

WATER RESOURCES DEPT.  
SALEM, OREGON

ON JUNE 10, 2000 WE APPLIED FOR WATER RIGHTS PERMITS R-84451,  
G-15166, & S-84452.

OUR NEEDS ARE AS FOLLOW

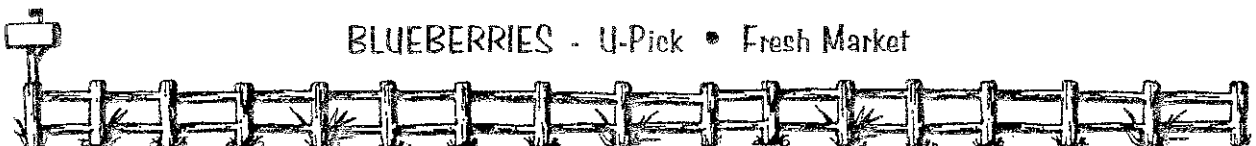
- 1) GROUND WATER FROM PROPERTY NOT FEED BY ABERNATHY CREEK  
(CREEK DOES NOT FEED POND) TO FILL POND IN FALL, WINTER  
SPRING MONTHS.
- 2) REFILL POND IN SUMMER MONTHS FROM WELL SYSTEM AT PROPERTY  
FROM S-84452, AND G-15166.
- 3) IRRIGATE FROM POND SYSTEM AT CUBIC FT. AS LISTED IN PERMIT  
R-84451.

IN PERMIT G-15166 AND R-84451 ODFW DENIED OUR APPLICATION  
12-5-00, BECAUSE OF THE TROUT (CUTTHROAT) CONCERNS AND WARMING  
OF THE CREEK WATERS FROM THE POND.

CONCLUSION,

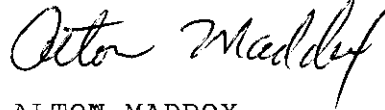
ON 12-11-00 I CALLED GREG ROBART @ ODFW AND EXPLAINED TO HIM  
THAT BETTY POND IS NOT FEED OR PART OF ABERNATHY CREEK (10 MILES  
FROM PROPERTY) (OUT FLOW 7 PLUS MILES FROM PROPERTY) THIS POND  
WILL NOT HAVE AN ADVERSE CHANGE OR EFFECT TO ABERNATHY CREEK  
FOR FISH AND WATER WARMING. GREG WAS EXPLAINED THIS FACT AND  
SAID HE COULD OVERTURN THIS CONCERN WITH ODFW. NO DENIED FINDINGS  
WAS FILED THREW DEQ OR DEPT. OF ARG. WE WOULD LIKE PERMITS  
R-84451, G-15166, & S-84452 IN ORDER FOR US TO OVERTURN AND BE

BLUEBERRIES - U-Pick • Fresh Market



GRANTED, SO WE COULD FILL BETTY POND DURING SUMMER MONTHS  
FROM G-15166, AND S-84452 INORDER TO IRRAGATE FROM BETTY  
POND PERMIT R-84451 PR. CUBIC FT. IN PERMITS.

THANK YOU FOR YOUR TIME



ALTOM MADDOX

12-12-00

**RECEIVED**

DEC 13 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

To: Anita M Huffman <Anita.M.HUFFMAN@wrд.state.or.us>  
Subject: Re: R84451 and S84452

I talked with him yesterday and he's sending the permit recording fees.  
Why don't you wait until they arrive -- hopefully in the next couple of days.  
pokey your pony pal

At 09:38 AM 3/13/01 -0800, you wrote:

>I can go ahead and do a final order for Alton Maddox's secondary  
>application, but I can't issue a permit until recording fees are paid. In  
>addition, I can't do the permit for the pond until the secondary is  
>approved. Do you just want me to hold off on this till he pays the \$175  
>and I can get them both done at the same time? Do you want to call him and  
>tell him about the fees or do you just want me to do a FO for the secondary  
>saying "upon submission of fees..."?  
>  
>Gumby~  
>  
>  
>  
>

To: Anita Huffman  
From: Renee Moulun <Renee.M.MOULUN@wrд.state.or.us>  
Subject: R84451 & S 84452 Maddox  
Cc:  
Bcc:  
Attached:

Hi Anita

R 84451 is ready for a permit. Also, S 84452 was rejected because R 84451 was rejected. Now that the reservoir is approved can you also issue a permit for S 84452 or does he still need to submit permit recording fees?

Need in next couple of weeks.

Thanks  
Renee

RECEIVED

MAR 02 2001

WATER RESOURCES DEPT  
SALEM, OREGON

PLANNING SECTIONS AROUND POND AND WINTER RUNOFF CREEK AND  
SPILLWAY FROM POND(ONLY IN WINTER MONTHS, NOV. TO APR.)

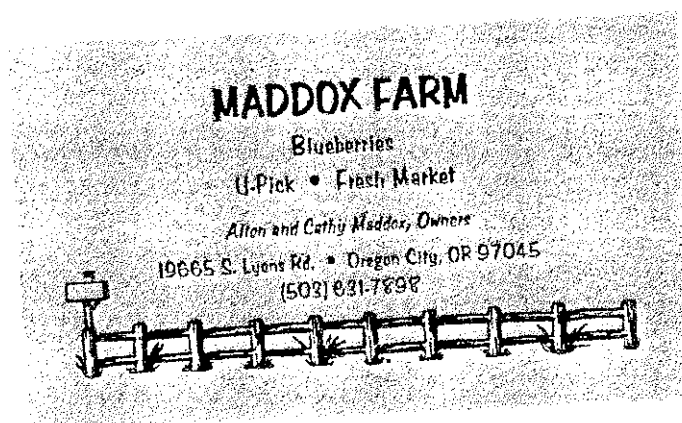
SECTION A OREGON GRAPE EVERY (2) FEET

SECTION B X-MAS TREES EVERY (5) FEET PLANTED (5) FEET FROM  
EDGE OF WINTER CREEK

SECTION C FIR TREES EVERY (6) FEET IN AREA SHOWN  
(15) POPLUR TREES WILL BE PLANTED EVERY (6) FEET

SECTION D OREGON GRAPE EVERY (2) FEET

SECTION A AND D IS SURROUNDED BY A BLUEBERRY FIELD THAT WILL  
SHADE THE CREEK AREAS



X-Mailer: Novell GroupWise Internet Agent 5.5.3.1  
Date: Wed, 07 Mar 2001 16:04:07 -0800  
From: "Gregory Robart" <Gregory.P.Robart@state.or.us>  
To: MOULUN Renee M <Renee.M.Moulun@state.or.us>  
Subject: Re: R 84390 Barnhart

Hi Renee!

I left Alton Maddox a message today on his voice mail regarding our review of his planting plan.

I think he needs to improve on it some by diversifying the plant types along the "creek". I suggested mixing in some red osier dogwood with the Oregon grape he plans to plant. That way, with a little more species diversity and cover types the riparian area will be more attractive to diverse wildlife. At the same time he will have plenty of sun for his blueberry field.

Nice to hear from you, as always. Take care.

Greg

>>> Renee Moulun <Renee.M.Moulun@state.or.us> 03/02/01 09:08AM >>>  
Wow! Thanks for the nice message. It's so great to get a pat on the back especially from those I respect. Hope we continue our working relationship as we attempt to slowly educate the public about fish issues. Best, Renee

At 08:33 AM 3/2/01 -0800, you wrote:

> Renee: to best management for salmon and watersheds and  
> hopefully head off contested case hearings. his pond and, at the  
> same time, protect our interests. The agreement you've drafted looks good  
> to me. Cheers! Greg  
>  
>>>>>>>  
> Hello  
>  
> Remember Mr. Barnhart? -- the gentleman with the pond way up in the  
> forested area near Dairy Creek that we visited on a cold wet day in  
> After much discussion with me, he has decided to try to settle  
> his protest by agreeing not to release any water from the pond during the  
> I  
> Please review and comment if needed.  
>  
> Thank you.  
> Renee



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

### VIA MAIL

February 13, 2001

Alton R. Maddox  
19665 S. Lyons Rd.  
Oregon City, OR 97045

RE: Water Right Application R 84451 in the Name of Alton R. and Cathy L. Maddox

Dear Mr. Maddox:

Thank you for taking the time to meet with the Water Resources Department and the Oregon Department of Fish and Wildlife to discuss the issues associated with your protest of the Final Order for Application R 84451.

Enclosed is a settlement agreement incorporating the terms for settlement that we discussed. Also enclosed is a draft permit for this water right which will be issued to you once you have completed the terms of the settlement agreement.

Please review the settlement agreement. If you agree to the terms, please sign and return it to me. If you have any comments, questions or changes to the agreement, please call me immediately at: 1-800-624-3199 ext. 239.

Sincerely,

Renee Moulun  
Protest Program Coordinator



**BEFORE THE OREGON WATER RESOURCES DEPARTMENT**

In the Matter of Water Right Application )  
R 84551 in the Name of Alton R. and Cathy L. ) SETTLEMENT AGREEMENT  
Maddox )  
*Applicants and Protestants* )

The Oregon Water Resources Department by and through Paul Cleary, Director, and Alton R. Maddox, Applicant and Protestant, do hereby agree and stipulate as follows:

### Stipulated Facts

1. On June 10, 2000, Alton R. and Cathy L. Maddox (“Applicants”) submitted an application to the Oregon Water Resources Department (“Department”) for 3.5 acre feet of water for a pond in Clackamas County, Oregon.
2. The applicant filed pursuant to ORS 537.409 which provides that the Department must provide public notice of the application and that any person may request the Department to deny the application for a permit on the basis that the reservoir would pose a significant detrimental impact to existing fishery resources.
3. Because the requested water is in an area that provides habitat for threatened and sensitive fish species, the Department solicited comments from the Oregon Department of Fish and Wildlife (“ODFW”), pursuant to OAR Chapter 690, Division 33. ODFW determined that the water in the pond would be thermally warmed and thus contribute heated water to tributaries of the Lower Willamette River thereby degrading habitat for listed species such as cutthroat trout, chinook salmon and steelhead trout. ODFW subsequently recommended denial of Application R 84412.
4. On December 5, 2000, the Department issued a Final Order denying Application R 84412 because the proposed use would result in a loss of essential habitat of threatened or endangered species and a net loss of essential habitat for sensitive fish species. Thus the use would pose a significant detrimental impact to existing fishery resources.
5. On December 13, 2000, Applicants protested the Department’s Final Order.
6. On February 1, 2001, representatives from the Department and ODFW met with Applicant, Alton Maddox, at Applicants’ pond.

/ / / / / /

7. A stream channel, which Applicant constructed leads into Applicants' pond. This channel drains a pool formed by a spring not on Applicant's land. Applicant fills and maintains the pond using ground water under G 15166. Waters from the pond overflow and drain into another channel ("drainage channel") constructed by Applicants only during the winter months. The channel draining Applicants' pond does not drain into any watercourse but leads into a roadside ditch and a dry gulley.
8. ODFW identified the pond as having an incremental detrimental effect on fish and wildlife habitat and recommended planting the site with native vegetation to restore riparian areas and improve aquatic habitat. ODFW concluded its concerns would be addressed if the water use is issued with specific conditions which mitigate any habitat degradation associated with the pond.

### **Terms of the Agreement**

1. The parties of this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement, the Applicant withdraws his protest and request for hearing to Application R 84227.
3. Applicant shall design a planting plan that will provide adequate riparian cover to the pond and to the pond's drainage channel that is within the bounds of Applicants' property. The Applicant shall use native plant and tree species and indicate on the planting plan the location, distribution and species of the plants.
4. Applicant's planting plan shall be approved by ODFW before a permit from the Department shall issue. Applicant shall produce proof to the Department that ODFW has approved Applicants' planting plan.
5. The planting and maintenance of the riparian plants and trees shall be an enforceable condition of the water right. Applicants' permit shall contain the following specific condition: "The permit holder shall plant and maintain native vegetation to provide riparian cover and aquatic habitat for this pond."

/// /// ///

/// /// ///

/// /// ///

/// /// ///

6. The issues raised in Applicants' protest have been resolved and the attached draft permit meets to the satisfaction of all parties and hereby is incorporated into this Agreement by reference.

\_\_\_\_\_  
On Behalf of Applicants

\_\_\_\_\_  
Date

\_\_\_\_\_  
On Behalf of the Oregon Water  
Resources Department

\_\_\_\_\_  
Date

STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ALTON R MADDOX AND CATHY L MADDOX  
19665 S LYONS RD  
OREGON CITY, OREGON 97045

( 503)631-7898

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

APPLICATION FILE NUMBER: R-84451

SOURCE OF WATER: RUNOFF, A TRIBUTARY OF ABERNATHY CREEK

STORAGE FACILITY: BETTY RESERVOIR

PURPOSE OR USE OF THE STORED WATER: IRRIGATION, AQUATIC LIFE, WILDLIFE  
AND FIRE PROTECTION

MAXIMUM STORAGE VOLUME: 3.5 ACRE-FEET EACH YEAR

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

DATE OF PRIORITY: JUNE 10, 2000

THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 2.00 FEET.

DAM LOCATION: NESE, SECTION 17, T 3S, R3E, W.M.;

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

NE 1/4 SE 1/4  
SECTION 17  
TOWNSHIP 3 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless

special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

**The permit holder shall plant and maintain native vegetation to provide riparian cover and aquatic habitat for this pond.**

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

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

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

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

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.

# STANDARD CONDITIONS

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

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

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

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

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

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

Issued \_\_\_\_\_, 2001

--- D R A F T -----

\_\_\_\_\_  
Paul R. Cleary, Director  
Water Resources Department

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

|                                              |   |                           |
|----------------------------------------------|---|---------------------------|
| In the Matter of Water Right Application     | ) |                           |
| R 84551 in the Name of Alton R. and Cathy L. | ) | FINAL ORDER INCORPORATING |
| Maddox                                       | ) | SETTLEMENT AGREEMENT      |
| <i>Applicants and Protestants</i>            | ) |                           |

Based on the attached Settlement Agreement which is incorporated herein and which includes the draft permit attached, I find that the proposed use will not pose a significant detriment to existing fishery resources.

Therefore, it is ordered that pursuant to ORS 537.409, Application R 84412 is approved and a permit shall issue.

DATED this \_\_\_\_ day of February, 2001.

\_\_\_\_\_  
Paul Cleary, Director  
Oregon Water Resources Department

To: Anita Huffman  
From: Renee Moulun <Renee.M.MOULUN@wrд.state.or.us>  
Subject: R84551  
Cc:  
Bcc:  
Attached:

Hi Anita

This pond (537.409) has been approved pursuant to a settlement agreement.

Please prepare a DRAFT permit with the following specific condition.

"The permit holder shall plant and maintain native vegetation to provide reparation cover and aquatic habitat for this pond."

I need this within two weeks if this works with you.

Thanks.

Renee

# Mailing List for FO Copies

Application #R-84451

FO Date : November 28, 2000

## Original mailed to:

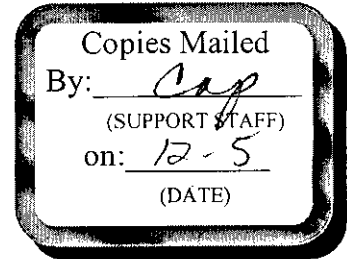
Applicant: ALTON R MADDOX, CATHY L, 19665 S LYONS RD, OREGON CITY, OREGON 97045

## Copies sent to:

- ✓ 1. WRD - File # R-84451
- ✓ 2. WRD - Water Availability: Ken Stahr

## FO, Map, and Fact Sheet Copies sent to:

- ✓ 3. WRD - BILL FERBER, Watermaster # DISTRICT 16
- ✓ 4. ODFW District Biologist: (CLACKAMAS County) Greg Robart



## Copies sent to Other Interested Persons (CWRE, Agent, Commenter, etc.)

- ✓ 5. DEQ, Gregory Geist, 2020 SW 4th Ave, Dex 97201

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

## "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

CASEWORKER : AMH

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,  
OAR 690-33-310 through 340.

Applicant's Name: Maddox

DESCRIPTION OF THE SOURCE: See above

(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?

☐ YES                      ☐ NO                      ☒ SOMETIMES

If sometimes, describe the time period. Between: 4:1 Nov. and Nov.

2) Does the source ever go dry in the area of the proposed diversion?

☒ YES, ☐ NO

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☒ NO

If YES, please explain: \_\_\_\_\_

4) Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?

☐ YES ☒ NO

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

☐ YES ☐ NO

Who: \_\_\_\_\_ Agency: \_\_\_\_\_ Date: \_\_\_\_\_

b) Is mitigation an option?  
☒ YES ☐ NO

If YES, please explain: George the ... (possibly to ...)

Comments: No flow - confirmed by dropping a weight in water  
system no place - gate valve 11097 closed & 11098 back position after  
reset due to visit  
2 other units are low level of fuel tank water - # 13156 & # 74

Name: Bob Jones Date: 10/1/77 Title: Chief Clerk 13

WRD Contact: BrendaLee S. Wilson, Interagency Coordinator/Policy Analyst, Water Rights Division  
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: [brendalee.s.wilson@wrdr.or.state.us](mailto:brendalee.s.wilson@wrdr.or.state.us)

# ORS 537.409 ALTERNATE RESERVOIR CHECKLIST

FILE # R- 84451

REVIEW DATE: 11/28/00

INITIALS: AL

BEFORE PREPARING THE FO OR PERMIT, YOU MUST CHECK THE FOLLOWING:

1. ☒ Y / ☐ N Has the Fishery Impacts Worksheet been completed? (per Div 33)
2. ☒ Y / ☐ N / ☐ NA Have interagency team members been notified? (per Div 33)
3. ☒ Y / ☐ N Were comments or protests received? If so, **from whom** and **when**? ODFW DEC 9/22/00
4. Y / ☒ N Conflicts? If so, permit # \_\_\_\_\_
5. Y / ☒ N Is water use prohibited for one or more months of the normal use period?  
Water Availability Basin \_\_\_\_\_
6. ☒ X If # 5 = "Y", is short season due to WA, CLASSIFICATION or DIV 33?
7. Y / ☒ N Is the file lacking the SOURCE, QUANTITY or a MAP?
8. Y / ☒ N Is further processing possible? If not state reason: Denial
9. ☒ X Notify applicant of additional information or fees required prior to permit issuance.  
(SEND CERTIFIED LETTER & use standard wording from M:\...FO\TOOLS if possible)
10. ☒ X Assign permit numbers to files with complete application, fees, and no unresolved issues.

PROCESS AS: (circle one)

☒ DENIAL ☐ FO w/o PERMIT ☐ FO & PERMIT

COMMENTS

NOV-June  
Injury to fishery  
resources per

MODIFY FO AS NEEDED TO:

5. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
6. ☒ Include or exclude permit conditions and management codes
7. ☒ Correctly describe POD & POU location (verify from map). NW SE

ONCE FO DOCUMENT IS COMPLETED:

8. ☒ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK278 & delete duplicates
9. ☒ Print final draft of document and submit to senior staff for review
10. ☒ Y / ☐ N Review completed

M:\groups\wr\fo\tools\ors-537-409 checklist.wpd

# Fishery Impacts Worksheet

for ORS 537.409 ALTERNATE RESERVOIR applications

Application: R- 34451  
 Date: 11/28/00

1. ☒ This application is in the Lower Columbia Basin (Including the Willamette and Sandy Basins):  
YES. Include permit conditions per OAR 690-33-220(2) & Go to #5. NO. Go to #2.

2. This application is in the Upper Columbia/Snake Basin in the areas listed below :  
YES. Circle basin #, then go to #3 NO. Go to #5.

- |                         |                               |
|-------------------------|-------------------------------|
| (4) Hood Basin;         | (9) Powder Basin;             |
| (5) Deschutes Basin;    | (10) Malheur Basin;           |
| (6) John Day Basin;     | (11) Owyhee Basin;            |
| (7) Umatilla Basin;     | (19) Mainstem Columbia River; |
| (8) Grande Ronde Basin; | (20) Mainstem Snake River.    |

3. The applicant has provided information required by 690-33-120 (2) to show:

- (A) The proposed use does not involve appropriation of direct streamflow during the time period of April 15 to September 30.
- (B) The proposed use is exempt as provided in OAR 690-33-140 and as identified below (circle the appropriate answer):
- (1) Domestic water use;
  - (2) 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;
  - (3) Emergency use necessary for public health and safety;
  - (4) Existing water uses covered under House Bill 2153 (Oregon Legislature 1993); or
  - (5) Multipurpose storage projects or other projects with measurable public benefits.
- (C) No information provided. Condition to allow exempt uses only or restrict use to allowable season shown below.

## 4. Determination of Consistency With the Fish and Wildlife Program

       The Department has consulted 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 has determined that a proposed use of water is inconsistent with the Fish and Wildlife Program and cannot be conditioned to achieve consistency, the application is presumed to impair or be detrimental to the public interest. (OAR 690-033-0120)

|                    | 1 <sup>ST</sup> ½ |     | 2 <sup>ND</sup> ½ |     |     |     |     |     |     |     |     |     |     |  |
|--------------------|-------------------|-----|-------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
|                    | Jan               | Feb | Mar               | Apr | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |  |
| <u>Division 33</u> | YES               | YES | YES               | YES | NO  | NO  | NO  | NO  | NO  | NO  | YES | YES | YES |  |
| <u>Water</u>       |                   |     |                   |     |     |     |     |     |     |     |     |     |     |  |
| <u>Available?</u>  | YES               | YES | YES               | YES | --  | --  | --  | --  | --  | --  | YES | YES | YES |  |
|                    |                   |     |                   |     |     |     |     |     |     |     |     |     |     |  |
| Season             | Jan               | Feb | Mar               | Apr | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |  |
|                    | 1 <sup>ST</sup> ½ |     | 2 <sup>ND</sup> ½ |     |     |     |     |     |     |     |     |     |     |  |

Pond Location \_\_\_\_\_

WAB# \_\_\_\_\_

5. The POD for this proposed use is within the following geographic areas :

a. Y / N / NA Waterways of the state where **sensitive** fish species are located.

b. Y / N / NA Waterways of the state, outside the Columbia Basin, with **threatened or endangered** fish.

6. If #5a or #5b = "Y", statewide rules, OAR 690-33-310 through 690-33-340, apply to this application.  
If both #5a and #5b = "N", GO TO #7.

7. Continue with review of the following, as appropriate:

- (1) fees
- (2) land use
- (3) map
- (4) water availability
- (5) fishery impacts (see above)
- (6) injury to existing rights
- (7) public comments
- (8) scenic waterway restrictions
- (9) basin program restrictions
- (10) other rule restrictions
- (11) conflicts with existing rights
- (12) statutory or other withdrawals

8. For Applications not subject to Item 2 above (Old Division 33)

|                  |     |     |     |     |     |     |     |     |     |     |     |     |
|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Water Available? | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES |
| Season           | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |

Basin # 2

Pond Location NWSE Sec 17

WAB# 02-82

35 3E

# DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY ODFW <sup>612</sup>

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 9/22/00 21 day Deadline Date: 10/20/00 Application # R84451

Applicant's Name: Maddox

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

NO / YES Species: CUTTHROAT TROUT Status: Sensitive, Threatened, Endangered

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2).

IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

NO YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO YES [690-33-330(3)]

Which conditions are recommended? WATER FOR THIS PROPOSED APPLICATION WILL BE WARMED BY SOLAR TEMPERATURE.

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO YES [690-33-330(4)]

If YES, please explain: WATER WARMED IS HARMFUL TO CUTTHROAT TROUT. DOWNSTREAM WATERS WHICH RECEIVE WATER FROM THIS TRIBUTARY SUPPORT SALMON, TROUT AND IDEALHEAD. THESE FISH REQUIRE COOL, CRYSTAL WATER FOR SURVIVAL. THESE SMALL IMPOUNDMENTS COMBINATION WARM THE WATER CAUSING DOWNSTREAM AREAS WHERE SALMONIDS LIVE TO BECOME WATER QUALITY LIMITED FOR TEMPERATURE.

ODFW RECOMMENDATION:

\_\_\_\_ Approval with fishery conditions.

\_\_\_\_ Approval without fishery conditions.

✓ Denial.

ODFW Representative: Name: Brendalee S. Wilson

Date: 10/12/00

WRD Contact: Brendalee S. Wilson, Interagency Coordinator/Policy Analyst, Water Rights Division  
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: brendalee.s.wilson@wr.state.or.us

|                                |      |                          |          |            |   |
|--------------------------------|------|--------------------------|----------|------------|---|
| Post-It® Fax Note              | 7671 | Date                     | 10/12/00 | # of pages | 1 |
| To: <u>Brendalee S. Wilson</u> |      | From: <u>GREG ROBERT</u> |          |            |   |
| Co./Dept.                      |      |                          |          |            |   |

# Oregon Department of Environmental Quality

## Division 33 Application Review Sheet

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 09/22/00 21 day deadline date: 10/20/00 Application #: R84451

Applicants Name: Maddox

1. Is there a connection to a 303(d) listed waterbody? ☒ YES ☐ NO

Explain: Water source is a tributary to Abernathy Creek, which is a tributary to the Lower Willamette River.

The Lower Willamette River is water quality limited for temperature, bacteria, toxics and biological criteria.

2. What is the potential for this use to impact a water quality limited waterbody?

☐ HIGH  
☒ MEDIUM  
☐ LOW

Explain: If water is withdrawn during the summer months, flow reduction could impact temperature.

Alternatively, if water from the pond is discharged into the creek during the summer months, there is the potential to have negative impacts on temperature and bacteria.

3. If the answer to question (2) is High or Medium, will the proposed use still result in a diminution of water quality for the habitat of sensitive, threatened or endangered species?

☒ YES ☐ NO

If YES, how?

☒ Incremental temperature increases, whether from reduced flows or thermal discharge, negatively impact water quality.

4. Can conditions be applied to mitigate the impact of the use?

☐ NO  
☐ NO

☐ YES  
☒ YES

Which conditions are recommended?

☒ b53, b52, 5B

The period of water withdrawal from the source creek should be limited to high-flow months.

**DEQ RECOMMENDATION:**

- ☒ Approval with conditions  
☒ Approval without conditions  
☐ Denial

DEQ REPRESENTATIVE: ☐ Gregory Geist \_\_\_\_\_ Date: 10/17/00  
\_\_\_\_\_

## WATER AVAILABILITY TABLE

Stream: CLEAR CR &gt; CLACKAMAS R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 50

Watershed ID Number: 82 (and Nested Subbasins)

Time: 09:28

Date: 11/08/2000

| Item # | Watershed ID # | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Sto |
|--------|----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1      | 181            | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES | YES |
| 2      | 80             | YES | YES | YES | YES | YES | YES | NO  | NO  | NO  | NO  | YES | YES | YES |
| 3      | 82             | YES | YES | YES | YES | YES | YES | NO  | NO  | NO  | NO  | YES | YES | YES |

## STREAM NAMES

Basin: WILLAMETTE

Watershed ID Number: 82 (and Nested Subbasins)

Time: 09:28

Date: 11/08/2000

| Item | Watershed ID | Stream Name                           |
|------|--------------|---------------------------------------|
| 1    | 181          | WILLAMETTE R > COLUMBIA R - AT MOUTH  |
| 2    | 80           | CLACKAMAS R > WILLAMETTE R - AT MOUTH |
| 3    | 82           | CLEAR CR > CLACKAMAS R - AT MOUTH     |

## LIMITING WATERSHEDS

Stream: CLEAR CR &gt; CLACKAMAS R - AT MOUTH

Watershed ID Number: 82

Basin: WILLAMETTE

Exceedance Level: 50

Time: 09:28

Date: 11/08/2000

| Mnth | Limiting Watershed | Stream Name                           | Water Avail? | Net Water Available |
|------|--------------------|---------------------------------------|--------------|---------------------|
| 1    | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 302.0               |
| 2    | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 255.0               |
| 3    | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 188.0               |
| 4    | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 201.0               |
| 5    | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 150.0               |
| 6    | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 21.8                |
| 7    | 80                 | CLACKAMAS R > WILLAMETTE R - AT MOUTH | NO           | -128.0              |
| 8    | 80                 | CLACKAMAS R > WILLAMETTE R - AT MOUTH | NO           | -237.0              |
| 9    | 80                 | CLACKAMAS R > WILLAMETTE R - AT MOUTH | NO           | -163.0              |
| 10   | 80                 | CLACKAMAS R > WILLAMETTE R - AT MOUTH | NO           | -12.3               |
| 11   | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 88.2                |
| 12   | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 335.0               |
| Stor | 82                 | CLEAR CR > CLACKAMAS R - AT MOUTH     | YES          | 92700.0             |

## DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: WILLAMETTE R &gt; COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 50

Watershed ID Number: 181

Time: 09:28

Date: 11/08/2000

| Month | Natural<br>Stream<br>Flow | CU + Stor<br>Prior to<br>1/1/93 | CU + Stor<br>After<br>1/1/93 | Expected<br>Stream<br>Flow | Reserved<br>Stream<br>Flow | Instream<br>Water<br>Rights | Net<br>Water<br>Available |
|-------|---------------------------|---------------------------------|------------------------------|----------------------------|----------------------------|-----------------------------|---------------------------|
| 1     | 51100.00                  | 484.00                          | 206.00                       | 50400.00                   | .00                        | 1500.00                     | 48900.00                  |
| 2     | 49100.00                  | 3530.00                         | 202.00                       | 45400.00                   | .00                        | 1500.00                     | 43900.00                  |
| 3     | 42400.00                  | 4600.00                         | 189.00                       | 37600.00                   | .00                        | 1500.00                     | 36100.00                  |
| 4     | 36400.00                  | 4420.00                         | 182.00                       | 31800.00                   | .00                        | 1500.00                     | 30300.00                  |
| 5     | 28300.00                  | 2170.00                         | 187.00                       | 25900.00                   | .00                        | 1500.00                     | 24400.00                  |
| 6     | 15800.00                  | 1260.00                         | 379.00                       | 14200.00                   | .00                        | 1500.00                     | 12700.00                  |
| 7     | 7980.00                   | 1640.00                         | 394.00                       | 5940.00                    | .00                        | 1500.00                     | 4440.00                   |
| 8     | 5530.00                   | 1460.00                         | 363.00                       | 3710.00                    | .00                        | 1500.00                     | 2210.00                   |
| 9     | 5740.00                   | 1090.00                         | 338.00                       | 4310.00                    | .00                        | 1500.00                     | 2810.00                   |
| 10    | 8390.00                   | 355.00                          | 140.00                       | 7890.00                    | .00                        | 1500.00                     | 6390.00                   |
| 11    | 24400.00                  | 376.00                          | 162.00                       | 23900.00                   | .00                        | 1500.00                     | 22400.00                  |
| 12    | 52800.00                  | 430.00                          | 203.00                       | 52200.00                   | .00                        | 1500.00                     | 50700.00                  |
| Stor  | 19700000                  | 1310000                         | 176000                       | 18200000                   | 0                          | 1080000                     | 17200000                  |

## DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: WILLAMETTE R &gt; COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 181

Time: 09:28

Date: 11/08/2000

| Mo | Storage | Irrig  | Munic  | Ind/Man | Commer | Domest | Agricul | Other | Total   |
|----|---------|--------|--------|---------|--------|--------|---------|-------|---------|
| 1  | 217.00  | .00    | 333.00 | 99.50   | 4.39   | 23.60  | 10.10   | 2.50  | 690.00  |
| 2  | 3250.00 | .00    | 333.00 | 99.50   | 4.39   | 23.60  | 10.10   | 2.50  | 3730.00 |
| 3  | 4310.00 | 6.44   | 333.00 | 99.50   | 4.39   | 23.60  | 10.10   | 2.50  | 4790.00 |
| 4  | 4090.00 | 42.80  | 333.00 | 99.50   | 4.39   | 23.60  | 10.10   | 2.50  | 4600.00 |
| 5  | 1600.00 | 292.00 | 329.00 | 99.50   | 4.39   | 23.60  | 8.39    | 2.50  | 2360.00 |
| 6  | 13.00   | 585.00 | 907.00 | 99.30   | 4.24   | 23.60  | 8.39    | 2.50  | 1640.00 |
| 7  | .10     | 999.00 | 904.00 | 94.00   | 4.24   | 23.60  | 8.39    | 2.50  | 2040.00 |
| 8  | .05     | 784.00 | 904.00 | 94.00   | 4.24   | 22.20  | 8.39    | 2.50  | 1820.00 |
| 9  | .06     | 388.00 | 901.00 | 99.20   | 4.24   | 22.20  | 8.39    | 2.50  | 1430.00 |
| 10 | .15     | 27.70  | 331.00 | 99.30   | 4.24   | 22.20  | 8.39    | 2.50  | 495.00  |
| 11 | 66.00   | .00    | 333.00 | 99.30   | 4.39   | 23.60  | 10.10   | 2.50  | 539.00  |
| 12 | 160.00  | .00    | 333.00 | 99.50   | 4.39   | 23.60  | 10.10   | 2.50  | 633.00  |

## DETAILED REPORT OF RESERVATIONS FOR CU

Stream: WILLAMETTE R &gt; COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 181

Time: 09:28

Date: 11/08/2000

| APP #      | Reservations |     |     |     |     |     |     | TOTAL |
|------------|--------------|-----|-----|-----|-----|-----|-----|-------|
|            | 0            | 0   | 0   | 0   | 0   | 0   | 0   |       |
| Status Use |              |     |     |     |     |     |     |       |
| 1          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 2          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 3          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 4          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 5          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 6          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 7          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 8          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 9          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 10         | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 11         | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 12         | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |

## DETAILED REPORT OF ISWRs

Stream: WILLAMETTE R &gt; COLUMBIA R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 181

Time: 09:28

Date: 11/08/2000

| APP #  | ISWRs   |     |     |     |     |     |     | MAXIMUM |
|--------|---------|-----|-----|-----|-----|-----|-----|---------|
|        | 181A    | 0   | 0   | 0   | 0   | 0   | 0   |         |
| Status | Cert.   |     |     |     |     |     |     |         |
| 1      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 2      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 3      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 4      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 5      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 6      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 7      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 8      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 9      | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 10     | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 11     | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |
| 12     | 1500.00 | .00 | .00 | .00 | .00 | .00 | .00 | 1500.00 |

## DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: CLACKAMAS R &gt; WILLAMETTE R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 50

Watershed ID Number: 80

Time: 09:28

Date: 11/08/2000

| Month | Natural<br>Stream<br>Flow | CU + Stor<br>Prior to<br>1/1/93 | CU + Stor<br>After<br>1/1/93 | Expected<br>Stream<br>Flow | Reserved<br>Stream<br>Flow | Instream<br>Water<br>Rights | Net<br>Water<br>Available |
|-------|---------------------------|---------------------------------|------------------------------|----------------------------|----------------------------|-----------------------------|---------------------------|
| 1     | 4690.00                   | 254.00                          | 10.20                        | 4430.00                    | .00                        | 1000.00                     | 3430.00                   |
| 2     | 4400.00                   | 254.00                          | 10.20                        | 4140.00                    | .00                        | 1000.00                     | 3140.00                   |
| 3     | 3860.00                   | 252.00                          | 10.10                        | 3600.00                    | .00                        | 1000.00                     | 2600.00                   |
| 4     | 4150.00                   | 252.00                          | 10.20                        | 3890.00                    | .00                        | 1000.00                     | 2890.00                   |
| 5     | 3880.00                   | 281.00                          | 10.40                        | 3590.00                    | .00                        | 1000.00                     | 2590.00                   |
| 6     | 2240.00                   | 278.00                          | 10.40                        | 1950.00                    | .00                        | 1000.00                     | 952.00                    |
| 7     | 1170.00                   | 288.00                          | 10.70                        | 872.00                     | .00                        | 1000.00                     | -128.00                   |
| 8     | 947.00                    | 284.00                          | 10.50                        | 653.00                     | .00                        | 890.00                      | -237.00                   |
| 9     | 1000.00                   | 272.00                          | .18                          | 727.00                     | .00                        | 890.00                      | -163.00                   |
| 10    | 1240.00                   | 252.00                          | .03                          | 988.00                     | .00                        | 1000.00                     | -12.30                    |
| 11    | 2870.00                   | 253.00                          | 10.10                        | 2610.00                    | .00                        | 1000.00                     | 1610.00                   |
| 12    | 4600.00                   | 254.00                          | 10.20                        | 4340.00                    | .00                        | 1000.00                     | 3340.00                   |
| Stor  | 2110000                   | 190000                          | 6170                         | 1910000                    | 0                          | 705000                      | 1230000                   |

## DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: CLACKAMAS R &gt; WILLAMETTE R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 80

Time: 09:28

Date: 11/08/2000

| Mo | Storage | Irrig | Munic  | Ind/Man | Commer | Domest | Agricul | Other | Total  |
|----|---------|-------|--------|---------|--------|--------|---------|-------|--------|
| 1  | 2.49    | .00   | 260.00 | .39     | .00    | 1.22   | .41     | .00   | 264.00 |
| 2  | 2.32    | .00   | 260.00 | .39     | .00    | 1.22   | .41     | .00   | 264.00 |
| 3  | .11     | .20   | 260.00 | .39     | .00    | 1.22   | .41     | .00   | 262.00 |
| 4  | .13     | .75   | 260.00 | .39     | .00    | 1.22   | .41     | .00   | 262.00 |
| 5  | 22.50   | 7.24  | 260.00 | .39     | .00    | 1.22   | .41     | .00   | 291.00 |
| 6  | .02     | 11.50 | 275.00 | .39     | .00    | 1.22   | .41     | .00   | 288.00 |
| 7  | .00     | 21.80 | 275.00 | .39     | .00    | 1.22   | .41     | .00   | 298.00 |
| 8  | .00     | 17.30 | 275.00 | .39     | .00    | 1.22   | .41     | .00   | 294.00 |
| 9  | .00     | 5.87  | 265.00 | .39     | .00    | 1.22   | .41     | .00   | 273.00 |
| 10 | .00     | .71   | 250.00 | .39     | .00    | 1.22   | .41     | .00   | 252.00 |
| 11 | 1.46    | .00   | 260.00 | .39     | .00    | 1.22   | .41     | .00   | 263.00 |
| 12 | 2.45    | .00   | 260.00 | .39     | .00    | 1.22   | .41     | .00   | 264.00 |

## DETAILED REPORT OF RESERVATIONS FOR CU

Stream: CLACKAMAS R &gt; WILLAMETTE R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 80

Time: 09:28

Date: 11/08/2000

| APP #      | Reservations |     |     |     |     |     |     | TOTAL |
|------------|--------------|-----|-----|-----|-----|-----|-----|-------|
|            | 0            | 0   | 0   | 0   | 0   | 0   | 0   |       |
| Status Use |              |     |     |     |     |     |     |       |
| 1          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 2          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 3          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 4          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 5          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 6          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 7          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 8          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 9          | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 10         | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 11         | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |
| 12         | .00          | .00 | .00 | .00 | .00 | .00 | .00 | .00   |

## DETAILED REPORT OF ISWRs

Stream: CLACKAMAS R &gt; WILLAMETTE R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 80

Time: 09:28

Date: 11/08/2000

| APP #  | ISWRs   |        |     |     |     |     |     | MAXIMUM |
|--------|---------|--------|-----|-----|-----|-----|-----|---------|
|        | -90206A | 80A    | 0   | 0   | 0   | 0   | 0   |         |
| Status | SWW     | Cert.  |     |     |     |     |     |         |
| 1      | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 2      | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 3      | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 4      | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 5      | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 6      | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 7      | 1000.00 | 400.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 8      | 890.00  | 400.00 | .00 | .00 | .00 | .00 | .00 | 890.00  |
| 9      | 890.00  | 640.00 | .00 | .00 | .00 | .00 | .00 | 890.00  |
| 10     | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 11     | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |
| 12     | 1000.00 | 640.00 | .00 | .00 | .00 | .00 | .00 | 1000.00 |

## DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Stream: CLEAR CR &gt; CLACKAMAS R - AT MOUTH

Basin: WILLAMETTE

Exceedance Level: 50

Watershed ID Number: 82

Time: 09:28

Date: 11/08/2000

| Month | Natural<br>Stream<br>Flow | CU + Stor<br>Prior to<br>1/1/93 | CU + Stor<br>After<br>1/1/93 | Expected<br>Stream<br>Flow | Reserved<br>Stream<br>Flow | Instream<br>Water<br>Rights | Net<br>Water<br>Available |
|-------|---------------------------|---------------------------------|------------------------------|----------------------------|----------------------------|-----------------------------|---------------------------|
| 1     | 303.00                    | 1.07                            | .06                          | 302.00                     | .00                        | .00                         | 302.00                    |
| 2     | 256.00                    | .99                             | .05                          | 255.00                     | .00                        | .00                         | 255.00                    |
| 3     | 189.00                    | .60                             | .04                          | 188.00                     | .00                        | .00                         | 188.00                    |
| 4     | 202.00                    | .73                             | .04                          | 201.00                     | .00                        | .00                         | 201.00                    |
| 5     | 152.00                    | 2.31                            | .07                          | 150.00                     | .00                        | .00                         | 150.00                    |
| 6     | 65.20                     | 3.37                            | .00                          | 61.80                      | .00                        | 40.00                       | 21.80                     |
| 7     | 22.00                     | 5.89                            | .00                          | 16.10                      | .00                        | 40.00                       | -23.90                    |
| 8     | 10.50                     | 4.79                            | .00                          | 5.71                       | .00                        | 20.00                       | -14.30                    |
| 9     | 9.63                      | 1.99                            | .00                          | 7.64                       | .00                        | 20.00                       | -12.40                    |
| 10    | 11.20                     | .73                             | .00                          | 10.50                      | .00                        | .00                         | 10.50                     |
| 11    | 88.90                     | .70                             | .02                          | 88.20                      | .00                        | .00                         | 88.20                     |
| 12    | 336.00                    | 1.13                            | .06                          | 335.00                     | .00                        | .00                         | 335.00                    |
| Stor  | 99100                     | 1460                            | 20                           | 97600                      | 0                          | 7190                        | 93400                     |

## DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Stream: CLEAR CR &gt; CLACKAMAS R - AT MOUTH

Basin: WILLAMETTE

Watershed ID Number: 82

Time: 09:28

Date: 11/08/2000

| Mo | Storage | Irrig | Munic | Ind/Man | Commer | Domest | Agricul | Other | Total |
|----|---------|-------|-------|---------|--------|--------|---------|-------|-------|
| 1  | .58     | .00   | .00   | .01     | .00    | .50    | .04     | .00   | 1.13  |
| 2  | .49     | .00   | .00   | .01     | .00    | .50    | .04     | .00   | 1.04  |
| 3  | .04     | .05   | .00   | .01     | .00    | .50    | .04     | .00   | .64   |
| 4  | .04     | .18   | .00   | .01     | .00    | .50    | .04     | .00   | .77   |
| 5  | .03     | 1.80  | .00   | .01     | .00    | .50    | .04     | .00   | 2.38  |
| 6  | .00     | 2.81  | .00   | .01     | .00    | .50    | .04     | .00   | 3.37  |
| 7  | .00     | 5.34  | .00   | .01     | .00    | .50    | .04     | .00   | 5.89  |
| 8  | .00     | 4.24  | .00   | .01     | .00    | .50    | .04     | .00   | 4.79  |
| 9  | .00     | 1.44  | .00   | .01     | .00    | .50    | .04     | .00   | 1.99  |
| 10 | .00     | .17   | .00   | .01     | .00    | .50    | .04     | .00   | .73   |
| 11 | .17     | .00   | .00   | .01     | .00    | .50    | .04     | .00   | .72   |
| 12 | .64     | .00   | .00   | .01     | .00    | .50    | .04     | .00   | 1.19  |

Date: 11/08/2000

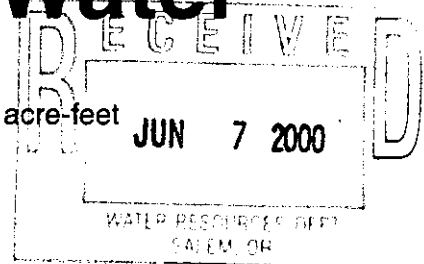
Date: 11/08/2000

[illegible]

# Application for a Permit to Store Water

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

**Use a separate form for each reservoir.**



## 1. APPLICANT INFORMATION

Landowner: Alton R & Cathy L Maddox  
First Last

Authorizing Agent: \_\_\_\_\_  
 First Last

Mailing address: 19665 S Lyons Rd  
Oregon City Oregon 97045  
City State Zip

Phone: 631-7898 631-2012 201-7769  
Home Work Other

\*Fax: 503-631-2012 \*E-Mail address: \_\_\_\_\_

## 2. LOCATION AND SOURCE

A. Reservoir name: Betty Pond

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

Source: SURFACE WATER Tributary to: UNKNOWN

| township | range | section | quarter/quarter | tax lot no. |
|----------|-------|---------|-----------------|-------------|
| 35       | 3E    | 17      | NWSE            | 1200        |

Maximum height of the dam: 1-20 feet.

App. No. R 84457 For Department Use Permit No. \_\_\_\_\_ Date 6-10-00

Application No. R-84451

Permit No.

### Storage—Alternate Review Process/ 1

### How do you plan to use the stored water?

- Irrigation
- Stockwater
- Aquatic Life
- Nursery Operations
- Cranberry
- Temperature Control
- Forest and Range Management
- Industrial
- Commercial
- Fire Protection
- Mining
- Power Development
- Domestic
- Human Consumption
- Domestic Expanded
- Municipal
- Stormwater
- Quasi-municipal
- Group Domestic
- Recreation
- Wildlife
- Pollution Abatement
- Wetland Enhancement
- Multipurpose

### What is an acre foot?

One acre-foot is the volume of water that would cover one acre of land to the depth of one foot.

To find out how much water your pond stores, multiply the surface area (in feet) by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. To be eligible for the alternate process your reservoir must store less than 400,752 cubic feet (43,560 X 9.2).

### Application fee

Your application fee is based on the number of acre-feet of your proposed reservoir.

\$10 per acre-foot.

Example:

6.5 acre-feet X \$10=\$65 total.

## 3. WATER USE

**A. Quantity:** Amount of water to be stored in the reservoir at maximum capacity: 3.5 Acre Foot

**B. Use:** Indicate the proposed use(s) of the stored water (see list to the left). Irrigation, Aquatic Life, ~~Fire Protection~~, Fire Protection, Wildlife

*Note: If you intend to use this stored water outside of the reservoir you must also file an application to use surface water.*

**C. Water Rights:** What water rights, if any, have been issued for this reservoir? (Indicate permit or certificate number.)

None

## 4. ENVIRONMENTAL IMPACT

**A. Channel:** Is the reservoir in stream or off channel? ☐ Yes ☒ No

**B. Wetland:** Is the project in a wetland? ☐ Yes ☒ No ☐ Don't Know

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

If yes, how long has it been in place? 30 plus years

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

If yes, how much? \_\_\_\_\_ miles

**E. Partnerships:** Have you been working with other agencies?

☒ Yes ☐ No

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

NO costs to Fire Dept.

## 5. SIGNATURE

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

Curtis R. Malchuk

Landowner

4-1-00

Date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

Appl. # R - 84451

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
RECEIPT # **38077** 158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX) INVOICE # \_\_\_\_\_

RECEIVED FROM: Mad Max Enterprise APPLICATION R-84451  
BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
TRANSFER \_\_\_\_\_

CASH: ☐ CHECK: # 27680 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 555.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS  
PUBLICATIONS / MAPS

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

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

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**REDUCTION OF EXPENSE**

PCA AND OBJECT CLASS

CASH ACCT.

VOUCHER #

\$ \_\_\_\_\_

**0427 WRD OPERATING ACCT RECEIVED**

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

(New) TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

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

EXAM FEE  
\$ 35.00  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
EXAM FEE  
\$ \_\_\_\_\_

0202  
0204  
0206  
0219  
0220

RECORD FEE  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
LICENSE FEE  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

0210 MONITORING WELLS

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

\$ \_\_\_\_\_  
\$ \_\_\_\_\_

CARD # \_\_\_\_\_  
CARD # \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS

\$ \_\_\_\_\_

**0467 HYDRO ACTIVITY**

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

LIC NUMBER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

RECEIPT # **38077**

DATED: 6-7-00 BY: Sarah Henderson

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

Application No. R-84451  
Permit No.

## ALTERNATE POND ROUTING SLIP

Receipting

Done

To: → Data Center

M.R. 8-25-00

Anita

Brendalee

Powerbuilder

Lisa

16

NW



# Oregon Water Resources Department

## FORM I FOR IRRIGATION WATER USE

R 84451

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☒ Primary ☐ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: \_\_\_\_\_ Acres

Secondary: \_\_\_\_\_ Acres

List the permit or certificate number of the primary water right: no. \_\_\_\_\_

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. Blueberries ☒ Full season ☐ Partial season (from: 3-1 to 10-31)
2. \_\_\_\_\_ ☐ Full season ☐ Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
3. \_\_\_\_\_ ☐ Full season ☐ Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
4. \_\_\_\_\_ ☐ Full season ☐ Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

2 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

☐ Daily during daytime hours

☐ Daily during nighttime hours

☒ Two or three times weekly during daytime

☐ Two or three times weekly during nighttime

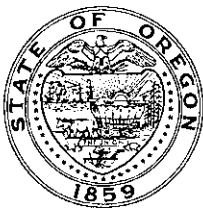
☐ Weekly, during daytime hours

☐ Weekly, during nighttime hours

☐ Other, explain: \_\_\_\_\_

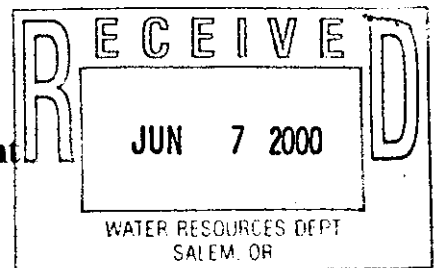
Application No. R-24451

Permit No.



R 84451

## Oregon Water Resources Department Land Use Information Form



This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

### To Be Completed By Applicant

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

#### A. Applicant

Name: Alton Roy Maddox  
Address: 19665 S Lyons Rd  
City: Ore. city State: Ore Zip: 97045 -503- Day Phone: 631-2012

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

| Tax Lot I.D.      | Plan Designation (e.g. Rural Residential/RR-5) | Water to be: (check all that apply) |                                   |                                          |
|-------------------|------------------------------------------------|-------------------------------------|-----------------------------------|------------------------------------------|
| <u>33E-17-200</u> | <u>EFU, EXCLUSIVE FARM USE</u>                 | <input type="checkbox"/> Diverted   | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used |
|                   |                                                | <input type="checkbox"/> Diverted   | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |
|                   |                                                | <input type="checkbox"/> Diverted   | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |

List counties and cities where water is proposed to be diverted, conveyed, or used. CLACKAMAS CREDLAND area

#### C. Description of Water Use

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

Beneficial Use(s): Irr For Blueberry crops

Briefly describe: \_\_\_\_\_

Application No. R-84451  
Permit No. \_\_\_\_\_

#### D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☒ Ground Water ☐ Surface Water WELL (source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:

2

ACRES

1000 GPM

☒ Acre Feet

### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

#### A. Allowed Use

Check the appropriate box below and provide requested information.

- ☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); \_\_\_\_\_. Go to section B "Approval" below
- ☒ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

| Type of Land Use Approval Needed<br>(e.g. plan amendments, rezones,<br>conditional use permits, etc.) | Cite Most Significant, Applicable<br>Plan Policies & Ordinance<br>Section References | Check the item that applies:<br>Land Use Approval:                              |                                                                                      |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| FARM MNGMT PLAN                                                                                       | ZDO 401                                                                              | <input checked="" type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |
|                                                                                                       |                                                                                      | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied            | <input type="checkbox"/> Being pursued<br><input type="checkbox"/> Not being pursued |

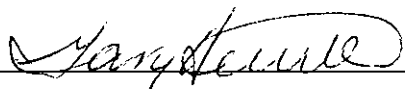
**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

#### B. Approval

Please provide printed name and written signature.

Name: GARY HEWITT Date: 4-10-00

Title: PLANNER Phone: 353-4400

Signature: 

#### C. Additional Comments

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

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

AFTER RECORDING RETURN TO:

Elia Arellano  
 a/b Investors Mortgage  
 PO Box 515  
 Stayton, OR 97383

Tax Statement to: No change

Case # 43

FILE # G-15166

S-84452

R-84452

COPY FOR YOUR  
INFORMATIONLegal's For  
FILE #

## STATUTORY WARRANTY DEED

JOSEPHINE CASE, fka Josephine Turner, Grantor conveys and warrants to ELIA ARELLANO, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

A part of the Matthew Richardson Donation Land Claim in Section 17, Township 3 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described:

BEGINNING at a point in the South Line of said Donation Land Claim North 64° East 15.8475 chains from the Southwest corner of said Donation Land Claim; thence North parallel with the West boundary of said Donation Land Claim, 38.60 chains; thence North 64° East 7.1925 chains; thence South parallel with the West line of said Donation Land Claim 38.60 chains; thence South 64° West 7.1925 chains to the point of beginning;

SUBJECT TO the rights of the public in and to that portion of the above property lying within the limits of roads, streets and highways;

SUBJECT TO an easement created by instrument, including the terms and provisions thereof, dated September 23, 1977, recorded September 23, 1977 in book 531, page 204, for right of way in favor of Portland General Electric Company over a strip of land 100 feet in width crossing North 82°26'15" West, through the Northeasterly corner of the subject property; and

SUBJECT TO any encumbrances created by William L. Lee, Martin R. Warner, Charles R. Geil, Fred D. Johnson, Isabel Arellano, Elia Arellano and/or Alton Maddox after April 24, 1979.

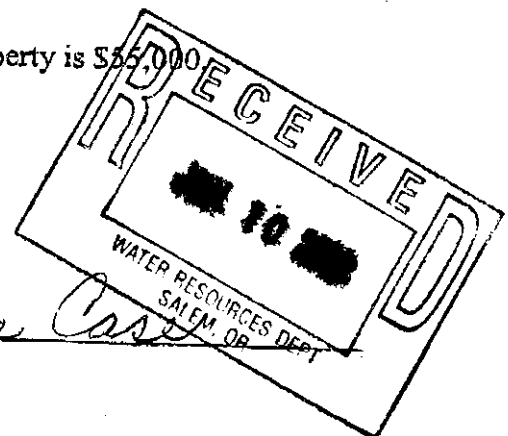
CONSIDERATION: The true consideration paid for the property is \$55,000.

TAX STATEMENT: No Change.

DATED this 1<sup>st</sup> day of September, 1997.

COPY FOR YOUR  
INFORMATION

Josephine Case



STATUTORY WARRANTY DEED CASE/ARELLANO

P/D/CASE

Page 1 of 2

Application No. R-84451

Permit No.

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **38077**

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

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

RECEIVED FROM: Mad Jack Enterprises  
BY: \_\_\_\_\_

|             |         |
|-------------|---------|
| APPLICATION | K-84451 |
| PERMIT      |         |
| TRANSFER    |         |

CASH: ☐ CHECK: # 34680 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 555.00

**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 RECEIVED**

MISCELLANEOUS

COPY & TAPE FEES

RESEARCH FEES

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

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

|    |
|----|
| \$ |
| \$ |
| \$ |
| \$ |

**WATER RIGHTS:**

SURFACE WATER

GROUND WATER

TRANSFER

**WELL CONSTRUCTION**

WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

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

EXAM FEE

\$

\$

\$

EXAM FEE

\$

0202

0204

0206

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

0210 MONITORING WELLS

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

\$

\$

CARD #

CARD #

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS

\$

**0467 HYDRO ACTIVITY**

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

\$

\$

\$

RECEIPT #

**38077**

DATED: 6-7-00

BY: Sarah Henderson

APR 25 2000

SEE MAP 3 3E 17B

LOT 3  
35.00

1102  
18.05 Ac.  
19615

1006  
0.65 Ac.

1004  
9.35 Ac.

R.R.F.F.-5

LOT 4

BADGER DR. C.R. 33023

1002

4.83 Ac.  
20490  
20488

1003  
6.00 Ac.  
20560

1001  
11.00 Ac.  
19503

1000  
0.24 Ac.  
11 1/2 Ac.

1101  
3.09 Ac.  
19563

1100  
3.86 Ac.  
19597

1300  
4.85 Ac.

1401  
6.03 Ac.  
19791

1400  
1.53 Ac.  
19771

1500  
0.94 Ac.

1700  
28.02 Ac.  
19766

1600  
29.70 Ac.  
19652

T.B.R.

S.W. COR.  
MATTHEW RICHARDSON  
D.L.C. NO. 57

N.W. COR.  
DAVID CUTTING  
D.L.C. NO. 56

LOT 5  
28.80

SEE MAP 3 3E 20

62-04

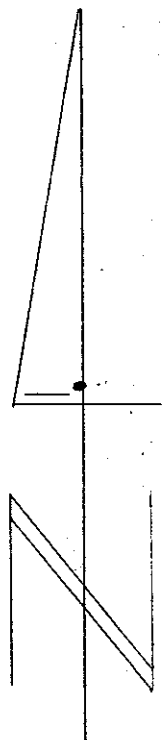
SEE MAP 3 3E 16

19500

T35 R3E SECTION 17

Application No. R-84451  
Permit No.

1" = 400'



20000

3 3E 17

R 84451

BOOK 31

APR 25 2000



94 3 2

Ra-84451

12.5.2000

Alton Maddox

3s 3e 17 nwse

U.s. of pond.



'94 3 2

Ra-84451

12.5.2000

Alton Maddox

3s 3e 17 nwse

U.s. of pond looking @ channel into pond.



Ra-84451

12.5.2000

Alton Maddox

3s 3e 17 nwse

Looking u.s. from lower end of pond. Overflow  
between deck and pump house@ lower left.

u.s.f