

App No. R-8774/2



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

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

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WATER RESOURCES DEPT
SALEM, OREGON

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Landowner: A. Joel Neuschwander
Mailing Address: 6097 S. Whiskey Hill Rd
Hubbard OR 97032
Phone: 503-651-3253 (Home) (Same) 503-502-4321 (C)
*Fax: 503-651-3441 *E-Mail Address: _____

*Optional Information

2. LOCATION AND SOURCE

A. Reservoir Name: Meedy Creek Res

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

Source: Run-off Tributary to: _____

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
45	1E	32	SE NW	TL 900

D. County of use: Clackamas

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

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 84.15

App. No. _____	For Department Use Permit No. _____	Date <u>7/25/08</u>
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3. WATER USE

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

4. PROPERTY OWNERSHIP

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

- Yes (Skip to section 5)
- No (Please check the appropriate box below)
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or an easement permitting access to lands not under my ownership.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

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List the names and mailing addresses of all affected landowners:

5. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir in stream Yes or off channel _____ ?
 - B. **Wetland:** Is the project in a wetland? Yes No Don't know
 - C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? _____ 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 this project.

6. SIGNATURE

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

Landowner Signature

Joel Kuchwal

Date

7/25/08

Before you submit your application be sure you have:

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

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$40. In addition, there is a fee of \$10 per acre-foot or fraction thereof, not to exceed \$250. The maximum fee is \$290. Example: 0.3 AF=\$50; 1.5 AF=\$60; 20.0 AF=\$240; 30.0 AF=\$290.

For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 401

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

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

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
<div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; margin-bottom: 10px;">JUL 25 2008</div> <div style="font-weight: bold; margin-bottom: 10px;">WATER RESOURCES DEPT</div> <div style="font-weight: bold;">SALEM, OREGON</div>		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
	<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued	
	<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued	
	<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued	

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

Name: GARY HEWITT Title: SR. PLANNER
 Signature: [Signature] Phone: 503-359-4500 Date: 7-25-08
 Government Entity: CLATSOP COUNTY

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Oregon Water Resources Department
Land Use Information Form

App No. 87242

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

Applicant Name: A. Joel Neuschwander
Mailing Address: 6097 S. Whiskey Hill Rd
City: Hubbard State: OR Zip: 97032 Day Phone: 503-502-4321

This application is related to a Measure 37 claim. Yes No

A. Land and Location

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

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Handwritten entry: 45, 1E, 32, 900, EFV, Multi purpose Reservoir.

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

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B. Description of Proposed Use

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

- Permit to Use or Store Water (checked)
Water-Right Transfer
Exchange of Water
Allocation of Conserved Water
Limited Water Use License
Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond (checked) Ground Water Surface Water (name) Seasonal Runoff Spring Creek

Estimated quantity of water needed: cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic (or household(s))
Municipal Quasi-municipal Instream Other Multi purpose

Briefly describe: Water Storage during irrigation off season

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

Receipt for Request for Land Use Information

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

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that DOUGLAS D. HANSON, Personal Representative of the Estate of Donald D. Hanson, deceased, (Clackamas County Probate No. P87-1-29); and CINDY R. HANSON and DOUGLAS D. HANSON, personally, as the heirs and devisees of Donald D. Hanson, deceased, hereinafter collectively called the GRANTORS, for the consideration hereinafter stated, to GRANTORS paid by A. JOEL NEUSCHWANDER and CAROLYN R. NEUSCHWANDER, husband and wife, hereinafter called the GRANTEES, do hereby grant, bargain, sell and convey unto the said GRANTEES and GRANTEES' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

PARCEL 1:

Part of the Northeast one-quarter of Section 32, Township 4 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point on the South line of that tract conveyed to Ivan R. Hanson and wife, by Deed Recorded June 1, 1945, in Book 345, Page 65, Clackamas County Deed Records, which is 208 feet West of the East one-quarter corner of said Section 32; thence continuing West along said South line, 1959.20 feet to a point; thence North parallel with the East line of said Section 32, a distance of 1237.50 feet to a point on the North line of said Hanson Tract; thence East along said North line, 2167.20 feet to the East line of said Section 32; thence South along said East line, 1029.50 feet to the Northeast corner of that tract conveyed to Joseph L. Dula and wife, by Deed Recorded January 18, 1973, as Recorder's Fee No. 73-1774, Clackamas County Records; thence West along the North line of said Dula Tract, 208 feet to the Northwest corner thereof; thence South 208 feet along the West line of said Dula Tract, to the place of beginning.

EXCEPTING THEREFROM the East 900 feet thereof as cut off by a line drawn parallel with the East line of said Section 32.

AND FURTHER EXCEPTING that portion lying within public roads.

PARCEL 1:

An easement for ingress and egress, 20 feet in width, described as follows

A 20 foot strip of land (when measured perpendicularly), lying South of the following described line, to-wit:

Beginning at a 5/8 inch iron rod set on the west right-of-way of Needy Road (County Road No. 296) that is N 0°17'51" W, 704.51 feet and S 87°45'41" W, 20.01 feet from the East 1/4 corner of Section 32, Township 4 South, Range 1 East of the Willamette Meridian; thence S 87°45'48" W, 543.80 feet to a 5/8 inch iron rod; thence S 63°33'15" W, 173.15 feet to a 5/8 inch iron rod; thence S 89°59'40" W, 181.09 feet to a 5/8 inch iron rod that is 900.00 feet from (when measured perpendicular to) the East line of said Section 32, in Township 4 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon.

TOGETHER WITH an easement for creek access, being 40 feet wide, described as follows:

BEGINNING at a 5/8 inch iron rod set on the South line of the James Shirley D.L.C. No. 45, South 89°54'25" West, 900.01 feet from the

SAFECO TITLE INSURANCE CO. C-53522

intersection of said claim line and the East line of Section 32; thence South 0°17'51" East, 40.00 feet to a point; thence North 89°54'25" East, parallel to said claim line, to the centerline of Bear Creek; thence following said centerline downstream to its intersection with said claim line; thence South 89°54'25" West along said claim line to the 5/8 inch iron rod at the point of beginning.

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

And said GRANTORS hereby covenant to and with said GRANTEES and GRANTEES' heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances EXCEPT (a) Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of an unnamed creek; and (b) An easement to Portland General Electric Co. for utilities, dated August 24, 1951 and recorded October 23, 1951 in Book 450, Page 46, Clackamas County Records; and that GRANTORS will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$70,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 25 day of January, 1988.

Douglas D. Hanson P.R.

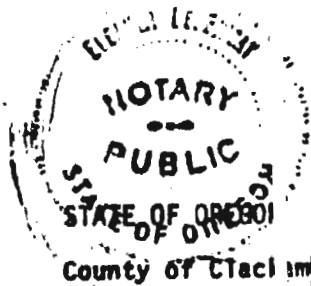
Douglas D. Hanson,
Personal Representative of the
Estate of Donald D. Hanson, deceased

Cindy R. Hanson

Cindy R. Hanson

Douglas D. Hanson

Douglas D. Hanson



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} ss.

January 25, 1988

Before me personally appeared the above named Douglas D. Hanson, Personal Representative of the Estate of Donald D. Hanson, deceased; and Cindy R. Hanson and Douglas D. Hanson, and acknowledged the foregoing instrument to be their voluntary act and deed.

Eleanor DeBorja

Notary Public for Oregon
My commission expires: 10-22-91

AFTER RECORDING SEND TO: A. JOEL & CAROLYN R. NEUSCHWANDER
6097 S. Whiskey Hill Rd.
Hubbard, OR 97032

SEND TAX STATEMENTS TO: A. JOEL & CAROLYN R. NEUSCHWANDER
6097 S. Whiskey Hill Rd.
Hubbard, OR 97032

STATE OF OREGON
County of Clatsop

I, John F. Kauffman, County Clerk, for the County of Clatsop, do hereby certify that the instrument of which a copy was received for recording in the records of said county is

1988 JAN 27 PM 3 32



Witness my hand and seal of office

John F. Kauffman
JOHN F. KAUFFMAN
County Clerk

Recording Certificate
COP-44 rev. 12/88

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Handwritten signature and text, possibly a name like "David" and a date.

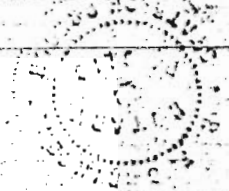
DEED
150 mg 46
Handwritten text and a circular stamp or seal.

STATE OF OREGON

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My commission expires Feb. 12, 2008.

Handwritten signature: R. F. Young

Handwritten text, possibly "State of Oregon"

Handwritten text, possibly "The State of Oregon"

Handwritten text, possibly "R. F. Young"

Handwritten text, possibly "R. F. Young"

Exhibit "A"

A tract of land in the northeast one-quarter of Section 32, T. 4 S., R. 1 E., of the W. M., described as follows:

Beginning at a point on the south line of that tract conveyed to Ivan R. Hanson and wife, by deed recorded June 1, 1945, in Book 345, page 65, Deed Records, which is 208 feet west of the east one-quarter corner of said Section 32; thence continuing west along said south line 1959.20 feet to a point; thence North parallel with the east line of said Section 32, a distance of 1237.50 feet to a point on the north line of said Hanson tract; thence East along said north line 2167.20 feet to the east line of said Section 32; thence South along said east line 1029.50 feet to the northeast corner of that tract conveyed to Joseph C. Dula and wife, by deed recorded January 18, 1973, Fee No. 73-1774; thence West along the north line of said Dula tract 208 feet to the northwest corner thereof; thence South 208 feet along the west line of said Dula tract to the place of beginning.

EXCEPT that portion lying within public roads.

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Exhibit "B"

A tract of land located in the Northeast Quarter of Section 32, T.4S., R.1E., Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

Beginning at a point that is 769.46 feet North along the Section line and West 757.96 feet from the East Quarter corner of said Section 32; thence North 208.71 feet; thence East 208.71 feet; thence South 208.71 feet; thence West 208.71 feet to the point of beginning.

Said tract contains 1 net acre.

ALSO THE right of ingress and egress over and across the following 20 foot easement being 10 feet on each side of the following described center line: Beginning at a point 57.75 feet East of the Southwest corner of the above described 1 acre tract; thence South 99.27 feet; thence North 87.42 feet; East 204.67 feet, more or less, to the center line of County Road #286 and the terminus of said easement.

2

