

April 23, 2009

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

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WATER RESOURCES DEPT
SALEM, OREGON

Subject: Application for a Permit to Store Water in a Reservoir for Eagle Fern Camp

Attached is Eagle Fern Camp's application for a permit to store water in a reservoir, including a check for \$140.

The dam and reservoir system has been used since 1960. In 1998, Eagle Fern Camp submitted an application for a permit to store water in a reservoir and received the permit. Unfortunately, the dates where water may be appropriated for storage were from November 1 to May 31. Eagle Fern Camp uses the small dam to create a swimming area for its campers in the summer months. **Eagle Fern Camp requests that the period of water appropriation for storage be from June 1 to August 31.**

Also attached are letters from various governmental agencies, stating that the dam and reservoir system that Eagle Fern Camp uses does not appear to cause any issues to fish, and thanking Eagle Fern Camp for its willingness to cooperate and help various agencies with their research and studies.

.Throughout the review process, please use me as the contact for Eagle Fern Camp's application for a permit to store water in a reservoir. My home address and contact information is listed below:

Tim Janssen
15882 S. Lora Ct.
Oregon City, OR 97045
Home phone (503) 656-1940
Cell phone (503) 849-4124
Work phone (503) 761-0220
E-mail: tjanssen@sunrisewater.com

Sincerely,



Tim Janssen, PE, CWRE
Board Member
Eagle Fern Camp



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

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

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

Use a separate form for each reservoir

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Please type or print in dark ink. If your application is found to be incomplete or inaccurate, **WATER RESOURCES DEPT
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 you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that
 are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Eagle Fern Camp
First Last

Mailing Address: 37700 SE Camp Road
Estacada OR 97023
City State Zip

Phone: 503-630-4978 503-630-4978 N/A
Home Work Other

*Fax: N/A *Email Address: tjannsen@sunrisewater.com
**optional information*

2. LOCATION AND SOURCE

A. Reservoir Name: N/A

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: Eagle Creek Tributary to: Clackamas River

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
3S	4E	14	NE 1/4, SE 1/4	2300

D. County of Use: Clackamas County

E. Dam: Maximum height of dam: 6.6 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: 2.2

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.

Recreation. Since the stored water is used to create a swimming area in the summer months, Eagle Fern Camp requests that the period of water appropriation for storage be from June 1 to August 31.

For Department Use		
App. No. <u>R-87446</u>	Permit No. _____	Date _____

4. PROPERTY OWNERSHIP

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

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide copy of the recorded deed(s))

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box is you described your use as "Mulitpurpose" in #3 above

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List Name and mailing addresses of all affected land owners:

[Empty box for listing affected land owners]

5. ENVIRONMENTAL IMPACT

A. Channel: is the reservoir In Stream or off channel ?

B. Wetland: is the project in a wetland? Yes No Don't know

C. Existing: is this an existing reservoir? Yes No

If yes how long has it been in place? 1960 (seasonal) years

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

If yes, how much? Not Sure 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.

[Empty box for partnerships information]

6. SIGNATURE

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

Jim Janmen, Board Member April 22, 2009
Landowner Signature Date

Before you submit your application be sure you have:

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

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$80. In addition, there is a fee of \$20 per acre-foot or fraction thereof. Example: 0.3 AF= \$ 100 ; 1.5 AF= \$ 120 ; 20.0 AF= \$ 480 ; 30.0 AF= \$ 680.



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Oregon Water Resources Department Land Use Information Form

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

Applicant Name: Eagle Fern Camp
Mailing Address: 37700 SE Camp Road
City: Estacada State: OR Zip: 97023 Day Phone: 503-630-4978

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

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A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3S	4E	14	NESE	2300		<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	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) Eagle Creek

Estimated quantity of water needed: 2.2 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-municipal Instream Other Recreation

Briefly describe: Eagle Fern Camp proposes to store up to 2.2 acre-feet for recreation purposes. Examples of recreation purposes would be for swimming and boating activities. The water will be stored in-stream behind a small dam, which will be less than 7 feet in height.

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.*

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.

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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): 1206.
See 20649-96-E

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <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: Jennifer Hughes Title: Senior Planner
Signature: Jennifer Hughes Phone: 503-742-4518 Date: 4/21/09
Government Entity: Clackamas 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.

R-87446

DRAFT

Northwest Region
7600 Sand Point Way, NE
Bin C, Bldg. 1
Seattle, Washington 98115

Refer to:
OSB2000-00158

~~July **, 2000~~

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Mr. Lawrence C. Evans
U.S. Army Corps of Engineers
Portland District, CENWP-CO-GP
ATTN: *****
P.O. Box 2946
Portland, Oregon 97208-2946

Re: Informal Consultation for the Eagle Fern Camp to Install a Removable Dam, Fish Ladder,
and Dock in Eagle Creek, Clackamas County, near Estacada, Oregon (Corps Permit ID
Number 97-1363)

Dear Mr. Evans:

This responds to a letter sent by Mr. W. B. Paynter, of your office, dated December 1, 1998, to Ms. Elizabeth Gaar, National Marine Fisheries Service (NMFS), requesting an informal consultation for the Corps of Engineers (Corps) permitting¹ the Eagle Fern Camp to install a removable dam, fish ladder, and dock in Eagle Creek near Estacada in Clackamas County, Oregon. In the letter, the Corps determined that issuing a permit for the project is not likely to adversely affect listed anadromous fish species. This consultation is undertaken under section 7(a)(2) of the Endangered Species Act (ESA) and its implementing regulations, 50 CFR Part 402.

Table 1 provides a list of the listed species covered in this consultation. References for biological information and historical population trends are also provided. Lower Columbia River/Southwest Washington coho salmon, a candidate species, was also considered in this consultation.

¹ The Corps would be permitting the proposed action under Section 404 of the Clean Water Act.

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Table 1. Listed species addressed in this consultation.

Species	Biological Information, Historical Population Trends
Upper Willamette River chinook salmon	Myers <i>et al.</i> 1998; Healey 1991
Lower Columbia River chinook salmon	Myers <i>et al.</i> 1998; Healey 1991
Lower Columbia River steelhead	Busby <i>et al.</i> 1995; Busby <i>et al.</i> 1996

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Each year, the Eagle Fern Camp installs a removable dam, fish ladder, and dock in Eagle Creek. The purpose of the structure is to provide a swimming area for the summer camp program. The dam is approximately 60 feet wide and extends the width of the channel. The dock is 4 feet wide and extends 50 feet into the channel about 70 feet upstream of the dam. The structures are placed following July 15 and removed prior to August 31 each year. The camp has installed similar structures annually since 1960. The Corps states that the structural design has provided for Oregon Department of Fish and Wildlife (ODFW) approved fish passage around the impoundment, while in place each summer. The water depth at each weir are adjustable, and a minimum of 6-inches are supposed to be maintained within the fish ladder at all times.

NMFS (a fish biologist and an engineer) conducted field visits to the facility in late August of 1999. These visits included an inspection of the fish passage conditions associated with the temporary dam and fishway and a snorkeling evaluation of the created upstream pool. Many juvenile fish were observed in the created pool. The pool appeared to be providing rearing habitat and did not seem to be causing a detriment to the fish. There are some proposed changes to the fishway that NMFS has determined would optimize fishway performance. We have discussed these with the applicant (Kevin Williamson, Eagle Fern Camp Executive Director), and he has agreed to implement the changes.

In order to optimize fishway performance, the overall differential produced between the forebay and tailwater (3.8 feet) should be equally divided among the fishway weirs. The weir elevations should be set as shown in Figure 1. The fishway should also be monitored following the initial installation to ensure that equal drops are provided over each fishway weir. The fishway weirs currently span the entire width of each pool. In order to provide adequate resting areas within the fishway pools, fishway flow should be decreased by occluding approximately 75% of the fishway weir crests and leaving a 2-foot length of weir crest in each pool. *NMFS will review the modifications once installed to determine if any further changes are necessary.*

NMFS concurs with the Corps' determination that the proposed action with the modifications described above is not likely to adversely affect the species listed in Table 1, as well as the candidate species Lower Columbia River/Southwest Washington coho salmon. Also, the proposed action is not likely to adversely affect designated critical habitat. NMFS' concurrence is based on the following facts: 1) The dam is placed and removed during the ODFW's in-water work window; 2) the pool created by the dam is providing rearing habitat; and 3) modifications will be made to the fishway to optimize its performance. Thus, NMFS believes there will be insignificant and discountable effects to the species and therefore there is less than a negligible

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likelihood of incidental take of listed species due to this project.

This concludes informal consultation on this action in accordance with 50 CFR 402.13(a). The Corps must reinitiate this ESA consultation if new information becomes available or circumstances occur that may affect listed species in a manner or to an extent not previously considered, or a new species is listed, or critical habitat is designated that may be affected by the action.

If you have any questions, please contact Michelle Day of my staff in the Oregon State Branch Office at (503) 231-6938.

change
←

Sincerely,

DRAFT

~~William Stelle, Jr.~~
Regional Administrator

change
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DRAFT

References

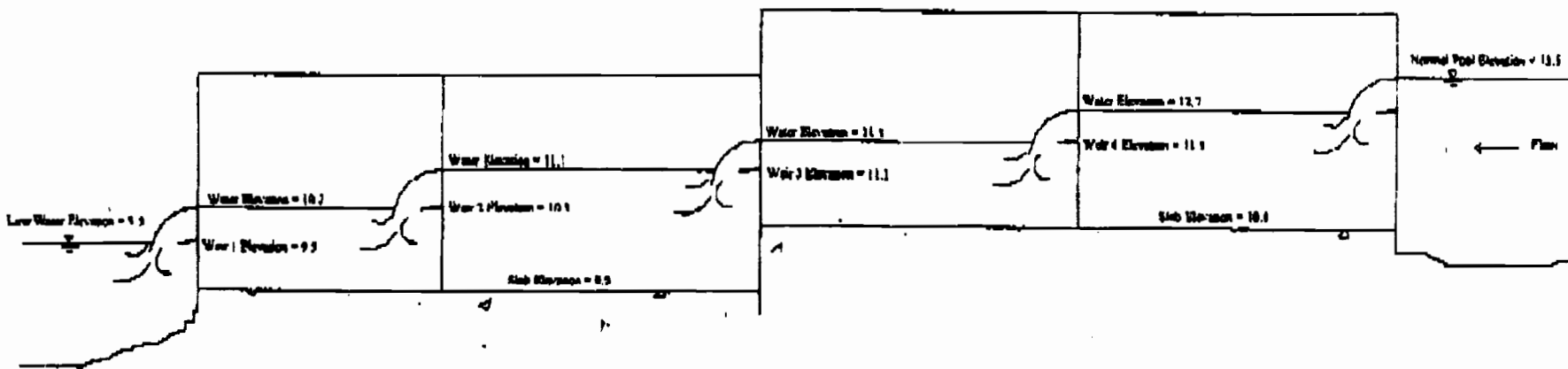
- Busby, P., S. Grabowski, R. Iwamoto, C. Mahnken, G. Matthews, M. Schiewe, T. Wainwright, R. Waples, J. Williams, C. Wingert, and R. Reisenbichler. 1995. Review of the status of steelhead (*Oncorhynchus mykiss*) from Washington, Idaho, Oregon, and California under the U.S. Endangered Species Act. 102 pp. plus 3 appendices.
- Busby, P.J., T.C. Wainwright, G.J. Bryant, L.J. Lierheimer, R.S. Waples, F.W. Waknitz, and I.V. Lagomarsino. 1996. Status review of west coast steelhead from Washington, Idaho, Oregon, and California. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-NWFSC-27, 261 pp.
- Healey, M.C. 1991. Life history of chinook salmon (*Oncorhynchus tshawytscha*). Pages 311-393 *in*: Groot, C. and L. Margolis (eds.). 1991. Pacific salmon life histories. Vancouver, British Columbia: University of British Columbia Press.
- Myers, J.M., R.G. Kope, G.J. Bryant, D. Teel, L.J. Lierheimer, T.C. Wainwright, W.S. Grant, F.W. Waknitz, K. Neely, S.T. Lindley, and R.S. Waples. 1998. Status review of chinook salmon from Washington, Idaho, Oregon, and California. U.S. Dept. Commer., NOAA Tech. Memo. NMFS-NWFSC-35, 443 p.

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MODIFICATIONS MADE IN 2001



Not to Scale

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Figure 1

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Oregon

Ted Kulongoski, Governor

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Department of Fish and Wildlife
Corvallis Research Lab
28655 Hwy. 3
Corvallis, OR 9733
(541) 757-4263
FAX (541) 757-410
Internet WWW: <http://osu.ors.edu/Dept/ODF>

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SALEM, OREGON

March 2004

Dear Eagle Fern Camp,

Thank you for your continued cooperation in allowing us access to Eagle Creek for our Coho salmon and Steelhead surveys. You have a unique opportunity in comparison with other property owners in that your organization sponsors youth events and allows other members of the public access to the creek. We are writing to provide you with some educational information about salmonid life histories, surveying techniques, and the data we collect in the hope that you will share with members of your community.

We began our surveys on Eagle Creek in October 2003 and concluded in January 2004 targeting Coho salmon (*Oncorhynchus kisutch*). These surveys required walking the stream segment from the bridge at Snuffin Road up through your property while counting live salmon or sampling carcasses once they have died. Coho salmon are anadromous meaning they are born in freshwater, migrate to the ocean to live out their adult lives, and return to their native streams to spawn. During their spawning females will dig depressions in the gravel, called redds, where they will lay hundreds of eggs. The males will then deposit their milt with a percentage of the eggs being fertilized. Once spawning is completed Coho salmon will die releasing nutrients back into the stream. A few weeks later juvenile fish will begin to emerge from the gravel. During our surveys we gather live counts of the spawning salmon, redd counts, and sample the carcasses for DNA, scales (age determination as well as time spent in fresh and salt water), and size measurements. Based on the carcasses recovered we can estimate abundance of fish and determine proper courses of management for this resource.

During our Steelhead (*Oncorhynchus mykiss*) surveys, which began in January 2004 and are currently in progress, we also gather counts of live fish and sample any carcasses we find. There is a difference however in the life histories between Coho salmon and Steelhead. Whereas Coho return, spawn, and die in their first migration upstream, Steelhead will return, spawn, and migrate back to the ocean several times before dying. Because there are limited numbers of carcasses our sampling methods are different for Steelhead. Research has indicated that by counting the number of redds we can directly correlate that to abundance of Steelhead. Another integral part of our surveying is to monitor the longevity of the redds we see. To complete these two goals of counting and monitoring longevity we do several things that you've probably seen on the creek. First, when a redd is present we place a colored rock in it as a marker to let us know it has been

Eric Brown-224

GARY SURAK
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counted when we complete following surveys. Second, we tie a piece of flagging on a tree documenting its location and date. When the redd is no longer visible we remove the rock and flagging and document the longevity in our records. It is important that these rocks and flags are not disturbed in between our visits. As a result of several being removed we are trying to place them across the creek so they are more difficult to get to. Another difference between our Coho and Steelhead sampling is the use of an inflatable kayak and going downstream rather than upstream. We utilize a kayak when the creek flows are higher to allow us access to both banks.

Another parameter we measure is amount of available spawning gravel. We do this several times during our survey season due to changing flows. Optimal gravel size for both Coho and Steelhead is from 0.5-6 inches in diameter and the ideal location for spawning is at the "tail out" of a pool. A tail out is the place where the smooth surface water of a pool funnels into a V shape before turning into more disturbed flow. The pool at your camp has an ideal tail out and optimal gravel and active spawning right now. We currently have rocks and flagging marking the location of visible redds where young fish are developing.

We hope this brief summary is useful and the information contained can be shared with the visitors to the camp. You have a great resource on your property and hopefully by educating people to what is going on within the creek you can be an active partner in preserving Oregon's fish and wildlife. Once again thank you for your cooperation.

Sincerely,
Jenny Kauffman
Rob Carleson

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Oregon

Theodore R. Kulongoski, Governor

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Department of Fish and Wildlife

Corvallis Research Lab

28655 Hwy. 34

Corvallis, OR 97333

(541) 757-4263

FAX (541) 757-4102

Internet WWW: <http://osu.orst.edu/Dept/ODFW/>

April 28, 2004



Paul Schrotch
EAGLE FERN CAMP INC
37700 SE CAMP RD
ESTACADA, OR 97023

Dear EAGLE FERN CAMP INC:

Thank you for your cooperation in efforts to monitor spawning salmon in Oregon. Enclosed you will find the survey results that you requested. Additional information can be found on our web page at: <http://osu.orst.edu/Dept/ODFW/spawn/index.htm>. The Oregon Plan for Salmon and Watersheds is a broad-based effort of citizens, businesses, local watershed groups, and state and federal agencies to restore healthy salmon populations and their watersheds. Our monitoring is designed to assess the current status of fish populations and to document trends in populations over time. An important part of the Oregon Plan is the idea that people working together with the support of state and local government can do more to help fish than could be accomplished by a strict regulatory approach. It is people like you that make this process work.

Please do not hesitate to call us if you have further inquiries regarding these data. Again, thank you for your interest and involvement in supporting healthy runs of wild salmon.

Sincerely,

Erik Suring
Assistant Project Leader
Coastal Salmonid Inventory Project
(541) 757-4263 x264
Erik.Suring@oregonstate.edu

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