

Surface Water



725 SUMMIT STREET, SUITE 2
SALEM OREGON 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME MARVIN HAUSMAN		PHONE (HM) 503-327-4173	
PHONE (WK)	CELL 503-327-4173	FAX	
ADDRESS 16031 SW PLEASANT HILL ROAD			
CITY SHERWOOD	STATE OR	ZIP 97140	E-MAIL MHAUSMAN@NWMEDR.COM

Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL

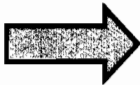
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

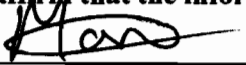
AGENT / BUSINESS NAME BRIDGET SHAW		PHONE	FAX
ADDRESS PO Box 91575		CELL 503-341-6082	
CITY PORTLAND	STATE OR	ZIP 97291	E-MAIL LESSPAPERFORB@GMAIL.COM

Note: Attach multiple copies as needed

By my signature below I confirm that I understand:

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

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

 Applicant Signature	MARVIN HAUSMAN, PRINCIPAL Print Name and title if applicable	8/4/11 Date
_____ Applicant Signature	_____ Print Name and title if applicable	_____ Date

App. No. <u>S-87743</u>	For Department Use Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

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☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Reservoir	Irrigation for crops	June - September	.04 ☐ cfs ☐ gpm ☒ af
Reservoir	Reservoir surrounds	June - September	.37 ☐ cfs ☐ gpm ☒ af
Reservoir	Future & Existing crops	June - September	.37 ☐ cfs ☐ gpm ☒ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 2 Acres

Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): R-14140

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: .78

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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

☒ Yes

☒ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

☐ 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 irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: R86136

Tributary to: Mill Creek

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

☒ Yes.

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☒ Pump (give horsepower and type): 1 hp - centrifugal pump

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Upon approval a 1 hp centrifugal pump with a fish screen will be installed and an irrigation pipe will be installed to transport the water to the crop area delivering the water via drip irrigation and impact sprayheads.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Drip and controlled sprinkler use with conservation measures.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

The crops do not need to be irrigated on an going basis and will be irrigated only as needed. Historically each plant has used about 10 gallons of water per season. The reservoir surrounds are mainly native plants and will only be irrigated to maintain the habitat and maintain water clarity.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: Using a centrifugal pump with a fish screen.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: The surrounds of the reservoir have been planted with water plants, marginal plants and native plantings to maximize water quality and minimize any erosion damage from wildlife.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: Using the pump with a fish screen, when the crops are in need of irrigation and to minimally water the surrounding areas of the pond to maintain the integrity of this habitat.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: The surrounds of the reservoir and the reservoir itself have been planted with water plants, marginal plants and native plantings to maximize water quality and minimize any erosion damage by wildlife.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Upon the issuance of the permit.

Date construction will be completed: Within 5 years of permit issuance.

Date beneficial water use will begin: Upon issuance of permit.

SECTION 8: REMARKS

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

Please expedite this application. Fees were calculated by adding Appropriating ONLY Stored Surface Water :\$400 + \$50 for two acre feet, + \$400 for recording fee = \$850 that is included in this packet.

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SALEM, OREGON

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 218.461.04(c)

☐ Land uses to be served by the 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.



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Signature: [Signature] Title: Planner
Phone: (503) 742-4152 Date: 8/4/11
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.

Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

Land Use Information Form



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

Applicant: MARVIN HAUSMAN
First Last

Mailing Address: 10631 SW PLEASANTHILL RD

SHERWOOD OR 97140 Daytime Phone: 503-341-6082
City State Zip

A. Land and Location

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

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use
3	1W	8b	NW 1/4	1300	EFU 301	☐ Diverted	☐ Conveyed	☒ Used	FARMING
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

CLACKAMAS

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

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

Estimated quantity of water needed: 78 ☐ 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 _____

Briefly describe:

IRRIGATION OF CROPS, FUTURE CROPS, & RESERVOIR
SURROUNDS. SEASONALLY JUNE - SEPT.

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

See bottom of Page 3. →

Surface Water/10

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Revised 2/23/2010

S-07743

FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Ann Day, Trustee

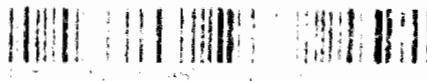
GRANTEE'S NAME
Marvin S Hausman

SEND TAX STATEMENTS TO:
Dr. Marvin S Hausman
P. O. Box 910, #1 Ashlake Road
Stevenson, WA 98648

AFTER RECORDING RETURN TO:
Dr. Marvin S Hausman
P. O. Box 910, #1 Ashlake Road
Stevenson, WA 98648

Clackamas County Official Records
Sherry Hall, County Clerk

2003-148067



CLACKAMAS COUNTY, OREGON
RECORDED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY SPECIAL WARRANTY DEED IN FULFILLMENT OF CONTRACT

Ann Day, Trustee of the Ann Day Revocable Living Trust Dated February 11, 1998, Grantor, conveys and specially warrants to

Marvin S. Hausman, Grantee, the following described real property, free and clear of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting: Rights of the public and governmental agencies within the boundaries of streets, roads and highways.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED December 31, 2001 AS INSTRUMENT NO. 2001-111093, Clackamas COUNTY, OREGON (See ORS 93.030)

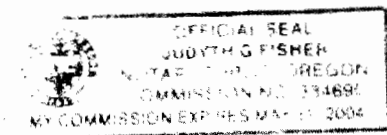
DATED: October 30, 2003

Ann Day, Trustee
Ann Day, Trustee

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SALEM, OREGON



STATE OF OREGON
COUNTY OF Clackamas
This instrument was acknowledged before me on
October 30, 2003
by Ann Day, Trustee
Judyth G. Fisher
Notary Public for Oregon
My Commission Expires: 5-11-04

S-07743

NATIONAL TITLE CO. 08-835124

Escrow No. 08-835126 CLB 28
Title Order No. 00835126

EXHIBIT ONE

A tract of land in the Northwest quarter of Section 8, Township 3 South, Range 1 West of the Willamette Meridian, County of Clackamas and State of Oregon described as follows:

Beginning at the Southwest corner of the Northwest quarter of said Section 8, running thence East 32.50 chains, thence North 10 chains, thence North 38° West 8.12 chains; thence North 3.60 chains, thence West 27.50 chains, thence South 20 chains to the place of beginning.

EXCEPTING THEREFROM, a tract sold for school purposes, described as follows:

A tract of land situated in Section 8, Township 3 South, Range 1 West, of the Willamette Meridian in the County of Clackamas, State of Oregon, and further described by beginning at a point North 89° 3' 4" East 485 feet from the Northwest corner of the South 1/2 of the Northwest quarter of said Section, in the aforesaid township at which point a medicine bottle is deposited 12 inches under the surface and under a stone of about 8 by 12 inches in size, with a cross cut on top; thence North 89° 3' 4" East 208 feet and 9 inches, thence South 208 feet 9 inches; thence South 89° 3' 4" West 208 feet 9 inches, thence North 208 feet 9 inches to the point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to Dennis J. Day by Bargain and Sale Deed recorded March 29, 1977 as Fee No. 77-11470.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MARVIN HAUSMAN
16031 SW PLEASANT HILL RD
SHERWOOD, OR 97140

503-625-4821

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

APPLICATION FILE NUMBER: R-86136

SOURCE OF WATER: RUNOFF AND A SPRING, TRIBUTARIES TO MILL CREEK

STORAGE FACILITY: A RESERVOIR

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 0.78 ACRE FOOT EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH MARCH 31 OF EACH YEAR

DATE OF PRIORITY: NOVEMBER 19, 2004

DAM LOCATION: SE 1/4 NW 1/4, SECTION 8, T3S, R1W, W.M.; 587 FEET NORTH
& 2032 FEET EAST FROM W1/4 CORNER, SECTION 8

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

TOWNSHIP 3 SOUTH, RANGE 1 WEST, 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

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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 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.

The permittee shall pass all live flow outside the storage season described above and after one-time fill.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

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 reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2009.

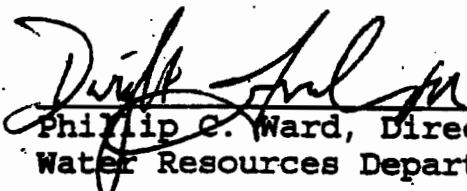
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

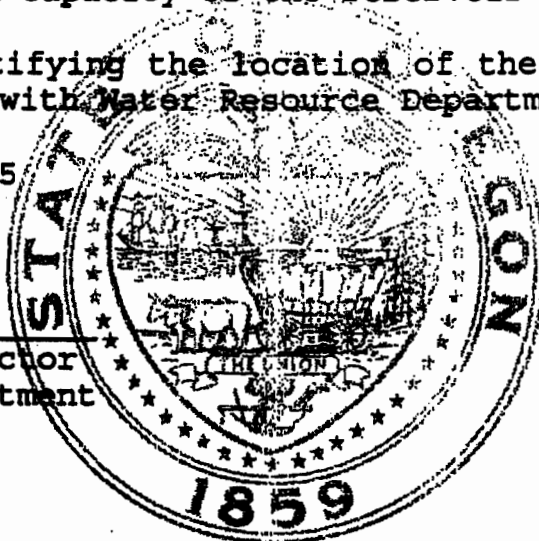
The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued March 24, 2005


Philip C. Ward, Director
Water Resources Department



Added To File
8-11-2011
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S-87743

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: 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.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106; National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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