



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301  
 (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 storing less than 9.2 acre-feet or with a dam less than 10 feet high.

**Use a separate application 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/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

### 1. APPLICANT INFORMATION

Applicant: SCOTT D WELLMAN  
First Last  
 Mailing Address: 3510 NE HENDERSON RD  
CORBETT OR 97019  
City State Zip  
 Phone: 503 793 6203 503 793 6203  
Home Work Other  
 \*Fax: \_\_\_\_\_ \*E-Mail Address: bridalveilgardens@yahoo.com  
 \*optional information

### 2. AGENT INFORMATION

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

Agent: RICHARD J GREULICH  
First Last  
 Mailing Address: PO BOX 40067  
PORTLAND OR 97240-0067  
City State Zip  
 Phone: 503 789 7654 503 789 7654  
Home Work Other  
 \*Fax: \_\_\_\_\_ \*E-Mail Address: wallstco@wallstcompanies.com  
 \*optional information

### 3. LOCATION AND SOURCE

A. Reservoir Name: SHEPPERDS COVE  
 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: HENDERSON CREEK Tributary to: COLUMBIA RIVER  
 C. County in which diversion occurs: MULTNOMAH

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App. No. <u>R-87773</u>	For Department Use Permit No. _____	Date _____
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**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
1N	5E	21		600

**E. Dam:** Maximum height of dam: SIX (6) feet. If excavated, write "zero feet".

**F. Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 6.825 AF

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)  Yes  No

**4. 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

**5. 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, right of way, roads of way, roads or other encumbrances (please provide a 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 if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

US GOVERNMENT C/O US FOREST SERVICE ATTN: MS PAM CAMPBELL HOOD RIVER OREGON

pcampbell@fs.fed.us

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**6. 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? 96 years.

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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.

### 7. DESCRIPTION

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

A Natural rock depression with minor rim filled construction circa 1950's.

Vertical stand pipe in deepest section. West side outlet is via vent going out westside of dam releasing to natural watercourse. Design is minimal and created by water leveling device. Vent meets code requirement of mesh sizing.

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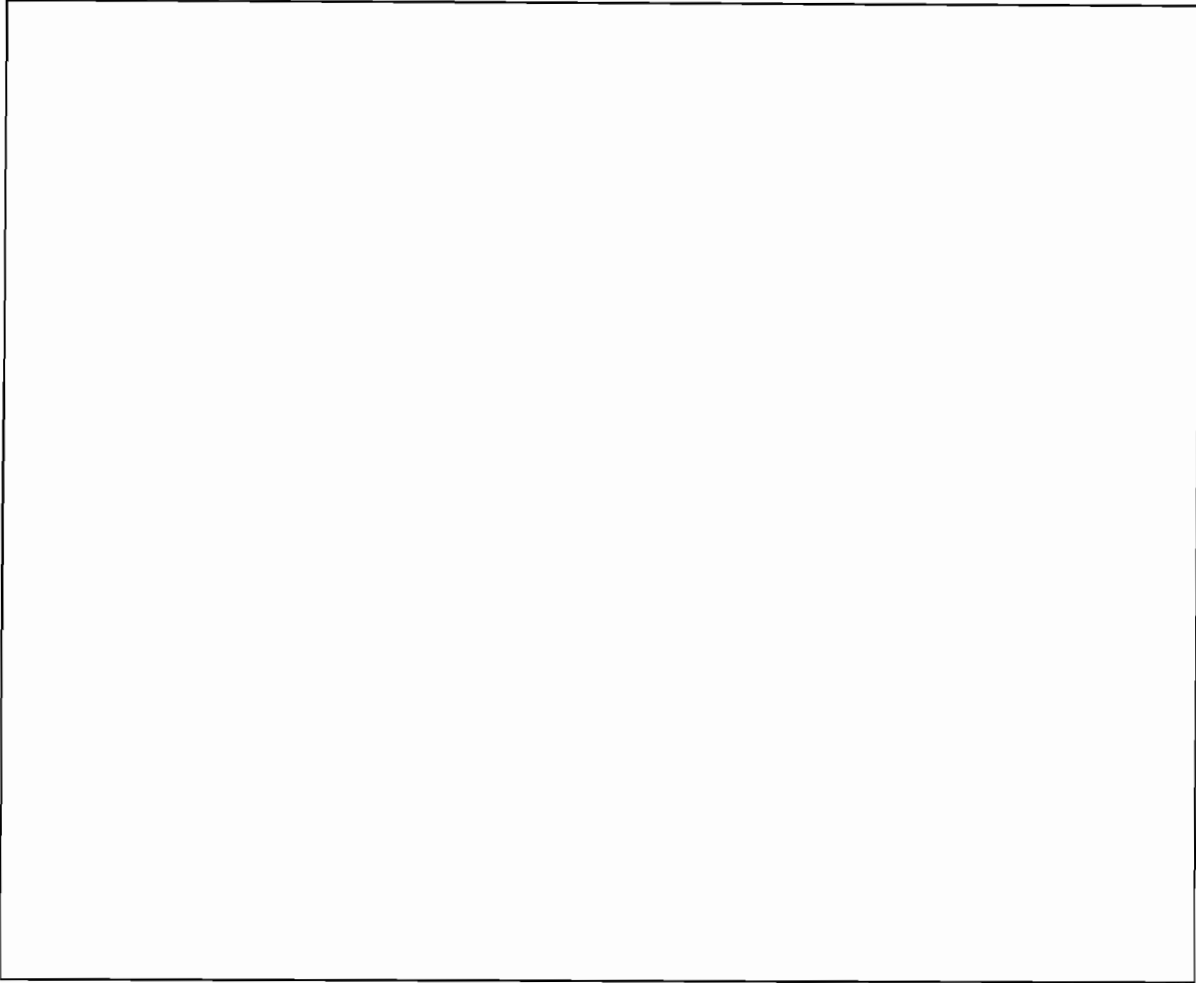
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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means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



**8. SIGNATURE**

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

*Scott D Wellman*

Landowner Signature

*11/4/2011*

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.

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**FEE STRUCTURE:** The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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

# Land Use Information Form

Applicant: SCOTT D. WELLMAN  
First Last

Mailing Address: 3570 NE HENDERSON RD

CORBETT OR 97019 Daytime Phone: (503) 793-6203  
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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>IN</u>	<u>SE</u>	<u>21</u>		<u>600</u>	<u>G4F-20</u>	<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	
						<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, and/or used or developed:

MULTNOMAH COUNTY, BRIDAL VEIL

### 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: \_\_\_\_\_  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:

AN AQUICULTURE FACILITY INVOLVING THE CULTIVATION, MAINTENANCE, & HARVESTING OF AN AQUATIC SPECIES AT AN EXISTING POND LOCATED AT 3570 NE HENDERSON RD.

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. →

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# For Local Government Use Only

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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): \_\_\_\_\_

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:	
NSA site Review	38. 2025(A)(17)	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input checked="" 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: Don Kienholz Title: Planner  
 Signature: Don Kienholz Phone: 503-988-3043 x29270 Date: 12/7/11  
 Government Entity: Multnomah 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: \_\_\_\_\_

From: "Danette Faucera" <danette.l.faucera@state.or.us>  
Subject: RE: Thank you  
Sent date: 12/09/2011 03:18:43 PM  
To: <wallstco@wallstcompanies.com>  
Attachments: whcmp brochure.pdf [ 2 MB ], Wellman pg2.JPG [ 2 MB ], Wellman  
pg1.JPG [ 1 MB ]

Richard,

I wish to thank you and Mr. Wellman for inviting me to the Wellman residence to discuss the existing reservoir and the future plans to open it as an angling site for disabled veterans. Access locations and opportunity are limited for all disabled anglers, and ODFW appreciates this addition. After viewing the pond and Henderson Creek both upstream and downstream of the site, it is ODFW's conclusion that native migratory fish are not currently nor were historically present at the point of diversion. Fish passage will not be recommended in the water right permit. I did make a minor note of a storage season to protect water quality downstream during the summer months (a condition I recommend on all reservoir applications), but as we discussed, do not see this as posing any problems for you considering current management of the pond. The review sheet is attached for you to submit to the Water Resources Department.

I appreciated Mr. Wellman's dedication to improving the riparian area of Henderson Creek and providing forage for deer and elk on his property. We briefly discussed ODFW's riparian tax incentive and wildlife habitat programs, in which Mr. Wellman may be interested in enrolling. These programs require entering into a management plan with ODFW in exchange for property tax reductions. I have attached some background information on the wildlife program for you. Links to more information on our website are: [http://www.dfw.state.or.us/lands/tax\\_overview.asp](http://www.dfw.state.or.us/lands/tax_overview.asp) and <http://www.dfw.state.or.us/lands/whcmp/index.asp>. If you would like further information, please contact Elizabeth Ruther at our Sauvie Island office (503-621-3488 x 228 or [Elizabeth.J.Ruther@state.or.us](mailto:Elizabeth.J.Ruther@state.or.us)).

Please let me know if I can be of further assistance, and good luck on your project.

Danette

Danette Faucera

Assistant District Fish Biologist

North Willamette Watershed District

Oregon Department of Fish and Wildlife

17330 SE Evelyn St.

Clackamas, OR 97015

office: 971-673-6013

fax: 971-673-6071

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MULTNOMAH COUNTY  
RURAL FIRE PROTECTION DISTRICT #14



Mr. Scott Wellman  
3510 NE Henderson Rd.  
Corbett, OR 97019

Scott,

I want to thank you for the opportunity to bring Engine 62 to your location at 3510 NE Henderson Rd. on Sunday, January 23 to inspect and test the draft site at your lake for fire defense and protection capabilities. The draft site is accessible for Fire Department emergency vehicles and will provide a major water source not only for your house and property but also for the surrounding area in the event of either a structure fire or a wildland fire. This is an area of our Fire District where accessible water supplies are very few and far between and this site will fill a large need for the community as well as provide increased fire protection for your home.

The access road is well-maintained and provides sufficient room for any size Fire Department vehicle to gain access to the water source without restrictions. As the first responder emergency medical agency this also provides easy and sufficient access to your entire property in the event of a medical emergency. This will be identified in our map books and listed as a permanent, year-round water source both for Multnomah Co. RFPD #14 and our wildland fire agency partners the US Forest Service and the Oregon Department of Forestry.

I appreciate your efforts to enhance the fire protection resources both for yourself and for the surrounding area, and enjoyed the opportunity for training for my firefighters.

Sincerely,

Tom Layton, Chief  
Multnomah Co. RFPD #14

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BUSINESS PHONE: (503) 695-2272  
BACKYARD BURNING: (503) 695-2225  
FAX: (503) 695-3473

P.O. BOX 1 · CORBETT, OR 97019

R-8773



# WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

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

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

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

**The review of alternate reservoirs is limited to these criteria only.**

Application #: R-

Applicant's Name:

Scott Wellman

1) Does the proposed reservoir have the potential to injure existing water rights?

NO  YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO  YES

If YES, which conditions are recommended:

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

NO  YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:



Date:

11-23-11

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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

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R-8777S

# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: Scott Wellman  
3510 NE Henderson Rd, Corbett, OR 97007 *bridge/Neil gardens*  
*a year ago 822M*

Reservoir Name: Wellman Source: Henderson Volume (AF): 6.825

Twp Rng Sec QQ: 1N 5E Sec 21 Basin Name: Henderson  in-channel  
 off-channel

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

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

- 1) Is the proposed project and AO<sup>1</sup> off channel? .....  YES  NO  
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present? .....  YES  NO  
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan? .....  YES  NO
  - b. Is there an ODFW-approved fish-passage waiver or exemption? .....  YES  NO

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

- 4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource?.....  YES  NO
- Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)*

Any diversion or appropriation of water for storage during the period July through September poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)  
 If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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

ESA-listed Chinook, coho, and steelhead and native migratory fish may beal downstream. The

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

<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635.412 0005 (32)

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proposed use may negatively impact downstream water quality.

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

NO (explain)

YES (select from Menu of Conditions on next page)

b51a Oct - June  
WQ; riparian

WQ, RIPARIAN: Water should only be diverted to fill the reservoir when state and federal water quality standards and downstream instream water rights are being met. Once the reservoir is full, all live flow should be bypassed in a manner that does not impact water quality.

ODFW Signature: Danette L. Faucera Print Name: Danette L. Faucera

ODFW Title: Asst. District Fish Biologist Date: 12/9/11

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

Revised 8/2/11

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# ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: SCOTT D. WELLMAN  
3510 NE HENDERSON RD CORBETT OR 97019 bridalveilgardens@  
ymt100.com

Reservoir Name: WELLMAN Source: HENDERSON CREEK Volume (AF): 6.825

Twp Rng Sec QQ: IN SE SEC 21 Basin Name: HENDERSON  in-channel  
 off-channel

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

- 1) Is the proposed project and AO<sup>1</sup> off channel? .....  YES  NO  
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?.....  YES  NO  
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?.....  YES  NO
- b. Is there an ODFW-approved fish-passage waiver or exemption?.....  YES  NO

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

- 4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource?.....  YES  NO
- .....  
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

- Any diversion or appropriation of water for storage during the period \_\_\_\_\_ through \_\_\_\_\_ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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

<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 412 0005 (32)

R-87773

