



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

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR

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 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/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Craig and Victoria Martinmaas
First Last
Mailing Address: 18425 S Upper Highland Rd
Beavercreek OR 97004
City State Zip
Phone: 503-894-2511 Home Work Other
Fax: _____ E-Mail Address*: craigmartinmaas@gmail.com
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

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

Agent: _____
First Last
Mailing Address: _____

City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail Address*: _____
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: McCuillers Pond
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: Runoff Tributary to: Unnamed trib to Buckner Creek
C. County in which diversion occurs: Clackamas

App. No. R-8777

For Department Use
Permit No. _____

Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
4S	3E	6	SE-NW	405

E. Dam: Maximum height of dam: 3 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: 6.8 ac ft

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

RECEIVED BY OWRD

MAY 07 2014

5. PROPERTY OWNERSHIP

SALEM, OR

Please provide a copy of the recorded deed(s).

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

☒ 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:

JOHN H. MCCULLER, 1424 NE. 15TH AVE.

PORTLAND, OR 97230-5357

R-87977

6. 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? _____ 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.

7. WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name N/A	Address	
City	State	Zip

8. 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.

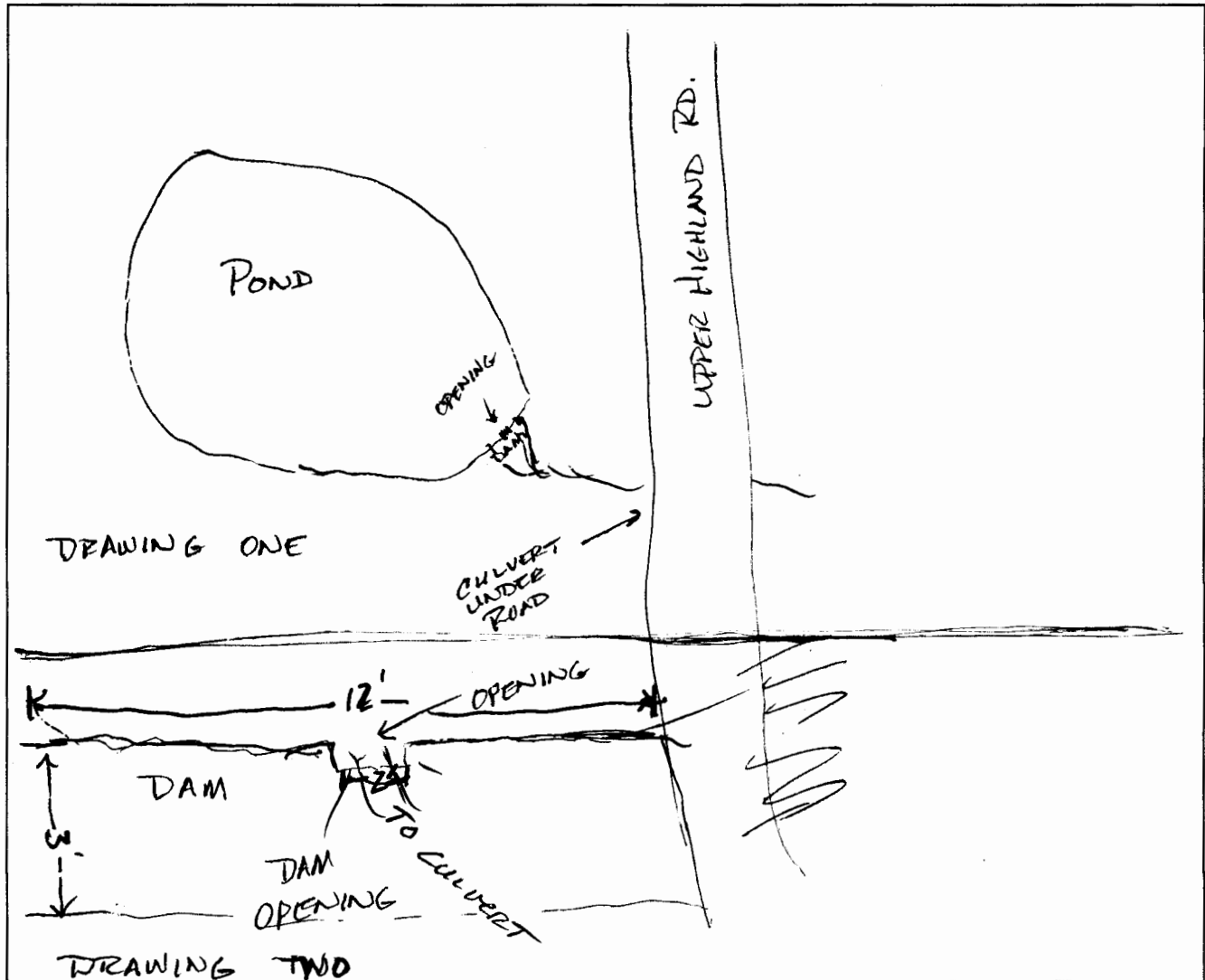
RECEIVED BY OWRD

MAY 07 2014

SALEM, OR

12-87977

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).



9. SIGNATURE

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

Craig Martinmas
Landowner Signature
Victoria Martinmas

5/6/14
Date

RECEIVED BY OWRD

- 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.

MAY 07 2014

SALEM, OR

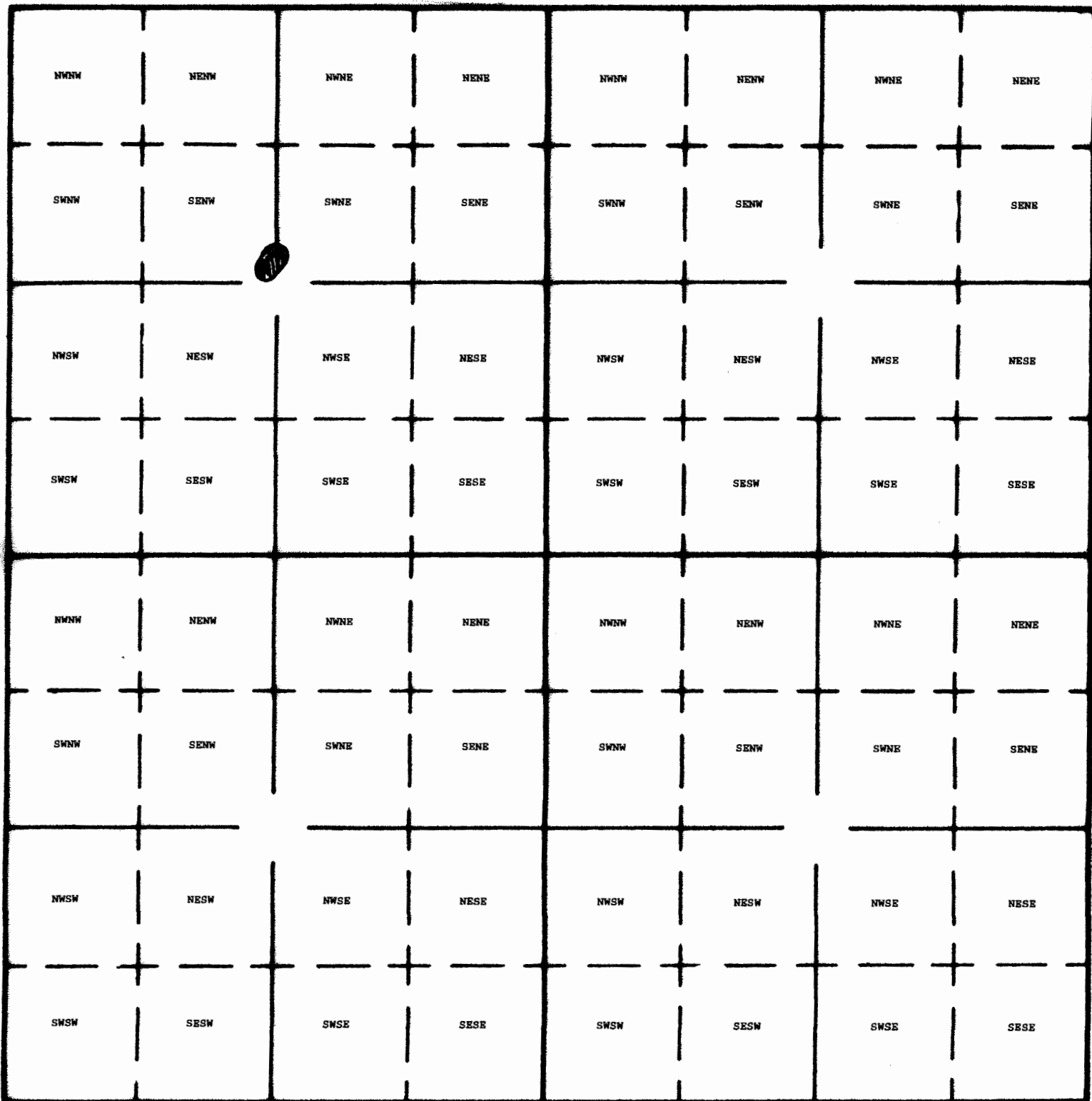
FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded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

R-87877

1" = 1320'
Tax Lot: 405, 400

North

4 South 3 East Section 6



RECEIVED BY OWRD

Dam Loc

140 Feet West and 30 Feet North
from Center of Section 6

MAY 07 2014

SALEM, OR

R-0777

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR
9

R-8777

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: Craig Martinmas
First Last

Mailing Address: P.O. Box 310

BEAVERCREEK OR 97004 Daytime Phone: 503-882-8963
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:
4S	3E	6	SE-NW	405		☒ Diverted	☐ Conveyed	☐ Used	
						☐ 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

RECEIVED BY OWRD

MAY 07 2014

B. Description of Proposed Use

SALEM, OR

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: 6.8 ☐ 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 Storage

Briefly describe:

ALSO WISH TO STORE FOR FIRE PROTECTION USE.

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. →

R-8777

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): _____

☐ 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."**

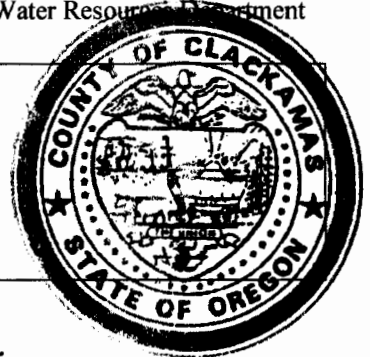
Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being 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.

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR



Name: Rebecca Ceniga Title: Planner
 Signature: Rebecca Ceniga Phone: 503 742 4500 Date: 3/6/14
 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: _____

R-8777

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:

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:

Limit storage season to Nov 1st to May 31st.

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

☒ NO

☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Amy J. Lin

Date:

3/4/14

WRD Contact:

Caseworker:

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

RECEIVED BY OWRD

MAY 07 2014

NOTE: This completed form must be returned to the applicant

SALEM, OR

R-8877

ODFW Alternate Reservoir Application Review Sheet

Cell 541-351-5570

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Craig Martinmaas 503 862-8963
craigmartinmaas@gmail.com

P.O. Box 310 (18425 Upper Highland Rd.) Beaver Creek, OR 97004

Reservoir Name: McCuller's Pond Source: Spring Volume (AF): 6.8

Twp Rng Sec QQ: _____ Basin Name: _____ ☐ 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 AO¹ 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 NMF² 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 project pose any other significant detrimental impact to an existing fishery resource locally or downstream? ☐ 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.

¹ 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)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

RECEIVED BY OWRD

MAY 07 2014

R-87977

SALEM, OR

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)

ODFW Signature:

Ben Walczak

Print Name:

Ben Walczak

ODFW Title:

Assistant District Fish Biologist

Date:

04/18/14

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

Revised 10/4/12

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR

R-87877

5/12/11
57

38

PACIFIC NW TITLE 1169600 88



After recording return to:
Craig A. Martinmaas and Victoria A. Martinmaas
PO Box 3
Umpqua, OR 97486
Until a change is requested all tax statements shall be sent to the following address:
Craig A. Martinmaas and Victoria A. Martinmaas
PO Box 3
Umpqua, OR 97486
File No.: 04-1169600 (JRW)
Date: September 12, 2011

Clackamas County Official Records
Sherry Hall, County Clerk

2011-052690



\$67.00

01523004201100526900030032

09/16/2011 01:04:41 PM

D-D Cnt=1 Stn=8 LESLIE
\$15.00 \$10.00 \$16.00 \$16.00

STATUTORY WARRANTY DEED

Kenneth F. Leek, Sr., trustee of the Tonahlee Ltd Trust, dated 1-11-2007, Grantor, conveys and warrants to Craig A. Martinmaas and Victoria A. Martinmaas, husband and wife, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Fiscal year 2011-12 real property taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$177,000.00**. (Here comply with requirements of ORS 93.030)

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR

Page 1 of 3

R-87877

APN: 01044854

Statutory Warranty Deed
- continued

File No.: 04-1169600 (JRW)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 13th day of September, 2011.

Tonahlee LTD, a business trust

Kenneth F. Leek, Sr Trustee
By: Kenneth F. Leek, Sr, Trustee

STATE OF Oregon)
County of Clackamas) ss.

This instrument was acknowledged before me on this 13th day of September, 2011
by Kenneth F. Leek, Sr as Trustee of Tonahlee LTD, on behalf of the business trust.



Julie R Wright
Julie R Wright
Notary Public for Oregon
My commission expires: 4-24-12

RECEIVED BY OWRD

MAY 07 2014

Page 2 of 3

SALEM, OR

2

R-87877

APN: 01044854

Statutory Warranty Deed
- continued

File No.: 04-1169600 (JRW)

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PART OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 6; THENCE NORTH ALONG THE ONE-QUARTER SECTION LINE 465 FEET; THENCE WEST 500 FEET; THENCE SOUTH 465 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 6; THENCE EAST 500 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR

③

R-87877

John McCuller
1424 N.E. 157th Ave.
Portland, OR 97230
April 29, 2014

Oregon Water Resources Dept.
725 Summer St. N.E.
Salem, OR 97301-1266

To whom it may concern:

This letter is to certify that I am the owner of tax lot #400 in Clackamas County. My property lies adjacent to tax lot #405 currently owned by Craig and Vicky Martinmaas.

Mr. and Mrs. Martinmaas have my permission to have the pond on their property abut and encroach my property
I further approve of Mr. and Mrs. Martinmaas' application for water rights and permit to store water in said pond.

Thank You,


John McCuller

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR

R-87777



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Watermaster, District #20

1678 S. Beaver Creek Rd. Suite L

Oregon City, OR 97045

(503) 722-1410

FAX (503) 722-5926

March 5, 2014

Amy Kim, District 20 Watermaster, helped complete this water right application. Please contact Amy Kim before returning this water right application due to any missing information or discrepancies.

Thank you,

Amy Kim

503-722-1410 - office

503-780-0252 - cell

RECEIVED BY OWRD

MAY 07 2014

SALEM, OR

R-8777

