

D. Reservoir Location

Meridian (N or S)	Range (E or W)	Section	Quarter (NW, NE, SW, SE)	Box lot number
3 South	1 East	6	NWSE	1400

E. **Dam:** Maximum height of dam: 20 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: 5

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 Use

5. PROPERTY OWNERSHIP

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:

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R-88109

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? .5 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.

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7. WITHIN A DISTRICT

SALEM, OR

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 NA	Address	
City Wilsonville	State	Zip

8. DESCRIPTION

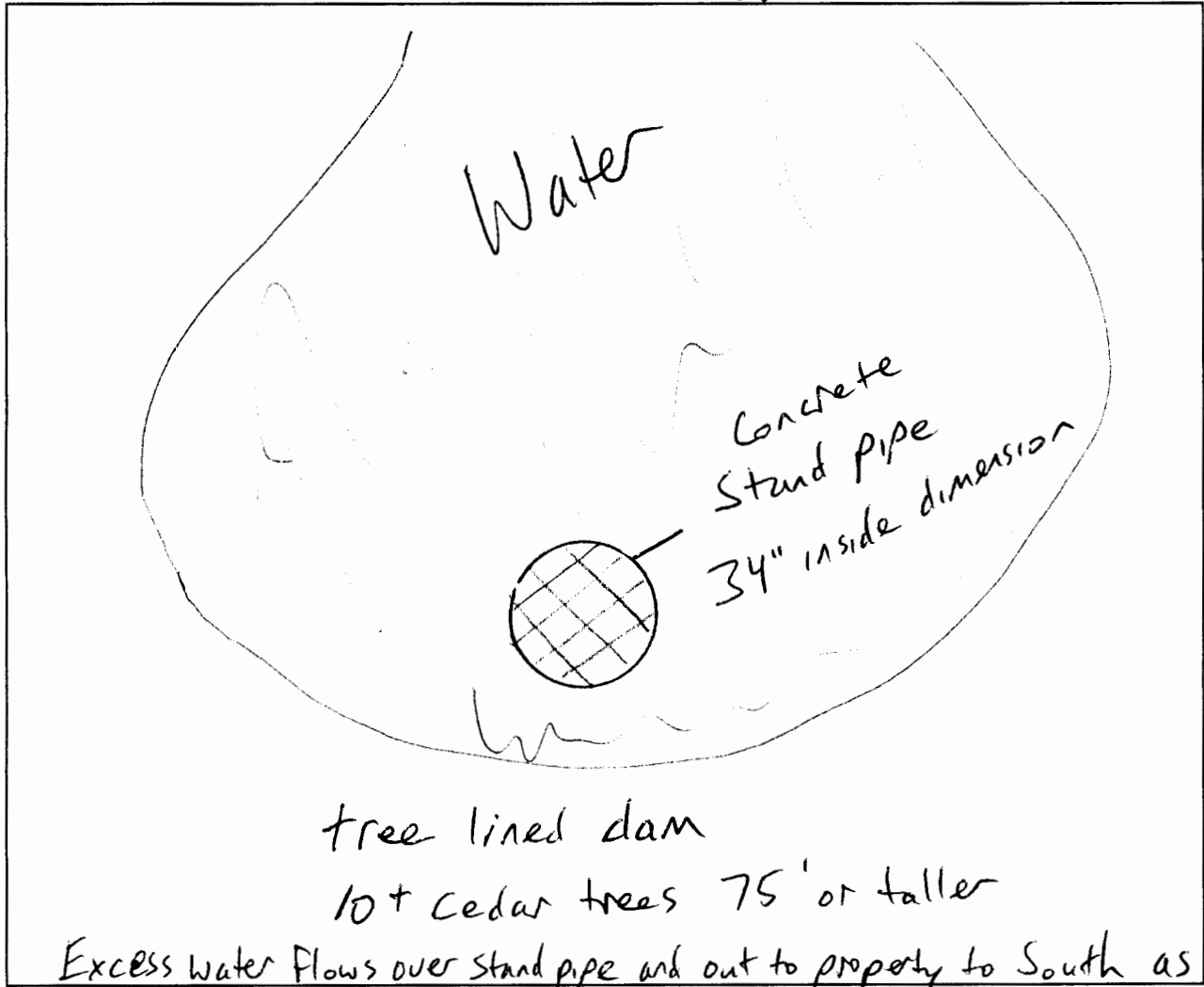
Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The reservoir has a preexisting dam in place that is approximately 20' at the highest point. The dam is approximately 60' wide and has 75'+ cedar trees along the top. There is a 15' stand pipe near the dam that acts as the outlet for water flow. The stand pipe has an inside dimension of 34" that allows water to flow out of reservoir to an existing pipe that was installed under the dam years ago. There is a debris gate on the stand pipe to keep large debris³ out.

* See attached Additional Comments page. *

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).

Not to Scale



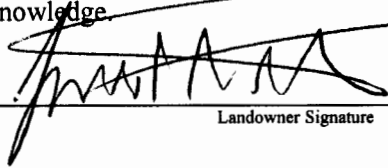
tree lined dam

10+ cedar trees 75' or taller

Excess water flows over stand pipe and out to property to South as it always has,

9. SIGNATURE

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



Landowner Signature

7/14/15

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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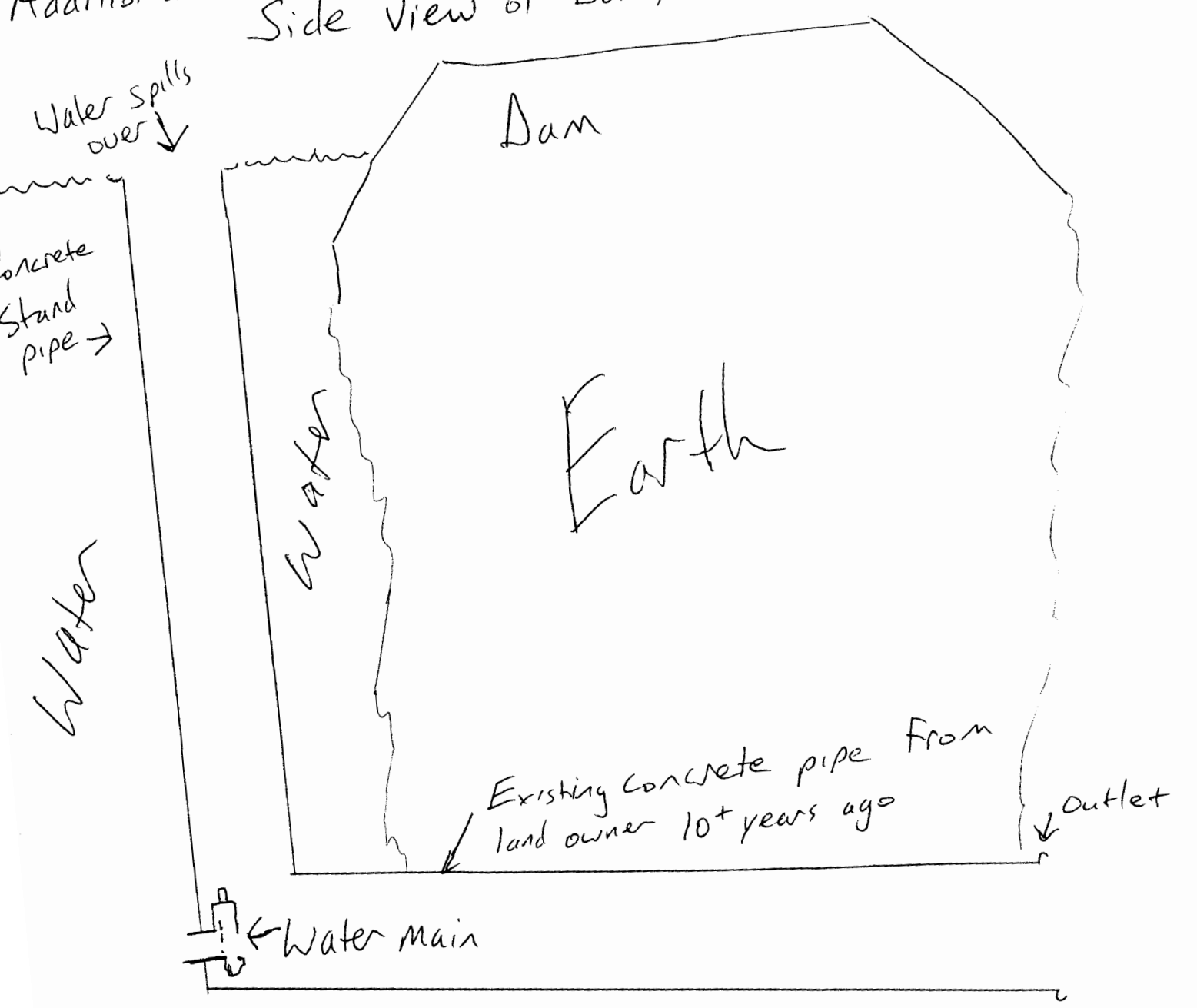
4

SALEM, OR

R-88109

Jonathan Todd - Sanford Hall Reservoir

Additional Comments for Section 8, Description
Side view of Dam, Stand Pipe, Release Valve



There is an 8" water main valve that can be opened to allow live flow outside of the authorized storage season.

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SALEM, OR

R-00109

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Jonathan and Lindsay Todd 5422 SW Eastgate DR Willsonville OR 97070

Reservoir Name: _____ Source: Runoff, Unnamed Stream Volume (AF): 5

Twp Rng Sec QQ: 3S1E6NWSE TL 1400 Basin Name: Willamette 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) 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 June 1st through Oct 31st 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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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)

R-88109

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: Jonathan and Lindsay Todd
First Last

Mailing Address: 5422 SW Eastgate DR

Wilsonville OR 97070 Daytime Phone: 503-219-6990
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:
3 South	1 East	6	NWSE	1400		<input checked="" type="checkbox"/> Diverted	<input checked="" 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, and/or used or developed:

Clackamas

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) Runoff/Unnamed Stream

Estimated quantity of water needed: 5 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 Multipurpose Use

Briefly describe:

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

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:	
RIVER & STREAM CONSERVATION AREA PERMIT	SECTION 70A	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
MODIFICATION OF SUBDIVISION APPROVAL	SECTION 1002	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
GOAL 5 APPLICATION	VARIOUS	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" 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.

ONE OR MORE OF THE ABOVE LAND USE APPROVALS ARE REQUIRED TO AUTHORIZE THIS PROJECT. NO LAND USE APPLICATIONS HAVE BEEN SUBMITTED TO DATE. COUNTY ALSO RECOMMEND OWRD CONSULT WITH DSL REGARDING IMPACTS TO JURISDICTIONAL WETLANDS ALONG NEWLAND CREEK.

Name: MIKE McCALLISTER Title: PLANNING DIRECTOR

Signature: Mike McCallister Phone: 503-742-9522 Date: 7-1-15

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: _____

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SALEM, OR

R-9809

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County Clackamas
Priority Date _____ Township 3 South Range 1 East Section 6 Taxlot 1400
Use Multipurpose Use Caseworker _____
Amount (AF) _____ Watermaster Joel Plahn

Minimum Requirements (ORS 537.409)

- Completed Watermaster review sheet** signed and dated by Watermaster.
Will the reservoir injure an existing water right? YES NO
If YES, can conditions be applied to mitigate the injury? YES NO **If NO, return the application.**
Did the watermaster determine when water is available for the proposed use? YES NO
The Watermaster review sheet must have been completed within the last 6 months.
If the watermaster determined that water is NOT available, return the application.
 - Completed ODFW review sheet** signed and dated by ODFW representative.
Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
If YES, can conditions be applied to mitigate the impact? YES NO **If NO, return the application.**
The ODFW review sheet must have been completed within the last 6 months.
 - Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.
 - Landowner Name, Mailing Address** and Telephone Number.
 - Source** and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**
 - Reservoir Location**- Township, Range, Section, Quarter Quarter, Taxlot
 - Dam height**, if applicable
 - Total Quantity** of Storage Requested: _____
 - Proposed Use of the water....** Cannot accept application for use of this stored water at the same time (E2)
 - Property ownership indicated?** If applicant does not own all the land is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
 - Provide the **legal description** of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance to meet this requirement
 - Environmental Impact** section completed?
 - Application signed by the landowner(s)?** All parties noted as applicants must sign the application.
Must be an original "wet" signature.
 - Acceptable map ** Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - Scale of the Map (not less than 1" = 1320') **
 - Reference corner on map
 - North Directional Symbol **
 - 1/4's clearly identified
 - Reservoir clearly identified **
 - Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**
 - Fees enclosed**? Examination: Base Fee\$ 350 Permit Recording Fee\$ 450
plus\$ 150
plus\$ _____
- Total Paid \$** _____ **Total Fees \$** 950
- Completeness Check by: _____ Date: _____

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Jonathan Todd

From: PLAHN Joel M <joel.m.plahn@state.or.us>
Sent: Monday, July 13, 2015 2:52 PM
To: Joel Plahn; Wendie Kellington
Cc: Jonathan Todd; PIERCEALL Jeffrey D
Subject: RE: County LUCS decision

Hello Wendie and Jonathan,

Thank you for keeping me updated on this situation. I have spoken to the Water Rights Manager Tim Wallin and he agreed you can submit the water right application with the Land Use Form that is currently completed by the County. Once the application is submitted the application is placed on a 60-day comment period. When the comment period ends the Department can proceed with processing the application. Since it may take some time to work things out with the county I recommend requesting the Department take no further action until the Land Use issue is resolved. For now please submit the water right application, a copy of this email and include all the documents you just emailed me. If you would like I can review the application before you mail it, to ensure all the information is present.

Thanks, Joel Plahn

District 16 Watermaster
503-986-0889 Office
503-508-2394 Cell
725 Summer St NE, Suite A
Salem, OR 97301

From: Wendie Kellington [<mailto:wk@klgpc.com>]
Sent: Monday, July 13, 2015 2:24 PM
To: Joel Plahn
Cc: Jonathan Todd
Subject: County LUCS decision

Hi Joel,

Per your request, attached is a copy of the county's LUCS decision. As you and I discussed, Jonathan has appealed the county LUCS both locally and at LUBA. Those documents are also attached FYI. We've spoken with county counsel about the planning department's action (or more accurately lack of action) and sincerely hope to resolve this short of litigation. In my 32 years of doing this work this is among the most inexplicable of the things I have seen. The county should have had no trouble approving this. Anyway, we will keep you posted and, of course, please feel free to call with any questions. Thank you for your courtesies. Best, Wendie



Wendie L. Kellington | Attorney at Law.
P.O. Box 159
Lake Oswego Or
97034
(503) 636-0069 office
(503) 636-0102 fax

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SALEM, OR



KELLINGTON
LAW GROUP, PC

Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

July 9, 2015

Via CERTIFIED FIRST CLASS U.S. MAIL
Land Use Board of Appeals
775 Summer Street NE Suite 330
Salem, OR 97301-1283

Re: Jonathan Todd v. Clackamas County, LUBA No. _____

Dear Clerk:

Enclosed please find for filing, an original and two copies of a NOTICE OF INTENT TO APPEAL in the above referenced matter as well as a check for \$400.00. Thank you for your courtesies.

Very truly yours,

Wendie L. Kellington

WLK:wlk

Enclosures

CC: Client

Nate Boderman, Esq.

John Ludlow, Chairman Clackamas County Board of Commissioners

Oregon Water Resources Department

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SALEM, OR

1 Wendie L. Kellington
2 Attorney at Law
3 P.O. Box 159
4 Lake Oswego, OR 97034.
5 (503) 636-0069

6 III.

7 Respondent, Clackamas County, has as its mailing address and telephone
8 number:

9 Clackamas County Board of Commissioners
10 Chairman John Ludlow
11 2051 Kaen Rd.
12 Oregon City, OR 97045
13 (503) 655-8581

14 and has, as its legal counsel:

15 Nate Boderman, Esq
16 Office of County Counsel
17 2051 Kaen Road
18 Oregon City, OR 97045
19 (503)-655-8362

20 IV.

21 Applicant, Jonathan Todd, was represented in the preceding below by:

22 Wendie L. Kellington
23 Attorney at Law
24 P.O. Box 159
25 Lake Oswego, OR 97034.
26 (503) 636-0069

27 Other persons mailed written notice of the land use decision or limited land
28 use decision by Clackamas County, as indicated by its records in this matter include:

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

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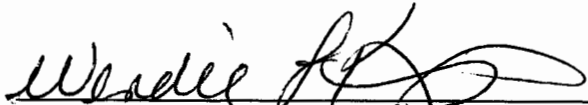
JUL 17 2015

SALEM, OR

1 NOTICE:

2 Anyone designated in paragraph IV of this Notice who desires to participate
3 as a party in this case before the Land Use Board of Appeals must file with the Board
4 a Motion to Intervene in this proceeding as required by OAR 661-10-050.
5

6 DATED this 9th day of July, 2015.

7
8 
9 _____
10 Wendie L. Kellington; OSB 83-258
11 Kellington Law Group PC
12 Of Attorneys for Petitioner Jonathan Todd
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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2015, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by U.S. CERTIFIED FIRST CLASS MAIL.

Dated: July 9, 2015



Wendie L. Kellington; OSB 83-258
Kellington Law Group PC
Of Attorneys for Petitioner Jonathan Todd

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Certificate of Filing

I hereby certify that on July 9, 2015, I filed the original of this NOTICE OF INTENT TO APPEAL, together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330 Salem, Oregon 97301-1283 by CERTIFIED U.S. FIRST CLASS MAIL.

Dated this 9th day of July, 2015


Wendie L. Kellington; OSB 83-258
Kellington Law Group PC
Of Attorneys for Petitioner Jonathan Todd

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JUL 17 2015

SALEM, OR

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

RECEIVED
JUL 01 2015
 BY: _____

Applicant: Jonathan and Lindsay
First

Todd
Last

Mailing Address: 5422 SW Eastgate DR

Wilsonville OR 97070 Daytime Phone: 503-219-6990
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:
3 South	1 East	6	NWSE	1400		<input checked="" type="checkbox"/> Diverted	<input checked="" 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, and/or used or developed:

Clackamas

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) Runoff/Unnamed Stream

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 Multipurpose Use

Briefly describe:

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

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:	
RIVER & STREAM CONSERVATION AREA PERMIT	SECTION 704	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
MODIFICATION OF SUBDIVISION APPROVAL	SECTION 1002	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
GOAL 5 APPLICATION	VARIOUS	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" 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.

ONE OR MORE OF THE ABOVE LAND USE APPROVALS ARE REQUIRED TO AUTHORIZE THIS PROJECT. NO LAND USE APPLICATIONS HAVE BEEN SUBMITTED TO DATE. COUNTY ALSO RECOMMEND OWRD CONSULT WITH DSL REGARDING IMPACTS TO JURISDICTIONAL WETLANDS ALONG NEWLAND CREEK.

Name: MICHAEL McCALLISTER Title: PLANNING DIRECTOR
 Signature: [Signature] Phone: 503-742-4522 Date: 7-1-15
 Government Entity: CLATSOP COUNTY

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: **RECEIVED BY OWRD**

JUL 17 2015

SALEM, OR



KELLINGTON
LAW GROUP, PC

Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

July 8, 2015

Via HAND DELIVERY
Clackamas County Planning and Zoning Division
Department of Transportation and Development
150 Beavercreek Road
Oregon City, Oregon 97045

RE: Jonathan Todd Appeal of Planning Director Decision

Dear Clerk:

Attached please find the appeal of the attached Planning Director determination as well as a check for \$250.00. If you have any questions, please feel free to contact us.

Very truly yours,

Edward E. DeMott

WLK:wlk
Enclosure
CC: Jonathan Todd

RECEIVED BY OWRD

JUL 17 2015

SALEM, OR



CLACKAMAS COUNTY PLANNING AND ZONING DIVISION
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045
503-742-4500 | ZONINGINFO@CLACKAMAS.US

APPEAL FORM

An appeal of the Planning Director's decision or any condition of approval on a Type II application causes the application to be reviewed *de novo* by the Land Use Hearings Officer, or in the case of an application for an interpretation of the Comprehensive Plan, by the Planning Commission.* In a *de novo* proceeding, all criteria and standards relevant to the application will be reviewed. Conditions of approval may be modified or new conditions added.

STAFF USE ONLY

Date Received: _____ Hearing Date: _____
 Fee: ~~\$250.00~~ Received by: _____
 File number being appealed: NONE Given by county. Challenged dec. is attached
 Date of decision being appealed: July 1, 2015
 Name of original applicant: Jonathan Todd OWRD
 Original applicant's request: Approve Permitted use box & re-veg plan for LWCS
 Nature of decision being appealed (approved or denied): The county refused to approve Oreg. Water Res. Dept.
 Appellant's name: Jonathan Todd Phone: 219-6990
 * Mailing address: 5422 SW OREGON DR

Appealing for the following reason(s): see attached Stmt of reasons
& mail notice & all correspondence to appellant's attorney
Wendie Kellington PO Box 159 Lake Oswego, OR 97034 (503) 636-0068

TO BE COMPLETED WHEN FILED BY COMMUNITY PLANNING ORGANIZATION (CPO)

1. What was the date of the CPO meeting authorizing this appeal?	_____		
2. What kind of meeting was held?	General _____	Board _____	Other _____
3. What was the vote on this appeal?	For: _____	Against: _____	Abstain: _____

The foregoing statements made are in all respects true and correct to the best of my knowledge and belief.

Dated this 8 day of July, 2015

Appellant's signature: [Signature]

*An appeal of the Planning Commission's decision on an interpretation of the Comprehensive Plan causes the application to be reviewed *de novo* by the Board of County Commissioners. An appeal of the Land Use Hearings Officer's decision on an application for an interpretation of the Zoning and Development Ordinance causes the application to be reviewed *de novo* by the Board of County Commissioners, if the Board chooses to review the decision.

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JUL 17 2015

Appeal of Planning Director Interpretation
July 7, 2015
Jonathan Todd, Property Owner and Appellant

I. Nature of the Appealed Decision:

The decision being appealed here is a Planning Director's decision attached as Exhibit 1 on Appellants application for an Oregon Water Resources Department (OWRD) "Land Use Information Form" (hereinafter referred to as LUCS) to restore a pond in a residential subdivision located in the county, but that is outside of the Metro jurisdictional boundary. The challenged director's decision is hereafter referred to as "challenged decision". The challenged decision erroneously claims that for the property owner to restore the pond on the subject property that "one or more of the above land use approvals are required to authorize this project" and that "No land use applications have been submitted to date." The challenged decision further erroneously determines the following land use approvals are needed: "River and Stream Conservation Area Permit" under "Section 704"; a "Modification of subdivision approval" per "Section 1002", and "Goal 5 application" per "various".

II. Facts:

On June 22, 2015, Appellant submitted an application for a county land use decision approving an OWR division land use compatibility statement for a pond. The pond is on private property zoned RRFF-5 in a county approved rural residential subdivision. The subdivision is the site of a former gravel quarry. The pond on the subject property was excavated by the former quarry operators and was used in quarry operations. For the quarry operations, the pond was likely filled by a standpipe like the one the appellant installed. When the pond fills with water, the water runs out. Nothing prevents the water from running in or out of the pond. Both ODF&W and OWRD are willing to approve the pond. OWRD awaits only the county approval of the LUCS. The applicant submitted undisputed evidence with its application that the pond improves the situation for area wildlife and that the vast majority of the vegetation removed in and around the pond was nonnative. The subject property is not on any published county map shown as a "River and Stream Conservation Area." There is no indication on any published or acknowledged land use regulation or plan provision that the subject property is subject to the "River and Stream Conservation Area" rules.

III. Record for this Appeal:

The record for this appeal consists of the application and all attachments as well as the challenged decision being appealed.

IV. Reasons for Appeal:

1. **No county land use permits or approvals are needed to approve the OWRD LUCS.**
2. **The appellant did submit a land use application to authorize the "project". The land use application was the application for the LUCS.**
3. **The county refused to approve the LUCS, which is beyond the county's authority. Put another way, the county has no basis to refuse to approve the OWRD LUCS.**

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1 | Page

JUL 17 2015

SALEM, OR

4. **Section 704 – No River and Stream Conservation Area (RSCA) permit is required:**

EXPLANATION: The county is required to make its land use and limited land use decisions in a manner that is consistent with, and based on, requirements in its acknowledged plan and land use regulations in effect at the time the application is submitted. ORS 197.175(2)(d); ORS 215.427(3)(a). Nothing in any acknowledged plan or land use regulation imposed any RSCA requirements on the subject property at the time the application was submitted, the property is clearly not in any of the areas specifically listed in the RSCA provisions. See ZDO 704.03(A). The triggers for the RSCA that are based on the “Water Protection Rule Classification Maps compiled pursuant to OAR 629-0635-000 and adopted as part of the Comprehensive Plan” do not make the subject property subject to the RSCA provisions. First, there are no maps published in OAR 629-635-000 at all. There are no maps published on the Oregon Dept. of Forestry Website. A google search for such maps turns up nothing. The point is, the Mr. Todd had no reasonable way to know that removal of non-native vegetation and allowing the pond to fill was problematic under county land use rules. Property owners are entitled to understand from published enactments what is expected of them. *Renaissance Development v. City of Lake Oswego*, 45 Or LUBA 312, 322-23 (2003). Only published land use requirements in acknowledged plans and land use regulations can be applied when the county makes land use or limited land use decisions per ORS 197.175. The RSCA provisions simply do not apply.

5. **Section 1002 – No modification of subdivision approval needed:**

EXPLANATION: The county’s apparent claim that removing nonnative blackberry and reinstalling a standpipe in a previously excavated pond on a residential subdivision lot somehow requires a modification of the residential subdivision approval, is meritless. The county makes no effort to explain the remarkable claim to the contrary and no explanation is discernable. The subdivision approval does not prohibit reinstalling the standpipe or removal of nonnative vegetation and the county does not claim otherwise. Landscaping a residential lot is allowed in a subdivision. In fact, the county code at ZDO 1009.02(C) *requires* removal of nonnative vegetation and only blackberry was removed from the pond area. As a matter of law complying with county code requirements requires modification of nothing. Moreover, the subdivision approval (which likely predates ZDO 1009.02(C)) specifically contemplates removing nonnative vegetation stating “Removal of invasive, non-native plants may be permitted by the Planning Director subject to approval of a re-vegetation and restoration plan.” The appellant submitted a professionally prepared re-vegetation and restoration plan” authored by Dr. Martin Schott which the county ignored.

6. **No Goal 5 application needed:**

EXPLANATION: The appellant has no idea what the county is claiming here. There is no such thing in the county code as “Goal 5 application” and the county made no effort to identify any applicable code sections. In fact, there are no applicable Goal 5 requirements as the county’s Goal 5 program is acknowledged and as such per ORS 197.175 the county is required to make its land use and limited land use decisions under its acknowledged plan and land use regulations. RECEIVED BY OWRD

2 JUL 17 2015

SALEM, OR

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

RECEIVED
 JUL 01 2015
 BY: _____

Applicant: Jonathan and Lindsay Todd
First Last

Mailing Address: 5422 SW Eastgate DR

Wilsonville OR 97070 Daytime Phone: 503-219-6990
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:
3 South	1 East	6	NWSE	1400		<input checked="" type="checkbox"/> Diverted <input checked="" 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, and/or used or developed:

Clackamas

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) Runoff/Unnamed Stream

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 Multipurpose Use

Briefly describe:

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

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:	
RIVER & STREAM CONSERVATION AREA PERMIT	SECTION 70A	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
MODIFICATION OF SUBDIVISION APPROVAL	SECTION 1002	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
GOAL 5 APPLICATION	VARIOUS	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" 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.

ONE OR MORE OF THE ABOVE LAND USE APPROVALS ARE REQUIRED TO AUTHORIZE THIS PROJECT. NO LAND USE APPLICATIONS HAVE BEEN SUBMITTED TO DATE. COUNTY ALSO RECOMMEND OWNED CONSULT WITH DSL REGARDING IMPACTS TO JURISDICTIONAL WETLANDS ALONG NEWLAND CREEK.

Name: MICHAEL McCALLISTER Title: PLANNING DIRECTOR

Signature: [Signature] Phone: 503-742-4522 Date: 7-1-15

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: **RECEIVED BY OWRD**

JUL 17 2015

SALEM, OR



Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

July 9, 2015

Via CERTIFIED FIRST CLASS U.S. MAIL
Land Use Board of Appeals
775 Summer Street NE Suite 330
Salem, OR 97301-1283

Re: Jonathan Todd v. Clackamas County, LUBA No. _____

Dear Clerk:

Enclosed please find for filing, an original and two copies of a NOTICE OF INTENT TO APPEAL in the above referenced matter as well as a check for \$400.00. Thank you for your courtesies.

Very truly yours,

Wendie L. Kellington

WLK:wlk

Enclosures

CC: Client

Nate Boderman, Esq.

John Ludlow, Chairman Clackamas County Board of Commissioners

Oregon Water Resources Department

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JUL 13 2015

SALEM, OR

1 Wendie L. Kellington
2 Attorney at Law
3 P.O. Box 159
4 Lake Oswego, OR 97034.
(503) 636-0069

5 III.

6 Respondent, Clackamas County, has as its mailing address and telephone
7 number:

8 Clackamas County Board of Commissioners
9 Chairman John Ludlow
10 2051 Kaen Rd.
11 Oregon City, OR 97045
(503) 655-8581

12 and has, as its legal counsel:

13 Nate Boderman, Esq
14 Office of County Counsel
15 2051 Kaen Road
16 Oregon City, OR 97045
(503)-655-8362

17 IV.

18 Applicant, Jonathan Todd, was represented in the preceding below by:

19 Wendie L. Kellington
20 Attorney at Law
21 P.O. Box 159
22 Lake Oswego, OR 97034.
(503) 636-0069

23 Other persons mailed written notice of the land use decision or limited land
24 use decision by Clackamas County, as indicated by its records in this matter include:

25
26 Oregon Water Resources Department
27 725 Summer Street NE, Suite A
28 Salem, Oregon 97301-1266

RECEIVED BY OWRD

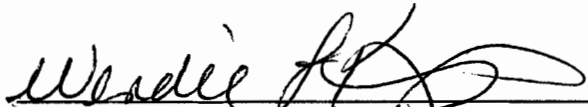
JUL 13 2015

SALEM, OR

1 NOTICE:

2 Anyone designated in paragraph IV of this Notice who desires to participate
3 as a party in this case before the Land Use Board of Appeals must file with the Board
4 a Motion to Intervene in this proceeding as required by OAR 661-10-050.
5

6 DATED this 9th day of July, 2015.

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9 _____
10 Wendie L. Kellington; OSB 83-258
11 Kellington Law Group PC
12 Of Attorneys for Petitioner Jonathan Todd
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RECEIVED BY OWRD

JUL 13 2015

SALEM, OR

1 CERTIFICATE OF SERVICE

2 I hereby certify that on July 9, 2015, I served a true and correct copy of this
3 Notice of Intent to Appeal on all persons listed in paragraphs III and IV of this Notice
4 pursuant to OAR 661-010-0015(2) by U.S. CERTIFIED FIRST CLASS MAIL.
5

6 Dated: July 9, 2015

7 

8 Wendie L. Kellington; OSB 83-258
9 Kellington Law Group PC
10 Of Attorneys for Petitioner Jonathan Todd
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JUL 13 2015

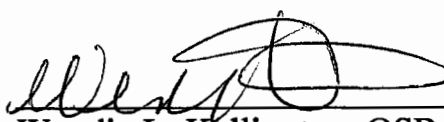
SALEM, OR

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Certificate of Filing

I hereby certify that on July 9, 2015, I filed the original of this NOTICE OF INTENT TO APPEAL, together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330 Salem, Oregon 97301-1283 by CERTIFIED U.S. FIRST CLASS MAIL.

Dated this 9th day of July, 2015



Wendie L. Kellington; OSB 83-258
Kellington Law Group PC
Of Attorneys for Petitioner Jonathan Todd

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JUL 13 2015

SALEM, OR

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

RECEIVED
JUL 01 2015
 BY: _____

Applicant: Jonathan and Lindsay
First

Todd
Last

Mailing Address: 5422 SW Eastgate DR

Wilsonville OR 97070 Daytime Phone: 503-219-6990
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.

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3 South	1 East	6	NWSE	1400		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
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List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Clackamas

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) Runoff/Unnamed Stream

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

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 Industrial
 Domestic for _____ household(s)
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 Instream
 Other Multipurpose Use

Briefly describe:

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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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."**

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Name: MIKE McCALLISTER Title: PLANNING DIRECTOR

Signature: Mike McCallister Phone: 503-742-4522 Date: 7-1-15

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: _____

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JUL 13 2015

SALEM, OR

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.

~~SEE~~
COMPLETED LUC'S
SIGNED 7-1-15

RECEIVED BY OWRD

JUL 10 2015

SALEM, OR

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: Jonathan and Lindsay Todd
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Mailing Address: 5422 SW Eastgate DR

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City State Zip

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Clackamas

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Briefly describe:

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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:	
RIVER & STREAM CONSERVATION AREA PERMIT	SECTION 709	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
MODIFICATION OF SUBDIVISION APPROVAL	SECTION 1002	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" type="checkbox"/> Not Being Pursued
GOAL 5 APPLICATION	VARIOUS	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input checked="" 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.

ONE OR MORE OF THE ABOVE LAND USE APPROVALS ARE REQUIRED TO AUTHORIZE THIS PROJECT. NO LAND USE APPLICATIONS HAVE BEEN SUBMITTED TO DATE. COUNTY ALSO RECOMMEND OWRD CONSULT WITH DSL REGARDING IMPACTS TO JURISDICTIONAL WETLANDS ALONG NEWLAND CREEK.

Name: MIKE McCALLISTER Title: PLANNING DIRECTOR

Signature: Mike McCallister Phone: 503-792-4522 Date: 7-1-15

Government Entity: CLATSOP COUNTY

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

RECEIVED BY OWRD

JUL 10 2015

SALEM, OR