

Application for a Permit to Use Surface Water



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

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Water-Use Permit Application Processing

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SALEM, OREGON

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

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Applicant Information

NAME JOHN CHILDS		PHONE (HM)	
PHONE (WK) (360) 823-9691	CELL (503) 422-5312	FAX	
ADDRESS 2825 E. FOURTH PLAIN BLVD.			
CITY VANCOUVER	STATE WA	ZIP 98661	E-MAIL *

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Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME DOANN HAMILTON/PACIFIC HYDRO-GEOLOGY, INC		PHONE (503) 632-5016	FAX (503) 632-5983
ADDRESS 18487 S. VALLEY VISTA ROAD			CELL (503) 349-6946
CITY MULINO	STATE OR	ZIP 97042	E-MAIL * PHGDMH@GMAIL.COM

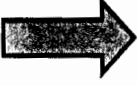
Note: Attach multiple copies as needed

* 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.)

By my signature below I confirm that I understand:

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

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

 John Childs
Applicant Signature

John Childs
Print Name and title if applicable

8-18-2015
Date

Applicant Signature

Print Name and title if applicable

Date

Revise	App. No. <u>5-8810</u>	For Department Use	Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

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

Yes **TL 3 2E 27 803, TL 3 2E 27 900, TL 3 2E 990**

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

No **TL 3 2E 27 804**

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

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

TL 3 2E 27 804
 Walter L. and Roberta V. Childs
 10300 Blake Lane
 Oakton, VA 22124
 (703) 281-5448

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You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: Reservoir (Cert 27942, Permit R-14994) Tributary to: Beaver Creek

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

B. Applications to Use Stored Water

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

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

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

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

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

SECTION 4: WATER USE

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Reservoir	Irrigation	March 1 to October 31	23.2 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only:

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

Primary: _____ Acres Supplemental: 94.9 Acres

List the Permit or Certificate number of the underlying primary water right(s): Certificate 20351, 27941, 47384, 55068

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 23.2 AF

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 30-Hp Centrifugal pump

Other means (describe): _____

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

a 30-Hp pump will be used to convey the water through an existing six-inch mainline. The mainline reduces to four-inch to the different fields.

B. Application Method

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

At each field several different irrigation methods are used, including overhead traveler (75-150 gpm) in dairy pastures, and low flow and pressure underground drip tape used on garden crops and in greenhouses (max 50 gpm).

C. Conservation

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

Irrigation will be done using best management practices to prevent waste. Best management practices will be followed to prevent impacts to surface waters and riparian habitat.

SECTION 6: RESOURCE PROTECTION

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

Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: The source for the proposed use is an off-channel, man-made reservoir. The storage permit requires an ODFW-approved fish screen at the diversion from the stream. Therefore, it is anticipated that no native fish will be present in the reservoir. Consequently, there should be no need to install fish screening at the point of diversion used to pump water from the reservoir for the proposed use.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: The point of diversion for the proposed out-of-reservoir use will be on the west bank of the reservoir, away from riparian or streamside areas. Therefore, it is anticipated there will be no excavation or clearing on the banks of the stream.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No equipment will be operated in the stream.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Best management practices will be followed to prevent erosion and run-off of waste or chemical products.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as permit is issued

Date construction will be completed: Within first year after permit issued

Date beneficial water use will begin: Within five years after permit issued

SECTION 8: 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	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

None

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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

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Applicant: John Childs
First Last

Mailing Address: 2825 E. Fourth Plain Blvd.

Vancouver WA 98661
City State Zip

Daytime Phone: (503) 422-5312 (cell)

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A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), 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:
3S	2E	27		803	<i>EFU</i>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	2E	27		900	<i>EFU</i>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	2E	27		990	<i>EFU</i>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	2E	27		804	<i>EFU</i>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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) _____

Estimated quantity of water needed: 23.2
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

Supplemental use of water stored in an existing reservoir to irrigate pasture and garden crops.

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. →

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 ** JOHN CHILDS FOR 152015. KINK RD. BEAVERCREEK, OR 97004*

- 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): **SECTION 401 - TABLE 401-1.**
- 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:	
RECEIVED		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
SEP 09 2015		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
WATER RESOURCES DEPT SALEM, OREGON		<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.

SHOULD ALSO CHECK WITH DSL, ANITA HUFFMAN TO ENSURE ANY ISSUES WITH THE MOVING OF THE CREEK BED AND ENLARGEMENT OF THE POND HAVE BEEN RESOLVED.

Name: GARY HEWITT Title: SR. PLANNER
 Signature: *[Signature]* Phone: 503-742-4519 Date: 9.2.15
 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: _____

P-00130

Pasture Lease

This lease entered into this 21st day of 2015, between Walter L. Childs Jr. and Roberta V. Childs, owner, residing at 10300 Blake Lane, Oakton, VA 22124, (Landlord), and John R. Childs, residing at 10400 SE 282nd Ave, Boring, OR 97009 (Operator).

I. Property Description. The Landlord hereby leases to the Operator, to occupy and use for agricultural and related purposes, the following described property: TL 3 2E 27 804 consisting of approximately 9 acres (but not including the house at 15211 S. Kirk Rd, Oregon City, Oregon) situated in Clackamas County, Oregon.

II. General Terms of Lease.

A. Continuing Lease. This lease shall commence on the 21st day of July 2015, and shall continue in effect from year to year thereafter (as an annual lease) unless written notice of termination is given by either party to the other at least 30 days prior to the end of any calendar year of continuation.

B. Review of Lease. A request for general review of the lease may be made by either party at least 30 days prior to the final date for giving notice to terminate the lease.

C. Amendments. Amendments and alterations to this lease shall be in writing and shall be signed by both the Landlord and Operator.

D. No partnership created. This lease shall not be deemed to give rise to a partnership relation, and neither party shall have authority to obligate the other without written consent, except as specifically provided in this lease.

E. Binding on heirs. The terms of this lease shall be binding upon the heirs, executors, administrators, and successors of both Landlord and Operator in like manner as upon the original parties, except as provided by mutual written agreement otherwise.

F. Transfer of property. If the Landlord should sell or otherwise transfer title to the farm, such action will be done subject to the provisions of this lease.

G. Right of entry. The Landlord, as well as agents and employees of the Landlord, reserve the right to enter the farm at any reasonable time for purposes: a) of consultation with the Operator; b) of making repairs, improvements, and inspections; and c) after notice of termination of the lease is given, of performing customary seasonal work, none of which is to interfere with the Operator in carrying out regular operations.

III. Operation and Maintenance

A. The Operator agrees: 1. Not to pasture livestock that continue to break through fences. 2. Not to assign rights and duties under this lease without the written consent of the Landlord.

B. Both Agree: 1. Not to obligate the other party. Neither party shall be responsible for the debts or liabilities incurred or for damages caused by the other party. 2. Responsibilities. Additional responsibilities for each party shall be divided as follows: Operator shall inspect fences not less than once per year, furnish labor for repair of fences, furnish materials for repair of fences, supervise supply of water to livestock, furnish labor for repair of water system, provide materials for repair of water system, furnish salt and minerals. 3. Irrigation Rights. Both agree that Operator has the right to irrigate the property as he desires with water obtained from his adjacent property and as allowed by State of Oregon.

IV. Rent. The Operator agrees to pay \$10.00 per year for the use of the property described in Part I.

Landlord:

Operator:

Walter L. Childs Jr.
Walter L. Childs, Jr.

John R. Childs
John R. Childs

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Roberta V. Childs

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EXHIBIT "ONE"

PARCEL I:

A tract of land in Section 27, Township 3 South, Range 2 East, of the Willamette Meridian, in Clackamas County, Oregon, described as follows: Beginning at the intersection of the West line of said Section 27 with the center line of County Road No. 365, (W.F. Kirk Road); thence East along said center road line, 750.00 feet to the Southeast corner of that tract conveyed to Eugene E. Eggleston, et ux, by deed recorded June 25, 1974, as Recorder's Fee No. 74-17595, Clackamas County Records and the true point of beginning; thence North along the East line of said Eggleston tract, 520.0 feet to the Southwest corner of that tract conveyed to John K. Rousette, et ux, by deed recorded March 26, 1974, as Recorder's Fee No. 74-7269, Clackamas County Records; thence East along the South line thereof, 790.35 feet to a point on the West line of that tract conveyed to John Rousette, et ux, by deed recorded October 29, 1968, as Recorder's Fee No. 68-22087, Clackamas County Records; thence South along said West line 520.0 feet to the center line of County Road No. 365; thence West along said center road line, 790.35 feet to the true point of beginning.

PARCEL II:

Commencing at the Northwest corner of the Southwest quarter of the Northwest quarter of Section 27, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon; thence South along the West line of said Section 27 a distance of 953.23 feet more or less, to the Northwest corner of that certain tract of land described in Contract of Sale between Clarence Gustaveson, and wife, and H. L. Kohler, and wife, recorded January 26, 1970, Recorder's Fee No. 70-1678; thence East along the most Northerly line of said Kohler tract a distance of 300 feet to a corner thereof; thence South along the line of said Kohler tract a distance of 450 feet to an angle corner thereof; thence East along the line of said Kohler tract a distance of 450 feet to the most Easterly Northeast corner thereof and the true point of beginning of the tract herein to be described; thence East along an extension of the line of said Kohler tract a distance of 60 feet; thence North parallel with the West line of said Section 27 a distance of 303 feet; thence East parallel with the North line of the South half of said Northwest quarter a distance of 730.35 feet to the East line of that certain tract of land conveyed to Clarence A. Gustaveson and wife, by deed recorded October 3, 1955 in Book 502, Page 53, Deed Records; thence South along the East line of said Gustaveson tract a distance of 1333.23 feet; thence West parallel with South line of said Gustaveson tract a distance of 790.35 feet to the East line of said Kohler tract; thence North along the East line of said Kohler tract a distance of 1030.23 feet to the true point of beginning.

PARCEL III:

Beginning at the center of Section 27, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon; thence East 20 chains; thence South 17.34 chains; thence West 22.20 chains; thence South 4.73 chains to the northeast corner of the Cemetary Tract described in Book D, page 38, Deed Records; thence West 5 chains; thence South 2.75 chains; thence West 9.30 chains to the southeast corner of a tract of land conveyed to Wm. E. Jones and wife by deed recorded August 16, 1926 in Book 185, page 274 Deed Records; thence north 41.9 chains to the northeast corner of said Jones tract; thence East 16.5 chains; thence South to the place of beginning.

EXCEPT Willamette Valley Southern right of way.

ALSO EXCEPT that parcel described in Book 493-334, and subject to the rights of the public in County Roads.

ALSO EXCEPT that parcel described in Clackamas County fee number 81-41199, recorded December 2, 1981.

ALSO EXCEPT that parcel described in Clackamas County fee number 81-41200, recorded December 2, 1981.

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