



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

Application for a Permit to Store Water in a Reservoir (Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate 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: Wayne and Amanda Staehely
First Last
Mailing Address: 29490 S Jackson RD
Canby OR 97013
City State Zip
Phone: _____
Home Work Other
Fax: amandastaehely@gmail.com E-Mail Address*: wayne@columbia-nursery.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: Emma Rose

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 stream to Bear Creek

C. County in which diversion occurs: Clackamas

App. No. <u>R-98412</u>	For Department Use Permit No. _____	Date _____
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D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
4 S	1 E	34	SWNE	1100

E. Dam: Maximum height of dam: 9 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: 9, 0

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

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

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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)

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☐ 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:

Donald and Shirleen Staehely 10825 S New Era RD Canby OR 97013

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? 38 _____ 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 NA	Address	
City Canby	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.

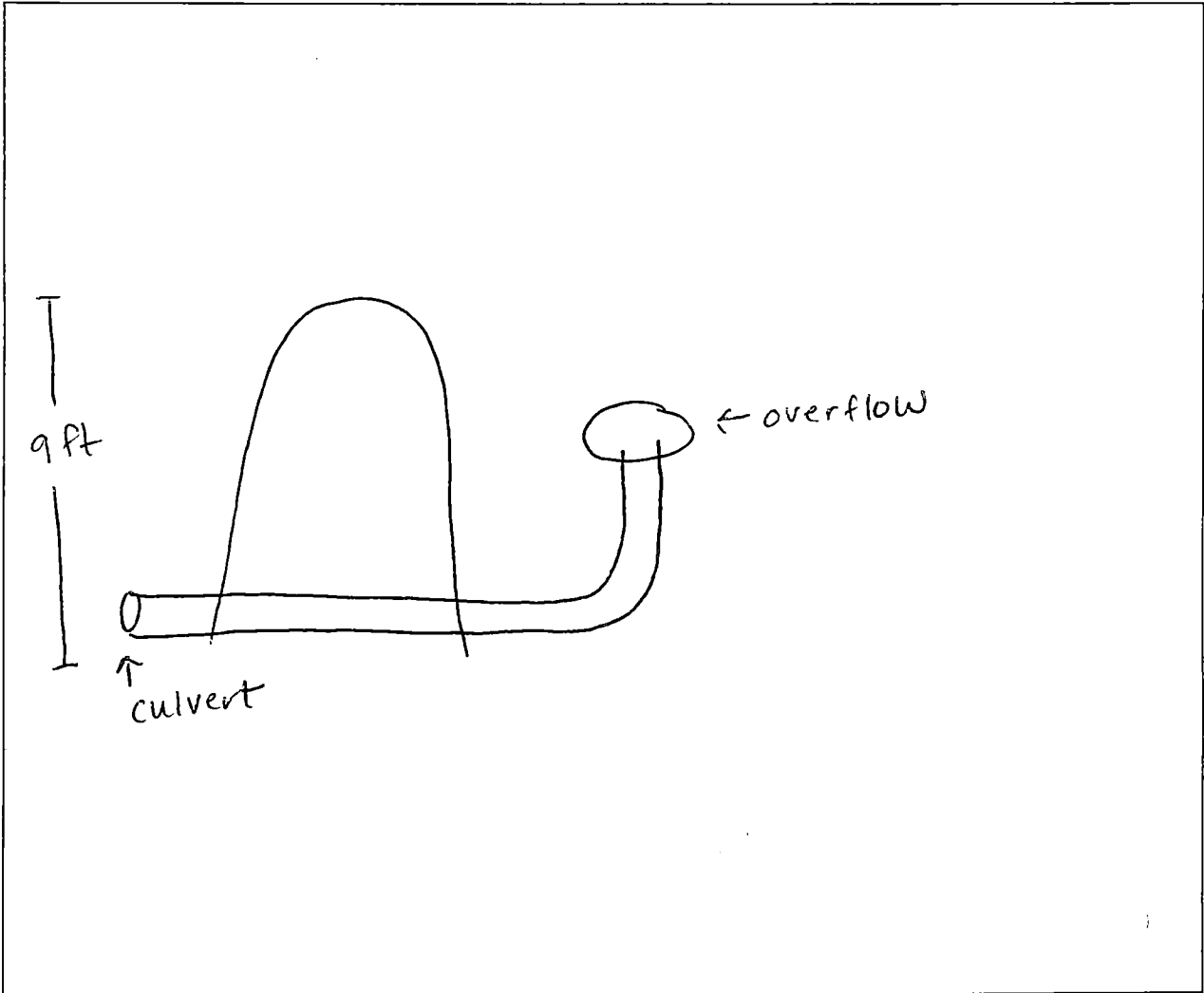
The diversion includes a culvert that the water drains into. It can be opened and closed with a gate valve.

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



9. SIGNATURE

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

Wasey H. [Signature]
Landowner Signature

7-15-2016
Date

7-15-2016

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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R-88412

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.

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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

Applicant: Wayne and Amanda Staehely
First Last

Mailing Address: 29490 S Jackson RD

Canby OR 97013 Daytime Phone: 503-320-3466
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:
4 S	1 E	34	SWNE	1100		☒ 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 County	RECEIVED BY OWRD MAY 15 2017
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B. Description of Proposed Use

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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

Estimated quantity of water needed: 9.0 ☐ 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

Briefly describe:

Obtain Water Right for existing reservoir

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): 200 Section 401.04

☐ 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.

FOR NURSERY USE - NOT FOR MARIJUANA USE

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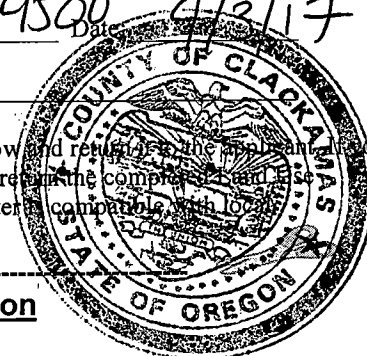
MAY 15 2017

Name: MARSHA FRITZ Title: SR. Planner SALEM, OR

Signature: [Signature] Phone: 503.742.4500 Date: 4/2/17

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: _____

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PRELIMINARY REPORT
(Continued)

Order No.: 472513512231MJM-CT42

EXHIBIT "ONE"

Parcel I:

Beginning at a point 18 chains West of the Southeast corner of the Donation Land Claim No of H. L. Dibble in Section 34, Township 4 South, Range 1 East, of the Willamette Meridian; running, thence North 40 chains; thence West 22 chains; thence South to intersection with Public County Road; thence in a Southeasterly direction along said County Road to the South line of said claim; thence East tracing said claim line to the place of beginning.

EXCEPT THEREFROM, a strip of land 1 rod wide and 16 rods long, commencing at the Northwest corner and running along the North line of said tract for road purposes heretofore conveyed to W. H. Cochran.

ALSO EXCEPTING THEREFROM the following described Tract:

Beginning at a 5/8" iron rod with a yellow plastic cap marked "DK & Assoc.", said point bears North 00° 11' 22" West 1317.24 feet and North 89° 49' 31" West 1204.86 feet from the southeast corner of Section 34, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, said point being the Southwest corner of the Kober Tract, said point also being the Southeast corner of the Germany Tract, said point being the Point of Beginning; thence along the common boundary North 00° 43' 35" East 1070.91 feet to a point, said point being a 5/8" iron rod with a yellow plastic cap marked "DK & Assoc."; thence South 00° 10' 33" East 1070.88 feet to a point, said point being located along the Northerly boundary of a tract of land recorded in Deed Document No. 97-102048 of the Clackamas County Deed Records; thence along said Northerly boundary line North 89° 49' 31" West 16.86 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that certain parcel previously conveyed to Stephen J. Germany by Special Warranty Deed dated November 23, 1987 and recorded November 23, 1987 as Recorder's Fee No. 87-52350, and which is specifically described as follows:

Beginning at a point 1967.55 feet West and 1188.93 feet North of the Southeast corner of the Donation Land Claim of H.L. Dibble in Section 34, Township 4 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence running North 200.00 feet to a point; thence West 280.00 feet; thence South 90.00 feet; thence West 470.00 feet to the center of the Molalla-Canby Road (County Road No. 95); thence Southwesterly along the center of said road, 21.92 feet; thence East 461.02 feet; thence South 90.00 feet; thence West 280.00 feet to the place of beginning.

Parcel II:

Beginning at a point 155 rods, 6 1/2 feet South of the one-quarter section corner between Sections 34 and 27, Township 4 South, Range 1 East, of the Willamette Meridian running; thence South 16 rods to the center of the Molalla-Canby Road; thence Northwesterly along the center of said road 17 rods 9 1/2 feet; thence East 7 rods, 3 feet to the place of beginning.

EXCEPT THEREFROM that portion lying within County Road No. 95.

ALSO EXCEPTING THEREFROM any portion lying within the boundaries of the following described tract:

Beginning at a point 1967.55 feet West and 1188.93 feet North of the Southeast corner of the Donation Land Claim of H.L. Dibble in Section 34, Township 4 South, Range 1 West of the Willamette Meridian, Clackamas

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PRELIMINARY REPORT
(Continued)

Order No.: 472513512231MJM-CT42

County, Oregon; thence running North 200.00 feet to a point; thence West 280.00 feet; thence South 90.00 feet; thence West 470.00 feet to the center of the Molalla-Canby Road (County Road No. 95); thence Southwesterly along the center of said road, 21.92 feet; thence East 461.02 feet; thence South 90.00 feet; thence West 280.00 feet to the place of beginning.

PARCEL III:

Commencing at a 5/8" iron rod with a yellow plastic cap marked "DK & Assoc.", said point bears North 00° 11' 22" West 1317.24 feet and North 89° 49' 31" West 1204.86 feet from the Southeast corner of Section 34, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, said point being the Southwest corner of the Kober Tract, said point also being the Southeast corner of the Germany Tract; thence along the common boundary North 00° 43' 35" East 1070.91 feet to a point, said point being a 5/8" iron rod with a yellow plastic cap marked "DK & Assoc.", said point being the True Point of Beginning; thence along said common boundary line North 10° 17' 24" East 1559.92 feet to a point, said point being a 5/8" iron rod with a yellow plastic cap marked "DK & Assoc.", said point also being located along the southerly in the City of Tualatin, County of Clackamas and State of Oregon, boundary of a tract of land Deed Parcel II of Deed Document No. 2005-077596 of Clackamas County Deed Records, said point also being the Northwest corner of said Kober Tract and also the Northeast corner of said Germany Tract; thence along said Southerly boundary North 89° 51' 26" West 12.68 feet to a point; thence South 00° 10' 33" East 1559.94 feet to the True Point of Beginning.

PARCEL IV:

Beginning at a point 1967.55 feet West and 1188.93 feet North of the Southeast corner of the Donation Land Claim of H.L. Dibble in Section 34, Township 4 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence running North 200.00 feet to a point; thence West 280.00 feet; thence South 90.00 feet; thence West 470.00 feet to the center of the Molalla-Canby Road (County Road No. 95); thence Southwesterly along the center of said road, 21.92 feet; thence East 461.02 feet; thence South 90.00 feet; thence West 280.00 feet to the place of beginning.

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SALEM, OR

R-88412

CHICAGO TITLE

472513512231-42

Clackamas County Official Records 2013-076576
Sherry Hall, County Clerk 11/12/2013 12:22:18 PM
D-D Cnt=1 Str=6 KARLYN \$78.00
\$15.00 \$16.00 \$10.00 \$20.00 \$17.00

RECORDING REQUESTED BY:

Chicago Title Company of Oregon
5300 SW Meadows Road, Suite 100
Lake Oswego, OR 97035

GRANTOR:

Stephen J. Germany, TRUSTEE
29490 S. Jackson Rd.
Canby, OR 97013

GRANTEE:

Donald E. Staehely and Shirleen A. Staehely,
10825 S. New Era Rd.
Canby, OR 97013

SEND TAX STATEMENTS TO:

Donald E. Staehely and Shirleen A. Staehely,
10825 S. New Era Rd.
Canby, OR 97013

AFTER RECORDING RETURN TO:

Donald E. Staehely, and Shirleen A. Staehely
10825 S. New Era Rd.
Canby, OR 97013

Escrow No: 472513512231MJM-CT42

29490 S. Jackson Road
Canby, OR 97013

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Stephen J. Germany, TRUSTEE of the Stephen J Germany Trust dated November 28, 2007 and any amendments thereto

Grantor, conveys and warrants to

Donald E. Staehely and Shirleen A. Staehely

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Parcel I:

Beginning at a point 18 chains West of the Southeast corner of the Donation Land Claim No of H. L. Dibble in Section 34, Township 4 South, Range 1 East, of the Willamette Meridian; running, thence North 40 chains; thence West 22 chains; thence South to Intersection with Public County Road; thence in a Southeasterly direction along said County Road to the South line of said claim; thence East tracing said claim line to the place of beginning.

EXCEPT THEREFROM, a strip of land 1 rod wide and 16 rods long, commencing at the Northwest corner and running along the North line of said tract for road purposes heretofore conveyed to W. H. Cochran.

ALSO EXCEPTING THEREFROM the following described Tract:

Beginning at a 5/8" iron rod with a yellow plastic cap marked "DK & Assoc.", said point bears North 00° 11' 22" West 1317.24 feet and North 89° 49' 31" West 1204.86 feet from the southeast corner of Section 34, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, said point being the Southwest corner of the Kober Tract, said point also being the Southeast corner of the Germany Tract, said point being the Point of Beginning; thence along the common boundary North 00° 43' 35" East 1070.91 feet to a point, said point being a 5/8" iron rod with a yellow plastic cap marked "DK & Assoc."; thence South 00° 10' 33" East 1070.88 feet to a point, said point being located along the Northerly boundary of a tract of land recorded in Deed

472513512231MJM-CT42
Deed (Warranty - Statutory (Individual or Corporation))

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SALEM, OR

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Document No. 97-102048 of the Clackamas County Deed Records; thence along said Northerly boundary line North 89° 49' 31" West 16.86 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that certain parcel previously conveyed to Stephen J. Germany by Special Warranty Deed dated November 23, 1987 and recorded November 23, 1987 as Recorder's Fee No. 87-52350, and which is specifically described as follows:

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Parcel II:

Beginning at a point 155 rods, 6 1/2 feet South of the one-quarter section corner between Sections 34 and 27, Township 4 South, Range 1 East, of the Willamette Meridian running; thence South 16 rods to the center of the Molalla-Canby Road; thence Northwesterly along the center of said road 17 rods 9 1/2 feet; thence East 7 rods, 3 feet to the place of beginning.

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The true consideration for this conveyance is \$800,000.00.

ENCUMBRANCES: THE LAND HAS BEEN CLASSIFIED AS FARMLAND AS DISCLOSED BY THE TAX ROLL. IF THE LAND BECOMES DISQUALIFIED SAID LAND MAY BE SUBJECT TO ADDITIONAL TAXES AND / OR PENALTIES

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE

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472513512231MJM-CT42
Deed (Warranty - Statutory (Individual or Corporation))

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SALEM, OR

R-089412

wayne

From: PLAHN Joel M <joel.m.plahn@state.or.us>
Sent: Monday, June 27, 2016 10:52 AM
To: amandastahely@gmail.com; wayne@columbia-nursery.com
Cc: PLAHN Joel M (joel.m.plahn@state.or.us); GREW Scott A
Subject: Columbia Nursery Water Right Application
Attachments: Wayne Columbia Nursery alt_res North Res.pdf; Wayne Columbia Nursery alt_res South Res.pdf; Water Right Map Columbia Nursery.pdf; Staehely_Columbia Nursery.doc

Hello,

Attached are two water right applications, one for each of your reservoirs and one ground water application. Below is a conversion for determining acre-feet stored in the reservoir. Once you complete the reservoir application email a copy to Ben Walczak at ODFW so that he can complete his review. Once the application is complete and you have the Land Use Form signed along with Ben's review you can mail the application in with a check for the fees. The fees for the ground water application are \$2,500.00 Please review the map for accuracy, if you agree with the map sign and date somewhere on the map. I would like to see these submitted by July 18, 2016. Let me know if you have any questions. I am in your area doing field work at least once a week so if you need me to stop by to answer questions I can do that.

Fees per reservoir application:

Base \$350

Each acre foot or fraction thereof \$30

Permit Recording Fee \$450

ODFW Contact is:

Ben Walczak, ODFW, 17330 SE Evelyn St, Clackamas OR 97015

Ph 971-673-6013

Fx 971-673-6071

ben.walczak@state.or.us

To determine capacity in acre-feet, use the following calculation:

$$\text{Acre-feet} = \frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$$

Thanks, Joel Plahn

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

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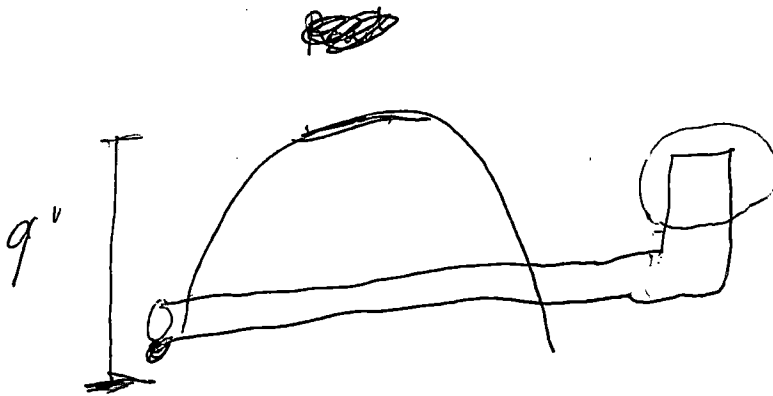
MAY 15 2017

SALEM, OR
1

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2
2500.
350
350
270
270
\$3740
pay this first
then \$900
for recording
permits

800
270
1070
1070
2500
4640



~~Sketch~~ Elevation looking West

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67-1-1

350
450
800

Appendix A

Developing your water right often entails grading trenching or other types of construction within waterways, riparian areas, and wetlands. Permits from local, state or federal agencies may be required. A good first step is to check with your local city or county planning office. The following information was provided by the Oregon Division of State Lands.

Activities in Wetlands and Waterways are Regulated by:

- The Division of State Lands (DSL) under the State Removal-Fill Law
- The U.S. Army Corps of Engineers (Corps) under the Federal Clean Water Act and Rivers and Harbors Act
- The State Department of Forestry under the Forest Practices Act
- The U.S. Natural Resource Conservation Service (NRCS) under the Food, Agriculture, Conservation and Trade Act
- Some City and County land use ordinances

What Areas are Regulated?

- Rivers streams and most creeks
- Estuaries and tidal marshes
- Lakes and some ponds
- Permanent and seasonal wetlands
- Regulations apply to all lands, public or private
- A wetland does not have to be mapped by the state or otherwise 'designated' to fall under the regulations
- If you are uncertain if there are regulated wetlands on your property, contact DSL for assistance.

What Activities are Regulated?

- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from DSL or the Corps

What Activities are Exempt

- Some routine maintenance activities
- Established, ongoing agricultural activities and grazing
- Some minor projects involving small amounts of fill or removal

How are Laws Enforced?

The best enforcement is to prevent illegal wetland alterations through information and education. However, when violations do occur, a variety of enforcement tools may be used, including restoration orders, fines of up to \$10,000 per day (DSL), civil and/or criminal charges.

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Appendix A

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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: Wayne and Amanda Staehely 4S1E34TL1100

North & South Reservoir *JP*

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:

Limited the fill season to November 1 through May 31. No meter or staff plate should be required.

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

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:



Date:

6-23-16

WRD Contact:

Caseworker:

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

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Wayne and Amanda Staehely 29490 S Jackson RD Canby OR 97013

Reservoir Name: _____ Source: Runoff Volume (AF): _____

Twp Rng Sec QQ: 4S1E Sec 34 SWNE TL 1100 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) 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 June 1st through September 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)

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

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)

052, riparian, wq; Water should only be diverted to fill the reservoir when state + Federal water quality standards + downstream instream water rights are being met. Once the reservoir is full, all line flow should be bypassed in a manner that doesn't impact water quality.

ODFW Signature: Ben Walizak

Print Name: Ben Walizak

ODFW Title: Asst. District Fish Biologist

Date: 10/14/16

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Revised 10/4/12

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Amanda Staehely <amandastaehely@gmail.com>

FW: staehely extension

2 messages

Ben Walczak <ben.walczak@state.or.us>
To: Amanda Staehely <amandastaehely@gmail.com>

Thu, May 11, 2017 at 8:12 AM

From: Ben Walczak [mailto:ben.walczak@state.or.us]
Sent: Friday, April 28, 2017 1:23 PM
To: amanda <staehely@gmail.com>
Cc: Ben Walczak <ben.walczak@state.or.us>; PLAHN Joel M <Joel.M.PLAHN@state.or.us>
Subject: staehely extension

Amanda,

After asking around Water Resources let's try this for an extension of your ODFW completed Alt. Res. Application as I couldn't find who your caseworker is.

To: Oregon Water Resources Department

Attn: Caseworker

I have worked with Ms. Staehely with regards to the attached Alternate Reservoir Application that was completed on 10/14/16. At this time nothing has changed regarding my review of the application.

If you have questions or concerns please do not hesitate to contact me,

Ben

Ben Walczak

Oregon Department of Fish and Wildlife

Assistant District Fish Biologist

North Willamette Watershed District

971-673-6013

ben.walczak@state.or.us

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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