



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Store Water in a Reservoir

(Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir storing more than 9.2 acre-feet or with a dam more than 10 feet high or for a reservoir filled with ground water.

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/publication/reports/index.shtml.

1. APPLICANT INFORMATION

Applicant: JOHN & JOSH ENYART
First Last

Mailing Address: 20803 NW REEDER ROAD.
Portland OR 97231
City State Zip

Phone: 503621-3494 503-750-4788
Home Work Other

*Fax: _____ *E-Mail Address: _____

*Optional Information

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is ENYART BOTTOMS.

2. SOURCE OF WATER for the proposed use: MCCARTHY CREEK
 a tributary of MULTNOMAH CHANNEL

Is the proposed use an enlargement of an existing dam/reservoir? YES NO

If the reservoir is not in channel of a stream, state how it is to be filled: N/A

For Department Use		
App. No. _____	Permit No. _____	Date _____
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Storage Water/1 **MAR 29 2004** Last updated: Dec 22, 2003

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3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 14 feet above streambed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other" give description: _____

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: _____

4 FLASHBOARD BAYS: (2) 4'x12', (2) 6'x12'

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel: _____

Spillway located 80' NW of FLASHBOARD DAM.
Spillway is 10 feet wide at the bottom.
5:1 SIDE SLOPES, and 2.7 feet deep (maximum).
Spillway riprap protected. Please note DAM is
designed for over toping

6. THE USE(s) of the impounded water will be: MULTI-USE Environmental

Benefit: Juvenile Salmon, waterfowl
Wetland Restoration.

7. THE AMOUNT OF WATER to be stored is: 150 + 13 = 163 acre-feet.

The area submerged by the reservoir, when filled, will be 74 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: 08/2004

Proposed date construction work will be completed: 11/2004

Proposed date water use will be completed: 1/2005

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9. PROPERTY OWNERSHIP

Are all the lands involved in the diversion, conveyance and use of water under your ownership?

YES NO

If "NO," please list the mailing addresses of the legal owners of all properties involved in the proposed development.

METRO - Open SPACES Program / LANDS
WE Have contacted Metro. They will Allow Flooding

Curt Zonick - LAND MANAGER 600 NE GRAND AVE.
PORTLAND, OR 97232

* Attach additional sheet(s) if necessary.

If you answered "NO" to question #8 above, do you have written authorization for an easement permitting access to the lands you do not own? YES NO In process

10. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

11. SIGNATURE

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.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and ...

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant: John L. Egan 2-21-04
Signature (If more than one applicant, all must sign.) Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include 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 policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Josh Enyart
 Address: 20803 NW Reeder Rd
 City: Portland State: OR Zip: 97210 Day Phone: _____

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
<u>200</u>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>300</u>		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Multnomah.

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Multi Purpose Environmental Benefit
 Briefly describe: Wetland Restoration

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water McCarthy Creek
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

163 CFS GPM Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271
 (503) 986-0900

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[Handwritten initials]

2 NW Sect 18

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Balem, OR 97301-1271
(503) 986-0900

<input type="checkbox"/> Obtained	<input checked="" type="checkbox"/> Being pursued
<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

- B. Approval: NO APPROVAL GRANTED TO DATE
Please provide printed name and written signature.

Name: _____ Date: _____
Title: _____ Phone: _____
Signature: _____

- C. Additional Comments
Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.
MULTNOMAH COUNTY IS CURRENTLY WORKING WITH FEMA TO DETERMINE WHICH LOCAL PERMITS MAY BE REQUIRED. NO APPLICATION SUBMITTED TO DATE. APPROVED PERMITS WILL MOST LIKELY BE REQUIRED PRIOR TO DEVELOPMENT.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: JOSH EWYART

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: MULTNOMAH COUNTY PLANNING
Staff contact: ADAM BARBER, PLANNER Phone: 503-988-3043

Signature: Adam Barber

DATE: 2/17/04

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WARRANTY DEED

(Statutory Form)

JUDITH M. KUJALA, as to an undivided one-half interest, DAVID E. PALMBERG, as to an undivided one-quarter interest, and MARIAN K. PALMBERG, as to an undivided one-quarter interest, all as tenants in common

GRANTOR:

CONVEYS AND WARRANTS TO

GRANTEE:

JOSHUA HAWK ENYART
as an estate in fee simple

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

Situs Address: 17622 NW St. Helens Road - Portland
Tax Account #s: R-97118-0900
R-97118-0340
R-97118-0330
R-97118-0950

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

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THIS WARRANTY DEED IS BEING RE-RECORDED TO INCLUDE EXHIBIT "B".
Originally recorded May 26, 1992 in book 2546 page 1196.

Legal description attached is for
Wetland Reserve Program Easement Only
Not entire property

TRANSAMERICA
TITLE INSURANCE
11-51491H
02-41-01

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration for this transfer stated in terms of dollars is \$ 500,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the / the whole of the (indicate which) consideration.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

DATED: March 17, 1992

GRANTOR:



OFFICIAL SEAL
ALYCE A. BURGESS
NOTARY PUBLIC - OREGON
COMMISSION NO. 000725
MY COMMISSION EXPIRES JULY 31, 1994

David E. Palmberg
Marian Kay Palmberg
Judith M. Kujala

Until a change is requested, all tax statements shall be sent to the following address:

Buyer at address below

STATE OF OREGON, County of CLATSOP ss.
Date: March 17, 1992
Personally appeared the above named David E. Palmberg
Marian Kay Palmberg & Judith M. Kujala
and acknowledged the foregoing instrument to be
their voluntary act and deed. Before me:

STATE OF OREGON, County of ss.
Date: _____
Personally appeared, _____ who being sworn, stated
that he/she is the _____ of grantor corpo-
ration and that this instrument was voluntarily signed on behalf of the corporation. Before
me:

Notary Public for Oregon
My commission expires: 7-31-94

Notary Public for Oregon
My commission expires:

WARRANTY DEED
TO
PALMBERG KUJALA
AFTER RECORDING RETURN TO
John L. Enyart
15499 SW Twinfir Road
Lake Oswego, Oregon 97035

(DON'T USE THIS
SPACE: RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE USED.)

STATE OF OREGON, County of ss.
I certify that the within instrument was received for
record on the _____ day of _____
19 _____ at _____ o'clock
M., and recorded in book _____ on page _____
Witness my hand and seal of County affixed.

County Clerk
By _____ Deputy.

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EXHIBIT "A"

Description of Easement area

Wetland Reserve Program (WRP) Conservation easement over a parcel of land owned by the grantor (Joshua Hawk Enyart), and described in Book 2549, Page 121 of Multnomah County Deed Records, said parcel of land being located in the Northwest 1/4 and Southwest 1/4 of Section 17 and the Southeast 1/4, Northwest 1/4, and Northeast 1/4 of Section 18, Township 2 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, and more particularly described as follows:

Beginning at a brass disc set in concrete located on the east line of the William Weatherbee Donation Land Claim (D.L.C.) number 58, said brass disc being a witness corner set 165 feet south of the northeast corner of said Weatherbee D.L.C. #58; Thence along said east line of the D.L.C. S00°50'25" E 1277.11 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence leaving said D.L.C. line S89°13'27"W 1005.16 feet to the northeasterly right-of-way line of the Northern Pacific Railway, said point being marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence along said right-of-way line for the following calls: A37°19'23"E 43.17 feet to the beginning of a spiral curve to the left; Thence along said spiral curve having a length of 220.68 feet, being a 100 foot northeasterly offset from a centerline spiral with a length of 225.00 feet, theta of 2°28'29", and ending radius of 2604.51 feet, the right of way spiral has a cord of S38°08'23"E 220.66 feet to the beginning of a curve to the left, marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence along said curve to the right having a radius of 2504.51 feet, whose delta angle is 6°32'43", long cord bears S43°04'14"E 285.95 feet, and whose length is 286.10 feet to the beginning of a spiral curve to the right, marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence along said spiral curve having a length of 220.68 feet, being 100 foot northeasterly offset from a centerline spiral with a length of 225.00 feet, theta of 2°28'29", and beginning radius of 2604.51 feet, the right-of-way spiral cord of S48°00'04"E 220.66 feet to the point of tangency, marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence S48°49'04"E 466.01 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence S41°10'56"W 50.00 feet to a point located 50.00 feet northeasterly from the centerline of said railway, marked by a 5/8" iron rod with a yellow cap stamped "AKS ENGR."; Thence S48°49'04"E 744.63 feet to the beginning of a spiral curve to the right, marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence along said spiral curve having a length of 232.17 feet, being a 50 foot northeasterly offset from a centerline spiral with a length of 230.00 feet, theta of 2°29'29", and ending radius of 2644.58 feet, the right-of-way spiral has a cord of S47°59'01"E 232.15 feet to the beginning of a curve to the right, marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence along said curve having a radius of 2694.58 feet, whose delta angle is 4°40'38", long chord bears S43°59'16"E 219.20 feet, and whose length is 219.96 feet to the beginning of a spiral curve to the right, marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence along said spiral curve having a length of 232.17 feet, being a 50 foot northeasterly offset from a centerline spiral with a length of 230.00 feet, theta of 2°29'29", and beginning radius of 2644.58 feet, the right-of-way spiral has a cord of S39°59'31"E 232.15 feet to a point of tangency, marked by a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence S39°09'28"E 879.88 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence leaving said northeasterly railway right-of-way line N47°39'32"E 1035.16 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence N51°02'45"W 345.77 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence N72°19'31"E 54.04 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence N03°15'03"E 507.99 feet to a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR."; Thence N45°06'04"E 132.97 feet to the top bank of the Multnomah Channel (Willamette Slough), a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR." bears S45°06'04"W 4.50 feet; Thence along the top bank of said channel the following calls: N40°40'05"W 149.88 feet; Thence N39°38'49"W 192.35 feet; Thence N31°51'01"W 195.03 feet; Thence N41°33'03"W 201.60 feet; Thence N43°03'14"W 173.44 feet; Thence N44°53'05"W

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325.23 feet; Thence $50^{\circ}17'03''\text{W}$ 276.02 feet; Thence $49^{\circ}45'33''\text{W}$ 293.88 feet; Thence $46^{\circ}53'09''\text{W}$ 426.84 feet; Thence $47^{\circ}50'47''\text{W}$ 164.26 feet; Thence $48^{\circ}08'24''\text{W}$ 423.42 feet to the intersection of the east line of D.L.C. #58 with the top bank of the river, a 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR." bears $00^{\circ}50'25''\text{E}$ 3.50 feet; Thence along said east D.L.C. line $00^{\circ}50'25''\text{E}$ 111.50 feet to the point of beginning.

EXHIBIT "B"

Beginning at a point on the northeasterly right-of-way line of Lower Columbia River Highway (U.S. #30), said point bears $37^{\circ}16'41''\text{W}$ 32.68 feet from an Oregon Department of Transportation right-of-way monument at station 283+00, 70 feet left; Thence leaving said right of way line $23^{\circ}59'20''\text{E}$ 224.74 feet to the northeasterly right-of-way line of the Northern Pacific Railway and the terminus of the centerline, said point being northerly 4.94 feet along a curve to the left having a radius of 2694.58 feet from the point of curve to spiral of said railway right-or-way, which is marked by 5/8" iron rod with a yellow plastic cap stamped "AKS ENGR.".

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Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

Sauvie Island Wildlife Area
North Willamette Wildlife District
18330 NW Sauvie Island Road
Portland, OR 97231
503-621-3488
FAX 503-621-3025

February 12, 2004

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271



To whom it may concern:

The Oregon Department of Fish and Wildlife (ODFW) is currently involved in a joint wetland restoration project that would improve wetland function, restore native plant communities, and provide improved habitat for fish and wildlife species on two wetland sites, the Burlington Bottoms and Enyart Bottoms wetlands, both located near Sauvie Island and adjacent to each other. Our project partners include Bonneville Power Administration, Ducks Unlimited, USDA-Natural Resources Conservation Service, Oregon Watershed Enhancement Board, and US Fish and Wildlife Service.

ODFW fully supports the efforts of Ducks Unlimited to restore wetland functions to the Enyart site, since it will help to restore native plant communities and remove invasive non-native plant species such as reed canary grass, and will improve wetland function and habitats for a variety of fish and wildlife, including both State and Federal listed species. Their work will also complement our on-going restoration efforts at Burlington Bottoms, which includes removal of non-native plant species and extensive planting of native species to increase habitat diversity and other values. Through our joint efforts, we will be providing benefits to a variety of fish, wildlife and habitats at both a local and regional level. Please feel free to call me if you have any questions.

Sincerely,

Sue Beilke
Wildlife Biologist

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