

 **Oregon Water Resources Department**
Alternate Reservoir Application

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For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

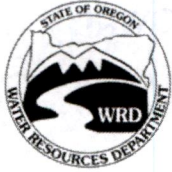
Today's Date: Friday, February 1, 2019

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	9.48	\$350.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,280.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

P-116600



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

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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: Mike Townsend
Mailing Address: 23400 NE Townsend Way
Fairview OR 97024
Phone: 503-512-1001
E-Mail Address*: mike@townsendfarms.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: Bruce Vincent
Mailing Address: Bedsaul/Vincent Consulting, LLC; 416 Laurel Ave., #3
Tillamook OR 97141
Phone: 503-407-1994
E-Mail Address*: brucevincent@embarqmail.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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Snowberry

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. Source: Boring Water Dist and surface ru Tributary to:

C. County in which diversion occurs: Clackamas

App. No. R-88688 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
2S	3 E	12	SW and SE corners	2400

E. Dam: Maximum height of dam: 9.9 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: 9.48 Acre-feet = (Average Length)(Average Width)(Average Depth) / 43,560

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) [] Yes [x] 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.

The applicant proposed to use the store water to irrigate berry crops on TL 2400 and other adjacent lots owned and farmed by Townsend Farms.

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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?

[x] Yes (please check appropriate box below then skip to section 5)

[x] 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:

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel?
- B. **Wetland:** Is the project in a wetland? Yes No Don't know
- C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? _____ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

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

Irrigation District Name Boring Water District		Address 28577 SE Wally Rd	
City Boring	State OR	Zip 97009	

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 applicant's engineer, Dan Flatz, PE, Stuntzner Engineering has included a preliminary pond design and estimate of the cut and fill for the proposed reservoir. As shown on the enclosed plans, a 487 long earthen embankment with a footprint of 0.49 acre will create a dam with a height no greater than 9.9'. The proposed 2.38 acre pond area created behind the dam will hold a maximum of 9.48 Ac./ft. of water.

The applicant is negotiating with Boring Water District to extend a water line to the subject site. Boring Water District water will be used to fill the damn, and surface water runoff during the rainy season will be used as supplemental water source to keep the dam at it's design capacity.

The pond will be used to irrigate berry crops on the subject lot, (TL 2400), and adjacent lots farmed by Townsend farms.

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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).

See attached pond plans and calculations by Dan Flatz, PE, Stuntzner Engineering

9. SIGNATURE

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

Michael E. Townsend
Applicant Signature

12-3-18
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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12-3-18

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Townsend Farms, Inc.; 23400 NE Townsend Way, Fairview, OR 97024; 503-512-1001; mike@townsendfarms.com

Reservoir Name: SANDYBERRY Source: Boring water Dist + surface run-off Volume (AF): 9.48

Twp Rng Sec QQ: T2S.R3W, SW/SE Sec. 12 Basin Name: Sandy/Boring GLA 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 July 1st through Nov 30th poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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19

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)

b5/a: The period of use has been limited to Dec 1st - June 30th
riparian
wf

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ODFW Signature: Ben Walczak Print Name: Ben Walczak

ODFW Title: Asst. Dist. Fish Biologist Date: 12/21/18

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

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised June 24, 2011

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.

futtle 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.

R. O. ...

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TOWNSEND FARMS, SNOWBERRY
PRELIM POND #11A, ESTIMATE
STIRPPING 4,485 CYD,
CORE TRENCH 1,010 CYD,

EMBANKMENT: TOE 690' FROM ROAD,
TOE 415' FROM EXISTING POND,
487' LONG, 9.9' HIGH,
FOOTPRINT 0.49 AC, VOL 4,100 CYD.

POND: AREA 2.38 AC, VOL 9.48 AC-FT.

WATERSHED 20.9 ACRES
AVE ANNUAL RAIN & RUNOFF 55 AC-FT

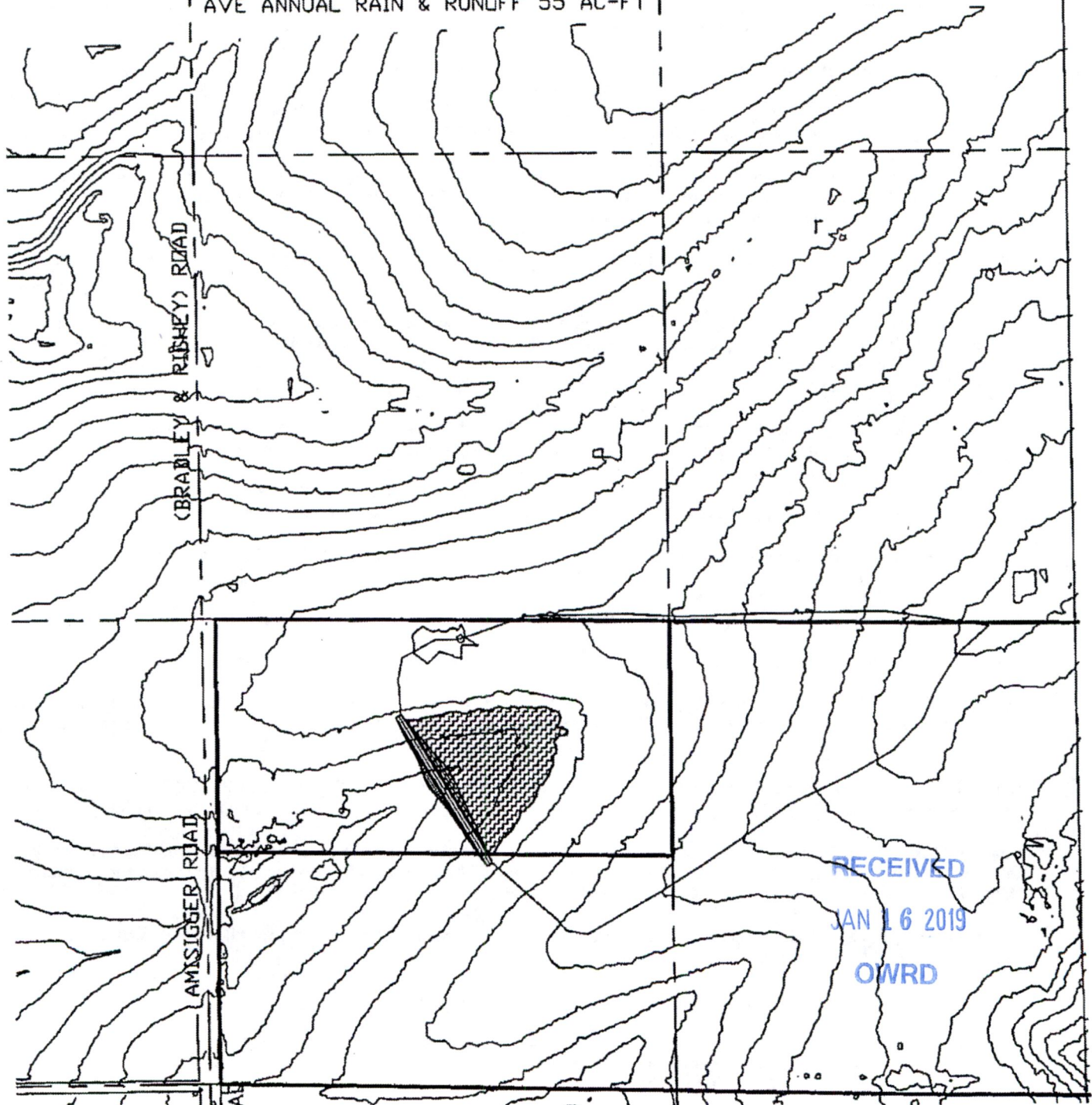
POD LOCATION:
SW/SE SECTION 12
T2S, R3W, E.W.M.
CLACKAMAS COUNTY, OR

POD, (DAM) LIES:
1,950 WEST AND
870' NORTH FROM
THE SE CORNER OF
SECTION 12

N



SCALE:
1"=400'



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: Mike Townsend

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1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

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Explain: Surface water is not available year-round for the proposed use.

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2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended: Limit storage season to November 1st through May 31st annually.

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Agency: Date:

Who: Agency: Date:

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Watermaster signature: *Cathy Quinn* Date: 12/5/2018

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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Land Use Information Form

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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.

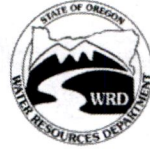
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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: MIKE First Townsend Last

Mailing Address: 23400 NE Townsend Way
Fairview City OR State 97024 Zip Daytime Phone: 503-512-1001

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:
T2S.	3 W	12	SWSE	2400	EFC	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	AGRICULTURE
						<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:

Clatsop County

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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) surface run-off on TL 2400

Estimated quantity of water needed: 9.48 ac. ft. 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:

THE APPLICANT will use Boring Water Dist. water + surface run-off to fill proposed 9.48 ac. ft. pond on subject site (TL 2400), to irrigate Townsend Farms berry crops on site + adjacent lots.

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.

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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): Section 401, EFD District, Clackamas County Zoning and Development Ord.
- 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	
		<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
		<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
		<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.

Name: Rick McIntire Title: SA, Planner
 Signature: [Signature] Phone: 503-742-4516 Date: 12/04/18
 Government Entity: Clackamas Co. Planning and Zoning Division

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

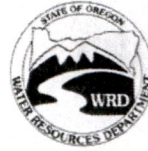
Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Land Use Information Form



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725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
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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: MIKE Townsend
First Last

Mailing Address: 23400 NE Townsend Way
Fairview OR 97024 Daytime Phone: 503-512-1001
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:
T25.	3 E	12	SWSE	2400	EFC	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	AGRICULTURE
						<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:

Clatsop County **RECEIVED**
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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) surface run-off on TL 2400

Estimated quantity of water needed: 9.48 ac. ft.
 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:
 THE APPLICANT will use Boring Water Dist. water + surface run-off to fill proposed 9.48 ac. ft. pond on subject site (TL 2400), to irrigate Townsend Farms berry crops on site + adjacent lots.

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.

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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): Section 401, EFU District, Clackamas County Zoning and Development Ord.
- 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	
		<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
		<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
		<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.

Name: Rich McIntire Title: SA, Planner
 Signature: [Signature] Phone: 503-742-4516 Date: 12/04/18
 Government Entity: Clackamas Co. Planning and Zoning Division

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

R. Garcia

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COPY



After recording return to:
Townsend Farms, Inc.
23400 NE Townsend Way
Fairview, OR 97024

THIS SPACE RESERVED FOR RECORDER'S USE	
Clackamas County Official Records Sherry Hall, County Clerk	2015-084579
	12/23/2015 01:42:58 PM
D-D Cnt=1 Stn=8 CINDY	
\$140.00 \$16.00 \$10.00 \$20.00 \$22.00	\$208.00

Until a change is requested all tax statements shall be sent to the following address:
Townsend Farms, Inc.
23400 NE Townsend Way
Fairview, OR 97024

File No.: 7012-2565389 (DJH)
Date: December 01, 2015

FIRST AMERICAN 2565389-AR

STATUTORY WARRANTY DEED

Carl L. Aschoff and Margaret A. Aschoff, as tenants by the entirety; Tammy Pearson and Lori Aschoff, Trustees of The Rosepetel Trust executed February 6, 1997 and Carl L. Aschoff as Manager of the Rosepetel Trust executed February 6, 1997., Grantor, conveys and warrants to Townsend Farms, Inc., an Oregon Corporation, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

PARCEL 1: TL 2400, MAP 23E12 19.55Ac.

The West one-half of the Southwest one-quarter of Section 7, Township 2 South, Range 4 East of the Willamette Meridian, in the County of Clackamas and Slate of Oregon.

EXCEPTING THEREFROM that portion conveyed to Emil A. Kociemba, et ux, by Deed recorded December 8, 1950, in Book 439, page 269, Clackamas County Deed Records;

ALSO EXCEPTING THEREFROM the North 844 feet of said West one-half of the Southwester one-quarter; ALSO EXCEPTING THEREFROM that portion conveyed to Fredrick W. Foley, et ux, by Deed recorded May 3, 1976, Fee No. 76 13803.

TOGETHER WITH an easement for roadway purposes being 50 feet in width, granted by Easement recorded December 16, 1971, Fee No. 71 35338, described as follows:

R-88628

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APN: 00650726

Statutory Warranty Deed
- continued

File No.: 7012-2565389 (DJH)

Beginning at the Northeast corner of the West one-half of the Southwest one-quarter of Section 7, Township 2 South, Range 4 East of the Willamette Meridian; thence West along the North line of said West one-half, 230 feet to a point; thence South parallel with the East line of said West one-half, 844 feet to a point; thence East 50 feet to a point; thence North parallel with the East line of said West one-half 794 feet; thence East parallel with the North line of said West one-half 180 feet to a point; thence North 50 feet to the point of beginning.

PARCEL II: TL 3500, MAP 23E12 59.55 AC.

The North one-half of the Southwest one-quarter of the Southeast one-quarter of Section 12, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

PARCEL III: TL 1801, MAP 24E07 42.15 AC

The South one-half of the Southeast one-quarter of Section 12, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM the North one-half of the Southwest one-quarter of the Southeast one-quarter of Section 12, Township 2 South, Range 3 East of the Willamette Meridian.

PARCEL IV:

A tract of land situated in the Northwest one-quarter of Section 13, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northwest corner of Section 13, Township 2 South, Range 3 East, of the Willamette Meridian, running thence East along the North line of Section 13, 20 chains; thence South 20 chains; thence West 20 chains; thence North 20 chains to the place of beginning.

EXCEPT a 8 foot wide strip on the East margin of said premises for a right of way to Hazelwood Cemetery, as described in Deed recorded November 27, 1903 in Book 89, page 64, Deed Records.

EXCEPTING that portion lying and being within the boundaries of County and public roads.

PARCEL V:

Beginning at a point 20 chains South of the northwest corner of Section 13, Township 2 south, Range 3 East, of the Willamette Meridian; thence East 20 chains; thence South 20 chains; thence West 20 chains; thence North 20 chains to the place of beginning.

EXCEPTING that portion thereof in the Cemetery, including an 8 foot strip as described in Deed dated November 4, 1903, and recorded November 27, 1903, in Book 89, Page 64, Deed Records.

R 88679

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary West Pond #11

Preliminary Est stripping 1.0 ft

Watershed area with pond =	910,145	sf
Watershed area with pond =	20.89	ac
Est. Pond Area =	79,740	sf
Est. Pond Area =	1.83	ac
Direct annual rain (4') =	7.32	ac-ft
Annual Runoff (2.5') =	47.66	ac-ft
Total ave annual direct rain storage =	54.98	ac-ft

CL/CL ground el =	604	ft
CL/CL top of dam =	613.90	ft
Dam H =	9.9	ft
Top of Pool =	612.00	ft
Freeboard =	1.90	ft

52,525 CYD52

Length of Dam =	487	ft
10'x4' core trench area =	56	sf
10'x4' core trench vol =	27,272	cft
10'x4' core trench vol =	1,010	cyd

Footprint of Dam =	21,472	sf
Footprint of Dam =	0.493	ac
Strip volume under Dam =	795	cyd

Footprint of dam and pool =	121,100	sf
Footprint of dam and pool =	2.78	ac

Assume striping depth = 1.00 ft

strip area of pool =	2.287	ac
strip area of pool =	99,628	sf
strip volume of pool area =	3,690	cyd

Est volume of striping pool & dam =	121,100	cft
Est volume of striping pool & dam =	4,485	cyd

Calculated volume of excavation for dam =	2.54	ac-ft
Calculated volume of excavation for dam (+12%) =	86,660	cft
Calculated depth of excavation for dam =	0.87	ft

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R-88690

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary Est stripping 1.0 ft

Preliminary West Pond #11

DAM VOLUME ESTIMATE

EL	Area sf	Area ac	Δ EL	Vol cf	Vol acft	Vol cum acft
614	7,785	0.179				1.776
			2	19,345	0.444	
612	11,560	0.265				1.332
			2	24,400	0.560	
610	12,840	0.295				0.772
			2	14,000	0.321	
608	1,160	0.027				0.451
			2	8,815	0.202	
606	7,655	0.176				0.248
			2	10,815	0.248	
604	3,160	0.073				
			10			

Total = 77,375 cft
 Total = 2,866 cyd
 Total = 1.78 ac-ft

Calculated area of striping for dam = 21,472 sf
 Calculated volume of striping for dam = 795 cyd
 Calculated volume of striping for dam = 0.49 ac-ft

Volume + striping under dam = 2.27 ac-ft
 Volume + striping under dam = 98,847 cft
 Volume + striping under dam = 3,661 cyd

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Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary Est stripping 1.0 ft

Preliminary West Pond #11

POND VOLUME ESTIMATE with existing LIDAR

EL	Area sf	Area ac	Δ EL	Vol cf	Vol acft	Vol cum acft
614.0	126,745	2.910				9.401
			1	115,138	2.643	
613.0	103,530	2.377				6.758
			1	91,635	2.104	
612	79,740	1.831				4.654
			2	120,940	2.776	
610	41,200	0.946				1.878
			2	58,145	1.335	
608.0	16,945	0.389				0.543
			2	20,305	0.466	
606	3,360	0.077				0.077
			2	3,360	0.077	
604		0.000				0.000
				Total =	9.401	

	ac-ft	cyd
Est. Vol of Striping in pond =	2.29	3,690
Est Vol of Dam (& striping) =	2.27	3,661
Borrow & strip + 12% L&C =	2.54	4,100
Est. Vol of Pond With existing LIDAR =	4.65	
Total Est. Total Pond Volume =	9.48	
Top Dam EL =	614.00	
Normal Pool EL =	612.00	
EST VOL POND 11 f/topo =	4.65	7,509
EST VOL POND 11 f/borrow+strip =	2.54	4,100
EST VOL POND 11 f/strip pool =	2.29	3,690
TOTAL EST VOL STORAGE =	9.48	15,300

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R-88679

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Earth Work Summary :

Stripping (est 1 ft)	sft / cft	ac-ft	cyd	
under dam =	21,472	0.49	795	
in pond, borrow area =	99,628	2.29	3,690	
total top soil stripping =	121,100	2.78	4,485	
est. cost per cyd stripping =			\$3.50	
est. cost stripping =				\$15,698
Core trench const.	sft / cft	ac-ft	cyd	
est. vol. embankment =	27,272	0.63	1,010	
est. cost per cyd const. =			\$12.50	
est. cost embankment =				\$12,626
Embankment construction	sft / cft	ac-ft	cyd	
est. vol. embankment =	98,847	2.27	3,661	
est. cost per cyd const. =			\$4.50	
est. cost embankment =				\$16,475
Additional Excavation	sft / cft	ac-ft	cyd	
est. vol. embankment =	0	0.00	0	
est. cost per cyd const. =			\$0.00	
est. cost embankment =				\$0

Pond earthwork cost estimate = \$44,799

borrow area (pool area) = 99,628 sf

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Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary West Pond #11

Preliminary Est stripping 1.0 ft

Watershed area with pond =	910,145	sf
Watershed area with pond =	20.89	ac
Est. Pond Area =	79,740	sf
Est. Pond Area =	1.83	ac
Direct annual rain (4') =	7.32	ac-ft
Annual Runoff (2.5') =	47.66	ac-ft
Total ave annual direct rain storage =	54.98	ac-ft

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52,525 CYD52

CL/CL ground el =	604	ft
CL/CL top of dam =	613.90	ft
Dam H =	9.9	ft
Top of Pool =	612.00	ft
Freeboard =	1.90	ft

Length of Dam =	487	ft
10'x4' core trench area =	56	sf
10'x4' core trench vol =	27,272	cft
10'x4' core trench vol =	1,010	cyd

Footprint of Dam =	21,472	sf
Footprint of Dam =	0.493	ac
Strip volume under Dam =	795	cyd

Footprint of dam and pool =	121,100	sf
Footprint of dam and pool =	2.78	ac

Assume striping depth = 1.00 ft

strip area of pool =	2.287	ac
strip area of pool =	99,628	sf
strip volume of pool area =	3,690	cyd

Est volume of striping pool & dam =	121,100	cft
Est volume of striping pool & dam =	4,485	cyd

Calculated volume of excavation for dam =	2.54	ac-ft
Calculated volume of excavation for dam (+12%) =	86,660	cft
Calculated depth of excavation for dam =	0.87	ft

R-88698

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary Est stripping 1.0 ft

Preliminary West Pond #11

POND VOLUME ESTIMATE with existing LIDAR

EL	Area sf	Area ac	Δ EL	Vol cf	Vol acft	Vol cum acft
614.0	126,745	2.910				9.401
			1	115,138	2.643	
613.0	103,530	2.377				6.768
			1	91,635	2.104	
612	79,740	1.831				4.654
			2	120,940	2.776	
610	41,200	0.946				1.878
			2	58,145	1.335	
608.0	16,945	0.389				0.543
			2	20,305	0.466	
606	3,360	0.077				0.077
			2	3,360	0.077	
604		0.000				0.000
				Total =	9.401	

	ac-ft	cyd
Est. Vol of Striping in pond =	2.29	3,690
Est Vol of Dam (& striping) =	2.27	3,661
Borrow & strip + 12% L&C =	2.54	4,100
Est. Vol of Pond With existing LIDAR =	4.65	

Total Est. Total Pond Volume =	9.48
Top Dam EL =	614.00
Normal Pool EL =	612.00

EST VOL POND 11 f/topo =	4.65	7,509
EST VOL POND 11 f/borrow+strip =	2.54	4,100
EST VOL POND 11 f/strip pool =	2.29	3,690
TOTAL EST VOL STORAGE =	9.48	15,300

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Letter of Transmittal

To: DEQ NW Regional Office
From: Bruce Vincent
CC: Mike Townsend & Nathan Goodman
Date: January 21, 2019
Subject: Submittal of a DEQ 1200C permit application for an agricultural irrigation pond Townsend Farms, Inc. (Snowberry Pond)

Mailed 1/22

Enclosed please find the following for the above-cited application request:

1. Signed copy of DEQ 1200C permit application. I am the legal representative for this permit process.
2. Signed and stamped Erosion Control and Grading Permit plans prepared by Nick Blundon of Stuntzner Engineering.
3. Signed copy of Clackamas County Land Use Compatibility response and findings to the DEQ 1200C application.
4. A check, payable to the DEQ for \$2,130.00 for the 1200C new permit application fee and annual fee.

Please call or email me to confirm receipt of these filings, and mail/email to me a copy of the DEQ's fee receipt for the same.

Note that any technical questions related to the erosion control and grading plans, pond design, and specifications should be directed to Nick Blundon @ Stuntzner Engineering.

nickblundon@stuntzner.com 503-357-5717

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R-88689

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DEPARTMENT OF ENVIRONMENTAL QUALITY

APPLICATION FOR NEW NPDES GENERAL PERMIT 1200-C



State of Oregon
Department of Environmental Quality

For stormwater discharges to surface waters from construction activities disturbing one acre or more that do not meet automatic coverage requirements.

DEQ USE ONLY

File #: _____

Application #: _____

LLID/RM: _____

River Mile: _____

Legal Name Confirmed:

Notes: _____

DEQ USE ONLY

Date Received: _____

Amount: \$ _____

Check #: _____

Check Name: _____

Deposit #: _____

Receipt #: _____

Notes: _____

*A project *may* be eligible for "automatic coverage" under NPDES general permit 1200-CN if stormwater *does not* discharge to a waterbody with a TMDL or 303(d) listing for sediment or turbidity *and* it meets one of the following criteria (see 1200-CN at <http://www.oregon.gov/deq/FilterPermitsDocs/1200cnPermit.pdf>):

- 1) Disturbs less than one acre and is located in Gresham, Troutdale, or Wood Village.
- 2) Disturbs less than five acres and is located in Albany, Corvallis, Eugene, Milwaukie, Multnomah Co. (unincorporated areas), Springfield, West Linn, or Wilsonville.
- 3) Disturbs less than five acres and is within the jurisdictions of Clackamas Co. Water Environment Services [Gladstone, areas within Clackamas Co. Service Dist. #1 (excluding Happy Valley), and areas within the Surface Water Management Agency of Clackamas Co. (including Rivergrove)], Clean Water Services (Banks, Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin, and Washington Co. within Urban Growth Boundary), or Rogue Valley Sewer Services.

A. PROJECT INFORMATION

<p>1. <u>Townsend Farms, Inc.</u> Applicant (entity legally responsible for permit)</p> <p><u>Mike Townsend</u> Contact Name (if different from applicant)</p> <p><u>23400 NE Townsend Way</u> Address</p> <p><u>Fairview</u> <u>Oregon</u> <u>97204</u> City State Zip</p> <p><u>503-666-1780</u> <u>ap@townsendfarms.com</u> Telephone E-Mail Address</p>	<p>2. Invoicing information (person or entity legally responsible for payment of annual fee invoice; not a third party independent of the applicant)</p> <p><u>See applicant</u> Invoice Contact Name (if different from applicant)</p> <p>_____ Address</p> <p>_____ City State Zip</p> <p>_____ Telephone E-Mail Address</p>
<p>3. <u>Stuntzner Engineering & Forestry, LLC.</u> Architect/Engineering Firm (Erosion & Sediment Control Plan)</p> <p><u>Nick Blundon</u> Project Manager</p> <p><u>503-357-5717</u> <u>nickblundon@stuntzner.com</u> Telephone E-Mail Address</p>	<p>4. <u>Nick Blundon</u> Applicant's Designated Erosion and Sediment Control Inspector</p> <p><u>Stuntzner Engineering & Forestry, LLC.</u> Company Name</p> <p><u>503-357-5717</u> <u>nickblundon@stuntzner.com</u> Telephone E-Mail Address</p> <p><u>CESCL #2016-018</u> Qualification program, certification number and expiration date</p>

R-88678

APPLICATION AND FEE SUBMITTAL

Submit this application, Narrative Parts I, II & III (if applicable), LUCS, Erosion and Sediment Control Plan (full-sized hard copies and electronic copy), Dewatering and/or Treatment Plan and the applicable fee to the appropriate DEQ regional office or DEQ Agent listed below. Contact the appropriate DEQ regional office or DEQ Agent for the best way to submit the electronic version of the ESCP.

AGENTS AND REGIONAL OFFICES CONTACTS

<p>City of Eugene 99 W. 10th Avenue Eugene, OR 97401 541-682-2706</p>	<p>City of Hermiston 215 Gladys Avenue Hermiston, OR 97838 541-667-5025</p>	<p>City of Troutdale 342 SW 4th Street Troutdale, OR 97060 503-674-3300</p>			
<p>Clean Water Services 2550 SW Hillsboro Highway Hillsboro, OR 97123 503-681-5101 <i>Includes Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin, and portions of Washington Co.</i></p>		<p>Rogue Valley Sewer Services 138 West Vilas Road, PO Box 3130 Central Point, OR 97502 541-664-6300</p>			
<p>DEQ Northwest Region</p> <p>700 Lloyd Building at 700 NE Multnomah St., Suite #600, Portland, OR 97232 503-229-5263 or 1-800-452-4011</p>	<p>DEQ Western Region</p> <p>165 East 7th Avenue, Suite 100 Eugene, OR 97401 541-686-7930 or 1-800-844-8467</p>	<p>DEQ Eastern Region</p> <p>800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 541-278-4605 or 1-800-304-3513</p>			
Clackamas	Benton	Lane	Baker	Hood River	Sherman
Clatsop	Coos	Lincoln	Crook	Jefferson	Umatilla
Columbia	Curry	Linn	Deschutes	Klamath	Union
Multnomah	Douglas	Marion	Gilliam	Lake	Wallowa
Tillamook	Jackson	Polk	Grant	Malheur	Wasco
Washington	Josephine	Yamhill	Harney	Marrow	Wheeler

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OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY
APPLICATION FOR NEW NPDES GENERAL PERMIT 1200-C

OWRD

Instructions for Completion of 1200-C Construction Stormwater Application: For stormwater discharges to surface waters from construction activities, disturbing one acre or more that do not meet automatic coverage requirements (see page 3 for additional information).

A. PROJECT INFORMATION

1. Enter the legal name of the applicant. This must be the legal Oregon name (i.e., Acme Products, Inc.) or the legal representative of the company if it operates under an assumed business name (i.e., John Smith, dba Acme Products). The name must be a legal, active name registered with the Oregon Department of Commerce, Corporation Division (503) 378-4752, (http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.login), unless otherwise exempted by their regulations. The permit will be issued to the legal name of the applicant.
 - Permit coverage may be transferred from one party to another. For example, a developer may apply for a permit and then transfer the permit to a contractor. Transfer forms: <http://www.oregon.gov/deq/wq/wqpermits/Pages/Forms.aspx>
2. Provide invoice contact information for billing of DEQ annual permit fee if different from the applicant in #1 above. This is the person or entity legally responsible for payment of the annual fee invoice. This must be the same company as the applicant. not a third party independent of the applicant.
3. Provide contact information for the Architect or Consulting Engineer who designed the Erosion and Sediment Control Plan (ESCP) and Dewatering Plan, if applicable.
4. Provide information on the Erosion and Sediment Control Inspector. This is not a DEQ or DEQ Agent inspector; this is an inspector employed by the applicant. As of January 1, 2017, for project 5 acres or more include inspectors' qualification program, certification number and expiration date.
5. Provide the common name of the project (for example, the name of the subdivision), the location of the site, and, if available, a street address.
6. Check the box that best describes the nature of the construction activity. If "other" is selected, describe the use and include a Standard Industrial Classification Code (visit <http://www.osha.gov/pls/imis/sicsearch.html> for codes). For projects that have submitted a joint permit application, please provide the US Army Corps of Engineers assigned number.
7. Enter latitude and longitude for the approximate center of the site, to the nearest 15 seconds. Latitude and longitude can be obtained from DEQ's location finder web site at <http://deqapp1/website/lit/data.asp>. To get the longitude and latitude to appear you can also zoom in and re-center until you find the area. You may want to turn off DEQ interests to eliminate the yellow dots and you may want to turn on the Aerial Photos to help you locate the site (note that the aerial photos are over ten years old). The latitude and longitude will be indicated on the left side of the page once you have checked the locate place at the top of the page and clicked on a location.
8. If known, specify approximate start date. Provide information on the project size as indicated (based on the total project and not just a single phase).
9. For projects that anticipate dewatering or the need for active treatment system, additional details of BMPs and an operation and maintenance plan is required. This includes a plan review fee (Table 70H) for treatment of contaminants beyond sediment. Fee table
10. Indicate the name(s) of the receiving water(s) (i.e., indicate where stormwater runoff during construction will flow). Request information from local authority or other resource to determine the name of the receiving waterbody. Your receiving water may be a lake, stream, river, wetland or other waterbody, and may or may not be located adjacent to the site. Your stormwater may discharge directly to the receiving water or indirectly via a storm sewer system, an open drain or ditch, or other conveyance structure. Do NOT list a man-made conveyance, such as a storm sewer system, as your receiving water. If you discharge to an irrigation channel or ditch you must also indicate the owner or operator of the irrigation channel or ditch. Indicate the first natural receiving water your stormwater discharge enters.

For example, if your discharge enters a storm sewer system, that empties into Trout Creek, which flows into Pine River, your receiving water is Trout Creek, because it is the first natural waterbody your discharge will reach. Similarly, a discharge into a ditch that feeds Spring Creek should be identified as "Spring Creek" since the ditch is a manmade conveyance. If you discharge into a municipal separate storm sewer system (MS4), you must identify the waterbody into which that portion of the storm sewer discharges. That information should be readily available from the operator of the MS4.

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11. Indicate whether stormwater runoff during construction will discharge directly to or through a storm sewer or drainage system that discharges to a Total Maximum Daily Load (TMDL) or 303(d) listed waterbody for turbidity or sedimentation. To make this determination, the following tools are available on DEQ's website:

- WQ Assessment page: <http://www.deq.state.or.us/wq/assessment/rpt2012/search.asp> to use scroll down to search criteria: waterbody and listing status Category 5 (303d) and Category 4a (TMDL approved).

B. SIGNATURE OF LEGALLY AUTHORIZED REPRESENTATIVE

DEFINITION OF LEGALLY AUTHORIZED REPRESENTATIVE:

Please also provide the information requested in brackets []

- **Corporation** - president, secretary, treasurer, vice-president, or any person who performs principal business functions; or a manager of one or more facilities that is authorized in accordance to corporate procedure to sign such documents.
- **Partnership** - General partner [list of general partners, their addresses, and telephone numbers].
- **Sole Proprietorship** - Owner(s) [each owner must sign the application].
- **City, County, State, Federal, or other Public Facility** - Principal executive officer or ranking elected official.
- **Limited Liability Company** - Member [articles of organization].
- **Trusts** - Acting trustee [list of trustees, their addresses, and telephone numbers].

(please see 40 CFR §122.22 for more detail, if needed)

APPLICATION AND FEE SUBMITTAL

To authorize permit registration, the following must be completed and submitted to the appropriate DEQ regional office or DEQ Agent

- DEQ application form signed by the Legally Authorized Representative and meeting the signature requirements above.
- DEQ LUCS and associated Findings.
- Stormwater Erosion and Sediment Control Plan Narrative, if applicable.
- Dewatering and/or Treatment Plan, if applicable.
- Stormwater Erosion and Sediment Control Plan Drawings; full-sized hard copy and electronic file.
- Applicable permit fee. Appropriate fees are available at <http://www.oregon.gov/deq/Rulemaking%20Docs/340-045-0075WQFeeTables.pdf>. All stormwater permits charge an application fee and an annual fee upon registration. DEQ will invoice the annual fee amount if your project coverage extends more than a year. **Please note:** if submitting a dewatering or active treatment O&M Plan to address contaminants beyond sediment, a disposal system plan review fee may be charged as indicated in Table 70H.

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5. Snowberry Reservoir
 Name of Project
SE Amisigger Road & SE Snowberry Lane
 Address or Cross Street
Boring Oregon 97009
 City State Zip
Clackamas
 County

6. Nature of Construction Activity
 Single Family (SIC Code 1521)
 Multi-Family Residential (SIC Code 1522)
 Commercial (SIC Code 1542)
 Industrial (SIC Code 1541)
 Highway (SIC Code 1611)
 Restoration (SIC Code 1629)
 Utilities (SIC Code 1623): _____
 Other (SIC Code required): 4971; Agriculture Irr. Reservoir
 Army Corps No. (if any): _____

7. Approximate location of center of site
 Latitude: 45.40615 Longitude: 122.37876
 **For assistance: DEQ Location Improvement Tool at:
<http://deqapp1/website/lit/data.asp>**

8. Approximate start date: Summer 2019
 Project Size
 Total Site Acreage (acres): 79.1
 Total Disturbed Area (acres): 3.0
 Total Number of Lots: 2 (TL 2400 & 3500)

9. Is there soil or groundwater contamination located within the site boundary? YES NO
 Will you be dewatering during construction (plan review fee may apply)? YES NO
 Depth to groundwater: N/A Data Source: N/A

10. Receiving waterbody - Must identify final discharge location of construction stormwater flows.
 Waters of the State (name or description):
 Municipal storm sewer or drainage system (include downstream receiving waterbody):
 Ditch (include downstream receiving waterbody): Unnamed ditch; to N. Fork of Deep Creek; to Lower Clackamas River
 Irrigation channel or ditch (include owner or operator):
 Infiltration device(s) (construction stormwater discharge to underground injection control/drywell is prohibited)
 Other:

11. Stormwater runoff during construction discharges directly to or through a storm sewer or drainage system that discharges to a waterbody with a Total Maximum Daily Load (TMDL) or 303(d) listing for turbidity or sedimentation? YES NO
 **For assistance: DEQ assessment database page at <http://www.deq.state.or.us/wq/assessment/rpt2012/search.asp>

B. SIGNATURE OF LEGALLY AUTHORIZED REPRESENTATIVE

The legally authorized representative *must* sign the application (see instructions – Section C).

I hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. In addition, I agree to pay all permit fees required by Oregon Administrative Rules 340-045. This includes a compliance determination fee invoiced annually by DEQ to maintain the permit.

Bruce Vincent, Bedsaul/Vincent Consulting, LLC President of Consulting firm
 Name of Legally Authorized Representative (Type or Print) Title

Bruce A. Vincent 1/21/19
 Signature of Legally Authorized Representative Date

R-988678

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Land Use Compatibility Statement



DEQ
State of Oregon
Department of
Environmental
Quality

What is a land use compatibility statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

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When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

How to complete a LUCS:

Step	Who Does It?	What Happens?
1	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

CULTURAL RESOURCES PROTECTION LAWS: Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

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Land Use Compatibility Statement

SECTION 1 - TO BE COMPLETED BY APPLICANT	
1A. Applicant Name: Townsend Farms, Inc.	1B. Project Name: Snowberry Reservoir
Contact Name: Nathan Goodman	Physical Address: T2S, R3E, Section 12, Tax Lot 2400 & 3500
Mailing Address: 23400 NE Townsend Way	City, State, Zip: Boring, Oregon, 97204
City, State, Zip: Fairview, Or., 97204	Tax Lot #: 2400 & 3500
Telephone: 503-666-1780	Township: T2S Range: 3E Section: 12
Tax Account #:	Latitude: 45.40615
	Longitude: 122.37876

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

Construct an earthen embankment dam to store approximately 9.2 acre-feet (more or less) of water. The reservoir is planned to be constructed in the summer of 2019. the reservoir will be used for irrigation, fire suppression, wildlife, and aesthetics (multi-purpose). The area of disturbance will likely be 3 acres (more or less). The location of the reservoir is on an open, cultivated farm field that is maintained by Townsend Farms. The reservoir is off-channel. There is no presence of wetlands within the reservoir footprint.

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- 1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.**
- | | |
|---|---|
| <input type="checkbox"/> Air Quality Notice of Construction
<input type="checkbox"/> Air Contaminant Discharge Permit (<i>excludes portable facility permits</i>)
<input type="checkbox"/> Air Quality Title V Permit
<input type="checkbox"/> Air Quality Indirect Source Permit
<input type="checkbox"/> Parking/Traffic Circulation Plan
<input type="checkbox"/> Solid Waste Land Disposal Site Permit
<input type="checkbox"/> Solid Waste Treatment Facility Permit
<input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester)
<input type="checkbox"/> Conversion Technology Facility Permit
<input type="checkbox"/> Solid Waste Letter Authorization Permit
<input type="checkbox"/> Solid Waste Material Recovery Facility Permit
<input type="checkbox"/> Solid Waste Energy Recovery Facility Permit
<input type="checkbox"/> Solid Waste Transfer Station Permit
<input type="checkbox"/> Waste Tire Storage Site Permit | <input type="checkbox"/> Pollution Control Bond Request
<input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Permit
<input type="checkbox"/> Clean Water State Revolving Fund Loan Request
<input type="checkbox"/> Wastewater/Sewer Construction Plan/Specifications (<i>includes review of plan changes that require use of new land</i>)
<input type="checkbox"/> Water Quality NPDES Individual Permit
<input type="checkbox"/> Water Quality WPCF Individual Permit (<i>for onsite construction-installation permits use the DEQ Onsite LUCS form</i>)
<input checked="" type="checkbox"/> Water Quality NPDES Stormwater General Permit (<i>1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z</i>)
<input type="checkbox"/> Water Quality General Permit (<i>all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile.</i>)
<input type="checkbox"/> Water Quality 401 Certification for federal permit or license |
|---|---|

1E. This application is for: Permit Renewal New Permit Permit Modification Other:

SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: Inside city limits Inside UGB Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): Clackamas

SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL

Applicant Name: Townsend Farms, Inc Project Name: Shawberry Reservoir

2C. Is the activity allowed under Measure 49 (2007)? No, Measure 49 is not applicable Yes; if yes, then check one:

- Express; approved by DLCD order #:
- Conditional; approved by DLCD order #:
- Vested; approved by local government decision or court judgment docket or order #:

2D. Is the activity a composting facility?
 No Yes; Senate Bill 462 (2013) notification requirements have been met.

2E. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?
Please complete this form to address the activity or use for which the applicant is seeking approval (see I.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in I.C. For example, if the applicant's project is described in I.C as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

- The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:
- Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):
- Yes, the activity or use is allowed outright by (provide reference for local ordinance):
ZDO 401: Exclusive Farm Use Zoning District

- Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.
- Yes, the activity or use is allowed; findings are attached.
- No, see 2.C above, activity or use allowed under Measure 49; findings are attached.
- No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):
Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):
The proposed reservoir is outside of the protective vegetative buffer of regulated River and Stream Conservation areas.

Planning Official Signature: Nicole Cross Title: Planner I

Print Name: Nicole Cross Telephone #: (503) 742-4513 Date: 1/18/19

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature: _____ Title: _____

Print Name: _____ Telephone #: _____ Date: _____

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

401 EXCLUSIVE FARM USE DISTRICT (EFU)

401.01 PURPOSE

Section 401 is adopted to implement the policies of the Comprehensive Plan for Agriculture areas.

401.02 APPLICABILITY

Section 401 applies to land in the Exclusive Farm Use (EFU) District.

401.03 DEFINITIONS

Unless specifically defined in Subsection 401.03 or in Section 202, *Definitions*, words or phrases used in Section 401 shall be interpreted to give them the same meaning as they have in common usage and to give Section 401 its most reasonable application.

- A. **Accessory Farm Dwelling**: Includes all types of residential dwellings allowed by the applicable state building code and the number of dwelling units is determined by a land use decision.
- B. **Agricultural Land**: As defined in Oregon Administrative Rules (OAR) 660-33-0020.
- C. **Commercial Farm**: A farm unit with all of the following characteristics:
1. The land is used for the primary purpose of obtaining a profit in money from farm use;
 2. The net income derived from farm products is significant; and
 3. Products from the farm unit contribute substantially to the agricultural economy, to agricultural processors, and to farm markets.
- D. **Date of Creation and Existence**: When a lot of record or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- E. **Dwelling**: Unless otherwise provided in Section 401, a dwelling is a detached single-family dwelling or a manufactured dwelling.
- F. **Farm Operator**: A person who resides on and actively manages a "farm unit".

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- G. **Farm Stand:** A structure located on a part of the farm operation owned by the farm operator that is designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.
- H. **Farm Unit:** The contiguous and noncontiguous tracts within the County or a contiguous county held in common ownership and used by the farm operator for farm use.
- I. **Farm Use:** As defined in Oregon Revised Statutes (ORS) 215.203.
- J. **Fee-based Activity to Promote the Sale of Farm Crops or Livestock:** A common farm-dependent accessory activity directly related to the sale of farm crops or livestock sold at the farm stand, such as, but not limited to, hay rides, corn mazes, and educational how-to-farm workshops, but not including activities with no direct relationship to the farm crops or livestock sold at the farm stand, such as, but not limited to, quilting classes, dance lessons, jewelry making, or crafts that are only intended to bring customers to the farm stand.
- K. **Golf Course:** As defined in OAR 660-033-0130(20).
- L. **High Value Farmland:** As defined in ORS 215.710 and OAR 660-033-0020(8).
- M. **Irrigated:** Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.
- N. **Low Value Farmland:** All land not defined as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8).
- O. **Noncommercial Farm:** A parcel where all or part of the land is used for production of farm products for use or consumption by the owners or residents of the property, or which provides insignificant income.

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- P. Owner: For purposes of a Lot of Record Dwelling, owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.
- Q. Ownership: Holding fee title to a lot of record, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. Ownership shall include all contiguous lots of record meeting this definition.
- R. Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.
- S. Relative: For purposes of a Temporary Dwelling for Care, relative means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin.
- T. Tract: One or more contiguous lots of record under the same ownership, including lots of record divided by a county or public road, or contiguous at a common point. Lots of record divided by a state highway are not considered contiguous.

401.04 USES PERMITTED

Uses permitted in the EFU District are listed in Table 401-1, *Permitted Uses in the EFU District*.

A. As used in Table 401-1:

1. "A" means the use is allowed.
2. "Type I" means the use requires review of a Type I application, pursuant to Section 1307, *Procedures*.
3. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
4. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*.
5. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

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6. The "Subject To" column identifies any specific provisions of Subsection 401.05 to which the use is subject.
 7. "N" means not applicable.
 8. "*NA1" means the use is not allowed except as set forth in Subsection 401.05(J)(1).
 9. "*NA2" means the use is not allowed except as set forth in Subsection 401.05(J)(1) or 401.05(J)(2) and (3).
 10. "HV" means High Value Farmland.
 11. "LV" means Low Value Farmland.
 12. Numbers in superscript correspond to the notes that follow Table 401-1.
- B. Permitted uses are subject to the applicable provisions of Subsection 401.07, *Dimensional Standards*; Subsection 401.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

Table 401-1: Permitted Uses in the EFU District

	HV	LV	Use	Subject To
FARM AND FOREST USES	A	A	Propagation or harvesting of a forest product.	
	A	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	A	Other buildings customarily provided in conjunction with farm use.	
	TYPE II	TYPE II	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141. Marijuana processing is subject to Section 841. ¹	401.05(B)(1)
	C	C	A facility for the primary processing of forest products.	401.05(B)(2)
	HV	LV	Use	Subject To
NATURAL RESOURCE USES	A	A	Creation of, restoration of, or enhancement of wetlands.	
	TYPE II	TYPE II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission.	401.05(A)(1)

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	HV	LV	Use	Subject To
TRANSPORTATION USES (cont.)	A	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	TYPE II	TYPE II	Parking of no more than seven log trucks, subject to ORS 215.311	401.05(A)(1)
	TYPE II	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	401.05(A)(1)
	TYPE II	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	401.05(A)(1)
	TYPE II	TYPE II	Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	401.05(A)(1)
	C	C	Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401.	401.05(F)(1)
	C	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities.	401.05(A)(1) &(F)(2)
	C	C	Transportation improvements on rural lands, subject to OAR 660-012-0065.	
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	HV	LV	Use	Subject To
	A	A	Irrigation reservoirs, canals, delivery lines, and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	
	A	A	Solar energy system as an accessory use.	
	A	A	Rainwater collection systems as an accessory use.	
	A	A	Electric vehicle charging stations for residents and their non-paying guests.	
	A	A	Meteorological towers.	
	See Table 835-1	See Table 835-1	The following types of wireless telecommunication facilities, subject to Section 835: level one collocations, level one placements on utility poles, and, provided that the wireless telecommunication facility includes a transmission tower over 200 feet in height, level two collocations.	
	A	A	Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of-way provided the written consent of all adjacent property owners has been obtained; and/or the property to be served by the utility.	

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	HV	LV	Use	Subject To
<u>MINERAL, AGGREGATE, OIL, AND GAS USES</u>	A	A	Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	A	A	Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	C	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.	401.05(A)(1), (E)(1) & (E)(1)(a)
	C	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (E)(1) & (E)(1)(b)
	C	C	Processing of other mineral resources and other subsurface resources.	401.05(A)(1), (E)(1) & (E)(1)(c)
	C	C	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 401.	401.05(A)(1), (E)(1) & (E)(1)(d)
	HV	LV	Use	Subject To
<u>TRANSPORTATION USES</u>	A	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	

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704 RIVER AND STREAM CONSERVATION AREA (RSCA)

704.01 PURPOSE

Section 704 is adopted to:

- A. Maintain the integrity of the rivers and streams in the County by minimizing erosion, promoting bank stability, maintaining and enhancing water quality and fish and wildlife habitat, and preserving scenic quality and recreational potential;
- B. Maintain rivers in their natural state to the maximum extent practicable, thereby recognizing their natural, scenic, historic, economic, cultural, and recreational qualities; and
- C. Implement the River Design Plans set forth in Chapter 3 of the Comprehensive Plan.

704.02 DEFINITIONS

Unless specifically defined in Subsection 704.02, words or phrases used in Section 704 shall be interpreted to give them the same meaning as they have in common usage and to give Section 704 its most reasonable application.

- A. **Composite Bank Stabilization**: A combination of structural and nonstructural bank stabilization methods that includes a revetment of rock with a natural vegetation cover or overlay.
- B. **Development**: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or any other activity which results in the removal of substantial amounts of vegetation or in the alteration of natural site characteristics.
- C. **Mean High Water Line**: The bank of any river or stream established by the annual fluctuations of water generally indicated by physical characteristics such as a line on the bank, changes in soil conditions, or vegetation line.
- D. **Nonstructural Bank Stabilization**: The placement of natural vegetation—to include a filter fabric if desired—along a shoreline for the primary purpose of bank stabilization.
- E. **Structural Bank Stabilization**: The placement of a manmade, concrete wall or revetment of rock along a shoreline for the primary purpose of bank stabilization.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

704.03 AREA OF APPLICATION

- A. Section 704 applies to land that is generally within a quarter mile of the mean high water line of the Clackamas, Sandy/Salmon, Molalla/Pudding, Roaring, Tualatin, and Zig Zag Rivers. These lands are classified as Principal River Conservation Areas and are identified on Comprehensive Plan Maps III-1a, *Principal River Conservation Area Clackamas River Design Plan*, III-1b, *Principal River Conservation Area Sandy-Salmon River Design Plan*, III-1c, *Principal River Conservation Area Molalla River Design Plan*, III-1d, *Principal River Conservation Area Tualatin River Design Plan*, and III-2, *Scenic & Distinctive Resource Areas*. The location of these rivers may vary from these maps, if more specific information is provided.
- B. Section 704 also applies to land that is located within 100 feet of the mean high water line of large Type F streams, except principal rivers identified in Subsection 704.03(A), identified on Water Protection Rule Classification (WPRC) Maps compiled pursuant to OAR 629-635-000 and adopted as part of the Comprehensive Plan. The location of these streams may vary from these maps if more specific information is provided. Classified as Stream Conservation Areas (SCAs), these large streams are designated in the Comprehensive Plan as those that generally have annual average flows of 10 cubic feet per second or greater.
- C. Section 704 also applies to land that is located within 70 feet of the mean high water line of medium Type F streams, identified on the WPRC Maps. The location of these streams may vary from these maps if more specific information is provided. Classified as SCAs, these medium streams are designated in the Comprehensive Plan as those that generally have annual average flows of greater than two cubic feet per second and less than 10 cubic feet per second.
- D. Section 704 also applies to land that is located within 50 feet of the mean high water line of small Type F streams, identified on the WPRC Maps. The location of these streams may vary from these maps if more specific information is provided. Classified as SCAs, these small streams are designated in the Comprehensive Plan as those that generally have annual average flows of less than two cubic feet per second.
- E. The provisions of Section 704 are in addition to those requirements of the State Scenic Waterways Act, Omnibus Oregon Wild and Scenic Rivers Act of 1988, and the Federal Wild and Scenic Rivers Act of 1968. In those areas so designated, the requirements of the County shall be administered subject to the application requirements of Subsection 704.08 and prevail when they are more restrictive than state and federal standards.
- F. Notwithstanding Subsections 704.03(A) through (E), Section 704 does not apply to land that is inside the Metropolitan Service District Boundary or the Portland Metropolitan Urban Growth Boundary, nor does it apply to Oregon Department of Fish and Wildlife, or other state or federally approved, fish enhancement projects.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

704.04 RIVER AND STREAM SETBACKS

The following minimum setbacks shall apply to structures exceeding 120 square feet or 10 feet in height:

- A. Structures shall be located a minimum of 100 feet from the mean high water line of a principal river. This minimum setback may be increased up to 150 feet from the mean high water line to lessen the impact of development. In determining the minimum setback, the following shall be considered:
 1. The size and design of any proposed structures;
 2. The width of the river;
 3. The topography of the land between the site and the river;
 4. The type and stability of the soils;
 5. The type and density of existing vegetation between the site and the river;
 6. Established recreation areas or areas of public access; and
 7. Visual impact of any structures.
- B. Structures shall be located a minimum of 100 feet from the mean high water line of a large stream.
- C. Structures shall be located a minimum of 70 feet from the mean high water line of a medium stream.
- D. Structures shall be located a minimum of 50 feet from the mean high water line of a small stream.

704.05 SETBACK EXCEPTIONS

- A. The following uses are exempt from the minimum setback standards of Subsection 704.04:
 1. Residential lots of record where lot depth precludes compliance with the setback standards of Subsection 704.04, provided that:
 - a. Structures shall be sited the maximum distance from the mean high water line which meets the setback and other standards of the underlying zoning district; and
 - b. The footprint of structures shall not exceed 25 percent of the lot area;
 2. Repairs, additions, alterations to, or replacement of structures, roadways, driveways, or other development, which is located closer to a river or stream than permitted by the setback requirements of Subsection 704.04, provided that such development does not encroach into the setback any more than the existing structures, roadways, driveways, or other development;
 3. Water dependent uses such as private boat docks, marinas, or boat ramps, provided that structures shall be muted earth tones and any structure shall be the minimum size necessary to accommodate the use;
 4. Uses such as roads, bridges, culverts, pipes, and power lines that are necessary

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

for crossing streams, provided they do not create barriers to fish movement and that adverse impacts are mitigated;

5. Water impoundments, diversions, detention and retention facilities, and hydroelectric facilities; and
 6. Structural, nonstructural, and composite bank stabilization, provided that structural bank stabilization shall only be approved if:
 - a. Structural bank stabilization is required to protect existing structures;
 - b. Nonstructural bank stabilization will be insufficient to adequately protect existing structures; and
 - c. The structural bank stabilization will utilize composite bank stabilization.
- B. In addition to the exemptions listed in Subsection 704.05(A), the minimum setback standards of Section 704 may be modified for purposes consistent with the adopted Economic, Social, Environmental, and Energy analyses for the applicable watershed.

704.06 DEVELOPMENT STANDARDS

- A. The maximum height of a dwelling or a structure accessory to a dwelling shall be 35 feet, if the dwelling or accessory structure can be seen from a principal river.
- B. Commercial or industrial facilities, such as structures, parking areas, and storage areas shall comply with Subsection 704.04, and signs shall be screened from view of the Principal River or Stream Conservation Area by an opaque vegetation buffer. These facilities shall be subject to design review, pursuant to Section 1102.
- C. Subdivisions and partitions shall be designed, where possible, to allow compliance with Section 704.

704.07 VEGETATION PRESERVATION REQUIREMENTS

- A. A minimum of 75 percent of the setback area (distance) shall be preserved with native vegetation.
- B. Tree cutting and grading shall be prohibited within the buffer or filter strip, with the following exceptions:
 1. Trees that endanger life or structures may be removed.
 2. Tree cutting and grading may be permitted in conjunction with those uses listed in Subsections 704.05 and 704.06, to the extent necessary to accommodate those uses. Disturbed areas that are outside the footprint of structures and other improvements shall be restored with native vegetation.
 3. Vegetation removal may occur when approved by the Oregon Department of Fish and Wildlife, upon written notification that such removal is required as part of a river or stream enhancement project.
- C. Commercial forest activities and harvesting practices outside an urban growth boundary shall be subject to the Oregon Forest Practices Act. Commercial forest

Letter of Transmittal

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JAN 18 2019

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To: Oregon Water Resources Dept.
From: Bruce Vincent
CC: Mike Townsend & Nathan Goodman
Date: January 14, 2019
Subject: Submittal of an Alternate Reservoir Application for Townsend Farms, Inc. (Snowberry Pond)

Enclosed please find the following for the above-cited application request:

1. Signed copy of Clackamas County Watermaster response to the Alternate Reservoir application.
2. Signed copy of the completed Water Resources' Alternate Review application.
3. Signed and stamped Alternate Reservoir Map, site plan, and pond data prepared by Bill Flatz of Stuntzner Engineering.
4. Signed copy of ODFW response to the Alternate Reservoir application.
5. Signed copy of Clackamas County Land Use Compatibility response to the Alternate Reservoir application.
6. A check, payable to the Oregon Water Resources Dept. for \$760.00 for the Alternate Reservoir application fee.

Please call or email me to confirm receipt of these filings, and mail/email to me a copy of the Water Resources' fee receipt for the same.

Note that any technical questions related to pond design and specifications should be directed to Bill Flatz @ Stuntzner Engineering. billflatz@stuntzner.com 503-357-5717

Mailed to OWRD 1/17/19

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: Mike Townsend

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain: Surface water is not available year-round for the proposed use.

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2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended: Limit storage season to November 1st through May 31st annually.

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Agency: Date:

Who: Agency: Date:

Watermaster signature: *Cathy A. Klein* Date: 12/5/2018

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
Use _____ Caseworker _____
Amount (AF) _____ Watermaster _____

Minimum Requirements (ORS 537.409)

- 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 located **OR** that are crossed by the diversion works. This includes any roads or rights-of-way.)
- 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, even scale such as 1" = 400', 1" = 1000', or 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 landsurvey corner*
If no dam, use coordinates to center of reservoir.**
- 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.*
- Provide a 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.

Fees enclosed? Print page from fee calculator

Total Paid \$ _____ **Total Fees \$** _____

Completeness Check by: _____ Date: _____

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R-88698

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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?

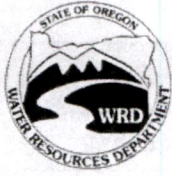
- Placement of fill material
- Alteration of stream bank or stream course
- Ditching and draining
- Plowing/disking non-farmed wetlands
- Excavation or dredging of material
- In-water construction (may also require a lease from DSL)
- For some activities, joint application forms can be obtained from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



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

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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: Mike Townsend
First Last
 Mailing Address: 23400 NE Townsend Way
Fairview OR 97024
City State Zip
 Phone: 503-512-1001
Home Work Other
 Fax: _____ E-Mail Address*: mike@townsendfarms.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: Bruce Vincent
First Last
 Mailing Address: Bedsaul/Vincent Consulting, LLC; 416 Laurel Ave., #3
Tillamook OR 97141
City State Zip
 Phone: 503-407-1994 503-842-5391
Home Work Other
 Fax: _____ E-Mail Address*: brucevincent@embarqmail.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.)

3. LOCATION AND SOURCE

A. Reservoir Name: Snowberry

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: Boring Water Dist and surface rui Tributary to: _____

C. County in which diversion occurs: Clackamas

App. No. <u>R-98679</u>	For Department Use Permit No. _____	Date _____
-------------------------	--	------------

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
2S	3 E	12	SW and SE corners	2400

E. Dam: Maximum height of dam: 9.9 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: 9.48 Acre-feet = $\frac{\text{Average Length} \times \text{Average Width} \times \text{Average Depth}}{43,560}$

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.

The applicant proposed to use the store water to irrigate berry crops on TL 2400 and other adjacent lots owned and farmed by Townsend Farms.

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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:

6. ENVIRONMENTAL IMPACT

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- A. **Channel:** Is the reservoir: in-stream or off channel?
- B. **Wetland:** Is the project in a wetland? Yes No Don't know
- C. **Existing:** Is this an existing reservoir? Yes No
 If yes, how long has it been in place? _____ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
 If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
 Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. WITHIN A DISTRICT

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

Irrigation District Name Boring Water District	Address 28577 SE Wally Rd	
City Boring	State OR	Zip 97009

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 applicant's engineer, Dan Flatz, PE, Stuntzner Engineering has included a preliminary pond design and estimate of the cut and fill for the proposed reservoir. As shown on the enclosed plans, a 487 long earthen embankment with a footprint of 0.49 acre will create a dam with a height no greater than 9.9'. The proposed 2.38 acre pond area created behind the dam will hold a maximum of 9.48 Ac./ft. of water.

The applicant is negotiating with Boring Water District to extend a water line to the subject site. Boring Water District water will be used to fill the dam, and surface water runoff during the rainy season will be used as supplemental water source to keep the dam at it's design capacity.

The pond will be used to irrigate berry crops on the subject lot, (TL 2400), and adjacent lots farmed by Townsend farms.

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).

See attached pond plans and calculations by Dan Flatz, PE, Stuntzner Engineering

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9. SIGNATURE

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

Michael E. Townsend
Applicant Signature

12-3-18
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.

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary West Pond #11

Preliminary Est stripping 1.0 ft

Watershed area with pond =	910,145	sf
Watershed area with pond =	20.89	ac
Est. Pond Area =	79,740	sf
Est. Pond Area =	1.83	ac
Direct annual rain (4') =	7.32	ac-ft
Annual Runoff (2.5') =	47.66	ac-ft
Total ave annual direct rain storage =	54.98	ac-ft

CL/CL ground el =	604	ft
CL/CL top of dam =	613.90	ft
Dam H =	9.9	ft
Top of Pool =	612.00	ft
Freeboard =	1.90	ft

52,525 CYD52

Length of Dam =	487	ft
10'x4' core trench area =	56	sf
10'x4' core trench vol =	27,272	cft
10'x4' core trench vol =	1,010	cyd

Footprint of Dam =	21,472	sf
Footprint of Dam =	0.493	ac
Strip volume under Dam =	795	cyd

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Footprint of dam and pool =	121,100	sf
Footprint of dam and pool =	2.78	ac

Assume striping depth = 1.00 ft

strip area of pool =	2.287	ac
strip area of pool =	99,628	sf
strip volume of pool area =	3,690	cyd

Est volume of striping pool & dam =	121,100	cft
Est volume of striping pool & dam =	4,485	cyd

Calculated volume of excavation for dam =	2.54	ac-ft
Calculated volume of excavation for dam (+12%) =	86,660	cft
Calculated depth of excavation for dam =	0.87	ft

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary Est stripping 1.0 ft

Preliminary West Pond #11

DAM VOLUME ESTIMATE

EL	Area sf	Area ac	Δ EL	Vol cf	Vol acft	Vol cum acft
614	7,785	0.179				1.776
			2	19,345	0.444	
612	11,560	0.265				1.332
			2	24,400	0.560	
610	12,840	0.295				0.772
			2	14,000	0.321	
608	1,160	0.027				0.451
			2	8,815	0.202	
606	7,655	0.176				0.248
			2	10,815	0.248	
604	3,160	0.073				
			10			

Total = 77,375 cft
 Total = 2,866 cyd
 Total = 1.78 ac-ft

Calculated area of striping for dam = 21,472 sf
 Calculated volume of striping for dam = 795 cyd
 Calculated volume of striping for dam = 0.49 ac-ft

Volume + striping under dam = 2.27 ac-ft
 Volume + striping under dam = 98,847 cft
 Volume + striping under dam = 3,661 cyd

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Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary Est stripping 1.0 ft

Preliminary West Pond #11

POND VOLUME ESTIMATE with existing LIDAR

EL	Area sf	Area ac	Δ EL	Vol cf	Vol acft	Vol cum acft
614.0	126,745	2.910				9.401
			1	115,138	2.643	
613.0	103,530	2.377				6.758
			1	91,635	2.104	
612	79,740	1.831				4.654
			2	120,940	2.776	
610	41,200	0.946				1.878
			2	58,145	1.335	
608.0	16,945	0.389				0.543
			2	20,305	0.466	
606	3,360	0.077				0.077
			2	3,360	0.077	
604		0.000				0.000
				Total =	9.401	

	ac-ft	cyd
Est. Vol of Striping in pond =	2.29	3,690
Est Vol of Dam (& striping) =	2.27	3,661
Borrow & strip + 12% L&C =	2.54	4,100
Est. Vol of Pond With existing LIDAR =	4.65	

Total Est. Total Pond Volume =	9.48
Top Dam EL =	614.00
Normal Pool EL =	612.00

EST VOL POND 11 f/topo =	4.65	7,509
EST VOL POND 11 f/borrow+strip =	2.54	4,100
EST VOL POND 11 f/strip pool =	2.29	3,690
TOTAL EST VOL STORAGE =	9.48	15,300

R-88698

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Earth Work Summary :

Stripping (est 1 ft)	sft / cft	ac-ft	cyd	
under dam =	21,472	0.49	795	
in pond, borrow area =	99,628	2.29	3,690	
total top soil stripping =	121,100	2.78	4,485	
est. cost per cyd stripping =			\$3.50	
est. cost stripping =				\$15,698
Core trench const.	sft / cft	ac-ft	cyd	
est. vol. embankment =	27,272	0.63	1,010	
est. cost per cyd const. =			\$12.50	
est. cost embankment =				\$12,626
Embankment construction	sft / cft	ac-ft	cyd	
est. vol. embankment =	98,847	2.27	3,661	
est. cost per cyd const. =			\$4.50	
est. cost embankment =				\$16,475
Additional Excavation	sft / cft	ac-ft	cyd	
est. vol. embankment =	0	0.00	0	
est. cost per cyd const. =			\$0.00	
est. cost embankment =				\$0

Pond earthwork cost estimate = \$44,799

borrow area (pool area) = sf
99,628

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ODFW Alternate Reservoir Application Review Sheet **OWRD**

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Townsend Farms, Inc; 23400 NE Townsend Way,

Fairview, OR 97024; 503-512-1001; mike@townsendfarms.com

Reservoir Name: Snowbloway Source: Boring water Dist + surface run-off Volume (AF): 9.48

Twp Rng Sec QQ: T2S, R3W, S1/2E, Sec. 12 Basin Name: Sandy/Boring GLA 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 July 1st through Nov 30th poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

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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)

b5/a: The period of use has been limited to Dec 1st - June 30th
riparian
wf

ODFW Signature: Ben Walczak Print Name: Ben Walczak

ODFW Title: Asst. Dist. Fish Biologist Date: 12/21/18

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

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 L.

title 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.

rq: 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.

lv: 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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TOWNSEND FARMS, SNOWBERRY
PRELIM POND #11A, ESTIMATE
STIRPPING 4,485 CYD,
CORE TRENCH 1,010 CYD,

EMBANKMENT: TOE 690' FROM ROAD,
TOE 415' FROM EXISTING POND,
487' LONG, 9.9' HIGH,
FOOTPRINT 0.49 AC, VOL 4,100 CYD.

POND: AREA 2.38 AC, VOL 9.48 AC-FT.

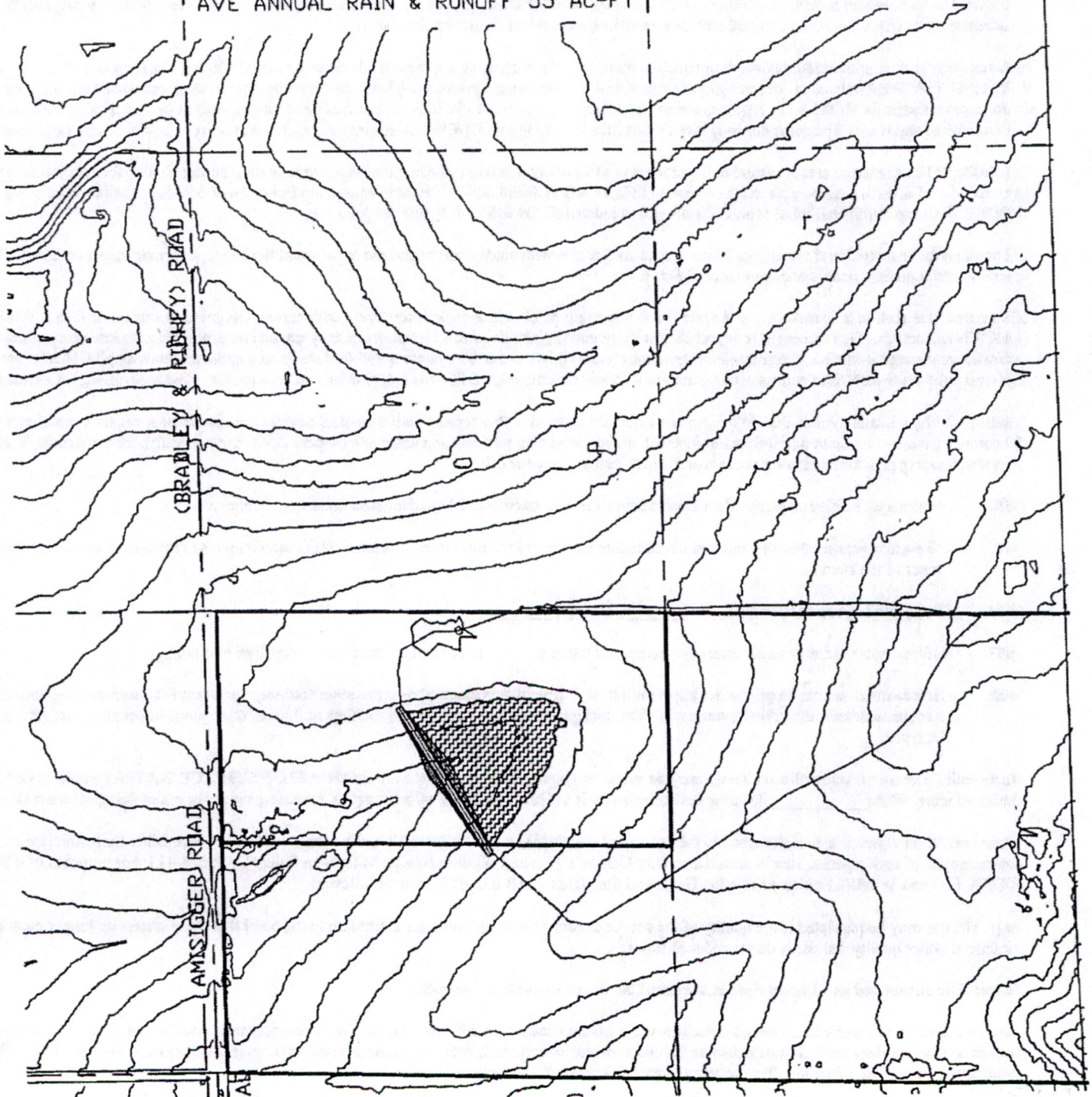
WATERSHED 20.9 ACRES
AVE ANNUAL RAIN & RUNOFF 55 AC-FT

POD LOCATION:
SW/SE SECTION 12
T2S, R3W, F.W.M.
CLACKAMAS COUNTY, OR

POD, (DAM) LIES:
1,950 WEST AND
870' NORTH FROM
THE SE CORNER OF
SECTION 12



SCALE:
1"=400'



Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary Est stripping 1.0 ft

Preliminary West Pond #11

POND VOLUME ESTIMATE with existing LIDAR

EL	Area sf	Area ac	Δ EL	Vol cf	Vol acft	Vol cum acft
614.0	126,745	2.910				9.401
			1	115,138	2.643	
613.0	103,530	2.377				6.758
			1	91,635	2.104	
612	79,740	1.831				4.654
			2	120,940	2.776	
610	41,200	0.946				1.878
			2	58,145	1.335	
608.0	16,945	0.389				0.543
			2	20,305	0.466	
606	3,360	0.077				0.077
			2	3,360	0.077	
604		0.000				0.000
				Total =	9.401	

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	ac-ft	cyd
Est. Vol of Striping in pond =	2.29	3,690
Est Vol of Dam (& striping) =	2.27	3,661
Borrow & strip + 12% L&C =	2.54	4,100
Est. Vol of Pond With existing LIDAR =	4.65	
Total Est. Total Pond Volume =	9.48	
Top Dam EL =	614.00	
Normal Pool EL =	612.00	
EST VOL POND 11 f/topo =	4.65	7,509
EST VOL POND 11 f/borrow+strip =	2.54	4,100
EST VOL POND 11 f/strip pool =	2.29	3,690
TOTAL EST VOL STORAGE =	9.48	15,300

Townsend Farms Snowberry Southeast prelim #11A, 9-13-18

Preliminary West Pond #11

Preliminary Est stripping 1.0 ft

Watershed area with pond =	910,145	sf
Watershed area with pond =	20.89	ac
Est. Pond Area =	79,740	sf
Est. Pond Area =	1.83	ac
Direct annual rain (4') =	7.32	ac-ft
Annual Runoff (2.5') =	47.66	ac-ft
Total ave annual direct rain storage =	54.98	ac-ft

52,525 CYD52

CL/CL ground el =	604	ft
CL/CL top of dam =	613.90	ft
Dam H =	9.9	ft
Top of Pool =	612.00	ft
Freeboard =	1.90	ft

Length of Dam =	487	ft
10'x4' core trench area =	56	sf
10'x4' core trench vol =	27,272	cft
10'x4' core trench vol =	1,010	cyd

Footprint of Dam =	21,472	sf
Footprint of Dam =	0.493	ac
Strip volume under Dam =	795	cyd

Footprint of dam and pool =	121,100	sf
Footprint of dam and pool =	2.78	ac

Assume striping depth =	1.00	ft
-------------------------	------	----

strip area of pool =	2.287	ac
strip area of pool =	99,628	sf
strip volume of pool area =	3,690	cyd

Est volume of striping pool & dam =	121,100	cft
Est volume of striping pool & dam =	4,485	cyd

Calculated volume of excavation for dam =	2.54	ac-ft
Calculated volume of excavation for dam (+12%) =	86,660	cft
Calculated depth of excavation for dam =	0.87	ft

Letter of Transmittal

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To: Oregon Water Resources Dept.
From: Bruce Vincent
CC: Mike Townsend & Nathan Goodman
Date: January 14, 2019
Subject: Submittal of an Alternate Reservoir Application for Townsend Farms, Inc. (Snowberry Pond)

Enclosed please find the following for the above-cited application request:

1. Signed copy of Clackamas County Watermaster response to the Alternate Reservoir application.
2. Signed copy of the completed Water Resources' Alternate Review application.
3. Signed and stamped Alternate Reservoir Map, site plan, and pond data prepared by Bill Flatz of Stuntzner Engineering.
4. Signed copy of ODFW response to the Alternate Reservoir application.
5. Signed copy of Clackamas County Land Use Compatibility response to the Alternate Reservoir application.
6. A check, payable to the Oregon Water Resources Dept. for \$760.00 for the Alternate Reservoir application fee.

Please call or email me to confirm receipt of these filings, and mail/email to me a copy of the Water Resources' fee receipt for the same.

Note that any technical questions related to pond design and specifications should be directed to Bill Flatz @ Stuntzner Engineering. billflatz@stuntzner.com 503-357-5717

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Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

January 17, 2019

Bedsaul / Vincent Consulting, Inc.
Attn: Bruce Vincent
416 Laurel Avenue, #3
Tillamook, Oregon 97141

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Dear Bruce:

The Water Resources Department has received your application to use or store water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Revised Statutes (ORS 537.409).

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner. The application was missing a legal description of the property involved. This requirement is listed on the bottom of the checklist. In addition, the Department requires submission of original applications and materials rather than copies.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0804 or 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst

Cc:

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Provide a 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.

R-88678

Letter of Transmittal

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To: Oregon Water Resources Dept.
From: Bruce Vincent
CC: Mike Townsend & Nathan Goodman
Date: January 28, 2019
Subject: Submittal of an Alternate Reservoir Application for Townsend Farms, Inc. (Snowberry Pond)

Based on your 1/17/19 incomplete letter to me, enclosed please find the following for the above-cited application request:

1. A Copy of the requested deed, showing the legal descriptions for the three subject lots in question. (i.e., TL 2400 & 3500, Map 23E12 and TL 1800, Map 24E07). Note that "Parcels IV and V" on the attached deed are in fact owned by Townsend Farms, but are no occupied with nor involved in this pond Alternate Reservoir application.
2. With regard to submitting originals in this Alternate Reservoir application, I have, when under my control, submitted original documents. Standard business practice these days is to scan and email documents to affected jurisdictions, (e.g. Clackamas County Watermaster, Clackamas County), and those jurisdictions scan and email back their signed documents. Therefore, I do not have control over the originals sent to jurisdictions, they are choosing to scan and email them back to me, and I am not withholding original documents; I am merely submitting what is returned to me. Below, I have added comments to the way in which I received the documents in this Alternate Reservoir application:
 - Signed copy of Clackamas County Watermaster response to the Alternate Reservoir application.
This is copy of the signed form emailed back to me by the Watermaster
 - Signed copy of the completed Water Resources' Alternate Review application.
An original signature on a copy of the form
 - Signed and stamped Alternate Reservoir Map, site plan, and pond data prepared by Bill Flatz of Stuntzner Engineering.
This is copy of the signed and stamped map emailed back to me by the engineer
 - Signed copy of ODFW response to the Alternate Reservoir application.
This is copy of the signed form emailed back to me by ODFW staff
 - Signed copy of Clackamas County Land Use Compatibility response to the Alternate Reservoir application.
This is copy of the signed form emailed back to me by a Senior Planner at Clackamas County

Please call or email me to confirm receipt of these filings, and mail/email to me a copy of the Water Resources' fee receipt for the same.

Note that any technical questions related to pond design and specifications should be directed to Bill Flatz @ Stuntzner Engineering. billflatz@stuntzner.com 503-357-5717

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