



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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 September 3, 2020  
 OWRD

# 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).*

## 1. APPLICANT INFORMATION

Applicant: Phillip H. Chadsey  
First Last

Mailing Address: 37748 S Nowlens Bridge Rd.

Molalla OR 97038  
City State Zip

Phone: \_\_\_\_\_ \_\_\_\_\_ (503) 871-1913  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: phchadsey@gmail.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: William E. McGill  
First Last

Mailing Address: 15333 Pletzer Rd. SE

Turner OR 97392  
City State Zip

Phone: \_\_\_\_\_ (503) 510-3026 (503) 931-0210  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: willmcgill.surveying@gmail.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: Chadsey Reservoir

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: Well, Run-off, Seepage Tributary to: N/A

C. County in which diversion occurs: Clackamas County

|                |                           |            |
|----------------|---------------------------|------------|
| App. No. _____ | <b>For Department Use</b> | Date _____ |
|                | Permit No. _____          |            |

**D. Reservoir Location**

| Township<br>(N or S) | Range<br>(E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 6S                   | 1E                | 10      | SWSW            | 1600           |

**E. Dam:** Maximum height of dam: zero 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: 16 af      Acre-feet =  $\frac{\text{Average Length}(\text{Average Width})(\text{Average Depth})}{43,560}$

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**4. WATER USE**

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose Use

**5. PROPERTY OWNERSHIP**

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

Do you own all the land where you propose to divert, transport, and use water?

**Yes** (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

**No** (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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**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.

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**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 | Address |     |
| City                     | State   | Zip |

**8. DESCRIPTION**

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

The reservoir will be an excavated pond. The excavated material to deepen the storage area will be used to build an embankment around the perimeter in order to minimize the amount of excavation needed and avoid any riparian disturbance of Marquam Creek.

The source for the water that will be stored will be nearby well CLAC 60456, run-off, and seepage.


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).

N/A

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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.

  
\_\_\_\_\_  
Applicant Signature

6-16-2020  
\_\_\_\_\_  
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.

# Alternate Reservoir Application - Chadsey



**WILL MCGILL**  
**SURVEYING LLC**  
 15333 Pletzer Rd. SE  
 Turner, OR 97392  
 503-510-3026

## Legend

- Proposed Reservoir
- Tax Lot 1600
- DLC

1 inch = 400 feet

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STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765)

Westerberg Drilling, Inc.  
36728 S. Kropf Rd.  
Molalla, OR 97038

WELL I.D. # L 71430  
START CARD # 166748

Instructions for completing this report are on the last page of this form. **CLACK 00456**

(1) LAND OWNER  
Name Wendy Chadsey Well Number \_\_\_\_\_  
Address PO Box 449  
City Scotts Mills State OR Zip 97375

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 374 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

| HOLE     |      |     | SEAL     |      |     | Sacks or pounds |
|----------|------|-----|----------|------|-----|-----------------|
| Diameter | From | To  | Material | From | To  |                 |
| 10"      | 0    | 339 | Cement   | 0    | 339 | 109 sacks       |
| 6 1/8"   | 339  | 374 |          |      |     |                 |

How was seal placed: Method  A  B  C  D  E  
 Other \_\_\_\_\_  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

|         | Diameter | From | To  | Gauge | Steel                               |                          |                                     |                          |
|---------|----------|------|-----|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
|         |          |      |     |       | Plastic                             | Welded                   | Threaded                            |                          |
| Casing: | 6"       | +1   | 339 | .250  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Liner:  | 5"       | 327  | 374 | .188  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Drive Shoe used  Inside  Outside  None  
Final location of shoe(s) 339'

(7) PERFORATIONS/SCREENS:

Perforations Method Swift factory  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

| From | To  | Slot size | Number | Diameter | Tele/pipe size | Casing                   | Liner                               |
|------|-----|-----------|--------|----------|----------------|--------------------------|-------------------------------------|
| 334  | 374 | 1/4x3     | 480    |          |                | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing  Artesian

| Yield gal/min | Drawdown | Drill stem at | Time  |
|---------------|----------|---------------|-------|
| 60+           | N/A      | 374'          | 1 hr. |

Temperature of water 60° Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done?  Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
County Clackamas Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 6S N or S Range 1E E or W. WM.  
Section 10 SW 1/4 SW 1/4  
Tax Lot 1600 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) 37748 S. Nowlens Bridge Rd. Molalla, OR 97038

(10) STATIC WATER LEVEL:  
74 ft. below land surface. Date 9-9-04  
Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 360'

| From | To   | Estimated Flow Rate | SWL |
|------|------|---------------------|-----|
| 360' | 374' | 60+ gpm             | 74' |

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

| Material               | From | To  | SWL |
|------------------------|------|-----|-----|
| Soil & rock            | 0    | 1   |     |
| Boulders               | 1    | 4   |     |
| Clay brown gritty      | 4    | 10  |     |
| Sandstone blue-green   | 10   | 65  |     |
| Sandstone grey-green   | 65   | 95  |     |
| Sandstone green        | 95   | 210 |     |
| Claystone grey hard    | 210  | 280 |     |
| Claystone brown & grey | 280  | 300 |     |
| Siltstone grey-white   | 300  | 307 |     |
| Claystone dark grey    | 307  | 329 |     |
| Siltstone dark grey    | 329  | 349 |     |
| Claystone brown        | 349  | 358 |     |
| Sandstone green        | 358  | 374 |     |

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WATER RESOURCES DEPT  
SALEM, OREGON

Date started 9-3-04 Completed 9-9-04

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
Signed [Signature] WWC Number 1358  
Date 9-13-04

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
Signed [Signature] WWC Number 688  
Date 9-13-04

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

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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.oregon.gov/OWRD

## 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 groundwater registration modification, **and all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
 www.oregon.gov/OWRD

**Applicant**

|                                       |                        |              |                                |
|---------------------------------------|------------------------|--------------|--------------------------------|
| NAME<br>PHILLIP H. CHADSEY            |                        | PHONE (HM)   |                                |
| PHONE (WK)                            | CELL<br>(503) 871-1913 | FAX          |                                |
| ADDRESS<br>37748 S NOWLENS BRIDGE RD. |                        |              |                                |
| CITY<br>MOLALLA                       | STATE<br>OR            | ZIP<br>97038 | E-MAIL*<br>phchadsey@gmail.com |

**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: |
|----------|-------|---------|----------------------|-----------|---|--|-----------------------------------|--|--------------------|
| 6S       | 1E    | 10      | NESW<br>NWSW<br>SESW | 1600      | EFU   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | farming            |
| 6S       | 1E    | 10      | SWSW                 | 1600      | EFU   | <input checked="" type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | farming            |
|          |       |         |                      |           |   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |                    |
|          |       |         |                      |           |   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed | <input type="checkbox"/> Used            |                    |

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Clackamas 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 Groundwater Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond   
 Groundwater   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 83.75  cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other Multipurpose-Reservoir

Briefly describe:

It is proposed to irrigate crops in tax lot 1600 with POA 1 (CLAC 60456) and authorize a reservoir to store 16 acre-feet of groundwater for multipurpose use.



**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.



# 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): ZDO 401 EFU Exclusive Farm Use \_\_
- 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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land Use Approval:     |  |
|--|---|------------------------|--|
|  |   | 0 Obtained<br>0 Denied | 0 Being Pursued<br>0 Not Being Pursued |
|  |   | 0 Obtained<br>0 Denied | 0 Being Pursued<br>0 Not Being Pursued |
|  |   | 0 Obtained<br>0 Denied | 0 Being Pursued<br>0 Not Being Pursued |
|  |   | 0 Obtained<br>0 Denied | 0 Being Pursued<br>0 Not Being Pursued |
|  |   | 0 Obtained<br>0 Denied | 0 Being Pursued<br>0 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.

This property is zoned for farm use – water for farm use is a primary allowed use in the zone.

|  |                               |
|--|-------------------------------|
| NAME<br><i>Carol Dawson</i>                  | TITLE:<br><i>Planner</i>      |
| SIGNATURE<br><i>Carol Dawson</i>             | PHONE:<br><i>503-742-4504</i> |
| GOVERNMENT ENTITY<br><i>Clackamas County</i> | DATE:<br><i>6/9/20</i>        |

**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**

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Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

# 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: Phillip Chadsey

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

Explain:    Only if PSI is determined by the groundwater review.

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

If YES, which conditions are recommended:

    If PSI is found, limit the storage season from December 1 - June 30th annually.

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

Who:    Agency:    Date:

Who:    Agency:    Date:

Watermaster printed name: Amy J. Landvoigt

Watermaster signature: Amy Landvoigt    Date: 8/27/2020

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

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

# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name: Phillip H. Chadsey

Address: 37748 S Nowlens Bridge Rd, Molalla, OR 97038

Phone/Email: 503-871-1913/phchadsey@gmail.com

Reservoir Name: Chadsey Reservoir

Source: Well

Basin Name: Marquam Creek/Pudding River

Twp Rng Sec QQ: 6S 1E 10 SWSW

Volume (AF): 16

in-channel

off-channel

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Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.**

1) Is the proposed project and AO<sup>1</sup> off channel?..... YES\*  NO  
(if yes then proceed to #4; if no then proceed to #2)

*\*Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?..... YES  NO  
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... YES  NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES  NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES  NO

*Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)*

Any diversion or appropriation of water for storage during the period **June through October** 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

<sup>1</sup> 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)

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

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.

ESA-listed fish (spring Chinook Salmon and winter steelhead) and state sensitive species (Coastal Cutthroat Trout and Pacific Lamprey) are present in Rock Creek and the Pudding and Molalla rivers during the period of impact. Instream flows to fulfill C62322 for aquatic life are not being met partially or wholly during the period of impact. Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during June through October. The proposed use could diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively affecting their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use could impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

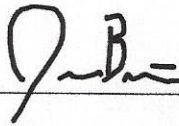
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- NO (explain)
- YES (select from Menu of Conditions on next page)

See applicable conditions selected from "Menu of Conditions" on next page

Water is only available to support biologically necessary flows at the POD and/or downstream during November through May. ODFW recommends the season of use be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat from the proposed water use outside this period could impair or be detrimental to an existing fishery resource. If the applicant is interested in pursuing mitigation, please contact ODFW for further information concerning appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right.

ODFW Signature: \_\_\_\_\_



Print Name: Jason Brandt

ODFW Title: SW Hydro Coordinator

Date: 8/27/20

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

**MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA**

Revised May 12, 2020

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Use this menu to identify appropriate conditions to be included in the permit:

**Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.

**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 November through May.

**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.

**Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:

- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
- 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

**Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.

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

**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.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of June 1-Sept 30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- 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.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- 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.
- wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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File No.: 19-254352

D-D Cnt=1 Stn=75 CONNIE  
\$15.00 \$16.00 \$10.00 \$62.00

\$103.00

|   |  |
|---|--|
| <b>Grantor</b>  |  |
| Wendy H. Weidman<br>21198 S. Beaver Creek Road<br>Beavercreek, OR 97045   |  |
| <b>Grantee</b>  |  |
| Phillip Haggerty Chadsey<br>37748 S Nowlens Bridge Road<br>Molalla, OR 97038  |  |
| <b>After recording return to</b>  |  |
| Phillip Haggerty Chadsey<br>37748 S Nowlens Bridge Road<br>Molalla, OR 97038  |  |
| <b>Until requested, all tax statements shall be sent to</b>   |  |
| Phillip Haggerty Chadsey<br>37748 S Nowlens Bridge Road<br>Molalla, OR 97038<br>Tax Acct No(s): 61E10 01600, 01126604 |  |

Reserved for Recorder's Use

**STATUTORY WARRANTY DEED**

Wendy H. Weidman who acquired title as Wendy H. Chadsey, Grantor(s) convey and warrant to Phillip Haggerty Chadsey, Grantee(s), the real property described in the attached Exhibit A, free of encumbrances EXCEPT covenants, conditions, restrictions, easements, and encumbrances of record as of the date hereof.

The true consideration for this conveyance is **\$250,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 19-254352 HB

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Executed this 28 day of February, 2019

Wendy H. Weidman  
Wendy H. Weidman

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September 3, 2020  
OWRD

STATE OF OREGON  
COUNTY OF Clackamas

This instrument was acknowledged before me this 28 day of February, 2019 by Wendy H. Weidman.

Eliza Wheeler  
Notary Public for Oregon  
My Commission Expires: 1/13/23

OFFICIAL STAMP  
ELIZA JENNIFER WHEELER  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 982895  
MY COMMISSION EXPIRES JANUARY 13, 2023



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

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Parcel I:

A tract of land in the Alford Marquam Donation Land Claim in Section 10, Township 6 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at a point in the center of the County Road on the South line of the Alford Marquam Donation Land Claim 70 rods East of the Southwest corner of said claim; which point is also the Southeast corner of a tract conveyed to Gordon H. Ridings, et al, by Deed recorded August 10, 1938, in Book 249, page 438, Deed Records; thence North following the center of said County Road to the Southwest corner of a tract of land conveyed to David Scharer by Deed recorded December 16, 1943 in Book 317, page 732, Deed Records; thence North 86°47' East, 656.25 feet to the Southeast corner of the said David Scharer Tract; thence South 10°18' East to the South line of the Alford Marquam Donation Land Claim; thence West along the South line of said claim, 11.77 chains, more or less, to the point of beginning.

Parcel II:

A tract of land in the Alford Marquam Donation Land Claim in Section 10, Township 6 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Commencing at the Southeast corner of a 107.77 acre tract of land conveyed by Alford Marquam and Olive W. Marquam, his wife, to James E. Marquam on November 18, 1880, the Deed of conveyance being recorded in Book "R", page 644, Deed Records; thence North 10°15' West 17 chains and 78 links on the East boundary of the aforesaid 107.77 acre tract; thence North 89°45' East parallel with the South boundary of the Donation Land Claim of Olive and Alford Marquam in Township 6 South, Range 1 East, of the Willamette Meridian, 13 chains; thence South 17 chains and 50 links to the South boundary of the aforesaid Donation Land Claim; thence South 89°45' West, on said South boundary 9 chains and 86 links to the point of beginning.