

RECEIVED

SEP 13 2021

RECEIVED

MAR 01 2021

OWRD

OWRD



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 985-0900
www.wrd.state.or.us

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

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

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Stephen Woods
First Last
Mailing Address: 24850 SW Melott Rd.
Hillsboro Oregon 97123
City State Zip
Phone: 503-628-0950
Home Work Other
Fax: _____ E-Mail Address*: swoods.home@aol.com

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

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

Agent: _____
First Last
Mailing Address: _____
City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail Address*: _____

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: Lake of the Woods

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: run-off Tributary to: unnamed streams flowing into Hawk Creek

C. County in which diversion occurs: Tillamook

App. No. _____	For Department Use Permit No. _____	Date _____
----------------	--	------------

RECEIVED

MAR 01 2021

OWRD

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
5S	11W	35	SE 1/4 SE 1/4	211

E. Dam: Maximum height of dam: 0 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: 3.5

Acre-feet = (Average Length)(Average Width)(Average Depth)
43,560

RECEIVED

SEP 13 2021

OWRD

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

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:

RECEIVED

MAR 01 2021

OWRD

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.

RECEIVED

SEP 13 2021

OWRD

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.

This will be an excavated pond. The primary use will be for firefighting as requested by the Neskowin fire marshal. Pond will be fed naturally by two small streams which flow run-off into it. A large overflow pipe/culvert will be installed as well as an overflow run off area in the event of a blockage of the main overflow pipe.

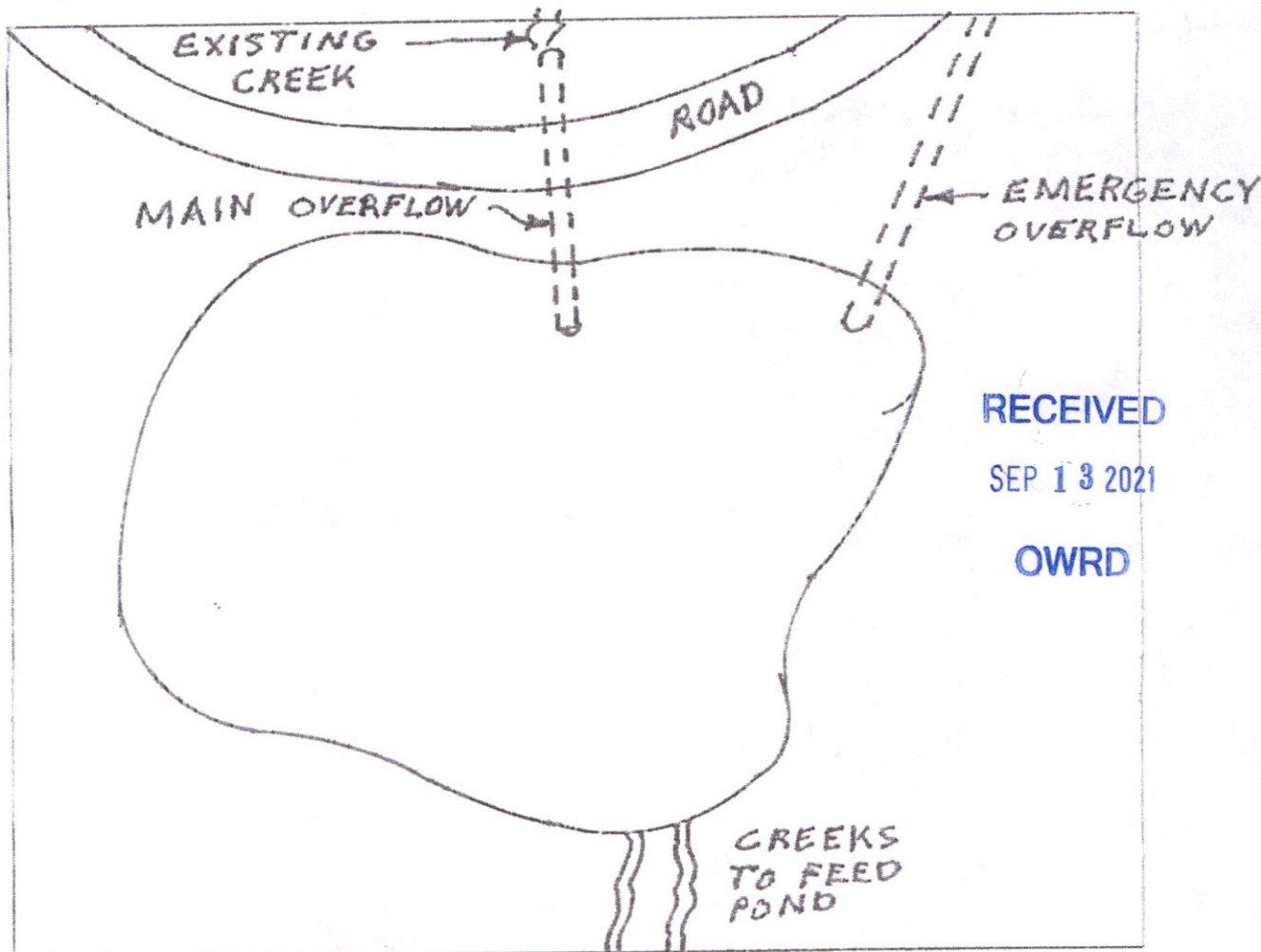
The installation of a dry hydrant with standard fittings for fire hoses is anticipated for ease of pumping water into firetrucks and a large turnaround area for trucks will also be provided.

RECEIVED

MAR 01 2021

OWRD

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).



RECEIVED

SEP 13 2021

OWRD

9. SIGNATURE

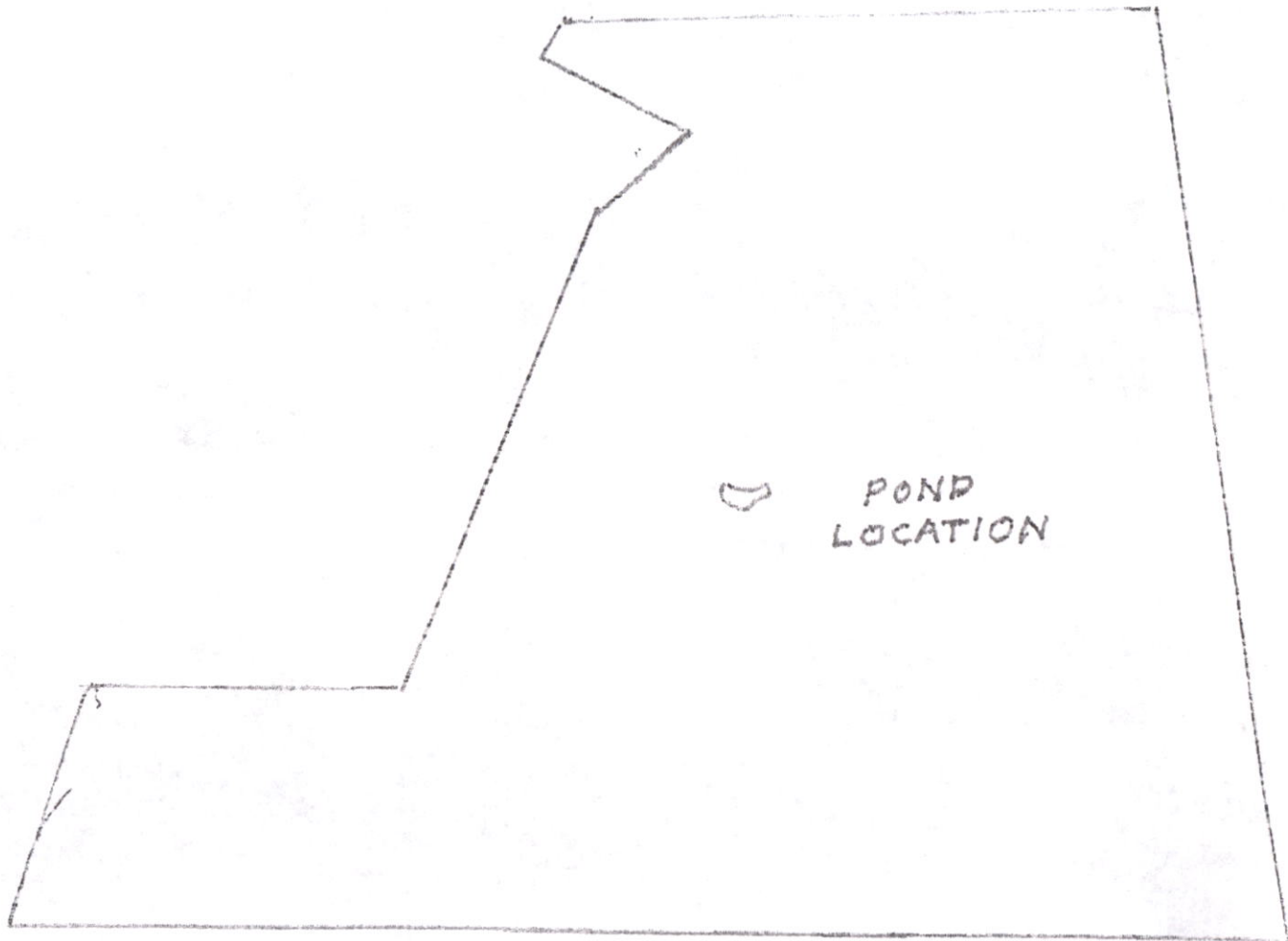
I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Stephen B. Woods
Applicant Signature

6-19-2020
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.

— SEE
PAGE 5A



RECEIVED
MAR 01 2021
OWRD

RECEIVED
SEP 13 2021
OWRD

TOWNSHIP 5S RANGE 11W SECTION 35 TAX LOT 211

RECEIVED

SEP 13 2021

Land Use Information Form

OWRD



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

RECEIVED

MAR 01 2021

OWRD

Applicant: STEPHEN WOODS
Mailing Address: 24850 S.W. MELOTT RD.
HILLSBORO OR 97123 Daytime Phone: 503-628-0950
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	V. 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5S	11W	35		211		☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

TILLAMOOK

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

Source of water: ☒ Reservoir/Pond
☐ Ground Water
☐ Surface Water (name) _____

Estimated quantity of water needed: 3.5 ACRE FEET
☐ 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 FIRE FIGHTING

Briefly describe:

SEE LETTER FROM NESTUCCA RURAL FIRE PROTECTION DISTRICT.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →



Tillamook County Department of Community Development
1510-B Third Street. Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

RECEIVED

MAR 01 2021

OWRD

PLANNING APPLICATION

Applicant ☒ (Check Box if Same as Property Owner)

Name: STEVE WOODS Phone: 503-628-0950

Address: 24850 SW MELOTT RD.

City: HILLSBORO State: OR Zip: 97123

Email: S.WOODS.HOME@AOL.COM

Property Owner

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

OFFICE USE ONLY	
RECEIVED	
AUG 04 2020	
BY: <u>DCD</u> ☒	
☒ Approved	☐ Denied
Received by: <u>TB</u>	
Receipt #: <u>116698</u>	
Fees: <u>147</u>	
Permit No: <u>851-20-000323-PLNG</u>	

Request: TO STORE WATER IN A RESERVOIR
FOR FIRE SUPPRESSION AS REQUESTED
BY NISKOWIN FIRE MARSHAL.

Type I

- ☐ Beach and Dune Hazard Report Review
- ☐ Extension of Time Review
- ☐ Final Plat Approval
- ☐ Geologic Hazard Report Review
- ☒ Land Use Compatibility Statement
- ☐ Land Use Verification Letter
- ☐ Preliminary Plat Time Extension
- ☐ Replacement Dwelling in Resource Zone
- ☐ Review for Dwelling in Resource Zone

RECEIVED

SEP 13 2021

OWRD

Location:

Site Address: _____

Map Number: 55 11W 35 211
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

John R. Woods 7-29-2020
Property Owner Signature (Required) Date

Applicant Signature _____ Date _____

SEP 13 2021

MAR 01 2021

OWRD

OWRD

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): _____

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Proposal of pond is for fire suppression services. ODEA should be contacted to confirm any requirements. Applicant stated retention pond is approximately 100 x 100.

Name: Melissa Jenck Title: Land Use Planner II, CFM

Signature: Melissa Jenck Phone: 503-842-3408 Date: 2/5/2021

Government Entity: Tillamook County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Transaction Receipt
Record ID: 851-20-000322-PLNG
IVR Number: 851059398972

Receipt Number: 116688

Receipt Date: 8/5/20

www.co.tillamook.or.us/gov/ComDev

Worksite address: 50355 SOUTH BEACH RD, TILLAMOOK COUNTY, OR

Parcel: 5S11 3500 00211

RECEIVED

MAR 01 2021

OWRD

RECEIVED

SEP 13 2021

OWRD

Tillamook County

1510 - B Third Street

Tillamook, OR 97141

(503) 842-3408

Fax: 503-842-1819

dtupper@co.tillamook.or.us

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
8/5/20	1.00 Ea	Land use compatibility statement (LUCS)	010-01152-4317	\$147.00	\$147.00

Payment Method:	Check number: 4184	Payer: Stephen R. Woods	Payment Amount:	\$147.00
-----------------	--------------------	-------------------------	-----------------	----------

Cashier: Trish Bush

Receipt Total: \$147.00

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

RECEIVED

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409) MAR 01 2021

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 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

OWRD

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))

RECEIVED

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))

SEP 13 2021

OWRD

The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name:

Stephen Woods

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

Winter Storage from small unnamed seasonal springs

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☒ YES

If YES, which conditions are recommended:

release gates

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

☒ NO ☐ YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster printed name:

Nikki Hendricks

Watermaster signature:

Nikki Hendricks Date: 2-9-2021

WRD Contact:

Caseworker

Water Rights Division, 501-950-0000 Fax: 501-950-0001

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: Stephen Woods

Address: 24850 SW Melott Rd, Hillsboro, OR 97123

Phone/Email: 503-628-0950; swoods.home@aol.com

Reservoir Name: Lake of the Woods

Source: Unnamed stream/runoff

Basin Name: Neskowin Creek

Twp Rng Sec QQ: 5S 11W 35

RECEIVED

SEP 13 2021

OWRD

RECEIVED

MAR 01 2021

OWRD

Volume (AF): 3.5 AF

☒ 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) staff.

- 1) Is the proposed project and AO¹ 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 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 April 1 through November 30 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

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)

² 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 (Coho Salmon), sensitive species (Chum Salmon, Pacific Lamprey), and other game fish (winter steelhead, fall Chinook Salmon, Coastal Cutthroat Trout) are present in Neskowin Creek and could be present in the unnamed tributary to Neskowin Creek during the period of impact. Instream flows to fulfill C59652 and C74158 for aquatic life are not being met partially or wholly during the period of impact.

After discussing the proposed use and potential impacts to existing fishery resources with the applicant, the applicant has agreed to change the beneficial use to fire suppression and wildlife only and, therefore, will have no out-of-reservoir use. Based on parameters assessed by ODFW regarding this revised proposal, instream flows are currently below those essential to support the biological needs of an existing fishery resource during April 1-November 30. The proposed use during this time may 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 during April 1-November 30 would impair or be detrimental to an existing fishery resource and/or their habitat without appropriate conditions and/or mitigation.

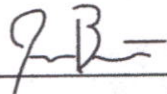
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- ☐ 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 December 1-March 31. 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 will 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: 12/1/20

RECEIVED

MAR 01 2021

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

Revised 10/4/12; reformatted 5/12/20

RECEIVED

SEP 13 2021

OWRD

OWRD

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020

MAR 01 2021

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

OWRD

☐ **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.

RECEIVED

☒ **b51a** The period of use has been limited to December through March.

SEP 13 2021

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

OWRD

☐ **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.

Applicant Name: Stephen Woods

ODFW Review

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 July 1-September 15 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.

RECEIVED

SEP 13 2021

OWRD

RECEIVED

MAR 01 2021

OWRD

Good afternoon Mr. Woods,

RECEIVED

MAR 01 2021

OWRD

It was nice meeting you this morning, and thank you for allowing me to take a look at the tributaries that will be supplying your proposed alternate reservoir. For the record, the two tributaries were not fish streams being well beyond the gradient barrier for cutthroat trout above and below the proposed reservoir site. Please keep this email for your records and feel free to share it with any interested party. You may also forward my contact information below if necessary.

Have a good weekend,

RECEIVED

SEP 13 2021

OWRD

Mike

Michael V. Sinnott

Assistant District Fish Biologist

Oregon Department of Fish and Wildlife

North Coast Watershed District

4907 Third St

Tillamook, OR 97141

503-842-2741 x237 (w)

503-842-8385 (fax)



NESTUCCA RURAL FIRE PROTECTION DISTRICT

30710 Highway 101 S
Cloverdale, Oregon
503-392-3313

RECEIVED

MAR 01 2021

OWRD

RECEIVED

SEP 13 2021

OWRD

June 26, 2020

To Whom it may concern

This letter is in support of the pond that Steve Woods is proposing to install on his property in the South Beach area.

This would give the Fire District a water supply for the property and if needed the surrounding area. After visting with Mr. Woods we would have a access point to draw water from this pond.

If there are any question for the District please contact me.

A handwritten signature in black ink, appearing to read "James Oeder", is written over the printed name.

James Oeder
Fire Chief
Nestucca Fire and Rescue
503-812-2422 cell
503-392-3313 office
joeder@nrfd.com

"Together, we make a difference."

RECEIVED

SEP 13 2021

OWRD

Water resources dept.
Corey Middleton
725 Summer St. NE
Salem, Or. 97301
September 9, 2021

Mr. Middleton,

On Thursday I sent an application for a permit to store water in a reservoir but I realized after returning home that I neglected to include the payments for the application fees.

I have enclosed a check for \$520 for the recording fee and another check for \$532.50 for the examination fee. Hopefully the checks can be matched with the application for your final review.

If anything additional is needed please contact me at [503-628-0950](tel:503-628-0950) or you can email me at

swoods.home@aol.com

Thanks

A handwritten signature in black ink that reads "Steve Woods". The signature is fluid and cursive, with the first name "Steve" and last name "Woods" clearly distinguishable.

Steve Woods

Salem Water Resources Department

Attn: Cory Middleton

Dear Cory,

Enclosed are the applications for my Reservoir Permit which we discussed recently. They include:

Water Master Alternate Reservoir Application Review Sheet Signed by Nikki Hendricks.

Application for a Permit to store water in a reservoir (Alternate Review)

Land Use Information Form

The Tillamook County Department of Community Development Planning Application signed by Melissa Jenck

Receipt from the County for the land use Compatability Statement

O.D.F.W. Alternate Reservoir Application Review Sheet

Letter from Mike Sinnott O.D.F.W. District Fish Biologist

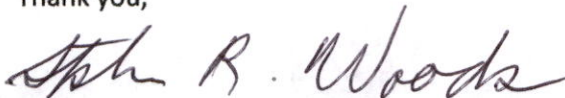
Letter from Nestucca Rural Fire Protection District from Fire Chief James Oeder

I have also enclosed an exam fee for \$532.50 and a recording fee of \$520.00.

It is my hope that I have included everything needed to complete my application process. Are there any additional state or local agencies that need to be contacted to complete my approval? If you know of any could you please provide me with contact information for them.. I look forward to completing this process which as you can see from the time stamps was started June, 2020.

If any additional information is needed please contact me at 503-628-0950.

Thank you,



Stephen R. Woods

RECEIVED

MAR 01 2021

OWRD

RECEIVED

SEP 13 2021

OWRD

Water resources dept.
Corey Middleton
725 Summer St. NE
Salem, Or. 97301
September 9, 2021

RECEIVED

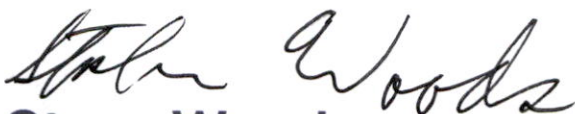
SEP 13 2021

OWRD

Mr. Middleton,

The last time you reviewed this application was in March 2021. At that time the application was returned to me as being incomplete. The summary of items needed included a legal description of the property which I have enclosed as well as an application map completed by a certified water rights examiner. I have also included all of the forms and letters from my prior submission for your review. If there are any additional items needed please contact me so that we can complete this review. I can be reached at 503-628-0950.

Thank you for your consideration of my project and I look forward to hearing from you soon.


Steve Woods

Easement Agreement, including the terms and provisions thereof;

Executed by: William M. Roberts, etal

Recording Date: November 20, 2007

Recording No.: 2007-009643

Affects: See document for specifics

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: December 11, 2008

Recording No: 2008-008424

RECEIVED

SEP 13 2021

OWRD

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Paul Jeffrey Rood, trustee of the Paul Jeffrey Rood Trust, U/D/T September 20, 1988
Purpose: Ingress and egress, etc.
Recording Date: August 19, 1996
Recording No: Book 380, Page 453

Modification and/or amendment by instrument;

Recording Date: April 8, 2004
Recording No.: 2004-002677

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Ocean View Ventures, Inc., etal
Purpose: Access and utilities
Recording Date: April 29, 1998
Recording No: Book 395, Page 927

RECEIVED

SEP 13 2021

Agreement, including the terms and provisions thereof;

Executed by: Pacific Ridge Enterprises, Inc., etal
Recording Date: June 5, 1998
Recording No.: Book 397, Page 109
Affects: Maintenance, etc.

OWRD

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: OVV Development Inc., PRE Development, Inc. and NHD Development, Inc.
Purpose: Utilities, etc.
Recording Date: June 25, 1998
Recording No: Book 397, Page 769
Affects: See document for specifics

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: July 17, 1998
Recording No: Book, 398, Page 470

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 12, 2001
Recording No: Book 429, Page 952

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: December 22, 1998
Recording No: Book 403, Page 109
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust, U/D/T dated September 20, 1988
Purpose: Sub-surface Septic Drainfield, etc.
Recording Date: June 21, 1996
Recording No: Book 378, Page 924
Affects: See document for specifics

Easement Agreement, including the terms and provisions thereof;

Executed by: Kent H. Ziegler, etal
Recording Date: December 31, 2002
Recording No.: Book 442, Page 796
Affects: Ingress and egress, etc.

Easement Agreement, including the terms and provisions thereof;

Executed by: Kent H. Ziegler, etal
Recording Date: January 24, 2006
Recording No.: 2006-000575
Affects: Ingress and egress

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Neskowin Regional Sanitary Authority
Purpose: Sewer, etc.
Recording Date: October 17, 2006
Recording No: 2006-009057
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Neskowin Regional Water District, a municipal corporation
Purpose: Water pipelines, etc.
Recording Date: November 29, 2006
Recording No: 2006-010376
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: July 14, 1970
Recording No: Book 219, Page 954
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: August 19, 1970
Recording No: Book 220, Page 365
Affects: See document for specifics

RECEIVED

SEP 13 2021

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document: **OWRD**

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: August 17, 1971
Recording No: Book 224, Page 159
Affects: See document for specifics

Easement and Maintenance Agreement, including the terms and provisions thereof;

Executed by: L.E.W. Engineering, Inc., an Oregon corporation; and Robert C. Brodine, Jr. and Verna Lee Brodine, husband and wife
Recording Date: August 16, 1974
Recording No.: Book 237, Page 500
Affects: Roadway use and maintenance and water system use

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public Utilities
Recording Date: July 28, 1976
Recording No: Book 246, Page 157
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: January 29, 1979
Recording No: Book 261, Page 256
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Chinook Associates, Inc.
Purpose: Sewer
Recording Date: September 5, 1980
Recording No: Book 271, Page 450
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: October 2, 1984
Recording No: Book 295, Page 220
Affects: See document for specifics

Easements as shown on the recorded Partition Plat No. 2008-006.

Easements for access and utilities over the existing roads, appurtenant to each parcel, which is situated in the West half of Section 36, Township 5 South, Range 11 West of the Willamette Meridian, and Section 35, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon, to which access is gained through the locked (or lockable) gate maintained by Proposal Rock Homeowners Association.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook People's Utility District
Purpose: Public utilities
Recording Date: May 14, 1993
Recording No: Book 350, Page 833
Affects: See document for specifics

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District
Purpose: Public utilities
Recording Date: September 28, 1994
Recording No: Book 364, Page 132
Affects: See document for specifics

Agreement for Easement, including the terms and provisions thereof;

Executed by: Philip J. Kessel; and Seabreeze Associates Limited Partnership
Recording Date: August 25, 1995
Recording No.: Book 371, Page 974
Affects: South Beach Road

Exhibit "One"

The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Regulations, including levies, liens, assessments, rights of way and easements of Neskowin Water Authority. An inquiry has been directed to the Authority concerning the status of said liens and a report will follow if such liens are found.

Regulations, including levies, liens, assessments, rights of way and easements of Neskowin Sanitary Authority. An inquiry has been directed to the District concerning the status of said liens and a report will follow if such liens are found.

Any adverse claim based upon the assertion that some portion of said Land is tide or submerged lands, or has been created by artificial means or has accreted to such portion so created.

a) Rights of the public and the State of Oregon in the ocean shore and dry sand area as declared acquired under the provisions of ORS 390.605-.770 or west of the seaward edge of vegetation as defined in Thornton v. Hay, Oregon Supreme Court.

b) Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Pacific Ocean.

Any adverse claim based upon the assertion that:

a) Some portion of said Land has been created by artificial means, or has accreted to such portion so created.

b) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Pacific Ocean or has been formed by accretion to any such portion.

Rights of the public to any portion of the Land lying within streets, roads and highways.

Right to lay water pipes, including the terms and provisions thereof;

Granted by: J. R. Brigham
To: R. E. Steiner, et al
Recording Date: October 28, 1920
Recording No.: Book 3, Page 409

NOTE: Rights under said instrument were transferred to the South Neskowin Water Company, by instrument recorded December 3, 1924 in Book 52, page 345, Records of Tillamook County, Oregon.

Rights of ingress and egress and rights to water, including the terms and provisions thereof;

Granted by: John R. Brigham
To: E. C. Apperson, et al
Recording Date: September 10, 1917
Recording No.: Book 36, Page 238

Also granted in Deed,
To: Nellie G. Rogers
Recording Date: March 15, 1918
Recording No. Book 37, Page 101

Also granted in Deed,
To: Lillie Lichfield Shirley
Recording Date: August 30, 1920
Recording No.: Book 42, Page 25

Also as granted in Deed,
To: Aletta M. Brigham
Recording Date: August 11, 1921
Recording No.: Book 43, Page 453

Also granted in Deed,
To: Mary E. Webster
Recording Date: July 21, 1922
Recording No.: Book 44, Page 625
(Location not specific.)

Agreement granting perpetual privilege of attaching water pipes to water mains, and right to cross property in direct course to the nearest county road and ocean beach, granted in instrument;

Granted by: J. R. Brigham
To: R. E. Steiner, et al
Recording Date: August 4, 1910
Recording No.: Book 2, Page 130
(Location not specific.)

Non-exclusive easements, in common with others, including the terms and provisions thereof, for ingress, egress and utilities over and across South Beach Road, Lot 99, Neskowin Heights, Neskowin Heights First Addition, and any extensions thereof, as described in Deed recorded in Book 175, Page 459, Records of Tillamook County, Oregon, the plats and dedications of Neskowin Heights and Neskowin Heights First Addition, instruments recorded in Book 237, Page 500; Book 333, Page 681; Book 442, Pages 794 and 796; instrument recorded as Fee No. 2006-000575, and other instruments in the Records of Tillamook County, Oregon.

RECEIVED

SEP 13 2021

OWRD

State of OREGON
COUNTY of Washington

This instrument was acknowledged before me on July 7, 2015
by Michael K. Erickson as Member of Erickson Properties, LLC.

Emily A Hummel
Notary Public - State of Oregon

My commission expires: 3-12-19

RECEIVED

SEP 13 2021

OWRD





00148165201500039860070071

I hereby certify that the within
instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.

Tassi O'Neil, Tillamook County

RECORDING REQUESTED BY:

Fidelity National Title Company of Oregon

GRANTOR:

Erickson Properties, LLC, an Oregon limited liability company

255 Stampher Road
Lake Oswego, OR 97034

GRANTEE:

Stephen R. Woods, Trustee of the Stephen R.
Woods Revocable Living Trust dated May
22, 2008
24850 SW Melott Road
Hillsboro, OR 97123

SEND TAX STATEMENTS TO:

Stephen R. Woods Revocable Living Trust dated
May 22, 2008
24850 SW Melott Road
Hillsboro, OR 97123

AFTER RECORDING RETURN TO:

Stephen R. Woods Revocable Living Trust dated
May 22, 2008
24850 SW Melott Road
Hillsboro, OR 97123

Escrow No: 20150109674-FTPOR10

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Erickson Properties, LLC, an Oregon limited liability company Grantor, conveys and warrants to

Stephen R. Woods, Trustee of the Stephen R. Woods Revocable Living Trust dated May 22, 2008
Grantee, the following described real property free of encumbrances except as specifically set forth
herein:

SEE LEGAL DESCRIPTION ATTACHED HERETO

The true consideration for this conveyance is \$450,000.00.

ENCUMBRANCES: See Attached Exhibit "One"

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.

Dated June 25, 2015; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Erickson Properties, LLC

BY:

Michael K. Erickson, Member

20150109674-FTPOR10

Deed (Warranty – Statutory (Individual or Corporation))

RECEIVED

SEP 13 2021

OWRD

Ticin 360415016502