

LUC 20-02

Pond #2



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

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

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Applicant: Richard Drosman
Mailing Address: 86 South 22nd Street
St. Helens Oregon 97051
Phone: (503) 397-3358

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.)

2. AGENT INFORMATION

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

Agent: N/A
Mailing Address:
Phone:
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: Drosman Properties NO Name officially designe
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: Ground Water Springs Tributary to: Beaver Creek.
C. County in which diversion occurs: Columbia.

For Department Use
App. No. Permit No. Date

#2

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
7 N	4 W	3	SW SE	1201 1100

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E. Dam: Maximum height of dam: ~~10~~ 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: 3.6 acreft Acre-feet = $\frac{\text{Average Length} \times \text{Average Width} \times \text{Average Depth}}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

to be Adjusted for Each Pond

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.

Multi: purpose

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5. PROPERTY OWNERSHIP

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

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

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

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

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

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

List the names and mailing addresses of all affected landowners:

Thomas & Susan Galloway 7701 Rutters Road
Clatskanie Oregon 97016. Tax lot 1100

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Oregon Water Resources Department
 Alternate Reservoir Application

OWRD Main

Help

Return

Contact Us

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

Today's Date: Wednesday, June 19, 2019

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	0	
Proposed Reservoir volume in Acre Feet.	6	\$210.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,140.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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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.

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.

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For Local Government Use Only

7403-W-003W/1201

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.

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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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

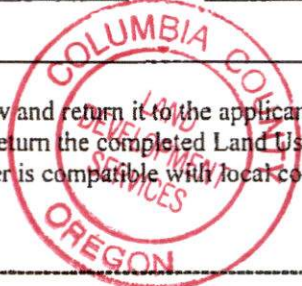
legalization of 4 ponds are permitted in the PF-80 & RE-5 zones. No development or commercial recreational uses are authorized with this legalization through the OR Water Resources Dept.

Name: Deborah S. Jacob Title: Planner III

Signature: Deborah S. Jacob Phone: 503-377-9728 Date: 7/2/19

Government Entity: _____

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: _____

Receipt # 389045 7/2/19
CK # 6032

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).

The bodies of water, here called Ponds, Are merely Collection basins, for Springs in the hillside.
further description on addendum

9. SIGNATURE

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

Chlori Huffman Trustee
Applicant Signature

10-18-21
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

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REVOCABLE LICENSE AGREEMENT FOR RESERVOIR**Between:****FIRST PARTY:**

Thomas and Susan Galloway
77101 Rutters Road
Clatskanie, OR 97018

And:**SECOND PARTY:**

Richard W. Drosman, Trustee
Richard W. Drosman Trust u/a dated April 13, 2017
86 S. 22nd St.
St. Helens, OR 97051

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This License Agreement is made and entered into on this 3rd day of June, 2019 by and between **Thomas and Susan Galloway** (together, the "First Party") and **Richard W. Drosman as Trustee of the Richard W. Drosman Trust u/a dated April 13, 2017** (the "Second Party").

WHEREAS, The First Party is the record owner of the real property in City of Clatskanie, Columbia County, State of Oregon, commonly known as 77101 Rutter Road, Clatskanie, OR, 97018, Tax Lot 1100, legally described in the attached Exhibit A, and subject to all exceptions of record.

WHEREAS, The Second Party is the record owner of the real property in City of Clatskanie, Columbia County, State of Oregon, located on Beaver Falls Road, Clatskanie, Oregon, and commonly known as Tax Lots 300 and 1201, legally described in the attached Exhibit B, and subject to all exceptions of record.

WHEREAS, the Parties' parcels of real estate adjoin one another; and the Second Party has built a man-made reservoir on his property which is approximately 150 feet long and 40 feet wide, and which encroaches northwards and eastwards upon the First Party's property.

WHEREAS, the First Party desires to grant the Second Party a personal and revocable right to store this water in that portion of the existing man-made reservoir partially located on the First Party's property.

WHEREAS, the Parties desire to grant to each other personal and revocable rights to access the reservoir and its borders for the purposes of recreation.

WHEREAS, this license shall terminate upon those events described below, and is not intended by the Parties to run with the land or to ripen into an easement by prescription.

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NOW, THEREFORE, in consideration of the below promises and agreements which are the whole consideration, the receipt of which is hereby acknowledged:

1. The First Party conveys to the Second Party a revocable license to maintain a portion of an existing man-made reservoir on the southwestern border of the First Party's property. The existing reservoir may not be expanded without the First Party's permission, in the First Party's sole discretion.
2. Maintenance and the cost of maintenance of the reservoir is the sole responsibility of the Second Party. Permitting and the cost of permitting of the reservoir is also the sole responsibility of the Second Party.
3. Both Parties may engage in recreational activities on the reservoir and its immediate borders, including but not limited to hiking, camping, boating, swimming, hunting, fishing, and horseback riding. [ATV use is permitted.] This license is limited to the Parties only.
4. All recreational activities must be conducted in a careful, safe manner in compliance with all applicable laws and regulations, and shall not disrupt the other Party's peaceful enjoyment of that party's property by creating a nuisance or engaging in disorderly conduct. In connection to these activities, each Party may only make permanent changes to the land or construct permanent improvements on their property only. All other changes and improvements to the land must be temporary in nature, removed immediately after use, and not destructive to the underlying real estate. Each Party shall be responsible for any damage to the land of the other caused by their use.
5. Neither Party makes any warranty to the other regarding the condition of their real estate. Each Party assumes all risk of entering onto the reservoir and its immediate borders, and releases all possible claims for their personal injury or property damage against the other Party.
6. Notwithstanding Paragraph 5, the Second Party assumes all risk that is created by the existence of the reservoir on the First Party's property, and agrees to indemnify and hold

harmless the First Party from any claims against the First Party brought by a non-party which may be related to the reservoir.

7. This license is personal to the Parties. It is not intended to run with the land or to ripen into an easement by prescription. It is terminable in writing to the Party's at the addresses given above, and upon the following events: a) at the sole discretion of a Party; b) upon a Party's death or the transfer of that Party's property; and the removal, destruction, or c) the drying up of the reservoir from any cause except the deliberate actions of the First Party.
8. This Agreement may be extended by a writing signed by a Party and/or the successors in interest to a Party, and appended hereto. Any expenditure of money made in reliance upon this Agreement is undertaken at each Party's own risk, with the full and complete understanding that this Agreement is terminable as provided in Paragraph 8 above.
9. In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities, and to individuals.
10. This agreement contains the entire agreement of the Parties, and no promises, oral or otherwise, shall be in effect unless contained herein.
11. This agreement shall be governed by the laws of the State of Oregon. The Parties agree that if a Party brings suit to enforce this Agreement, and fails to prevail in the litigation, that Party will reimburse the other for the actual costs of the litigation including reasonable attorney fees.

IN WITNESS WHEREOF, the parties have executed this instrument on the date stated above.

Executed this 3rd day of June, 2019.

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First Party

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Thomas Galloway
Thomas Galloway

Susan M Galloway
Susan Galloway

STATE OF OREGON)
) ss.
County of Columbia)

This instrument was acknowledged before me this 3rd day of June, 2019, by Thomas Galloway and Susan Galloway.



Heidi White
Notary Public—State of Oregon
My commission expires: 8-31-2021

Second Party
RICHARD W. DROSMAN TRUST

Richard Drosman
By: Richard W. Drosman
Its: Trustee

STATE OF OREGON)
) ss.
County of Columbia)

This instrument was acknowledged before me this 3rd day of June, 2019, by Richard Drosman, who was proven to me to be the Trustee of the Richard W. Drosman Trust u/a dated April 13, 2017.



Heidi White
Notary Public—State of Oregon
My commission expires: 8-31-2021

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EXHIBIT A
FIRST PARTY'S PARCEL

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That part of the following described tract lying West of the Thomas Rutter County Road:

Beginning at a point on the East line of Section 3, said point being North 0°15' West 404.25 feet from the Southeast corner of Section 3, Township 7 North, Range 4 West, Willamette Meridian, Columbia County, Oregon; thence North 89°05' West a distance of 2588.57 feet to the West line of the Southeast quarter of said Section 3; thence North 0°47' West along said West line of the Southeast quarter of said Section 3, a distance of 644.49 feet; thence South 89°05' East a distance of 586.08 feet; thence South 16°53' East a distance of 252.22 feet; thence South 89°05' East a distance of 1936.95 feet to the East line of said Section 3; thence South 0°15' East a distance of 404.25 feet to the point of beginning.

**EXHIBIT B
SECOND PARTY'S PARCELS**

Tax Lot 1201

All that portion of the following described tract lying West of the Westerly right of way line of Old Columbia River Highway:

Beginning at a point which is North 0°15' West 404.25 feet and North 89°05' West 493.65 feet from the Southeast corner of Section 3, Township 7 North, Range 4 West, Willamette Meridian, Columbia County, Oregon said point being 404.25 feet North of the South line of said Section 3; thence continuing parallel to the said South line of Section 3, North 89°05' West a distance of 2094.92 feet to the West line of the Southeast quarter of said Section 3; thence Southerly along the said West line of the Southeast quarter 404.25 feet to the Southwest corner of said Southeast quarter of Section 3; thence along the boundary of a 0.91 acre tract as described in Deed Book 155, Page 505, Columbia County Deed Records, South 177 feet and North 75°30' East 172 feet and North 55° East 242 feet to a point 363 feet East of the said Southwest corner of the Southeast quarter of Section 3; thence along the South line of said Section 3 South 89°05' East a distance of 906.9 feet to the East right of way line of the Rutter County Road; thence along a one-half acre tract as recorded in Book 155, Page 505, Southeasterly along the said East right of way line of said road 120 feet; thence Northeasterly 250 feet; thence North 56 feet to a point on the South line of said Section 3 and being 227 feet East of the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 3; thence South 89°05' East a distance of 417.48 feet to a point that is 648.42 feet West from the Southeast corner of said Section 3 and on the South line thereof; thence North 15°39' East a distance of 201.54 feet; thence North 70°23' East a distance of 131.8 feet; thence North 8°53' West a distance of 165.26 feet to the point of beginning.

Tax Lot 300

East half of Southwest quarter of Section 3, Township 7 North, Range 4 West, Willamette Meridian, Columbia County, State of Oregon, EXCEPTING therefrom the North 20 acres thereof conveyed to Paul Zollman and Winnifred Zollman by deed recorded June 28, 1963, in Book 152, page 499, Deed Records of Columbia County, State of Oregon.

Tax Assessor's Parcel No. 27718.

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WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

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

Application #: R-

Applicant's Name: Richard Drogman

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

Explain: There are instream water rights on Beaver Creek

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

If YES, which conditions are recommended:
Limited storage season, of November 1 - June 30 each year,

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

Who: Agency: Date:

Who: Agency: Date:

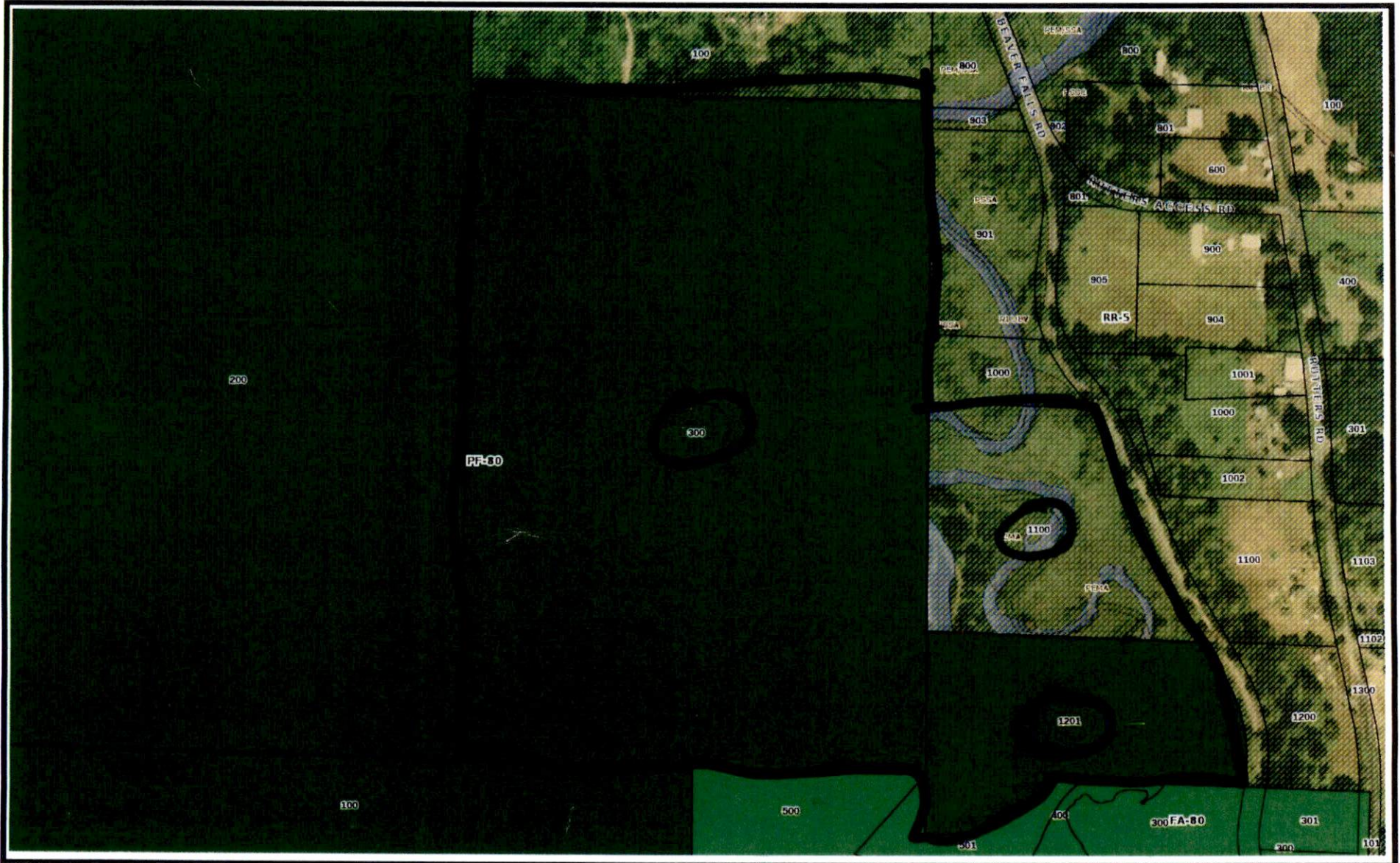
Watermaster printed name: Jake Constans

Watermaster signature: [Signature] Date: 7/9/19

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

NOTE: This completed form must be returned to the applicant

Zoning Map LUCS 20-02



Columbia County



Oregon

Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.

GeoInfo

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