



Application No. \_\_\_\_\_

R-80150

RECEIVED

MAR 31 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT

# Application for a Permit to Construct a Reservoir

Applicant(s) BILL SANDERS

(Please print or type - use dark ink)

Mailing Address: 8830 N.E. ST. PAUL HWY., P.O. BOX 3278

NEWBERG OR 97132 538-2730  
City State Zip Daytime Phone No.

I (We) make application for a permit to construct EARTH FILL DAM IN CHANNEL reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: SURFACE WATER & SPRINGS (UNNAMED Creek)  
a tributary of BROOK SPRING  
If not in channel of a stream, state how it is to be filled: \_\_\_\_\_

2. THE DAM: The maximum height of the structure will be 10 feet above stream bed or ground surface at the centerline.

The dam will be (check one)  earthfill, \_\_\_\_\_ concrete, \_\_\_\_\_ flashboard, \_\_\_\_\_ other.

If "other" give description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Give the location, description, and dimensions of the outlet conduit: The outlet conduit is located approximately in the center of the dam at bottom of original channel. The conduit is a 16-inch steel pipe with riser & also a 14-inch gate valve to allow draining of the pond.

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: Wildlife

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. THE AMOUNT OF WATER to be stored is: 0.62 acre-feet.  
The area submerged by the reservoir, when filled, will be 0.15 acres,  
and the maximum depth of water will be 10 feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. The proposed spillway will be a 16-inch Dia. pipe on the north side of the dam located in natural ground outside the fill area.

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 1994

Proposed date construction work will be completed SEPT. 1995

Proposed date water use will be completed SEPT. 1995

NOTE: Prior to issuance of a permit, it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant     CWRE     Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant     CWRE     Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

X	<u>Wm P. Ludue</u>	X	<u>3-20-95</u>
	Signature		Date
X	<u>Judith A. Linders</u>		<u>3-20-95</u>
	Signature		Date

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 31 day of March, 1995, at 8 o'clock, A M.

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WATER RESOURCES DEPT.  
SALEM, OREGON

SPRING DESCRIPTION SHEET

APPLICATION R-80150

1. Is the spring on property owned by applicant? YES
2. If not, give name and address of legal owner: \_\_\_\_\_  
\_\_\_\_\_
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipeline or other works? \_\_\_\_\_
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? \_\_\_\_\_
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second? 4 GPM  
What is the minimum flow? 1 GPM  
Is flow measured or estimated? Measured
6. Does the stream flowing from the spring form a well defined natural channel? No
7. Does the water flow off the lands on which it first arises? YES
8. Give the name of the stream or other body of water into which water from the spring flows: BROOK SPRING
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing: \_\_\_\_\_
10. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

X Wm E. Sanders  
Signature  
Dorothy A. Sanders  
Signature

MAP TO ACCOMPANY WATER RIGHT APPLICATION

TO CONSTRUCT A RESERVOIR  
 IN THE NAME OF BILL SANDERS  
 IN THE N.W. 1/4 OF THE S.E. 1/4 SECTION 28,  
 TOWNSHIP 3 SOUTH, RANGE 2 WEST,  
 WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON

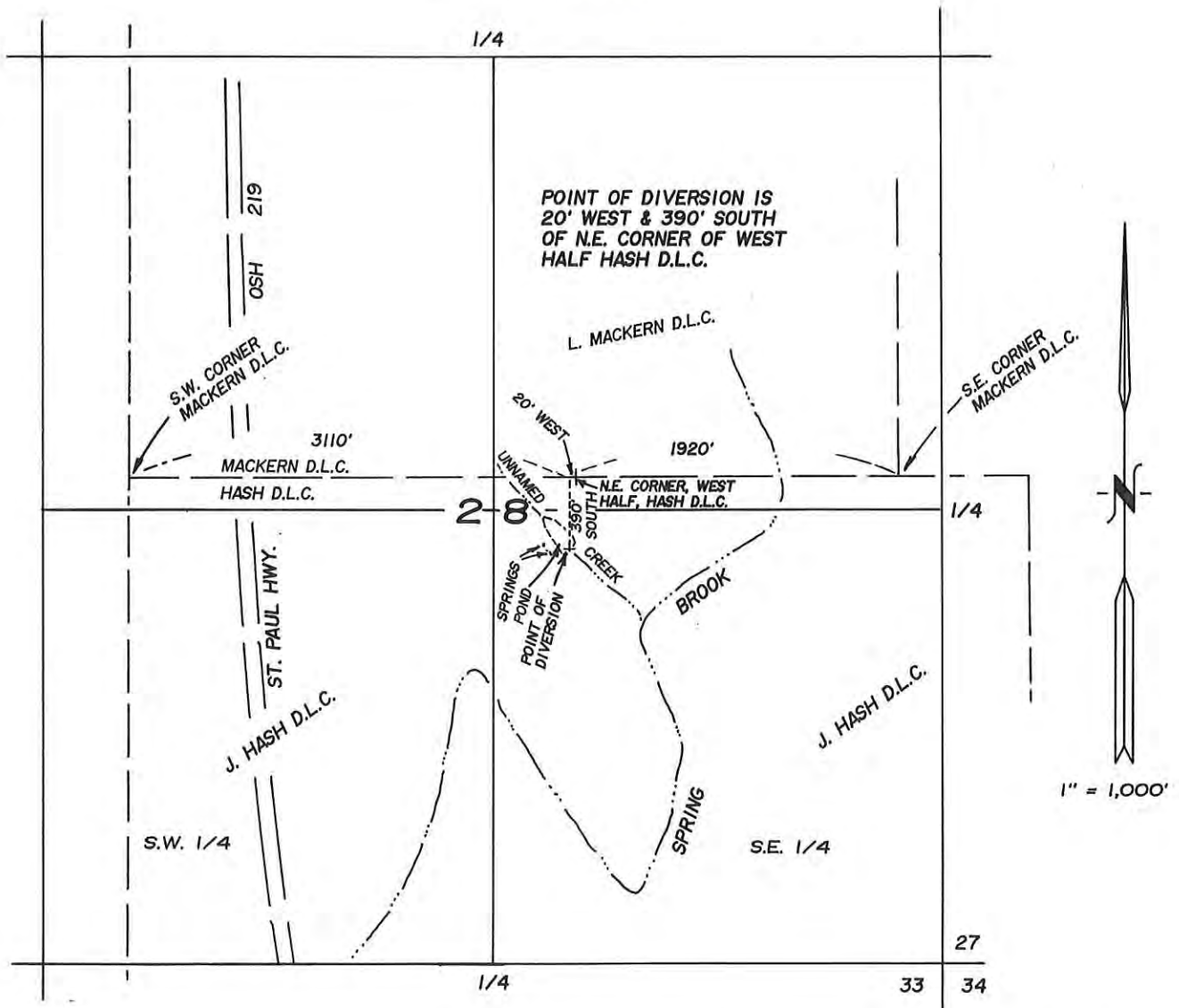
RECEIVED

MAR 31 1995

WATER RESOURCES DEPT.  
 SALEM, OREGON

NOTE: THIS MAP DOES NOT INTEND  
 TO PROVIDE DIMENSIONS FOR THE  
 EXACT LOCATION OF PROPERTY  
 OR BOUNDARY LINES.

Application No. R-80150  
 Permit No.



CHARLES E. SPEAR  
 831 N.E. BIRCHAIRE LN.  
 HILLSBORO, OREGON 97124



RECEIVED

MAY 31 1995

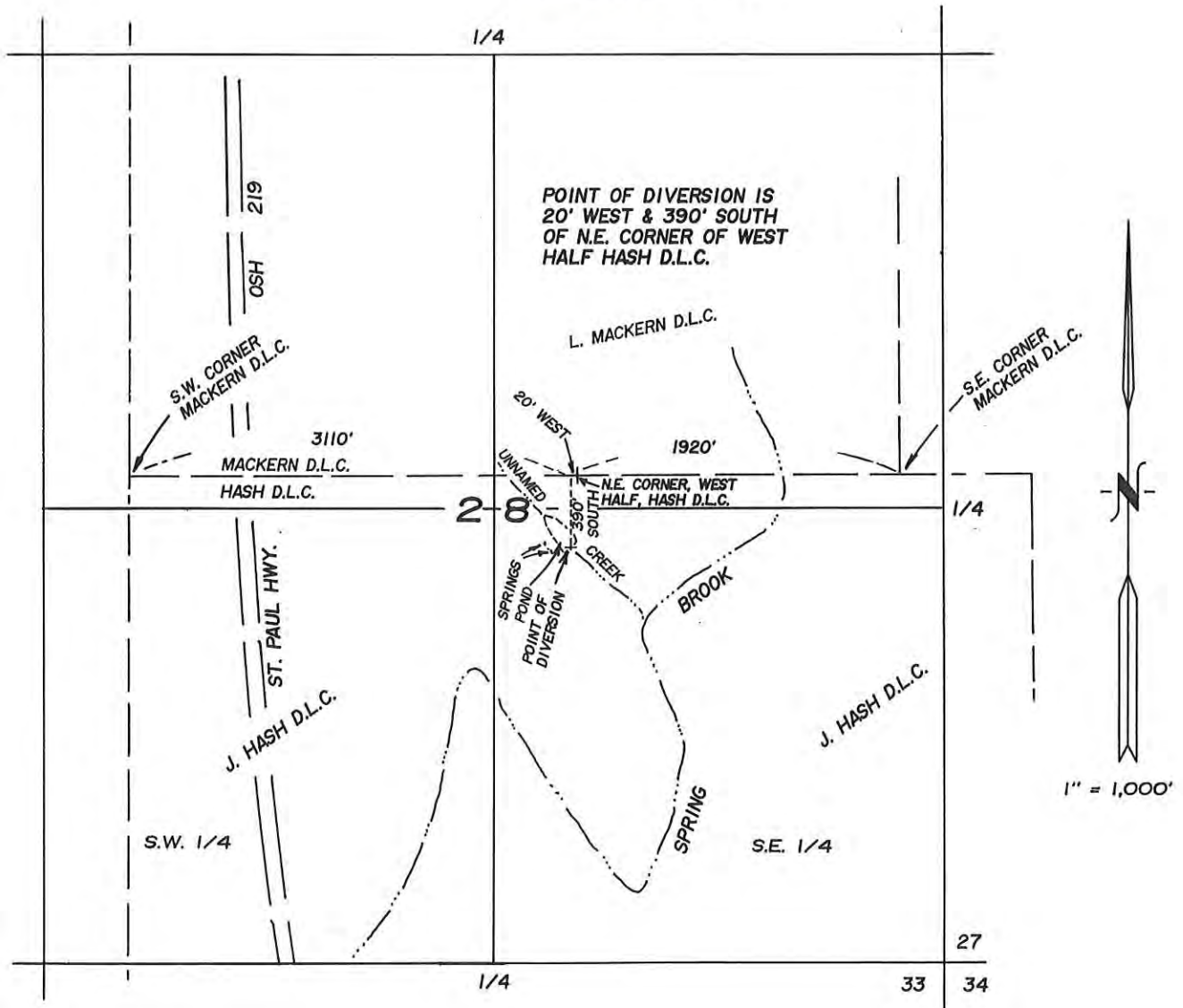
WATER RESOURCES DEPT.  
SALEM, OREGON

# MAP TO ACCOMPANY WATER RIGHT APPLICATION TO CONSTRUCT A RESERVOIR IN THE NAME OF BILL SANDERS IN THE N.W. 1/4 OF THE S.E. 1/4 SECTION 28, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON.

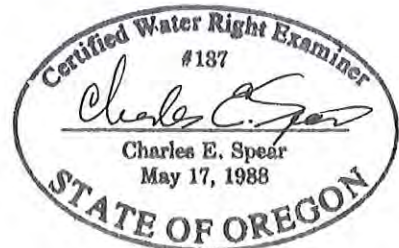
NOTE: THIS MAP DOES NOT INTEND  
TO PROVIDE DIMENSIONS FOR THE  
EXACT LOCATION OF PROPERTY  
OR BOUNDARY LINES.

CERTIFICATE NO. 71791

Application No. R-80150  
Permit No.



CHARLES E. SPEAR  
831 N.E. BIRCHAIRE LN.  
HILLSBORO, OREGON 97124





**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

RECEIVED  
WATER RESOURCES DEPARTMENT, UFGCA  
MAR 31 1995

Applicant's Name: BILL SANDERS  
Address: 8830 N.E. ST. PAUL HWY, P.O. BOX 3278  
City: Newberg State: OR Zip: 97132 Day Phone: 538-2730

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
<u>35 2W 28 (2403)</u>	<u>AF-20 Agriculture/Forestry</u>	<u>X</u>		

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Yamhill

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

**For Local Government Use Only**

**Application No.** R-80150

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 403-02. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

**Receipt for Request for Land Use Information**

WRD Applicant Name: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Sandy Mathewson  
Title: Assoc. Planner

Date: 3-23-95  
Phone: 434-7516

Signature: Smathewson

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

Additional Comments:

Lined area for additional comments.

### Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Bill SANDERS  
 Address: 8830 N.E. ST. PAUL HWY  
P.O. BOX 3278  
HEWBERG, OR 97132  
 Phone: \_\_\_\_\_

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 MAR 31 1995  
 WATER RESOURCES  
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_
- Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- Institutional (i.e., school, library, etc.): \_\_\_\_\_
- Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Springs</u> _____ _____	_____ Cubic feet per second. _____ Gallons per minute. <u>0.62</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

Application No. R-80150  
 Permit No.

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MAR 31 1995

WATER RESOURCES DEPT.  
 SALEM, OREGON

FORM No. 96B—Stevens-Hess Law Publishing Co., Portland, Ore. 97204

QUITCLAIM DEED—STATUTORY FORM  
 INDIVIDUAL GRANTOR

FIL# 168 PAGE 0526

Ronald A. Watson  
 Trustee of the Estate of HARRIS L. AND SARA E. PEARSON, # 381-02554 Grantor, releases and  
 quitclaims to WILLIAM E. SANDERS AND JUDITH A. SANDERS, husband and wife Grantee,  
 all right, title and interest in and to the following described real property situated in YAMHILL  
 County, Oregon, to-wit:

A tract of land in the John J. Hash Donation Land Claim in Section 28,  
 Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County,  
 Oregon, being described as follows:

Beginning at the intersection of the East line of relocated  
 Hillsboro-Silverton Highway and the North line of said J. Hash Claim; thence  
 South 86° 22' 48" East along the North line of J. Hash Claim, 1799.62 feet;  
 thence South 0° 29' 57" West, 288.24 feet to the TRUE PLACE OF BEGINNING;  
 thence North 88° 22' 48" West, 466.79 feet; thence South 0° 39' 57" West,  
 466.79 feet; thence South 88° 22' 48" East, 466.79 feet; thence North 0° 39'  
 57" East, 466.79 feet to the place of beginning.

TOGETHER WITH a non-exclusive easement for roadway purposes, including the  
 terms and provisions thereof, being 60 feet in width as described and set forth  
 in instrument recorded October 4, 1977 in Film Volume 123, Page 1472, Deed and  
 Mortgage Records.

TAX LOT: 3228-2405  
401043

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$ 1,680.49 (Here comply with the requirements of ORS 93.030)

Dated this 16th day of March, 19 82.

*Ronald A. Watson*  
 Trustee



STATE OF OREGON, County of Multnomah ) ss. March 16, 19 82  
 Personally appeared the above named Ronald A. Watson

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: *J. W. Brugman*  
 Notary Public for Oregon—my commission expires April 25, 1982

(OFFICIAL SEAL)

QUITCLAIM DEED

GRANTOR

GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

Mr. & Mrs. William E. Sanders  
 Rt. 4, Box 149C  
 Newberg, OR 97132

NAME, ADDRESS, ZIP

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

NAME, ADDRESS, ZIP

STATE OF OREGON

STATE OF OREGON) 01674 FILED  
 County of Yamhill ) YAMHILL COUNTY, OREGON

MAR 17 3 33 PM '82

I hereby certify that the  
 this was received and duly  
 recorded by me in Yamhill  
 County records:

V.O.L. 1168 Page 526

CHARLES STERN  
 COUNTY CLERK  
 DEPUTY

By \_\_\_\_\_ Recording Officer  
 \_\_\_\_\_ Deputy

982

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **123061**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: William E. Sanders APPLICATION 80150  
BY: \_\_\_\_\_ PERMIT \_\_\_\_\_  
TRANSFER \_\_\_\_\_

CASH:  CHECK: #  24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 50.-

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

_____	CASH ACCT.	\$
_____	COST CENTER AND OBJECT CLASS	VOUCHER #

**03-00-0 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>			
840.001	COPY FEES	\$	
850.200	RESEARCH FEES	\$	
880.109	MISC REVENUE: (IDENTIFY)	\$	
520.000	OTHER (P-6) (IDENTIFY)	\$	
<b>WATER RIGHTS:</b>			
842.001	SURFACE WATER	EXAM FEE \$ <u>40.-</u>	842.002 RECORD FEE \$ <u>10.-</u>
842.003	GROUND WATER	\$	842.004 \$
842.005	TRANSFER	\$	842.006 \$
<b>WELL CONSTRUCTION</b>			
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$	842.023 \$
_____	LANDOWNER'S PERMIT		842.024 \$
_____	OTHER (IDENTIFY)		

**06-00-0 WELL CONST. START FEE**

842.013	WELL CONST START FEE	\$	CARD #
_____	MONITORING WELLS	\$	CARD #
_____	OTHER (IDENTIFY)		

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

**07-00-0 HYDRO ACTIVITY**

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **123061**

DATED: 3-31-95 BY: D. Bushnell

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

March 31, 1995

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WATER  
RESOURCES  
DEPARTMENT

---

BILL SANDERS  
PO BOX 3278  
NEWBERG OR 97132

Dear Mr. Sanders,

The Department has received your Applications for Permits. Your Application for a Permit to Construct a Reservoir has been filed. However, we need more information before we can accept, file, and review the Application for a Permit to Appropriate Surface Water.

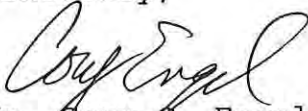
Please provide the following:

- ▶ Complete item #2 on the application.
- ▶ The \$50.00 you previously sent has been retained to cover costs of the Reservoir Application (\$40.00 Examination fee; \$10.00 Permit recording fee). An additional examination fee in the amount of \$200.00 is required to file the Surface Water Application.

The Surface Water Application and supporting data are being returned.

We will begin our analysis when the application and information noted above is received. Please feel free to contact the Water Rights Information Group at 378-3739 if you have any questions.

Sincerely,



Mr. Cory C. Engel  
Water Rights Research Assistant

enclosures



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

file  
January 10, 1996

Oregon

WATER  
RESOURCES  
DEPARTMENT

BILL SANDERS  
PO BOX 3278  
NEWBERG, OREGON 97132

Reference: File R-80150

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The STORAGE of water for WILDLIFE ENHANCEMENT AND RECREATION **is limited to** November 1 through June 30 under OAR 502, the Willamette Basin Program (OAR 690-502-050 (1)(e) and OAR 690-502-040 (4)).
4. Water to be appropriated for STORAGE of 0.62 acre-foot (AF) in one unnamed reservoir, from an unnamed stream and spring, tributary of Spring Brook, for WILDLIFE ENHANCEMENT AND RECREATION **is available** year-round.

Summary of Initial Determinations

Water may be appropriated for Storage of 0.62 acre-foot in one unnamed reservoir, from an unnamed stream and spring, tributary of Spring Brook, for WILDLIFE ENHANCEMENT AND RECREATION from November 1 through June 30.



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

Bill Sanders  
File R-80150  
January 10, 1996  
Page 2

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to # 3 and 4 above your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **January 24, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is March 31, 1995.



Bill Sanders  
File R-80150  
January 10, 1996  
Page 3

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 455 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Kerry Lefever  
Water Rights Specialist

cc: Regional Manager, Watermaster, Water Availability  
Section

enclosures: Flow Chart of Water Right Process  
Stop Processing Form

STATE OF OREGON  
COUNTY OF Yamhill

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

BILL SANDERS  
PO BOX 3278  
NEWBERG, OR 97132

confirms the right to store the waters of  
SPRINGS, A TRIBUTARY OF BROOK SPRING IN AN UNNAMED RESERVOIR  
for WILDLIFE.

The right to store and use these waters was perfected under Reservoir Application R-80150.  
The date of priority is January 1, 1993. The amount of water entitled to be stored and  
used each year under this right is not more than 0.62 ACRE-FOOT

Located as follows:

SE 1/4 SE 1/4 SECTION 28, TOWNSHIP 3 SOUTH, RANGE 2 WEST WM.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with  
a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary  
for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of  
use listed above.

WITNESS the signature of the Water Resources Director, affixed **FEBRUARY 27, 1996.**



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 71791

February 27, 1996

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310



DEPARTMENT OF  
FISH AND  
WILDLIFE

NORTHWEST  
REGIONAL OFFICE

Re: IR Review; 1-30-96 Public Notice  
Application # R-80150  
Bill Sanders  
Yamhill County  
Unnamed Tributary / Reservoir 1 > Spring Brook Creek; 62.000 acre-feet

ORS 498.268 and ORS 509.605 provide that no person shall construct an artificial obstruction across a waterway in which anadromous, game, or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife. If the proposed diversion or reservoir is in-channel and has the potential to block the free movement of fish in the subject stream, we request that the applicant be directed by permit condition to contact the ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction.

Because one or more species of game fish are present at the described point of diversion, ODFW requests that WRD include the following condition as part of the proposed permit:

The permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact the ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Steven R. Mamoyac".

Steven R. Mamoyac  
District Fish Biologist

John A. Kitzhaber  
Governor



c: Kruger, HCD

7118 NE Vandenberg Ave.  
Corvallis, OR 97330-9446  
(503) 757-4186  
FAX (503) 757-4252

# Oregon

February 27, 1996

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310



DEPARTMENT OF  
FISH AND  
WILDLIFE

NORTHWEST  
REGIONAL OFFICE

Re: IR Review; 1-30-96 Public Notice  
Application # R-80150  
Bill Sanders  
Yamhill County  
Unnamed Tributary / Reservoir 1 > Spring Brook Creek; 62,000 acre-feet

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Sincerely,

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Steven R. Mamoyac  
District Fish Biologist

c: Kruger, HCD

John A. Kitzhaber  
Governor



7118 NE Vandenberg Av  
Corvallis, OR 97330-944  
(503) 757-4186  
FAX (503) 757-4252



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Fish and Wildlife

Northwest Regional Office  
7118 NE Vandenberg Ave.  
Corvallis, OR 97330-9446  
(541) 757-4186  
FAX (541) 757-4252

July 31, 1997

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310

**RECEIVED**

**JUL 31 1997**

**WATER RESOURCES DEPT.  
SALEM, OREGON**



RE: HB 2153 Certificate/HB 2376 Notice Review

**Certificate # 71791**

ODFW has determined that the subject reservoir(s) cause a detrimental impact on existing fish resources, specifically native cutthroat trout, because it precludes the adequate upstream passage of fish in an unnamed tributary to Spring Brook Creek.

This assessment is based on the information provided in the application and our understanding of local fish resources and their habitats. Therefore, ODFW requests that WRD require the reservoir owner to complete the following actions in order for the subject reservoir(s) to maintain exempt status:

In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish.

Thank you for the opportunity to comment.

Sincerely,

For Steven R. Mamoyac  
District Fish Biologist

cc: Couch, HCD

## MITIGATION CONDITIONS

Cert # 71791  
App # R80150  
Date 11-7-97  
HC

### Oregon Department of Fish and Wildlife Conditions

In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish. (SMBS)

Install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion. (SMSS)

The reservoir owner is required to by-pass flows from \_\_\_\_\_ through \_\_\_\_\_ (BPC)

### Water Right Related Conditions

The pond may be filled one time only per year. No diversion of water to storage can occur during times all water rights are not met on the John Day river System. (KR1)

If required by the Watermaster, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Watermaster (Department). (KR2)

Live stream flow must be passed when required to satisfy existing water rights. In order to substantiate live flow is being passed, measuring devices may be required. (J)

Live flow must be by-passed all year. (BSD)

Any secondary use of stored water is limited each year to the capacity of the reservoir. (BSD2)

The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.



# Oregon

John A. Kitzhaber, M.D., Governor

November 10, 1997

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

FILE#: R 80150

BILL SANDERS  
PO BOX 3278  
NEWBERG, OR

97132

Dear Reservoir Owner,

You submitted a reservoir application under section 4, chapter 595, Oregon Laws 1993 (House Bill 2153) and were issued a certificate as provided for in ORS 537.407 (HB 2376). HB 2376 also provided an opportunity for the Oregon Department of Fish and Wildlife to comment on how a specific reservoir(s) caused injury to an existing fishery resource. In addition the same law allowed members of the public to comment on how the storage or use of the water caused an injury to an existing water right. This comment period ended on August 1, 1997.

The Department received the attached injury allegation(s) related to your reservoir(s), as provided for in ORS 537.407. If you do not agree with the allegation of injury, please submit detailed information to the Department explaining why or how the allegation is in error. Your response must be postmarked no later than December 10, 1997.

The Department will review any submission you may make and determine if a Mitigation Order is required. If the Department finds that the allegation of injury is factual and verifiable, the Department will issue a Mitigation Order requiring that the attached conditions, or other conditions that prove to be necessary after reviewing any information that is submitted, be placed on your water right certificate.

If you receive a Mitigation Order, you may request a Contested Case Hearing to contest the findings of the Department and the allegation of injury. Information on how to request a Contested Case Hearing will be provided in the Mitigation Order, if issued.

If you have any questions, please call the Water Rights Information Group at (503) 378-3739 extension. 499.

Water Right Section



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

November 20, 1997

BILL SANDERS  
PO BOX 3278  
NEWBERG, OR 97132

REFERENCE: FILE#: R 80150

Dear Mr. Sanders,

I want to apologize for any confusion which may have resulted from the letter we sent to you about a week ago. I hope this follow-up letter will better explain our "ponds" program, and give you a clearer picture of what is happening with your pond.

In 1995, the legislature adopted a new law intended to help address a legal problem with many existing ponds throughout the state. These ponds had been developed over the years by land owners who were not aware that water rights may have been required. In order to make sure that all the ponds were "legal" the legislature approved HB 2376 in 1995, which set out a process for filing a notice of the pond with our department. Under the law, such notices could be filed until January 31, 1997. Our job was then to determine whether any of the ponds resulted in injury to other existing water rights, or created a detrimental impact on fish.

This simplified review process was intended to make it easier for the owners of existing ponds to receive final water right certificates. The 1995 law also required that we provide a comment period, which ended on August 1, 1997. During this time, we were required to accept comments as to whether a pond may in fact be resulting in injury to other water rights or creating a detrimental impact to fish. After the close of that comment period, our department was given 180 days in which to evaluate the comments, give notice to the pond owners, and identify whether mitigation measures would be required to alleviate the injury to other water rights or impacts to fish.

This is why you received a letter from us last week. For more than 16,000 ponds on which notices were filed under HB 2376, about 960 comments were received. From those comments, we determined that about half would appear to require mitigation measures. A total of 450 letters were sent out last week to pond owners like you.



The purpose of these letters was to advise you that the comments had been received, and to provide you with an opportunity to get back to us with any information you might have to show that the mitigation should not be required — either because you disagree with the comment that we received, or because you have a better idea of how to remedy the situation.

The letter you received included a copy of the comments we received about your pond, along with our proposed mitigation plan. We need to hear from you by December 10, 1997, as to whether you disagree with the underlying comment or with our proposed mitigation. We do encourage you to get back to us by the deadline, and we will make every effort to accommodate your suggestions.

Again, I offer my sincere apology for any confusion or irritation caused by our earlier letter. I hope this letter provides additional background information that will help you respond to the questions about your pond. If you have questions about this process, please let us know. I urge you to call our Water Rights Information staff at 1-800-624-3199 extension 499. In some circumstances they may also involve your local Watermaster for additional help. We will try our best to work through this with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martha O. Pagel".

Martha O. Pagel  
Director

m:955

January 16, 1998

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WATER  
RESOURCES  
DEPARTMENT

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BILL SANDERS  
P.O. BOX 3278  
NEWBERG, OR 97132

Reference: File R-80150

Dear Certificate Holder:

Thank you for your continuing efforts in our program for issuing final water rights certificates for existing ponds and reservoirs. We know it has been a long and complicated process, and we appreciate your cooperation.

As indicated in our letters to you last November, we had previously received written comments indicating that your reservoir could be detrimental to fish or might cause injury to other water rights. You were provided an opportunity to submit additional information addressing those comments.

Since then, we have reviewed all the information available to us, and have determined that certain conditions are necessary to mitigate the potential harm to fish or other water rights. The enclosed Mitigation Order spells out the additional conditions we are proposing.

If you agree with these conditions, and comply with the Mitigation Order, the process will be complete.

If you disagree with this order, you may request a contested case hearing, and submit in writing your reasons why the order should be changed or rescinded. You may wish to submit maps or sketches to help us to better understand the particulars of your situation. Once we receive your request for a contested case hearing, we will contact you to discuss the situation and how we might be able to settle disagreements without holding a hearing. If we are unable to agree on a solution, we will schedule a contested case hearing at a time that is agreeable to both you and the Department. The appeal rights are described in more detail in the order enclosed.

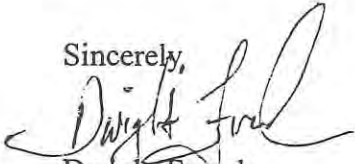


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Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

Once again, thank you for your participation in this program. If you have any questions please call one of the water rights staff listed below. My extension number is 268.

Sincerely,



Dwight French  
Water Rights Section Manager

Enclosures

cc: Watermaster

Russ Klassen	1-800-624-3199	Ext 266
Laura Snedaker		Ext 331
Dallas Miller		Ext 272

Oregon Water Resources Department  
Water Rights Division

Water Rights Certificate  
Number 71791

## **Reservoir Mitigation Order**

### *Application History*

A reservoir was constructed prior to January 1, 1995. As evidence of the right to store water, pursuant to ORS 537.407(1), an application was submitted.

Pursuant to ORS 537.407(3)(a) the Department has received information from Oregon Department of Fish and Wildlife demonstrating that the reservoir poses a significant detrimental impact to existing fishery resources.

ORS 537.407(6) specifies that "...the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resource."

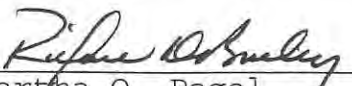
Therefore, the Department has determined that with the following additional mitigation condition(s), the injury to existing water rights and/or detrimental impact to existing fishery resources, described above, will be mitigated.

### **Order**

In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish.

Therefore, pursuant to ORS 537.407, the use evidenced by certificate 71791 shall be allowed to continue if the injury/negative impact of the reservoir is mitigated as described above.

DATED January 16, 1998

  
\_\_\_\_\_  
Martha O. Pagel  
Director

## Notice of Right to Contested Case Hearing

The owner of the reservoir that is the subject of this mitigation order may request a contested case hearing if the owner disagrees with the order. Most disagreements are settled through a series of informal discussions before the hearing date arrives.

If the department does not receive a request for hearing within the time stated in this notice you have waived your right to a hearing under ORS Chapter 183, unless your failure to request a hearing was beyond your reasonable control, as provided in OAR 137-03-075.

The record of this proceeding to date, including information in Department files on the subject of this proceeding, is automatically part of the contested case record upon default for the purpose of proving a prima facie case.

In order to process your request for a contested case hearing please include the following in writing:

- The reference number (located near the top right corner of the order.);
- Your name, address, and telephone number;
- A detailed description of why the condition(s) proposed in this order is not necessary to protect existing water rights or fishery resources;
- Any citation of legal authority to support your protest, if known.

**Your request for a contested case hearing must be received by the Department no later than 60 days after the date of this order.**

Send your request for a contested case hearing to:

Ponds Program Appeals  
Water Rights Section  
Oregon Water Resource Department  
158 12<sup>th</sup> ST NE  
Salem OR 97310

# Mailing List for MO Copies

Application R-80150

MO Date January 6, 1998

**Original mailed to:**

Applicant:  Is there a new address? Y // N

- 1. WRD - File # R-80150
- 2. WRD - Watermaster # 16 *Sabrina*
- 3. WRD - Regional Manager (~~not Bob Main~~) NWR  
*Bill Farber*

- Other Commenters:
- 4. ODFW District Biologist: Y *Danette Elhers*  
*Steve Mamoyac*
  - 5. WaterWatch of Oregon: Y
  - 6. Other Commenters Y

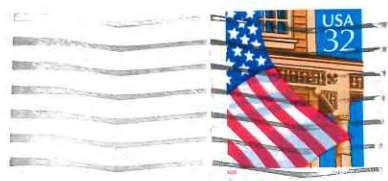
Other Interested Persons (CWRE, Agent, etc.)

- 7. Charles E. Spear, CWRE #187
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_
- 12. \_\_\_\_\_
- 13. \_\_\_\_\_
- 14. \_\_\_\_\_
- 15. \_\_\_\_\_
- 16. \_\_\_\_\_


CASEWORKER :

Copies Mailed
By: <u>YCB</u>
(SUPPORT STAFF)
on: <u>1/26/98</u>
(DATE)

Wm. or Judi Sanders  
8830 NE St. Paul Hwy.  
P.O. Box 3278  
Newberg, OR 97132



Ponds Program Appeals  
Water Rights Section  
Oregon Water Resource Dept.  
158 12th St. NE  
Salem, OR 97310



Handwritten notes on lined paper, including the word "How" and other illegible scribbles.

RECEIVED

FEB 26 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
William Sanders  
PO Box 3278  
Newberg Ore 97132  
Ref. File # R 80150

To Whom it may concern;

In regards to the blanket letter, (RE: HB 2153 Certificate/ HB 2376 Notice Review Certificate #7191), I recieved from the Dept. of Fish and Wildlife, thru your office (Water Resources Dept), I would like to request exempt status for my reservoir.

The reasons I would like to request this status is because,  
1. There is no place for fish to go, upstream of my pond, unless they would like to go into an ancient field tile which I uncovered while digging out the pond.

2. My pond is at the <sup>upper</sup> end of a very minor tributary and in the summer beginning about the



RECEIVED

FEB 26 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

4th of July the water flow is down to a level that requires mechanical aeration to maintain the oxygen level to sustain trout. The water flow is down to 3-5gal a minute in the driest 4-5 months of the year.

3. The water is not used for any purpose, other than what may evaporate from the surface. Any inflow continues down the overflow.

4. If you left the pond open until the dry period, it would take a month to fill. In the winter months when we have a heavy rain it will fill in a matter of hrs. In the process, my pond retains a tremendous amount of silt, top soil, ect that is washing off the neighbors farms. I have talked to them about this,

RECEIVED

FEB 26 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

and they don't seem to believe it is any of their concern and I just have to live with it. Doesn't seem right to me, but maybe they have a right to let their property erode away. On the other hand I believe my pond is stopping a lot of silt that would otherwise be going into Springbrook creek and covering what little spawning areas there may be left for the native fishes.

5. I stock this pond with rainbow trout, (about 300 a year), and I allow people that have children below the age of 12 yrs to fish for no charge. The pond is helping to take the pressure off the native resources at my expense. Don't get my feelings wrong. I enjoy

RECEIVED

FEB 26 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

watching young children catch their (in some cases), first fish of their life. I have even had fathers & grandfathers taking videos of the kids catching 2-3 lb - rainbows. A lot of the people can't afford the 5¢ a lb some places charge for O-fish. Our state, unfortunately, is becoming so populated for the natural resources to offer the kind of fishing and hunting that we and our forefathers enjoyed harvesting without a thought of management for future generations.

6. The pond is also a benefit to a lot of nature wildlife, frogs, birds, raccoons, etc.

The way I understand the letters I have recieved, if the preceeding information and comments don't satisfy the Dept of fish and wildlife

RECEIVED

FEB 26 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

I have to request a contested  
case hearing. So be it!

I am a very busy person and  
if you can be of any help  
in settling this without the hearing  
it would be greatly appreciated.

You have my permission to quote  
all or any part of this letter in any  
correspondence with the Ore Dept Fish Wildlife.  
Thank you!

Sincerely,  
W. E. Anderson



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

June 16, 2010

Dale and Rhoda Powlison  
8830 NE St. Paul Hwy  
Newberg, OR 97132

Reference: File P-80150

Dear Applicant:

On March 31, 1995, the past property owner filed a reservoir application with our office for a reservoir on your property. He was issued a certificate for that reservoir, C-71791, on February 27, 1996. A Mitigation Order was issued for reservoir and he objected to order. His last communication to us was February 26, 1998. You are receiving this letter at this late date because we have only recently been able to attend to these files.

Based on the records in the file for this property, the past owner received a Mitigation Order that required the installation and maintenance of fish bypass devices. In his correspondence with us, he requested that the reservoir certificate be cancelled and that the Department consider the reservoir exempt to avoid meeting the mitigation requirements. However, whether the reservoir is certificated or considered exempt, the same mitigation requirements need to be met.

If this reservoir is no longer being used, please notify the Department. If the reservoir is still being used, you will need to comply with the Mitigation Order. A copy of this order has been included.

If you have any questions, please contact Meghan Scott at 503-986-0809.

Sincerely,

Dwight French, Administrator  
Water Rights and Adjudications Division

**MEMORANDUM**

**FROM:** Dwight French  
Patricia McCarty  
Meghan Scott

**RE:** R-80150– Change of Ownership

**DATE:** June 23, 2010

---

According to the County Assessor's Office, the property listed for this application has changed ownership.

Dale and Rhoda Powlison  
8830 NE St. Paul Hwy  
Newberg, OR 97132

Spoke w/ Rhoda Powlison  
on Aug. 18, 2010:

No longer used as  
reservoir. Water &  
wildlife flow/enter  
pond freely. Assured  
me that fish could  
get in and out of  
pond easily.

Meghan  
Scott

# PRE-TR APPLICATION PROCESSING OUTLINE

Application File # \_\_\_\_\_

## MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

5/31/95

CG

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Oath

Application date stamped per money receipt date

Land use approved X pending \_\_\_\_\_

If reservoir < 5 AF \$ 50, if > 5 AF \$ \_\_\_\_\_

Route to Data Center (Unless 2153/2107)

## DATA CENTER

Stream Code \_\_\_\_\_

Entered into WRIS

## SUPPORT SERVICES

4/24/95  
-u

u  
u

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calendar card

## APPLICATION SECTION

Stream Indexed Basin # \_\_\_\_\_

Plat Carded and copy made YES NO

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

## TR CASEWORKER

TR Checklist complete YES NO

Within Irrigation District \_\_\_\_\_

District Notified \_\_\_\_\_

District excerpt received \_\_\_\_\_

TR Mailed DATE \_\_\_\_\_

Public Interest Checklist complete \_\_\_\_\_

Management Codes \_\_\_\_\_

REMARKS: \_\_\_\_\_



MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

\_\_\_\_\_  
(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

\_\_\_\_\_  
Appropriate map (see item 1 on form).

\_\_\_\_\_  
Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

\_\_\_\_\_  
Items 2, 3, 4, 5, and 6 are completed.

\_\_\_\_\_  
Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

\_\_\_\_\_  
Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

\_\_\_\_\_  
Name/address of adjacent property owner within 1/4 mile

\_\_\_\_\_  
Map with scale not less than 2 in.=1 mi.

\_\_\_\_\_  
CWRE map if > 10 feet dam or > 9.2 AF

\_\_\_\_\_  
Description of proposed use

\_\_\_\_\_  
Condition addressed

\_\_\_\_\_  
Resulting benefits

\_\_\_\_\_  
Public notices (circle) #1 #2

COMPLETED

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
R-80150	1/5/96	GERRY

40 Exam  
10

50 Total  
50 Received

& Fees OK

A checkmark (✓) indicates that the item is incomplete or defective.

- 1. Examination fees (and recording fees, if for PFO/FO).
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for municipal use, the present population to be served and expected future water requirements.
- 11. If for mining use, the type of mines and methods of supplying & utilizing the water.
- 12. If for a reservoir:
  - a. The height of the dam.
  - b. The storage capacity.
  - c. The area submerged.
  - d. The maximum depth.
  - e. The construction method (earthfill, concrete, flashboard, etc.).
  - f. A description of the outlet conduit.
  - g. A description of the spillway.
- 13. If for groundwater, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under HB 2107:
  - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
  - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

IR CHECKLIST

Application #: R 80150 Vol      Subbasin Willamette Main Stem  
Basin: Willamette WAB: 0105 POU-WAB 0105  
Township 3S Range 2W Section 28 1/4 1/4 NWSE

YAMHILL Co.

- 1. Items have been verified on Completeness Checklist.
- 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
  - a. Is the well located in a groundwater limited area?
  - b. A      B      C
- 4. Is the Proposed Use located in or above a Scenic Waterway?
- 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- 6. Is the use allowed or limited by the Basin Program? Sept 1 - June 30 wildlife, recreation OAR(s) 690-502-050 (1)(e)
- 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. > Will R (47.5)
- 8. Basin Maps (metal cabinet) have been checked and River Mile (unn stream > Spring Brook) has been identified
- 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) Water available year-round
- 10. Rate      Duty      Storage Season Nov 1 - June 30
- 11. Use Storage for Wildlife Period of Allowed Use Nov 1 - June 30
- 12. Priority Date(s) 3/31/95
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) water quality
- 15. Plat cards have been checked and a copy of the map is attached showing the conflict with NCR
- 17. Land use approval (OK'd) needs approval county notified
- 19. conditions? (BOR, GW, etc.)
- 20. Watermaster District #: 16
- 21. Regional Office (NWR, NCR, ER, SCR, or SWR)
- 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

0.62 af WILDLIFE  
unnamed stream > Brook Spring in-channel

Name: KERRY LEFEVER Date: 1/8/96 Rev by LJ

(10) Protect and encourage use of water which sustains economic development.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

### General Provisions

**690-502-040** (1) Water availability: The classifications in OAR 690-502-050 through 690-502-150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-050 through 690-502-150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-050 through 690-502-150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

#### (4) Storage:

(a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

(b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;

(c) Water legally stored may be released or used at any time for any beneficial purpose, such as domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

(5) Groundwater recharge: Use of surface water to recharge groundwater shall be subject to the same limitations and season as specified in section (4) of this rule. Use of groundwater from one aquifer to recharge another shall be allowed only if consistent with the classification of the providing aquifer as specified in OAR 690-502-160.

(6) Expanded irrigation season: Unless expressly limited by statute, court decree, order, administrative rule (including classification, except for use of stored water), water availability or any other permit condition, an irrigation season of March 1 to October 31 shall apply to future permits for primary and supplemental irrigation.

(7) Conservation: The Department shall require that special conservation and water use efficiency conditions be employed when permitting the use of water from the Columbia River Basalt Group, low-yield aquifers and water quality limited streams.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

## Main Stem Willamette River Subbasin

690-502-050 The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-060 through 690-502-150:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except storage:

(A) Second Periwinkle Creek (also known as Cox Creek and Ash Creek) and tributaries near Willamette River mile 118 at Albany are withdrawn from further appropriation by order of the State Engineer dated November 20, 1950;

(B) Croisan Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(C) Pringle Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(D) Mill Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(E) An unnamed stream and tributaries flowing through Section 24, Township 6 South, Range 4 West, Willamette Meridian, a tributary to Spring Valley Creek in Section 19, Township 6 South, Range 3 West, Willamette Meridian, are withdrawn from further appropriation by order of the State Engineer dated August 18, 1950;

(F) Corral Creek and tributaries near Willamette River mile 40 are withdrawn from further appropriation by order of the State Engineer dated August 7, 1951;

(G) Hatlin Creek and tributaries tributary to Potter Creek near Oregon City are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

(b) The Willamette River main stem down-stream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses;

(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;

(d) The Willamette River main stem above the confluence with the McKenzie River to the confluence of the Middle and Coast Forks of the Willamette River, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

1.22.12.11  
120

(e) Except as specified in subsection (1)(a) of this rule, tributaries of the Main Stem Willamette River Subbasin are classified for domestic, livestock, municipal, industrial, irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette River or its tributaries above USGS Gage 14174000 (SW 1/4 Section 6, Township 11 South, Range 3 West) at Albany, Oregon, for natural flows of the Willamette River below 1,750 cubic feet per second plus waters released from storage of up to 3,140 cubic feet per second measured at the aforementioned gage;

(b) The Willamette River or its tributaries above USGS Gage 14191000 (SW 1/4 Section 22, Township 7 South, Range 3 West) at Salem, Oregon, for natural flows of the Willamette River below 1,300 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(c) The Willamette River or its tributaries above USGS Gage 14198000 (SE 1/4 Section 23, Township 3 South, Range 1 West) at Wilsonville, Oregon, for natural flows of the Willamette River below 1,250 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(d) The Willamette River or its tributaries above Willamette Falls at Oregon City for natural flows of the Willamette River below 1,500 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at or near said Willamette Falls and maintained to the mouth.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.300 & 536.340  
Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

#### **Middle Fork Willamette River Subbasin**

690-502-060 The Middle Fork Willamette River Subbasin includes the Middle Fork Willamette River and tributaries upstream from its confluence with the Coast Fork Willamette River south of Springfield:

(1) Surface water classification:

(a) The North Fork of the Middle Fork Willamette River, from a point one mile upstream from the railroad bridge near Westfir to its headwaters, and Waldo Lake, are designated state scenic waterways. These waters and tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as otherwise specified in subsection (c) of this section, the Middle Fork of the Willamette River and tributaries below Dexter Dam are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through January 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from February 1 through August 31;

WATER AVAILABILITY TABLE

Basin: WILLAMETTE Exceedance Level: 50  
 Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)  
 Time: 09:05 Date: 01/08/1996

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0105000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Basin: WILLAMETTE  
 Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)  
 Time: 09:05 Date: 01/08/1996

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R	COLUMBIA R
0105000000000000	WILLAMETTE R	COLUMBIA R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105000000000000  
 Basin: WILLAMETTE  
 Exceedance Level: 50  
 Time: 09:05 Date: 01/08/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105000000000000	WILLAMETTE R	YES	35700.0
2	0105000000000000	WILLAMETTE R	YES	27900.0
3	0105000000000000	WILLAMETTE R	YES	24800.0
4	0105000000000000	WILLAMETTE R	YES	20300.0
5	0105000000000000	WILLAMETTE R	YES	17200.0
6	0105000000000000	WILLAMETTE R	YES	9680.0
7	0105000000000000	WILLAMETTE R	YES	3460.0
8	0105000000000000	WILLAMETTE R	YES	1570.0
9	0105000000000000	WILLAMETTE R	YES	1940.0
10	0105000000000000	WILLAMETTE R	YES	4760.0
11	0105000000000000	WILLAMETTE R	YES	17000.0
12	0105000000000000	WILLAMETTE R	YES	38700.0
Stor	0105000000000000	WILLAMETTE R	YES	*****

WATER AVAILABLE YEAR-ROUND

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE  
 Stream: WILLAMETTE R > COLUMBIA R  
 Water Availability Subbasin: 0100000000000000  
 Exceedance Level: 50  
 Time: 09:05

Date: 01/08/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	52400.00	1400.00	51000.00	270.00	50700.00	1500.00	49200.00
2	50600.00	7900.00	42700.00	271.00	42400.00	1500.00	40900.00
3	42800.00	6500.00	36300.00	266.00	36000.00	1500.00	34500.00
4	36900.00	6500.00	30400.00	267.00	30100.00	1500.00	28600.00
5	28200.00	3500.00	24700.00	280.00	24400.00	1500.00	22900.00
6	15300.00	1500.00	13800.00	395.00	13400.00	1500.00	11900.00
7	7780.00	1650.00	6130.00	355.00	5770.00	1500.00	4270.00
8	5450.00	1460.00	3990.00	323.00	3670.00	1500.00	2170.00
9	5650.00	1090.00	4560.00	316.00	4240.00	1500.00	2740.00
10	8240.00	360.00	7880.00	208.00	7670.00	1500.00	6170.00
11	25000.00	400.00	24600.00	254.00	24300.00	1500.00	22800.00
12	54700.00	500.00	54200.00	270.00	53900.00	1500.00	52400.00
Stor	19900000	1960000	18000000	208000	17800000	1080000	16700000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE  
 Stream: WILLAMETTE R > COLUMBIA R  
 Water Availability Subbasin: 0100000000000000  
 Time: 09:05

Date: 01/08/1996

APP #	181A	0	0	0	0	RESULTANT
1	1500.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	1500.0 C



DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105000000000000

Exceedance Level: 50

Time: 09:05

Date: 01/08/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	38500.00	1100.00	37400.00	231.00	37200.00	1500.00	35700.00
2	37100.00	7500.00	29600.00	231.00	29400.00	1500.00	27900.00
3	32800.00	6300.00	26500.00	229.00	26300.00	1500.00	24800.00
4	28300.00	6300.00	22000.00	228.00	21800.00	1500.00	20300.00
5	22200.00	3300.00	18900.00	243.00	18700.00	1500.00	17200.00
6	12500.00	1000.00	11500.00	315.00	11180.00	1500.00	9680.00
7	6330.00	1100.00	5230.00	267.00	4960.00	1500.00	3460.00
8	4290.00	980.00	3310.00	240.00	3070.00	1500.00	1570.00
9	4420.00	730.00	3690.00	247.00	3440.00	1500.00	1940.00
10	6690.00	250.00	6440.00	183.00	6260.00	1500.00	4760.00
11	19000.00	300.00	18700.00	222.00	18500.00	1500.00	17000.00
12	40700.00	300.00	40400.00	231.00	40200.00	1500.00	38700.00
Stor	15100000	1750000	13400000	172000	13200000	1080000	12100000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0105000000000000

Time: 09:05

Date: 01/08/1996

APP # :	182A	0	0	0	0	RESULTANT
STATUS:	Cert.					
1	1500.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	1500.0 C





Rebuttal Y /  N

Exempt by WM comments Y /  N

COMMENTOR:

WM and/or WM Dist: \_\_\_\_\_

ODFW Dist: Steven R. Mamoyac

WaterWatch: Y / N

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APPLICATION INFO SHEET

COUNTY NAME Yamb Basin 2  
LOCATION INFO 35 2W 28  
STREAM1.NAME RUNOFF / SPRINGS  
STREAM2.NAME Brook spring  
STREAMCODE -----