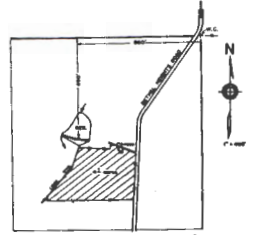


COPY

Township 6 South, Range 4 West, W.M.  
NE 1/4 NE 1/4, Section 22



D-71911  
Appl. No. 71912  
Per. No. 5431

Application Map  
for  
VEDAN STOLK

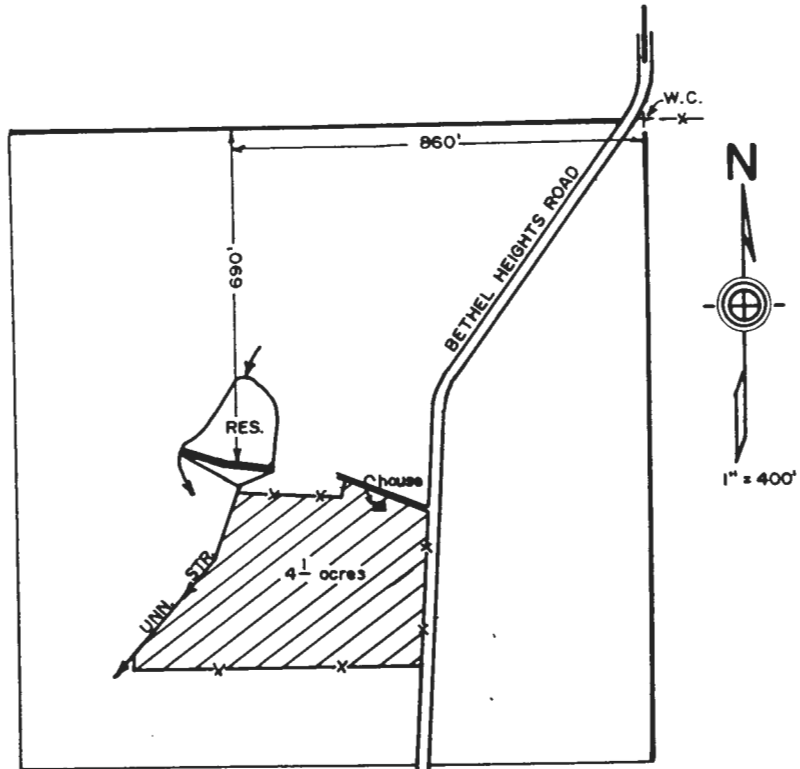


RECORDED  
INDEXED  
JAN 19 1988  
CLERK OF COUNTY  
CLERK OF COUNTY  
CLERK OF COUNTY

This map was prepared for the purpose of  
showing the location of a well and  
is not intended to be used as a  
basis for any other purpose.

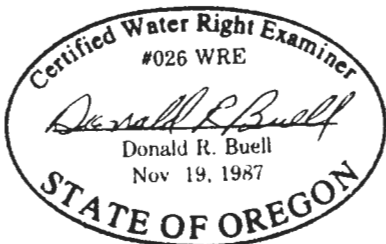
# Township 6 South, Range 4 West, W.M.

NE 1/4 NE 1/4, Section 22



R-71811  
Appl. No. 71812  
R-11458  
Per. No. 51461

Application Map  
for  
VEDAN STOLK



RECEIVED  
WATER RESOURCES DIVISION  
SALEM, OREGON

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VEDAN STOLK  
6011 BETHEL HEIGHTS ROAD NW  
SALEM, OREGON 97304

503-362-5113

to use the waters of AN UNNAMED STREAM AND STOLK RESERVOIR CONSTRUCTED UNDER APPLICATION R-71811, PERMIT R-11458, tributaries of ASH SWALE, for IRRIGATION OF 4.1 ACRES.

This permit is issued approving Application 71812. The date of priority is AUGUST 27, 1991. The use is limited to not more than 0.051 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source. Water may be appropriated from live flow only from March 1 through April 30 of each year. Stored water may be used at any time during the irrigation season.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 22, T 6 S, R 4 W, W.M.; 690 FEET SOUTH AND 860 FEET WEST FROM NE CORNER, SECTION 22.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

NE 1/4 NE 1/4 4.1 ACRES  
SECTION 22  
TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

Actual construction work shall begin on or before June 1, 1993, and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

Application 71812

Water Resources Department

PERMIT 51461

PAGE TWO

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued this date, JUNE 1, 1992.



Water Resources Department  
Martha O. Pagel  
Director

Application 71812  
Basin 2  
71812.CSL

Water Resources Department  
Volume 11A Ash Swale & Misc.  
MGMT.CODES 3CW, 5AW

PERMIT 51461  
District 16

March 22, 1996

Vedan Stolk  
6011 Bethel Heights Road NW  
Salem, OR 97304

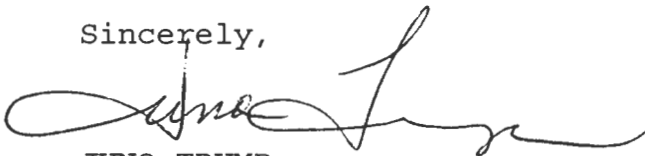
Your claim of beneficial use and map for Permits R-11458 and 51461 were received on March 6, 1996. A provision of the permits requires the intake be screened or fish passage facilities be designed, installed and operated to Oregon Department of Fish & Wildlife (ODFW) specifications.

Self-certification may be possible if you divert less than 225 gallons per minute (0.5 cfs). If your diversion satisfies the requirements outlined on the form, please return it as soon as possible. Your water right may be in jeopardy of cancellation if this condition is not met.

You have 90 days from the date of this letter to respond to the fish screening/passage requirement.

If you have any questions, please do not hesitate to contact me.

Sincerely,



JUNO TRUMP  
Water Rights Specialist

Enclosure

cc: Don Buell

m:\screen



MAP REVIEW

- source and trib
- diversion point location
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- disclaimer
- date survey was performed
- P.O.B. of survey
- dimensions and capacity of diversion system
- "beneficial use" type title
- "permanent-quality" paper

REPORT

- permit conditions
- type of use
- extent of use
- rate and duty
- time limits
- (A,B,C and transfers)
- crop type
- system capacity
- (with computations)

*just screen*

71811  
71812

**RECEIVED**  
MAR - 7 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

CLAIM OF BENEFICIAL USE AND SITE REPORT  
UNDER PERMIT R-11458 AND 51461 IN THE NAME OF  
VEDAN STOLK

INFORMATION:

Vedan Stolk  
6011 Bethel Heights Road NW  
Salem, Oregon 97304

Telephone: (503) 362-5113

Construction was complete at time application was filed. Mrs. Stolk stated that the entire area was irrigated during the 1994 and 1995 irrigation seasons.

RESERVOIR:

Surface area 0.5 acres  
Maximum depth 8.0 feet (partially excavated)  
Capacity =  $8 \times 0.5 \times 0.4 = 1.6$  A.F.

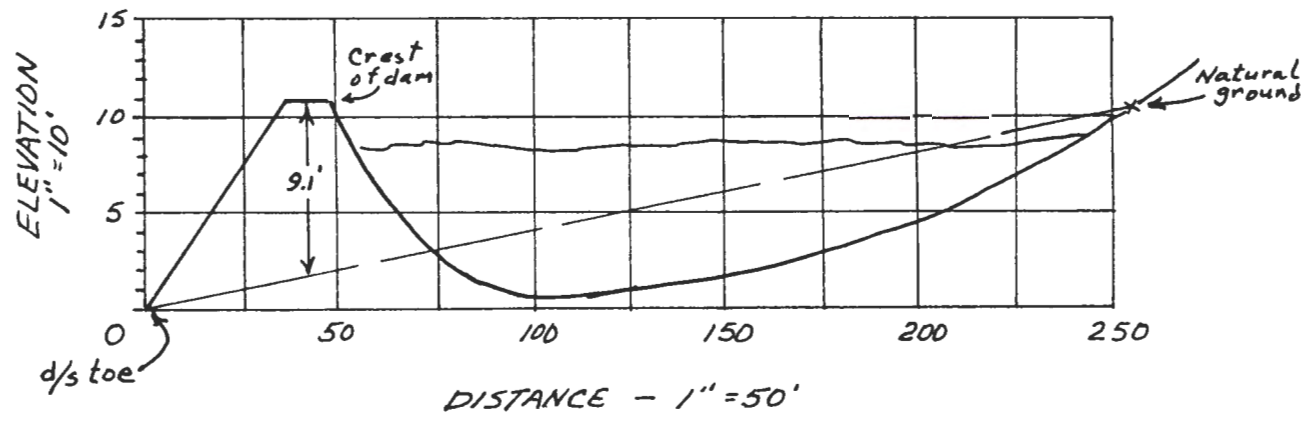
DAM:

4" conduit through dam with valves at both upstream and downstream ends. Downstream end reduced to 2" prior to the valve.

Emergency spillway around right end of dam. Flowing at time of inspection.

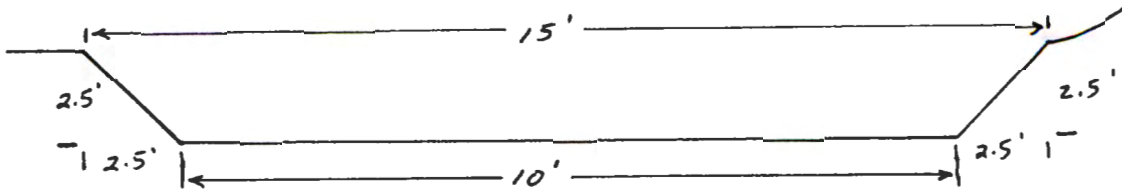
DAM PROFILE:

Assume downstream toe of dam is 0.0 feet.



SPILLWAY:

Around right end of dam.



With only 0.021 square mile drainage area, spillway is more than adequate.

SOURCE OF WATER:

Springs just above and in the pond form the unnamed stream from which the pond is filled.

IRRIGATION:

Source of water: Unnamed stream and reservoir.

Diversion Point: Pump installed on conduit at toe of slope.

Pump and Motor:

A. O. Smith Electric Motor, 1 hp at 3,450 rpm single phase.

Sta-Rite direct drive centrifugal pump Model JHE3-63H, 1 1/2" x 1"

Equipment:

350 feet 3/4" plastic pipe with taps  
350 feet 1" plastic pipe with taps  
500 feet 5/8" garden hose  
3 Rainbird #14H sprinklers with 3/16" nozzles  
Other miscellaneous sprinklers

Mrs. Stolk stated a maximum of 3 Rainbird sprinklers were operated at one time.

LIFT:

Pump operated at 8 feet of head from reservoir when reservoir is full. Discharge lift is plus 15 feet yard and garden and 0 to -20 feet for pasture.

**RECEIVED**

MAR - 7 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



QUANTITY OF WATER:

A 1 hp pump operating at 80 efficiency at 55 psi with 8 feet of pressure head from reservoir would yield:

$(1 \times 7.04)$  divided by  $(-8 + 139.7) = 0.053$  cfs

3 Rainbird sprinklers with 3/16" nozzles operating at 55 psi would yield:

$3 \times 7.6$  gpm = 22.8 gpm or 0.051 cfs

0.051 was allowed under the permit. It would appear that this amount of water has been used.

USE:

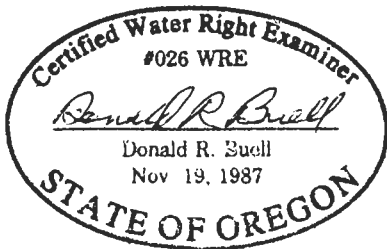
Irrigation of 4.1 acres of lawn, garden and pasture. Stock are fenced in the pasture.

SURVEY:

Transit and stadia survey tied to metal tag on steel fence post marked witness corner  $\frac{15}{22} \frac{14}{23}$

Actual corner would be in borrow pit of County Road.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permits R-11458 and 51461 was completed by me on February 23, 1996, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



Donald R. Buell  
Certified Water Right Examiner

RECEIVED

MAR - 7 1996

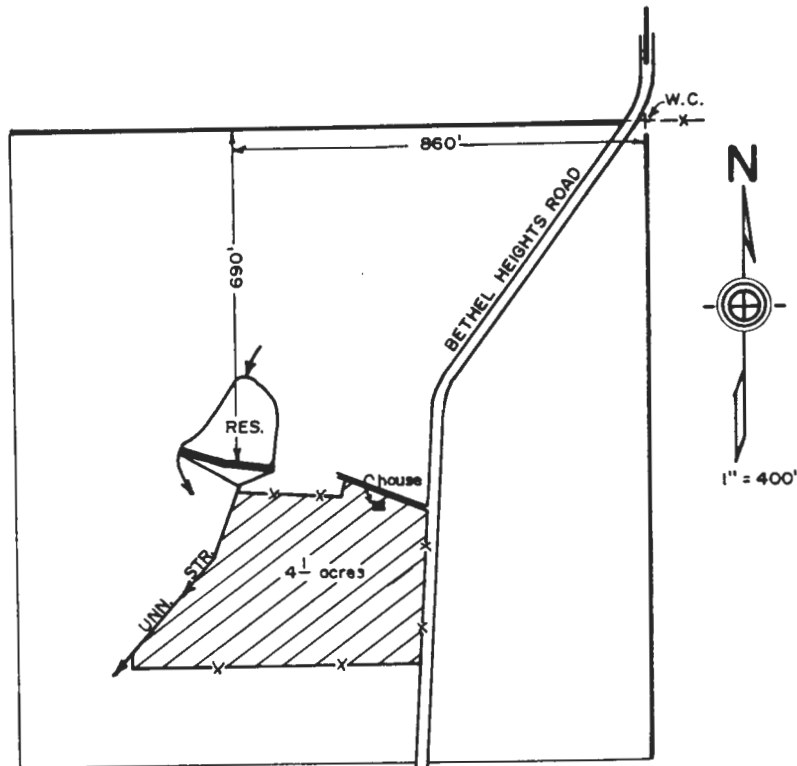
WATER RESOURCES DEPT.  
SALEM, OREGON

I, Vedan Stolk, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my Permits R-11458 and 51461.

Vedan Stolk

Township 6 South, Range 4 West, W.M.

NE 1/4 NE 1/4, Section 22



FINAL PROOF SURVEY

under

Appl's. No R-71811, Per's.No. R-11458  
71812 51461

in name of

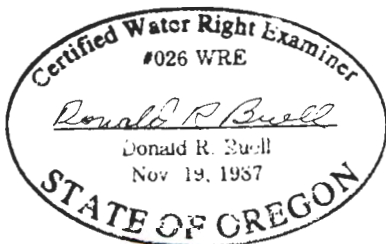
VEDAN STOLK

Feb. 23, 1996

**RECEIVED**

MAR - 7 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

March 13, 1996

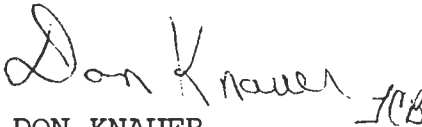
VEDAN STOLK  
6011 BETHEL HEIGHTS ROAD NW  
SALEM, OR 97304-9752

REFERENCE: Files R-71811 AND 71812

This will acknowledge that your claim of beneficial use and map in the name of VEDAN STOLK were received on MARCH 7, 1996. These will be reviewed in the future to insure they are complete and correct.

Please contact me if you have any questions.

Sincerely,

 *Don Knauer* *JCB*

DON KNAUER  
Program Representative

DEK:tcb

cc: DONALD R. BUELL, CWRE #26



---

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

December 20, 1995

VEDAN STOLK  
6011 BETHEL HGTS RD NW  
SALEM OR 97304

REFERENCE: Files 71812 & R-71811

We have received your notice that complete application of water has been made under Permits 51461 and R-11458.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before October 1, 1996. A list of Certified Examiners is enclosed for your information.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER  
Water Rights Specialist

DM:jh



---

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

December 11, 1995

VEDAN STOLK  
6011 BETHEL HGTS RD NW  
SALEM OR 97304

REFERENCE: Files 71812 & R-71811

You stated the date for complete application of water described in your Permits 51461 and R-11458, as being December 4, 1995. The date for complete application of water as set out in the permit was October 1, 1995.

With the thought that the date was in error, I am enclosing another Form C for reporting the correct date.

If complete application of water was not made until the indicated date and you wish to maintain the permit, an application should be submitted requesting additional time. A form for that purpose will be supplied upon request.

Sincerely,

Dallas Miller  
Water Rights Specialist

DM:jh

enclosure



---

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

November 14, 1995

VEDAN STOLK  
6011 BETHEL HGTS RD NW  
SALEM OR 97304

WATER  
RESOURCES  
DEPARTMENT

REFERENCE: File R-71811 & 71812

The date for the complete application of water to a beneficial use for your water use Permit R-11458 and 51461 was October 1, 1995. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before October 1, 1996. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,

DALLAS S. MILLER  
Water Rights Specialist

DSM:jh

enclosure



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

**RECEIVED**

FEB 17 1994

WATER RESOURCES DEP.  
SALEM, OREGON



DEPARTMENT OF  
FISH AND  
WILDLIFE

February 17, 1994

Water Rights Section  
Water Resources Department  
3850 Portland Rd., NE  
Salem, OR 97310

RE: Instream Water Right Application #s 70249, 70288, 70942 through 70944, 70946 through 70960, 71221 through 71280, 71282 through 71890, and 71921 through 72946; Reports of Technical Review

**General Comments**

According to OAR 690-77-026 (1), WRD "shall undertake a technical review...and prepare a report." This subsection further lists 8 [(a) - (h)] mandatory criteria which, as a minimum, must be assessed during the technical review. ODFW has concerns with the apparent level of assessment relative to subsection (c):

**OAR 690-77-026 (1) (c)--Assessing the proposed instream water right with respect to conditions previously imposed on other instream water rights granted for use of water from the same source.**

In the 115 subject reports of technical review, WRD is proposing to condition each application to exempt human and livestock consumption from regulation in favor of these instream rights as follows:

*This instream right shall not have priority over human or livestock consumption.*

Instream water right certificates in the North Coast basin based on conversion of minimum perennial streamflows generally contain similar conditioning language giving preference to the listed uses.

By rule, WRD's technical review process includes assessing conditions previously imposed on other instream water rights from the same source. If found to be appropriate, WRD may propose that new instream water rights contain the same exemption. There is no requirement that this exemption be automatically included as part of a technical review.



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400  
TDD (503) 229-5459

When ODFW reviewed WRD files on some of these applications for documentation of assessments of prior conditions, we found nothing to indicate that any such assessments had been done. ODFW, therefore, assumes that the required assessments were not done and, therefore, objects to the routine placement of the proposed exemption on any of these applications on the grounds that to do so would be contrary to the public's interest in maintaining fish populations in North Coast basin streams. OAR 690-11-195 (4d).

### **Specific Comments**

#### Application # 70948

Section 5, Proposed Conditions, is missing from this Report of Technical Review.

#### Application # 71241

For the month of December:

1. The minimum flow level recommended by ODFW in the North Coast basin Environmental Investigation Report is 88 cfs.
2. The reported estimated average natural flow for December here is 131 cfs.
3. WRD is proposing in the Report of Technical Review to allocate 80 cfs.

ODFW believes the proper amount to be protected during December is 88 cfs.

#### Application # 71258

Here, the estimated average natural flow is less than the minimum flow recommended by ODFW for the entire year. Because this is the only instance where this has happened to date, the occurrence is suspect. ODFW requests that the water availability analysis for this reach of Miami River be reexamined.

#### Application # 71280

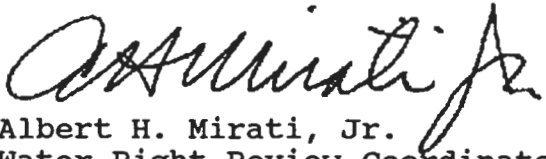
The recommended flow numbers listed for September through April in the Application Information and Technical Review sections of the Report of Technical Review do not agree. Those listed in the Application Information section are correct.



North Coast Basin IWRs  
February 17, 1994  
Page 3

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati, Jr.", written in dark ink.

Albert H. Mirati, Jr.  
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)  
Jill Zarnowitz/Stephanie Burchfield  
Penny Harrison, DOJ

FILE: NCOAST.IWR

# WaterWatch

O F O R E G O N

Steve Brown  
Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

July 1, 1992

3850 Portland Road NE  
Salem, OR 97310

JUL 1 1992

Water Resources Department  
Salem, Oregon

Re: Files 70311, R-70282, 70283, R-71811  
R-71812, 70211 and 70203

Dear Steve:

Thank you for your letter of June 22, 1992, responding to my letter of May 5, 1992. While I appreciate your responding to my letter, you seem to have missed the point with regard to measurement.

In my letter I stated,

"The issue of whether or not to require measurement of all permits issued should be referred to the Water Resources Commission for policy direction.<sup>1</sup>"

<sup>1</sup> In its most recent meeting, the Commission appeared to make the assumption that all permits being issued included a requirement for mandatory measurement of water use..."

Your letter stated that,

"The Commission did not direct staff to require measuring of water use as a standard permit condition on all permits issued by the Department."

Steve, I was also at the April 24, 1992 Commission meeting, and I agree that the Commission did not direct staff to require measurement. The point in my letter was that it ***appeared that the Commission made the assumption*** that measurement was a standard requirement. That is why WaterWatch believes that this issue of requiring measurement should be referred to the Commission for policy direction.

With regard to the balance of your letter, WaterWatch still opposes the issuance of these permits without those conditions set forth in my letter of May 5, 1992. If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely,



Karen A. Russell  
Legal Affairs Coordinator

cc: Martha Pagel

July 10, 1992

Karen Russell  
WaterWatch of Oregon  
921 SW Morrison, Suite 438  
Portland, OR 97205

Reference: Files 70311, R-70282, 70283, R-71811, 71812, 70211 and 70203

Dear Ms. Russell:

As stated in my letter of June 22, 1992, staff recommended the issuance of permits in approval of all the above referenced applications. Permits were issued in approval of all the applications except 70203.

Sincerely,

Steve Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Martha Pagel, Director

0807



RECEIVED

Application No. 71812

AUG 27 1991

State of Oregon  
WATER RESOURCES DEPARTMENT  
WATER RESOURCES DEPT  
SALEM, OREGON

# Application for a Permit to Appropriate Surface Water

Applicant(s) VEDAN STOLK  
(Please print or type - use dark ink)

Mailing Address: 6011 BETHEL HEIGHTS RD NW  
SALEM OR 97304 362-5113  
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: UNNAMED STREAM @ STOLK RES.  
a tributary of ASH SWALE

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.051 cubic feet per second, OR — gallons per minute. If water is to be used from more than one source, give the quantity of water from each: —

3. INTENDED USE(S) OF WATER: IRRIGATION

If for more than one use, give the quantity of water from each source for each use; —

If for DOMESTIC use, state the number of households to be supplied; —

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)  
—

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; —

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation 4.1 ACRES  
Other (describe) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*exam \$200  
reworking \$150*

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

3/4 hp electric motor driving 1 1/2" x 1/4"  
centrifugal pump.  
Black plastic pipe supplies water to  
rainbird type sprinklers to irrigate lawn,  
garden and pasture.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin \_\_\_\_\_

Proposed date construction work will be completed COMPLETED

Proposed date water use will be completed 10-1-94

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. 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        X   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        X   CWRE             Other (Identify in REMARKS section)

7. 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.



-----  
**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 \_\_\_\_\_, Oregon, on the 27 day of August, 1991, at 10:30 o'clock, A M.

APPLICATION NO: 71812

PERMIT NO: \_\_\_\_\_

Carol  
5/6/92  
CC: SB  
SA  
Filer (Coll)

# WaterWatch

O F O R E G O N

May 5, 1992

VIA FAX - 378-8130  
Original Mailed

Steve Brown  
Carol Lewis  
Senior Water Rights Specialists  
Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Re: Letters of Intent to Issue Water Rights  
Yamhill County Application Nos.: 70311; R-70282 and  
70283; R-71811 and 71812; 70211; 70203  
Coos County Application Nos.: R-72045; 71757

Dear Mr. Brown and Ms. Lewis:

We recently received letters stating the Water Resources Department's ("Department") intent to issue seven permits — two in Coos County and five in Yamhill County. None of these permits require measurement of water use and/or recording. Why not? It is clear that the Department knows how to impose this management device. In a recent transfer of an existing right to instream use, the Department required that the water user install and maintain measuring devices and record the amount of water used prior to use. See Transfer 6681. If the Department can and will make this a requirement for instream use, why is it not a requirement for these out-of-stream uses?

Each and every one of the proposed permits limits water use and storage to certain times of the year. Given the Department's limited enforcement staff and budgetary considerations, failure to require water use measurement and/or recording will make it more difficult (if not impossible) for the Department to manage the water and will exacerbate the Department's already existing enforcement nightmare.

Staff's only reason for not requiring measurement appears in the form letter to WaterWatch for Application R-72045. The letter states that no measurement will be required because there are no fish occurring in the area of the reservoir. This response totally ignores the Department's mandate to manage and control water use in Oregon. The issue of whether or not to require measurement of all permits issued should be referred to the Water Resources Commission for policy direction.<sup>1</sup>

---

<sup>1</sup> In its most recent meeting, the Commission appeared to make the assumption that all permits being issued included a requirement for mandatory measurement of water use. From the



Steve Brown  
Carol Lewis  
May 5, 1992  
Page 2

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We also offer the following comments on the above referenced, proposed water rights:

Reservoirs:

— The installation of a bypass device should be a requirement before water can be stored. The installation of a bypass device after water is stored is a little like locking the barn after the cow has been stolen and will create an even greater degree of difficulty for enforcement when the Department finally requires installation of the device.

— These permits should include a specific requirement that outflow must equal inflow during the times when storage is prohibited.

Yamhill:

— We are very concerned about the cumulative effects of these withdrawals on the Yamhill River System.

— Why the sudden glut of proposed permits? Is the Department putting special emphasis on processing rights in this basin? If so, why?

— Has any kind of analysis been done as to what effect granting of all these permits will have on the Yamhill River System?

Finally, of the eight form letters we received, six had no specific contact person or individual to whom questions might be referred. The letter instead refers questions to the "Water Rights Section." Given the limited time allowed for response to these applications and the value of the Department's staff time, it is important that the name of the staff person who is familiar with the proposed permit be included in these letters.

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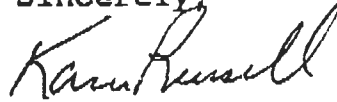
proposed issuance of these permits, it appears that this is obviously not the case.

Steve Brown  
Carol Lewis  
May 5, 1992  
Page 3

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We would appreciate your response to the questions and issues raised in this letter. If you have any questions of us or wish to discuss these matters, please do not hesitate to contact me.

Sincerely,



Karen A. Russell  
Legal Affairs Coordinator

KAR:sld  
cc: Martha Pagel

April 16, 1992

Karen Russell, Legal Affairs Coordinator  
Waterwatch of Oregon, Inc.  
921 SW Morrison, Suite 438  
Portland, OR 97205

Reference: File R-71811 and 71812 - Stolk

Dear Ms. Russell:

In our review of the application, your request for information was noted in the files.

Water availability for the proposed use was determined from comments from the watermaster, water right information in the area and from either positive responses or lack of responses from other agencies.

According to current information, water is available for the proposed use. Staff received positive reviews from the watermaster for this area. No adverse comments on the application was received from any other public agency.

Staff intends to recommend issuance of the permit on or after twenty days from the date of this letter, if no official protest is filed.

If you have any questions, please contact the Water Rights Section.

cc: Applicant  
Watermaster



# WaterWatch

O F O R E G O N

October 17, 1991

Stephen Brown  
Applications & Permits Section  
Water Resources Department  
3850 Portland Road N.E.  
Salem, Oregon 97310

Re: Application R 71811, 71812, Vedan Stolk, Stolk Reservoir and  
Unnamed Stream, Tributary to Ash Swale, 1.6 acre-feet, .051  
cfs, Irrigation, Polk County.

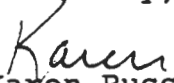
Dear Mr. <sup>SWC</sup> Brown,

We are concerned about the possible adverse effects of this proposed storage project and withdrawal on the flows in Ash Swale. Currently, withdrawals from Ash Swale are causing water quality problems. Storage may exacerbate water quality problems both upstream and downstream of the project. Upstream water quality problems could be exacerbated because of sedimentation, and slowing down of water in the reservoir area. Downstream water quality problems could be exacerbated by further reductions in the creek's flows as a result of low pass through flows, or reservoir filling. This project is not likely to be in the public interest if it further degrades Ash Swale's water quality.

Any reservoir permit contemplated must include requirements for pass through flows for fish and wildlife and pollution abatement. Given the water quality problems of this creek, such conditions are necessary in order to protect the public interest.

Thank you. Call if you have any questions.

Sincerely,

  
Karen Russell  
Legal Affairs Coordinator

June 22, 1992

Karen Russell  
WaterWatch of Oregon  
921 SW Morrison, Suite 438  
Portland, OR 97205

Reference: Files 70311, R-70282, 70283, R-71811, 71812, 70211 and 70203

Dear Ms. Russell:

Your letter of May 5, 1992, requested that we require measuring and/or recording of water use as permit conditions.

OAR 690-250-060 describes the Department's policy on diversion works and measuring device installation for water users. If you will refer to the rule, the watermaster has the authority at any time to require measuring devices prior to any diversion.

I attended the April 24, 1992, Commission meeting. The Commission did not direct staff to require measuring of water use as a standard permit condition on all permits issued by the Department. This condition is added only at the request of other agency staff, based upon the need for the information generated.

Staff has considered your additional comments in regards to the proposed permits. All reservoir permits require that the dams be constructed with outlet conduits. This is a requirement of OAR 690-20 and duplicated as permit conditions. In addition, the permits would only allow for the appropriation of water for storage during the period of when water is available consistent with our water availability determination. The period water may be appropriated for Application R-70282 is November through March and Application R-72045 is December through March.

There has not been a sudden rush to issue any permits in the Yamhill River Basin. To the contrary, staff has withheld action on the issuance of permits for over two years awaiting resolution of the issue concerning Total Maximum Daily Load (TMDL) streams.

Staff has considered the cumulative effects of the proposed withdrawals on the Yamhill River system. We believe the permits are appropriately conditioned to restrict the appropriation of water to the period when



June 22, 1992

Files: 70311, R-70282, 70283, R-71811, 71812, 70211 and  
70203

Page 2

water is available. The restricted period of use was determined from comments received from the Department of Environmental Quality in regards to TMDL streams.

The decision to issue permits with restricted seasons of use are, in fact, designed to reduce the need for regulation of these new rights.

Staff is recommending the issuance of permits in approval of all the above referenced applications.

Sincerely,

Steve Brown  
Senior Water Rights Specialist  
Field Operations Division

cc: Martha Pagel, Director

0771

**WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION**

Name of Applicant Stolk Application Number 71812

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes \_\_\_\_\_ No X

If yes, please explain.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes \_\_\_\_\_ No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes X No \_\_\_\_\_

*See 71811*

If yes, what are your observations for the stream.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't Know X

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make? No

Signature David Gault WM District # 16 Date 9/9/91

RECEIVED

OCT 25 1991

October 22, 1991

WATER RESOURCES DEPT.  
SALEM, OREGON



DEPARTMENT OF  
FISH AND  
WILDLIFE

Steve Applegate  
Water Resources Department  
3850 Portland Road NE  
Salem, Oregon 97310

Re: Water Right Application 71812, V. Stolk, an  
Unnamed Stream and Stolk Reservoir, Tributaries  
of Ash Swale Creek.0.051 cfs. Irrigation.

Dear Steve:

The Oregon Department of Fish and Wildlife has  
completed its review of this proposed water right  
and recommends the following permit conditions:

The permittee shall install, operate and  
maintain all fish screening and bypass  
devices required by Oregon Department of  
Fish and Wildlife to prevent fish entering  
any diversion of water created by this appro-  
priation of the waters of this unnamed  
stream.

The permittee shall not construct, operate  
or maintain any dam or artificial obstruction  
in the channel of this unnamed stream.

The permittee shall appropriate water from this  
unnamed stream from November 1, to March 31,  
each year only.

This unnamed tributary contains cutthroat trout,  
steelhead and coho salmon. This stream is a  
tributary to the Yamhill River, a Water Quality  
Limited Stream. Low summer flows in the Yamhill  
River system further aggravates Yamhill River water  
quality and fish habitat. Allowing this permit  
without these conditions will adversely affect these  
fish.





WRD - 71812  
October 22, 1991  
Page 2

If the applicant cannot agree to these conditions, ODFW recommends referral of this application to the Water Resources Commission for determination of the public interest in accordance with OAR 690-11-080.

Thank you for the opportunity to comment.

Sincerely,



Gregory P. Robart  
Staff Biologist  
Aquatic Habitats Program  
Habitat Conservation Division

c Water Watch (Public Information Request)  
DEQ, Water Quality Division - Strudevant

April 16, 1992

Vedan Stolk  
6011 Bethel Heights Road NW  
Salem, OR 97304

REFERENCE: File R-71811 and 71812

Your application for a permit to use the public waters has been reviewed.

A "draft" permit is enclosed for your consideration. In the preparation of this draft permit, our staff has considered any public or agency comments received, as well as all pertinent Oregon laws, administrative rules and Commission policies.

We are now ready to recommend the issuance of a permit approving your request to use water. The draft permit enclosed contains all of the conditions and limitations that would appear on your permit, if issued.

Please review the draft permit carefully. If you are satisfied that the draft adequately describes your proposed use of water, and the terms are acceptable to you, please sign the draft copy in the spaces(s) provided and return it to us within 30 days. When we receive your signed draft, we will issue your permit as quickly as possible.

If you do not agree with, or cannot accept one or more of the terms or conditions as stated in the enclosed draft, you should advise us immediately. In this event, we will then advise you of any options which may be available to you.

If you have any questions, please contact the Water Rights Section at 378-3739.

enclosure

CSL



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

STATE OF OREGON

COUNTY OF POLK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VEDAN STOLK  
6011 BETHEL HEIGHTS ROAD NW  
SALEM, OREGON 97304

503-362-5113

to use the waters of AN UNNAMED STREAM AND STOLK RESERVOIR CONSTRUCTED UNDER APPLICATION R-71811, PERMIT R-, tributaries of ASH SWALE, for IRRIGATION OF 4.1 ACRES.

This permit is issued approving Application 71812. The date of priority is AUGUST 27, 1991. The use is limited to not more than 0.051 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source. **Water may be appropriated from live flow only from March 1 through April 30 of each year. Stored water may be used at any time during the irrigation season.**

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 22, T 6 S, R 4 W, W.M.; 690 FEET SOUTH AND 860 FEET WEST FROM NE CORNER, SECTION 22.

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

NE 1/4 NE 1/4 4.1 ACRES  
SECTION 22  
TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1994. Complete application of the water to the use shall be made on or before October 1, 1995.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued this date, .

---

Water Resources Department  
William H. Young  
Director

I, \_\_\_\_\_, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application 71812. By signature below, I agree to the proposed terms and conditions for this draft permit.

---

Signature

Date



May 4, 1992

Vedan Stolk  
6011 Bethel Heights Road NW  
Salem, OR 97304

REFERENCE: File R-71811 and 71812

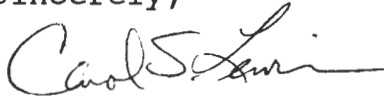
Dear Mr. Stolk,

Thank you for returning the signed draft permit for Application R-71811, received May 1, 1992. We had also sent the draft for Application 71812, not returned.

In my previous correspondence, I may have neglected to ask you for \$100 recording fee for Application 71812. All fees must be received prior to permit issuance.

I will look forward to completing your applications. Please contact me if you have questions.

Sincerely,



Carol S. Lewis  
Senior Water Rights Specialist

cc: files





EXHIBIT "A"

TRACT 1:

Beginning at a point in the center of the County Road which point is South 38°15' West 615.12 feet and South 3°05' West 363.77 feet from the Northeast corner of Section 22 Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; running thence West 353.29 feet; thence North 4°16' West 379.24 feet; thence North 38°07' East 69 feet; thence North 154.25 feet; thence West 1897.20 feet; thence South to the Northwest corner that certain tract of land conveyed to Harry B. Hampton, et ux, by deed recorded March 13 1963, in Volume 185, Page 135, Deed Records for Polk County, Oregon; thence East 1554 feet to the Northeast corner of said Hampton Tract; thence South 358 feet; thence Southeasterly to a point 1395 feet South of the North boundary line of the Northeast one-quarter (NE¼) Section 22 and 432 feet West of the center line of the County Road; thence East 432 feet to the center line of the said County Road; thence Northeasterly along the center line of said County Road to the place of beginning.

SAVE AND EXCEPT:

Beginning at a point which is South 38°15' West 615.12 feet and South 3°05' West 882.77 feet from the Northeast corner of Section 22 in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, said point being in the center of a County Road, said beginning point being the Southeast corner of a tract deeded to Ted F. Stolk; thence West along the South line of said tract 432.0 feet to an angle in the South line of said tract; thence North 24°08' West along the West line of said tract 349.59 feet; thence East 626.12 feet to a point in the center of a County Road; thence South 03°05' West along the center of said County Road 319.50 feet to the point of beginning.

TRACT 2:

The North half (N½) of the Southeast quarter (SE¼) and the Southwest quarter (SW¼) of the Southeast quarter (SE¼) of Section 15, in Township 6 South, Range 4 West of the Willamette Meridian, Polk County, Oregon. ALSO: Beginning at the Northeast corner of Section 22 in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, said point being in the center of a County Road; thence South 38°15' West along the center of said road 615.12 feet; thence South 3°05' West along the center of said road 363.77 feet; thence West 353.29 feet; thence North 4°16' West 379.24 feet; thence North 38°07' East 69 feet; thence North 154.25 feet; thence West 1897.20 feet to the West line of a tract of land conveyed to Fred Stolk and Lois Stolk, husband and wife, by deed recorded at Page 19 of Volume 133, Deed Records for Polk County, Oregon; thence North along the centerline of said Section 289.00 feet, more or less to the North line of said section; thence East 264 feet, more or less, to the place of beginning.

SAVE AND EXCEPT any portion of the above described tracts of land lying within the boundaries of public roads and highways.

ALSO an easement over and across the premises of the grantors, which are contiguous to the premises hereinabove described from a spring located approximately 2185 feet North and 900 feet West from the one-quarter corner on the line between Sections 22 and 23, Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, to the premises hereinabove described, said easement shall be 10 feet in width, being 5 feet on either side of the existing pipeline, which runs in a Southeasterly direction from said spring to the premises hereinabove described. Said easement shall be for the purpose of laying, maintaining, repairing and replacing said pipeline and the facilities at the site of said spring which capture and store the waters of said spring for transmission to the premises hereinabove described. Included in this conveyance is the right on the part of the grantee, to take water from said spring to the same extent and for the same purposes as are authorized to be taken by Ted Stolk under Permit No. 27786 of the State Engineer of the State of Oregon.

Application No. 71812  
Permit No. 51461

RECEIVED  
AUG 27 1961  
WATER RESOURCES DEPT  
SALEM, OREGON



Permit No.   
 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.

Applicant's Name: VEDAN STOLK  
 Address: 6011 BETHEL HRS RD NW  
 City: SALEM State: OR Zip: 97304 Day Phone: 362-5113

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
654W 22-103	Farm/Forest/F/F	X	X	X

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

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

RECEIVED  
AUG 27 1991

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): Section 138. 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
<u>n/a</u>				

(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 can not provide the above requested land use information while the applicant waits.

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

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

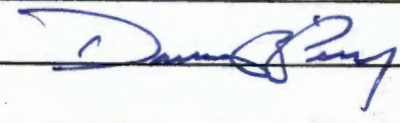
Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: David R. Perry  
Title: Assoc. Planner

Date: 8/23/91  
Phone: 623-9237

Signature: 

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. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Lined area for additional comments, consisting of approximately 25 horizontal lines.

### 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: VEDAN STOLK  
 Address: 6011 BETHEL HTS RD NW  
SALEM, OR 97304  
 Phone: 362-5113

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): garden pasture
- 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>unnamed spring and drainage</u>	<u>0.05</u> Cubic feet per second. _____ Gallons per minute. <u>1.6</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

**RECEIVED**  
 AUG 27 1991  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

August 30, 1991

VEDAN STOLK  
6011 BETHEL HGTS RD NW  
SALEM, OR 97304

REFERENCE: File(s) R-71811, S-71812

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE

*sent out  
Basin 2 letter*



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

