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STATE OF OREGON

WATER RESOURCES DEPARTMENT

JUN 17 1994

MAY 27 1994

NOTICE OF EXEMPT RESERVOIR

WATER RESOURCES DEPT. SALEM, OREGON
WATER RESOURCES DEPT. SALEM, OREGON

This notice is submitted pursuant to ORS 537.141, which provides that a water right is not needed for certain ponds/reservoirs which were in existence before January 1, 1993, are located off-channel and store less than 9.2 acre-feet of water or have a dam less than 10 feet in height.

Landowner: Malpass Land Inc

Authorized Agent: (if applicable) David C Malpass

Address: 32255 Bowers Dr

Harrisburg, OR 97446 503-995-6332
city state zip Telephone No.

I/WE SUBMIT NOTICE OF THE FOLLOWING RESERVOIR(S):

NOTE: Multiple reservoirs may be included in a single notification, provided the reservoirs are within the same ownership, on contiguous property and within the same drainage basin. For items 1-6 below, attach extra sheets for additional reservoir descriptions.

1. The reservoir is located in section 4, Township 16S, Range 3W, in Linn County. (Enclose a US Geological Survey topographical map or a tax lot map showing the location of the reservoir(s). Copies of portions of the maps are acceptable, provided information on the copy verifies the correct legal description.)

2. Source of water: Rain Water

3. Maximum height of the dam: None

4. Maximum water depth in the reservoir: 3 ft

5. Maximum storage capacity of reservoir: 9 acre/ft

6. Size, description and location of any outlet pipe: None

7. Enclose evidence that the reservoir(s) existed before January 1, 1993, such as one or more of the following:

- 7.1 A dated aerial photograph which shows the immediate area above, below and surrounding the reservoir(s);
- 7.2 An affidavit signed by the landowner or other knowledgeable person (signature needs to be notarized);
- 7.3 A dated map prepared by a local, state or federal agency showing the location of the reservoir; or
- 7.4 Construction receipts or other forms of documentation.

Declaration by Owner/Authorized Agent:

Each of the reservoirs described herein was in existence before January 1, 1993, is located off-channel and stores less than 9.2 acre-feet of water or has a dam less than 10 feet in height.

I/We believe the reservoir(s) qualifies under ORS 537.141 and OAR 690-11-041 for exemption from Oregon's water right filing requirements.

Notice to Owners/Authorized Agent:

Reservoirs that qualify for exemption under ORS 537.141 and OAR 690-11-041 shall be subject to the following conditions:

1. The right to store or use water in the reservoir shall not have priority over any water right; and
2. The right to store and use water in the reservoir(s) shall be subordinate to all future permitted or certificated water rights.

THE UNDERSIGNED VERIFIES THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF THE INFORMATION CONTAINED IN THIS NOTICE IS TRUE, CORRECT AND COMPLETE.

Landowner/agent signature: David C. Malpass

(Print Name and Title) David C. Malpass

Date: 5/24/94

FOR WATER RESOURCES DEPARTMENT USE ONLY

The foregoing Notice and accompanying data have been examined by authorized staff of the Water Resources Department. Based on review of the information submitted, this Notice is accepted on _____, 1994 and assigned FILE NUMBER _____.

cc: Watermaster District # _____
To Data Center (date) _____

RECEIVED

WATER RESOURCES DEPT
SEASIDE, OREGON

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D4
NON-AG

29

8.0

4.8

6.3

7.5

14400

TRANS. TO LANE CO
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I-5

1 pc
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2 pc
109.8

6
8.9

31677 T2464

Not to Scale

F22/A2

74261

RECEIVED

JUN 17 1994

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33

34

NON-AG

T14399

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22.5

2

2.3 43.6

T14400

TRANS. TO LANE CO. 4-91

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Not to Scale

F22/A2

COUNTY

LANE

6-1-79

USDA

40

4104

178-180



*Bottom
Circle*

RECEIVED

JUN 17 1994

**WATER RESOURCES
SALEM, OR**

74214

August 22, 1994

DAVID C MALPASS
MALPASS LAND INC.
32255 BOWERS DR
HARRISBURG, OR 97446

1
Wh #2
Oregon

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-74261,P-74262;
Notice of Exempt Reservoir (Pond)

Your exempt reservoir notice has been received by the Department and has been assigned the above-referenced file number. We would like to ask you to refer to this number if you should need to contact us about the notice, your pond, or ponds if you have more than one.

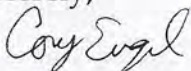
To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the Water Resources Commission's administrative rules to your situation. These rules set the standards that determine which ponds require water rights and which are exempt. We will let you know the results as soon as we are able to complete our review of your pond(s)'s nature.

Since the department must rely initially on the information you submit to us, it is very important that the information be complete and accurate. If inspections show that your pond(s) does (do) not qualify as exempt, you could be asked to drain the pond(s) or submit a water right application or both. If you submit your application after January 1, 1995, it will be processed like any other application, since that is the deadline for filing water rights under the pond amnesty program.

The department will process your information as quickly as possible. However, because water right processing staff members are working hard to reduce a backlog of applications, it may be some weeks before you hear from us.

If you have questions, you may contact your watermaster. The enclosed brochure lists watermaster names, telephone numbers and addresses by county.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

Enclosure: New Water Right Law for Pond Owners Brochure



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

Watermaster HB-2153
Check-List

#2

August 22, 1994

DAVID C MALPASS
MALPASS LAND INC.
32255 BOWERS DR
HARRISBURG, OR 97446

REFERENCE: File(s) P-74261, ~~P-74262~~

- Reservoir qualifies as exempt
- Reservoir does not qualify as exempt

Reservoir is off channel
Height of Dam
Capacity of Reservoir
Constructed before 1/1/1993

YES NO
NONE
> 9.0 Acre Feet
YES NO

I _____ examined the information included with the file P-74261, P-74262. My determination is based on review of the information and field visit to the site and/or personal knowledge.

L. Gene McShinn

Signature

October 12, 1994

Date

#2

Oregon

August 22, 1994

DAVID C. MALPASCIO
October 12, 1994

STATE OF OREGON
DEPARTMENT OF WATER RESOURCES

MEMO TO FILES

RESERVOIR EXEMPTION REQUEST

FILE P - 74261

Today I inspected this reservoir with regards to qualifying as a exempt reservoir under HB - 2153.

The reservoir is almost full to within 0.5 ft of ground level.

There is a Muddy Creek Irrigation Project irrigation ditch located about 30 - 40 feet along the entire west side of the reservoir. The ditch diverts water from the main canal near the Coleman Road overpass over I - 5 Highway. There was about 0.5 CFS flow in the ditch during inspection.

30 yards south from the northwest corner of the reservoir, a ditch connects the reservoir with the irrigation ditch. Flow from the ditch fills and maintains the reservoir.

It does not appear that this reservoir qualifies as exempt.

Gene Mc Ginnis
Watermaster

