

4-74475

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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SEP 07 1994

NOTICE OF EXEMPT RESERVOIR

This notice is submitted pursuant to ORS 537.141, which provides, OREGON 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: MRS. LOIS H. PASCHELKE

Authorized Agent: (if applicable) NA

Address: 92655 PASCHELKE ROAD

MARCOLA OREGON 97454-9715 503-933-2594
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 8, Township 16S, Range 1W, in LANE 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: A YEAR-AROUND SPRING.
3. Maximum height of the dam: 6 FEET.
4. Maximum water depth in the reservoir: 5.5 FEET.
5. Maximum storage capacity of reservoir: 64,000 FT³ OR 1.47 ACRE FEET.
6. Size, description and location of any outlet pipe: JUST A SPILLWAY OVER THE BEAVER DAM.
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: Mrs. Lois H. Paschelke

(Print Name and Title) LOIS H. PASCHELKE, OWNER

Date: SEPTEMBER 6, 1994

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) _____

Q-74475

Marcola, Oregon
Sept. 6, 1994

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Water Resources Dept.

WATER RESOURCES DEP.
SALEM, OREGON

Dear Sirs:

The Paschelke family has owned the homestead, where our pond is located, since 1904. The pond is fed by a year-around spring and its drainage created about three acres of marshland as it worked its way down to a drainage ditch along Paschelke Road. While there's a fairly steady flow during wet times of the year, dry summers find the water movement very slow.

When my husband's mother wanted us to buy the farm from her in 1947 so she could move to Eugene, we did. Then we did a moderate amount of digging to create a pond deep enough and cool enough to support rainbow trout. We purchased a thousand seven inches from a trout farm west of Portland and stocked the pond.

We put a mesh screen with a heavy wood frame across the outlet, according to directions we got from the Fish and Game Commission and received a letter from them exempting us from the Oregon Fishing Rules. We had a very simple earth dam with the screened spillway. But, because of continued beaver damming, which raised the level of the pond over a foot higher, our dam now seems to be completely covered by the beaver dam.

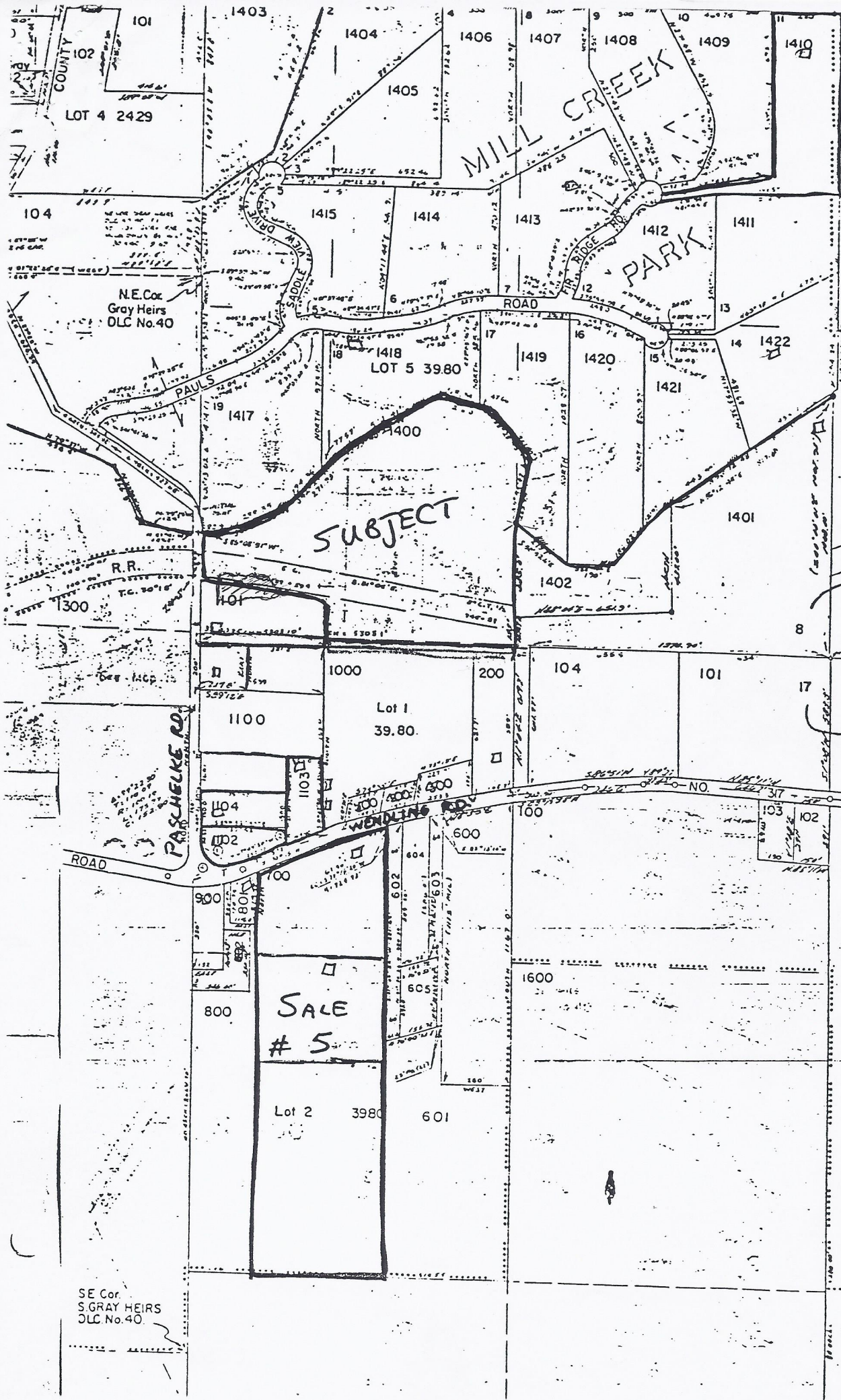
Because the pond covers an area that was formerly a swamp, all kinds of natural life abound there. Besides the beaver, there are frogs, pond turtles, Mallards and usually a few Canadian Geese, visiting a neighbor's tame geese. For a long while, we've had two pairs of nesting blue herons.

The whole area is completely naturalized now and the people around here consider it a community asset. It is close enough to Paschelke Road, though screened by trees and brush, that many passersby pause awhile to watch the life in the lake and admire the view of the hills beyond.

If any place deserves to be an exempt use, I'm sure this one does. I await your decision.

Sincerely,

Lois H. Paschelke
92655 Paschelke Rd.
Marcola, Or. 97454-9715



74475

16-01-08

1	N 93° 26' E	98.8'
2	N 23° 45' E	100.0'
3	N 24° 53' E	100.0'
4	N 31° 58' E	143.8'
5	N 91° 35' E	100.0'
6	N 45° 37' E	100.0'
7	N 61° 18' E	100.0'
8	N 40° 14' E	178.2'
9	N 40° 19' E	100.0'
10	N 34° 33' E	85.8'
11	N 10° 00' E	140.0'
12	N 47° 00' E	179.16' (see call)
13	S 30° 13' 10" W	99.68' (see call)
14	N 33° 00' E	360.00'
15	N 15° 15' E	38.11'
16	N 10° 15' 30" E	104.45'
17	S 68° 47' E	89.33'
18	N 12° 16' 35" E	7.35'
19	Arc of Spiral Curve L41 100.0'	
20	S 21° 28' E	148.0'
21	Down Pipe	- 115.72' N/L

16 01 08

16 01 17

8	9
17	16

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WATER RESOURCES DE
SALEM, OREGON

SALE
5

LAKE



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WATER RESOURCES DEPT.
PORTLAND, OREGON

8-74475

Watermaster HB-2153
Check-List

September 12, 1994

MRS LOIS H PASCHELKE

92655 PASCHELKE RD
MARCOLA, OR 974549715

REFERENCE: File(s) P-74475

☐ Reservoir qualifies as exempt

☒ Reservoir does not qualify as exempt

Reservoir is off channel

YES NO

Height of Dam

5-6 Feet

Capacity of Reservoir

29.0 Acre Feet

Constructed before 1/1/1993

YES NO

I _____ examined the information included with the file P-74475.
My determination is based on review of the information and field visit to the site and/or
personal knowledge.

Lene McQuinn

Signature

October 12, 1994

Date

October 11, 1994

MEMO TO FILES
RESERVOIR EXEMPTION REQUEST
FILE P - 74475

Today I inspected this reservoir with regards to exemption under HB - 2153.

The flow originates on or near the reservoir site. There is a dam 5 - 6 feet high causing the impoundment.

The dam has a overflow that goes into a ditch along the County road, then under the road through a 18 inch culvert, and into Mill Creek. In her letter to WRD, Ms. Paschelke tells of "steady flow during wet times of year", from her pond to this ditch.

No flow was evident over the dam during the inspection, but has evidence of winter flows into Mill Creek.

It does not appear that this reservoir qualifies for exemption under HB - 2153.

Gene Mc Ginnis
Watermaster