

Application No. P-74602
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

NOTICE OF EXEMPT RESERVOIR

RECEIVED

AUG 29 1994

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: MICHAEL F. and BARBARA K McClain

Authorized Agent: (if applicable) N/A

Address: 34295 OAKVILLE Rd SW
Albany OR 97321 967-7843
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.

- DLc Section 35*
1. The reservoir is located in section #63, Township 11, Range 4 West, 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.) Complete legal attached
 2. Source of water: Ground Water Runoff
 3. Maximum height of the dam: 2 Ft.
 4. Maximum water depth in the reservoir: 1 Ft
 5. Maximum storage capacity of reservoir: 6 1/2 Acre Feet
 6. Size, description and location of any outlet pipe: 8" metal Culvert buried in North

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:

Michael F. McClain

(Print Name and Title)

Michael F. McClain OWNER

Date:

8-25-94

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 _____.

RECEIVED

AUG 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. *P 74602*
Permit No.



Sec. 35 T11S

KEY TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATION OF PROPERTY. NO LIABILITY OR WARRANTY FOR DISCREPANCIES OR OMISSIONS.

1" = 40'

See Map 11 4W 26

27 26
34 35

P 300
5.98 A

301
56.13 A

500
34.97 A

11.90 ch
785
PINE
ASH
OLD DUCK POND
PINE
25.01 Ch.

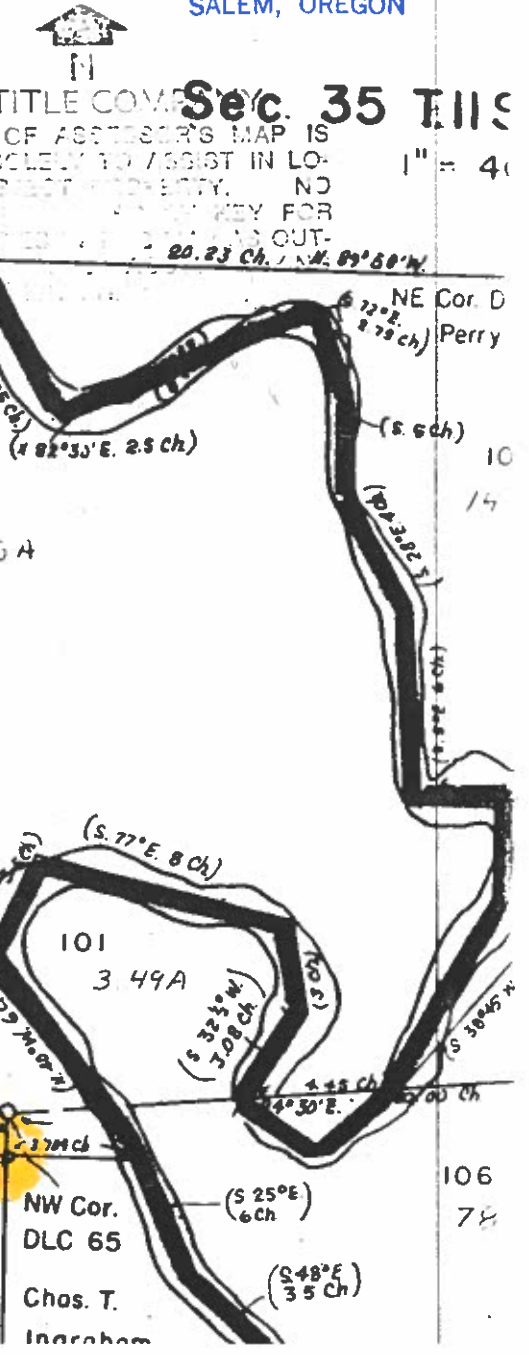


200
37.35 A

101
3.49 A
NW Cor. DLC 65
Chas. T. Ingraham
(S 25° E 6 ch)
(S 48° E 3.5 ch)

NE Cor. D Perry
(S 6 ch)

106
78



RECEIVED

AUG 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON

$\frac{2}{3.5}$

$\frac{1}{3.2}$

71-26

33

$\frac{1}{4.9}$

Application
Permit No

$\frac{2}{5.2}$

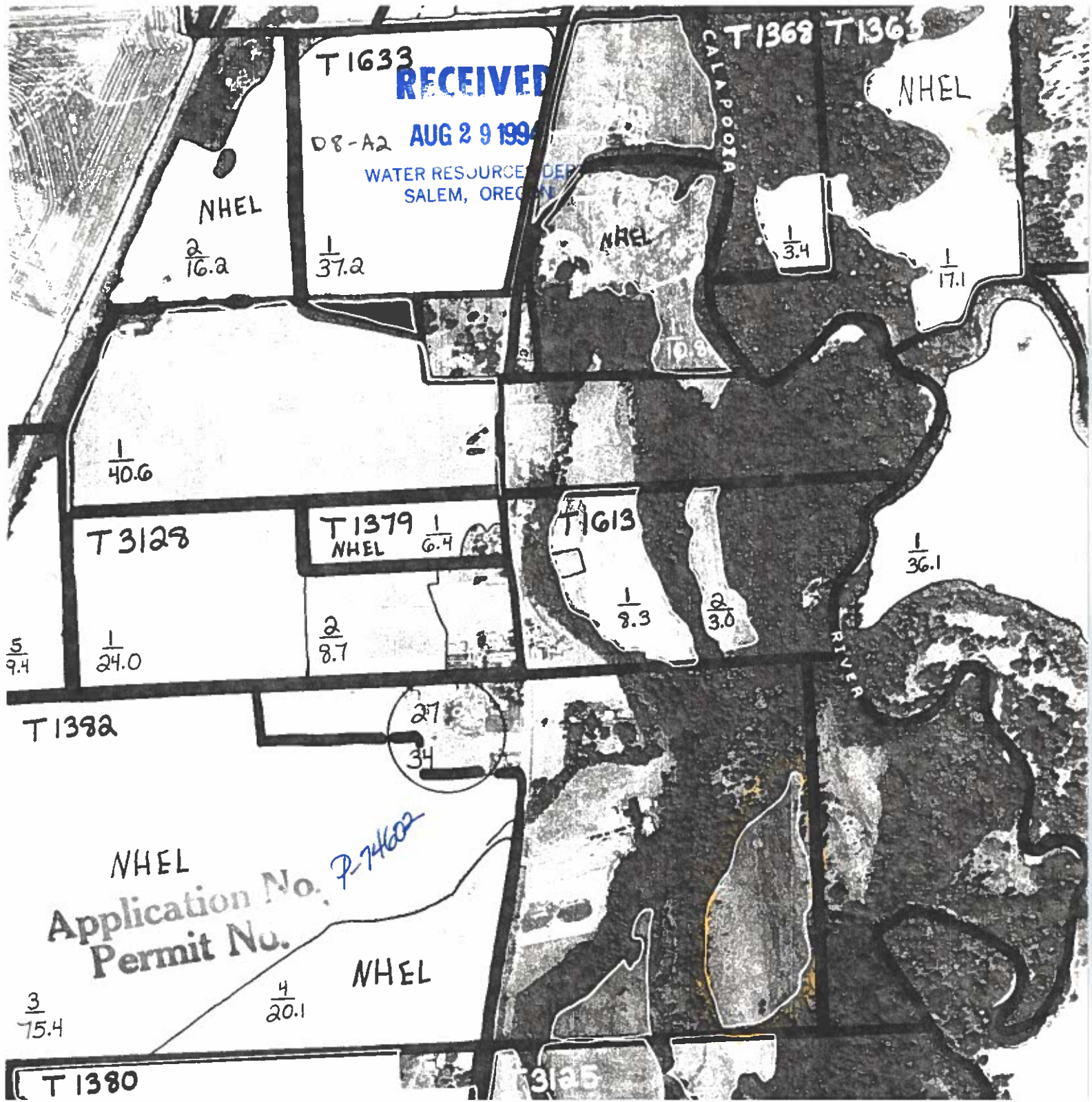
K-500

$\frac{1}{7.1}$

R. 4 W. SEC 26 & 35

P-74602





RECEIVED

T 1633

DB-A2 AUG 29 1994

WATER RESOURCE DEPT
SALEM, OREGON

T 1368 T 1363
CALAPAPOZA

NHEL

NHEL

$\frac{2}{16.2}$

$\frac{1}{37.2}$

NHEL

$\frac{1}{3.4}$

$\frac{1}{17.1}$

$\frac{1}{40.6}$

T 3128

T 1379
NHEL $\frac{1}{6.4}$

T 1613

$\frac{1}{36.1}$

$\frac{5}{9.4}$

$\frac{1}{24.0}$

$\frac{2}{8.7}$

$\frac{1}{9.3}$

$\frac{2}{3.0}$

RIVER

T 1392

27

34

NHEL
Application No.
Permit No.

P-74602

NHEL

$\frac{3}{75.4}$

$\frac{4}{20.1}$

T 1380

T 3125



2-17-99

Application No.
Permit No.

RECEIVED
AUG 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "A"

A tract of land situated in the County of Linn and State of Oregon more particularly described as follows: Beginning at a point which is West 22.8 chains from the Northeast corner of the Donation Land Claim of Perry Watson and wife, same being Notification No. 1780 and Claim No. 63 in Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, and running thence West 11.90 chains; thence South 6.07 chains; thence West 2° south 4.27 chains; thence West 18° South 2.27 chains; thence West 43.5° South 4.16 chains; thence West 10° North .45 chains to center line of a County Road; thence South 10° West in the center of said County Road 18.53 chains to the South boundary line of said D.L.C.; thence East on said South boundary line 25.01 chains; thence North 27.94 chains to the place of beginning.

October 17, 1994



MICHAEL F MCCLAIN
MCCLAIN, BARBARA K
34295 OAKVILLE RD SW
ALBANY, OR 97321

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-74602;
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,

M. S. O

Wm #2

October 17, 1994

MICHAEL F MCCLAIN
MCCLAIN, BARBARA K
34295 OAKVILLE RD SW
ALBANY, OR 97321

Riverside
11-4-95
NW

REFERENCE: File(s) P-74602

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

Reservoir is off channel YES ~~NO~~
 Height of Dam 21 Feet
 Capacity of Reservoir 6 1/2acre Feet
 WATERSHED YES ~~NO~~
 Constructed before 1/1/1993

I L. Gene McGinnis examined the information included with the file P-74602.

My determination is based on review of the information and field visit to the site and/or personal knowledge. *The application maps and USGS ground sheet of the Riverside (the pond) are in channel.*

L. Gene McGinnis
Signature