





# SURFACE WATER DETENTION

 ELEVATION CONTOURS

Application No. *K-76310*  
Permit No.

**RECEIVED**

JAN - 3 1995

WATER RESOURCES DIVISION  
SALEM, OREGON

MAP DATE : 12/30/94

City of Milwaukie



HB-2153

Application No. R-76310

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WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Joseph D. + Mary A. Polansky  
(Please print or type - use dark ink)

Mailing Address: 11123 SE 30th Ave.  
Milwaukie OREGON 97222 (503) 654-7265  
City State Zip Daytime Phone No.

I (We) make application for a permit to construct UNNAMED reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: Spring Creek,  
a tributary of Willamette River.  
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 4 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: outlet is at the west end of pond w/dimensions of 48" x 48"

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 wetland and garden irrigation as described on sheet titled "Description of Water Use" attached.

4. **THE AMOUNT OF WATER** to be stored is: 0.2 acre-feet.  
The area submerged by the reservoir, when filled, will be 0.1 acres,  
and the maximum depth of water will be 4 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. The spillway is part of the dam on the west side of the pond. The dimension of the spillway opening is approximately the same as the flashboard or 48" x 48"

6. **PROJECT SCHEDULE:** (List month and year)  
Proposed date construction work will begin \_\_\_\_\_  
Proposed date construction work will be completed \_\_\_\_\_  
Proposed date water use will be completed \_\_\_\_\_

*Completed*

**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.

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WATER RESOURCES DEPT.  
SALEM, OREGON

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:

<u>✓</u> <u>Mary A. Polansky</u> Signature	<u>12-30-94</u> Date
<u>✓</u> <u>Joseph D. Polansky</u> Signature	<u>12-30-94</u> 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 3 day of Jan, 1995, at 8 o'clock, A M.

1/1/93

APPLICATION NO: R-76310

January 26, 1995

JOSEPH D POLANSKY  
POLANSKY, MARY A  
11123 SE 30TH AVE  
MILWAUKIE, OR 97222

REFERENCE: File # R-76310;

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Your application will be considered under House Bill 2153 enacted by the 1993 Oregon Legislature. You may continue the storage of water while a decision is pending on your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, the Department works through Oregon's 18 river basins on a rotating schedule, processing applications in the order in which they have been received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

Technical Reviews are processed in accordance with Oregon Administrative Rules. The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



REFERENCE: File(s) - R-76310

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



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

cc: CWRE





I, Anne Marie Smith, state that the pond on tax lot 1S 1E 36 B D 02100 in Clackamas county was constructed prior to the date my parents purchased the property at 11123 SE 30th Avenue in Milwaukie, Oregon. The property was purchased in the early 1970s by Joseph D. and Mary A. Polansky.

Anne Marie Smith

Anne Marie Smith  
11117 SE 30th Avenue  
Milwaukie, Oregon 97222  
30 December 1994

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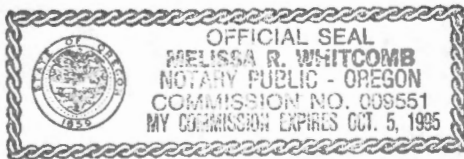
JAN - 3 1995

WATER RESOURCES SEPT.  
SALEM, OREGON

Subscribed and sworn to before me this December 30th, 1994

Melissa R. Whitcomb

Notary Public for Oregon



Application No. R-76310  
Permit No.

## 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: Joseph D. and Mary A. Polansky  
 Address: 1123 SE 30th Ave.  
Milwaukie, OR 97222  
 Phone: (503) 654-7265

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WATER RESOURCES DEPT.  
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): ~~light irrigation~~ + ~~pond~~
- 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.) pond
- 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>Spring Creek</u>	<input type="checkbox"/> Cubic feet per second <input type="checkbox"/> Gallons per minute. <input checked="" type="checkbox"/> <u>2</u> Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

Application No R-76310  
Permit No.

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: JAMES CRUMLEY

Title: ASST. PLANNER

Date: 12/28/94  
Phone: 786-7654

Signature: *J. Crumley*

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.

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Additional Comments:

JAN - 3 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

Lined area for additional comments.

Application No R-76310  
Permit No.

PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

R-76310

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

1/10/95

COF

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

Oath

Application date stamped per money receipt date

Land use approved  pending

If reservoir < 5 AF \$ 80, if > 5 AF \$

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code

Entered into WRIS

SUPPORT SERVICES

3/16/95

px

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 calender card

3/31/95

px

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:

1/10/95 CES 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

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

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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.

JAN - 3 1995

WATER RESOURCES DEP  
SALEM, OREGON

Applicant's Name: Joseph D and Mary A. Polansky  
Address: 11123 SE 30th Ave  
City: Milwaukie State: OR Zip: 97222 Day Phone: 654-7265

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>51E36BD</u> <u>2000,7100</u>	<u>URB RES/R-5</u>			<u>X</u>

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

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. 12-7630  
Permit No.

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): \_\_\_\_\_ . 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

Receipt for Request for Land Use Information

WRD Applicant Name: Joseph & Mary Polansky

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: Milwaukie

Staff Contact: James Crumley Phone: 786-7654

Signature: James Crumley Date of Information Request: 12/28/94

NUMBER 99823

Check 50. ~~NO~~ Cash \_\_\_\_\_

\_\_\_\_ Surface Application

Reservoir Application  $\frac{40}{10}$

\_\_\_\_ Ground Water Application

\_\_\_\_ Transfer Application

\_\_\_\_ Power Claim

\_\_\_\_ Hydroelectric Examination

\_\_\_\_ Hydroelectric License

\_\_\_\_ Copying

\_\_\_\_ Assignment

\_\_\_\_ Extension of Time

\_\_\_\_ Other

\_\_\_\_ P-6

\_\_\_\_ Quadrangle

\_\_\_\_ Basin

\_\_\_\_ Protest

\_\_\_\_ Constructors Examination

\_\_\_\_ Constructors License

\_\_\_\_ Adjudication

*Data Center*





JOSEPH D POLANSKY  
POLANSKY, MARY A  
11123 SE 30TH AVE  
MILWAUKIE, OR

97222

Application No. **R-76310**  
Permit No. ....

Assigned .....  
Address .....  
Beginning construction .....  
Completion of construction .....  
Extended to .....  
Complete application of water .....  
Extended to .....

FILE#: R 76310

JOSEPH D POLANSKY  
POLANSKY, MARY A  
11123 SE 30TH AVE  
MILWAUKIE, OR 97222

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