

FILE#: P 74351

MILTON F GORDEN
 GORDEN, BERNICE
 PO BOX 3790
 CENTRAL POINT, OR 97503

Application No. P 74351
 Permit No. _____
 Certificate No. _____
 Stream Index, Page No. _____

FEES PAID		
Date	Amount	Receipt No.
FEES REFUNDED		
Date	Amount	Check No.

Date filed _____
 Priority _____
 Action suspended until _____
 Return to applicant _____
 Date of approval _____

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

CONSTRUCTION

Date for beginning _____
 Date for completion _____
 Extended to _____
 Date for application of water _____
 Extended to _____

REMARKS				

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed _____
 Form "C" filed _____

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date Certificate issued _____

RECEIVED

NOV 03 1994

WATER RESOURCES DIVISION
SALEM, OREGON

October 28, 1994

Steve Brown, Manager
Water Rights Division
Water Resources Department
158 12th Street, Northeast
Salem, Oregon 97310

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Re: Response to Technical Evaluation of Water Right Application

File: P74351
Source: pond/spring off Daisy Creek off Griffin Creek
Trib: Bear Creek (Rogue)
Flow: not listed

Dear Mr. Brown:

The Department has completed its review of the above referenced Technical Review of a water right application. The drainage basin in which this application is located has been identified as water quality limited by the Department. As a result of extensive analysis, Total Maximum Daily Loads (TMDLs) have been set for this basin. The estimated low flows normally occur during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exist. On August 5, 1993, the Department submitted application for instream water rights to protect the public's interest to provide pollution abatement flows in the above referenced basin.

Application Number P74341 proposes additional out of stream use of water which could reduce available instream flows during the seasonal low flow period, thus, increasing the likelihood of exacerbating identified water quality problems in this drainage basin. The Department does not believe that it is in the public's best interest to further reduce the instream flows during the seasonal low flow period in this drainage basin. The Department requests that exempt ponds occurring in water quality limited basins be limited to high flow waters which should be verified with a meter on ponds of 2.0 acre feet or more.

Other concerns include local herbicide and pesticide use, the potential for contaminated overland runoff, erosion and sedimentation from overland runoff, spillway erosion, potential streamside flooding, potential groundwater and surface water contamination and the development of a maintenance schedule. These concerns need to be addressed through the development of a SCS farm management plan.



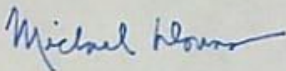
811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TDD (503) 229-6993
DEQ-1



Page 2

If you have questions or wish to further discuss this issue please feel free to contact either Bob Baumgartner (503-229-5877) or Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs
Administrator
Water Quality Division

MD:bjp:crw
SA\WC13\WC13022.5

August 22, 1994

Oregon

MILTON F GORDEN
GORDEN, BERNICE
PO BOX 3790
CENTRAL POINT, OR 97503

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-74351;
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.

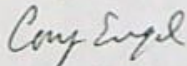
To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the 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

Application No. Y 74351

Permit No.

Name .. MILTON F GORDEN
GORDEN, BERNICE
PO BOX 3790
Address CENTRAL POINT, OR

97503

Assigned

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to

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STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIVED

JUN 30 1994

NOTICE OF EXEMPT RESERVOIR

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: MILTON W. LORDEN & BERNICE LORDEN

Authorized Agent: (if applicable) _____

Address: P.O. Box 3190 4825 OLD STAGE RD

CENTRAL POINT ORE 97502 6641330
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. *Section no not shown on the Rec 1-024898-4*

1. The reservoir is located in Section 6, Township 38, Range 2E, in JACKSON 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: SPRING

3. Maximum height of the dam: 10 ft outside 9 ft inside

4. Maximum water depth in the reservoir: 8 ft

5. Maximum storage capacity of reservoir: 34 acre average depth 5 to 6 ft

6. Size, description and location of any outlet pipe: 16 in Steel Pipe North-East Side of 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: Milton F. Jordan

(Print Name and Title) MILTON F. JORDEN OWNER

Date: June 16 1994

The Pond was on the property at time of purchase in 1966 several years ago I enlarged the Pond to its size now.

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) _____

4-7-51



PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

74351

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE INITIAL

7/30/94

CB

- 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 \$ _____, 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

9/27/94
u
4

4

- 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

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

7/30/94 CE
(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:

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