

Application No. P 74359

Permit No. \_\_\_\_\_

**Certificate No.** \_\_\_\_\_

Stream Index, Page No. \_\_\_\_\_

Not Exempt

FILE#: P 74359

EDITH M CLARKE  
PO BOX 367  
OBRIEN, OR

97534

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until \_\_\_\_\_

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

## CONSTRUCTION

Date for beginning \_\_\_\_\_

Date for completion \_\_\_\_\_

Extended to \_\_\_\_\_

Date for application of water \_\_\_\_\_

Extended to \_\_\_\_\_

## PROSECUTION OF WORK

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Date Certificate issued \_\_\_\_\_

[illegible]

		.
	Cert. Fee	

[illegible]

## ASSIGNMENTS

Date	To Whom	Address	Volume	Page

## REMARKS

see R-80493 (cert 72017) - applicant re-filed in Dec 1994 for Certificate.

HB2153

PARTLY OR ENTIRELY NON-EXEMPT

LETTER WENT TO APPLICANT FROM  
WATERMASTER -- CHECK FILE

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

P-74359

RECEIVED

JUL - 7 1994

NOTICE OF EXEMPT RESERVOIR

WATER RESOURCES DEPT.  
STATE OF 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: EDITH M. CLARKE

Authorized Agent: (if applicable) N/A

Address: P.O. Box 367 - 545 LONE MTN. RD.

O'BRIEN OR 97534 596-2739  
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 25, Township 40S, Range 09W, in JOSEPHINE 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 FOR BOTH #1 + #2
3. Maximum height of the dam: FOR #1 - 7.0 FT -- FOR #2 - 3.0 FT.
4. Maximum water depth in the reservoir: FOR #1 - 6.5 FT. -- FOR #2 - 5.0 FT
5. Maximum storage capacity of reservoir: FOR #1 - 0.37 AF - FOR #2 - .039 AF
6. Size, description and location of any outlet pipe:  
#1 - Wooden flume box 2.7' high 1.5' wide w/ 2 adjustable boards  
#2 - Rock control dam 5' wide, 2' high w 1.5' diam pipe outlet.
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;
  - 7.3 A dated map prepared by a local, state or federal agency showing the location of the reservoir; or  
Portions of 1989 USGS 7.5 minute O'Brien Oregon Quadrangle
  - 7.4 Construction receipts or other forms of documentation.

P74359 Josephine

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: Edith M. Clarke

(Print Name and Title) EDITH M. CLARKE, Landowner

Date: July 5, 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) \_\_\_\_\_



12-21-94



CLARKE

#1 Pond



CLARKE

7.5 H-p

2 H-p

#2 Pond Pump Station

12-21-94



CLARKE

#2 Pond



DECEMBER 22, 1994

EDITH CLARKE  
545 LONE MOUNTAIN ROAD  
O'BRIEN, OR 97534

REFERENCE: File P-74359

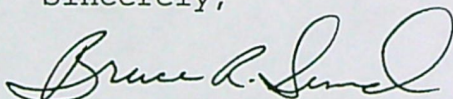
Dear Ms Clarke:

The department has completed a review to determine whether your pond qualifies for an exemption from water right requirements. Based on information obtained during a field inspection, as well as the information you submitted, we have determined your pond is not eligible for the exemption. Attached is a copy of our checklist explaining why the pond is not exempt.

If you wish to continue to store water in your reservoir, you must take steps to obtain a standard water right permit. There are significant benefits to filing before January 1, 1995. I have enclosed the appropriate forms and instructions for filing an application.

If you have questions or disagree with the department's determination, please contact me at the address or telephone number below.

Sincerely,



Bruce R. Sund  
Watermaster, District 14

Enclosures: Reservoir and Surface Water Application and  
Instructions

cc: Salem file  
Region Office





Watermaster HB-2153  
Check-List

CLARKE, EDITH

545 LONE MTN RD  
O'BRIEN, OR

97534

REFERENCE: File(s) P74359

\_\_\_ Reservoir qualifies as exempt

XX Reservoir does not qualify as exempt

Reservoir is off channel

Height of Dam

Capacity of Reservoir

Constructed before 1/1/1993

~~YES~~

NO

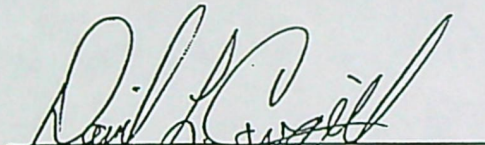
1 - earth berm, 2 - earth berm

1 - 0.3 a.f. 2 - 0.1 a.f.

YES

~~NO~~

I David L. Cowgill examined the information included with the file P74359. My determination is based on review of the information and field visit to the site and/or personal knowledge.



Signature

12/21/94

Date



12/07/94

PONDS INSPECTION SHEET

Page 46

FILE #: P74359 RVD SALEM: 7/07/94 RVD REGION: 11/28/94 COUNTY: JOSE

NAME: CLARKE, EDITH  
ADDRESS: 545 LONE MTN RD  
CITY, STATE: O'BRIEN, OR  
PHONE NO.

EXEMPT? NO

97534

TRSQQ:

MAP & TL: 400925

INSPECTED BY DAVID L. GOWSILL  
INSPECTION DATE 12-21-94  
TALKED TO:

SOURCE(S) OF WATER: SPRING FEEDS #2 POND THEN FLOWS INTO CHANNEL T #1 POND  
THEN INTO ILLINOIS RIVER

USE(S) OF WATER: IRRIGATION - POND #2 HAS 7.5 H.P. + 2 H.P. PUMP  
(4" PVC LINE) (2" Poly)

DESCRIBE POND: BOTH PONDS EXCAVATED WITH EARTH BERM ON ONE SIDE.

DESCRIBE DAM: EARTH BERM

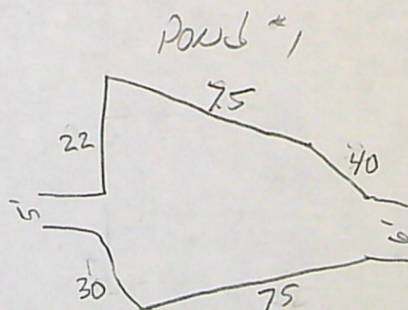
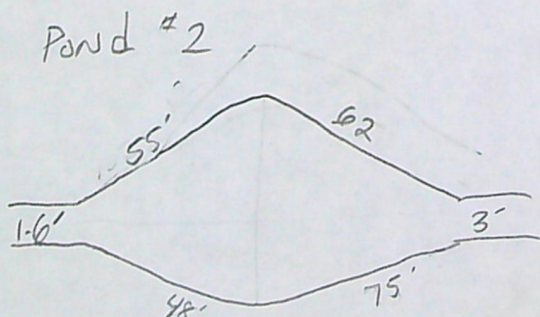
SURFACE AREA: Pond #1 (.10 AC.) Pond #2 (.03)

ASSUMED AVERAGE DEPTH: 1 = 2.6 2 = 2.0

capacity =  
1 = .3 A.F.  
2 = .1 A.F.

DISCREPANCIES:

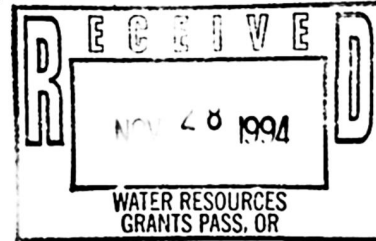
REMARKS:



September 6, 1994

EDITH M CLARKE

PO BOX 367  
OBRIEN, OR 97534



# Oregon

WATER  
RESOURCES  
DEPARTMENT

REFERENCE: File # P-74359;  
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







September 6, 1994

Oregon

EDITH M CLARKE

PO BOX 367  
OBRIEN, OR 97534

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STATE OF OREGON  
WATER RESOURCES DEPARTMENT

P-74359  
**RECEIVED**

JUL - 7 1994

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Landowner/agent signature: Edith M. Clarke

(Print Name and Title) EDITH M. CLARKE, Landowner

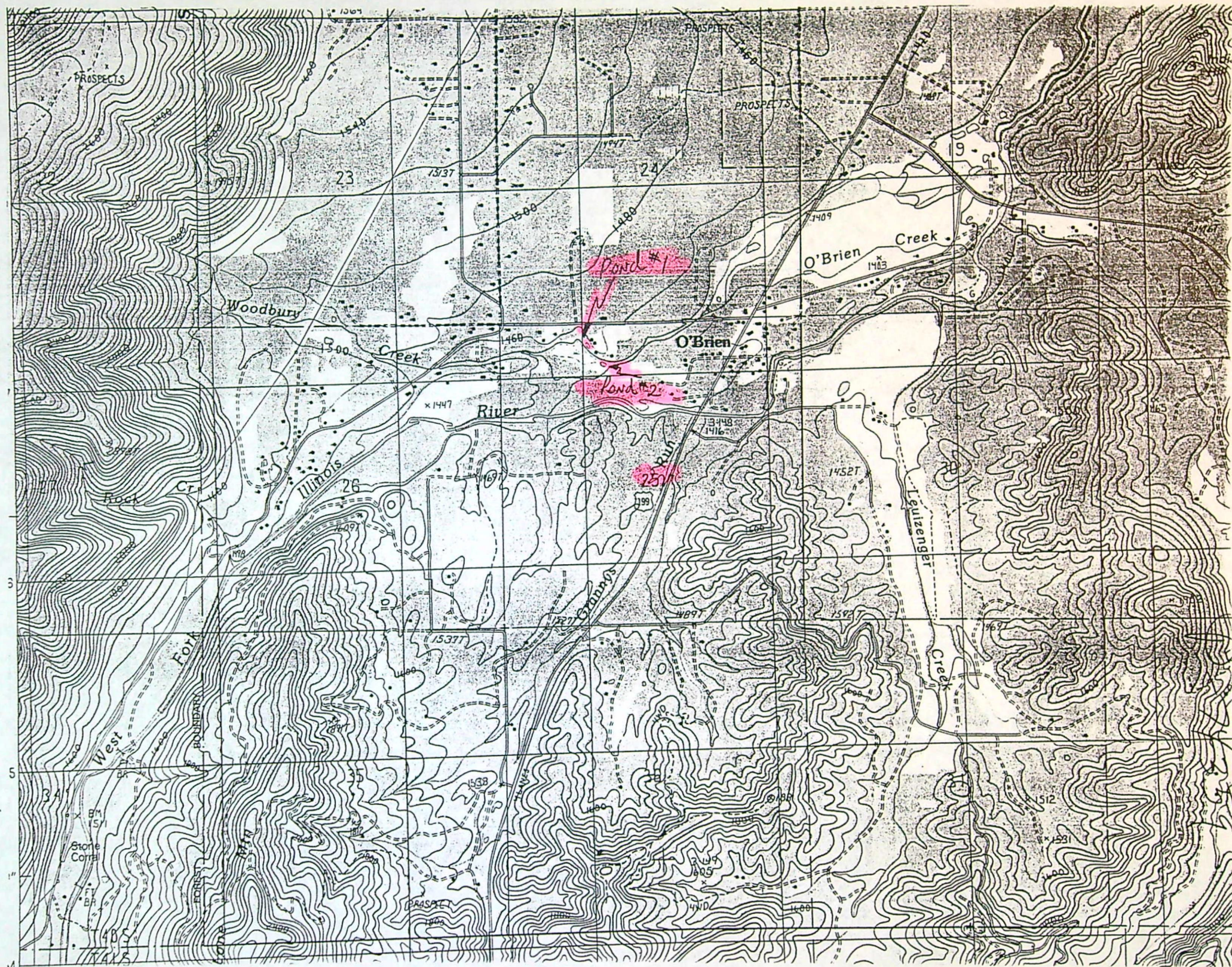
Date: July 5, 1994

FOR WATER RESOURCES DEPARTMENT USE ONLY

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cc: Watermaster District # \_\_\_\_\_  
To Data Center (date) \_\_\_\_\_







# PRE-TR APPLICATION PROCESSING OUTLINE

Application File # 74359

## MINIMUM REQUIREMENTS TO FILE

OAD 690-11-020

DATE STAMP

DATE 7/30/94 INITIAL 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

11/19/94  
11/19/94  
11-22-94

CB  
7  
gh

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

7/10/94 CS  
(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