

97116

REMARKS

RECEIVED

Oregon

January 9, 1995

Dwight French, Manager  
Water Rights Division  
Water Resources Department  
158 12th Street, Northeast  
Salem, Oregon 97310

JAN 19 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

Re: Response to Technical Evaluation of Water Right Application

File: P74659 Exempt reservoir  
Source: pond and runoff from Lousignont Creek  
Trib: Tualatin River  
Flow: 3.0 AF  
Use: unknown

Dear Mr. French:

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 exists. 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 P74659 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.

The Department requests that for pollution prevention an NRCS farm management plan or wetlands be developed to address water quality issues, such as: 1) possible herbicide and pesticide use in the vicinity of the proposed pond or wetland; 2) an erosion (sediment) plan with buffer strips; 3) a nutrient plan to prevent nitrate runoff into surface and groundwater; 4) potential flooding of the pond or wetland if located in the 100 year floodplain with subsequent contamination release; and 5) if a stock watering pond is being created then a way to keep stock of the stream needs to be developed and the riparian area restored.



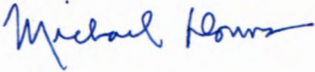
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
TDD (503) 229-6993  
DEQ-1



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,

A handwritten signature in blue ink that reads "Michael Downs". The signature is written in a cursive style with a horizontal line extending from the end.

Michael Downs  
Administrator  
Water Quality Division

MD:bjp:crw  
SA\WC13\Ltr5  
cc: Lee Ko, NRCS - Hillsboro



December 12, 1994

RECEIVED

DEC 14 1994

WATER  
SALEM, OREGON

WATER  
RESOURCES  
DEPARTMENT

Lorna Clinton  
10265 NW Seavey Road  
Forest Grove, OR 97116

Tualatin Basin  
Watermaster

REFERENCE: File # P-74659; Notice of Exempt Reservoir (Pond)

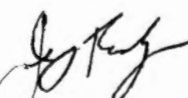
Dear Ms Clinton:

The department has now completed a review of whether your pond qualifies for an exemption from water right requirements. Based on the information you submitted, we have determined your pond is NOT eligible for the exemption.

If you wish to continue to store water in your reservoir, you must take steps to obtain a water right permit under House Bill 2153 before January 1, 1995. This would allow immediate storage authorization and would not require the services of a Certified Water Right Examiner (CWRE). If the deadline is missed, it would be necessary to apply for a standard water right. The standard process would not allow storage until permit issuance, would have a later priority date and require a CWRE map at your expense. Enclosed are the appropriate forms and instructions for filing an application under HB 2153.

You have the opportunity to discuss your case with us. If you have questions or disagree with the department's determination, please contact me at the address or telephone number at the bottom of the page.

Sincerely,



Jerry Rodgers  
Watermaster, District 18

Enclosures: HB 2153 Reservoir Application and Instructions for Filing

cc: Salem File  
Region Office



111 NE Lincoln St.  
Suite 220  
Hillsboro, OR 97124  
(503) 693-4881

Watermaster HB-2153  
Check-List

wm # 18

November 7, 1994

LORNA CLINTON

10265 NW SEAVEY RD  
FOREST GROVE, OR 97116

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DEC 14 1994

REFERENCE: File(s) P-74659

☐ Reservoir qualifies as exempt

☒ Reservoir does not qualify as exempt

Reservoir is off channel

YES ☒ NO

Height of Dam

8' ±

Capacity of Reservoir

3 AF ±

Constructed before 1/1/1993

☒ YES ☐ NO

I JERRY ROGERS examined the information included with the file P-74659.  
My determination is based on review of the information and field visit to the site and/or  
personal knowledge.

Signature

Date

12/8/94

RECEIVED

DEC 02 1994

WATERMASTER  
HILLSBORO, OR

November 7, 1994

Oregon

LORNA CLINTON

10265 NW SEAVEY RD  
FOREST GROVE, OR 97116

WATER  
RESOURCES  
DEPARTMENT

REFERENCE: File # P-74659;  
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.

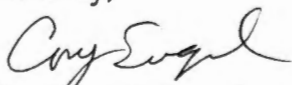
To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the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



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIVED

SEP 30 1994

WAT

NOTICE OF EXEMPT RESERVOIR

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: Lorna Clinton

Authorized Agent: (if applicable) \_\_\_\_\_

Address: 10265 N.W. Seavey Rd

Forest Grove OR 97116 (503) 357-2223  
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 3, Township 1 N, Range 4 W, in Washington 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.)

Example B.

2. Source of water: Spencer run - 44.
3. Maximum height of the dam: 4 or 5 ft.
4. Maximum water depth in the reservoir: 3 or 4 ft.
5. Maximum storage capacity of reservoir: approx 3 acre ft.
6. Size, description and location of any outlet pipe: 3 ten inch culvert pipes - North end of pond to drain to drainage ditch.
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.

Application No. P74659  
Permit No.

**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: Lorna Clinton

(Print Name and Title) LORNA CLINTON OWNER

Date: Sept 28, 1994

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**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) \_\_\_\_\_



# PRE-TR APPLICATION PROCESSING OUTLINE

Application File # \_\_\_\_\_

## MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

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

11/22/94

jh

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

11/22/94

jh

## 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**

10/28/94 CES  
 (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

FILE#: P 74659

LORNA CLINTON  
10265 NW SEAVEY RD  
FOREST GROVE, OR 97116

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LORNA CLINTON  
10265 NW SEAVEY RD  
FOREST GROVE, OR 97116



Application No. **p 74659** .....

Permit No. ....

Name . LORNA CLINTON  
Address 10265 NW SEAVEY RD  
FOREST GROVE, OR

97116 .....

Assigned .....

Address .....

Beginning construction .....

Completion of construction .....

Extended to .....

Complete application of water .....

Extended to .....

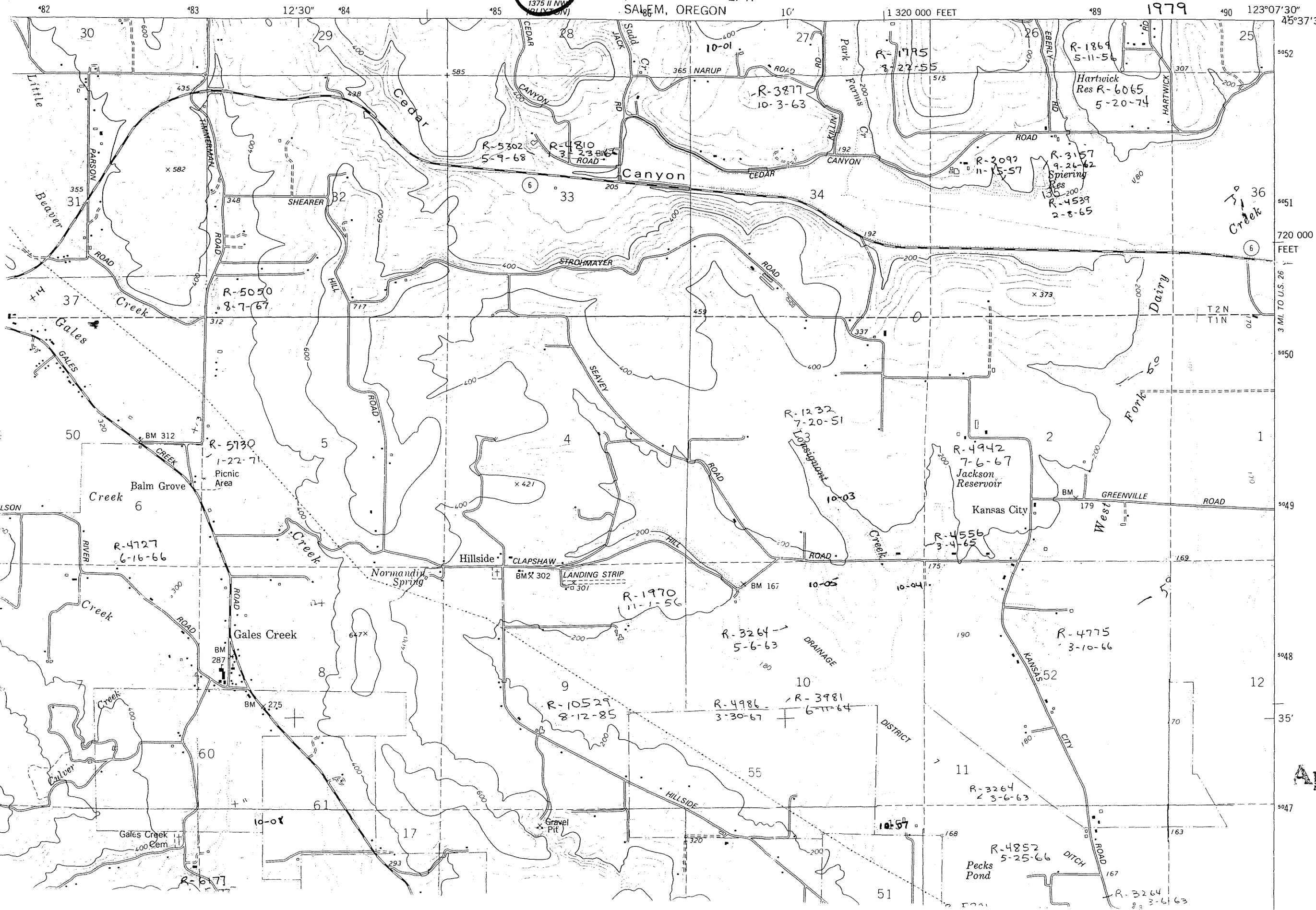
INTERIOR  
DEPT



SEP 30 1994

WATER RESOURCES DIV.  
SALEM, OREGON

GALES CREEK QUADRANGLE  
OREGON-WASHINGTON CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)  
SW/4 FOREST GROVE 15' QUADRANGLE



Application No. P7465  
Permit No.