

GARY D GARNETT
2680 DEER CREEK RD
SELMA, OR 97538

AB 2376

Date _____

FEES PAID

Amount

Receipt No.

Permit No. _____

Certificate No. _____

Stream Index, Page No. _____

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 _____

See file P 79740

Date _____

To Whom

ASSIGNMENTS

Address

Volume

Page

REMARKS

Mailing List for MO Copies

Application P 83101

MO Date January 16, 1998

Original mailed to:

Applicant: _____ Is there a new address? Y _____

1. WRD - File # P-83101
2. WRD - Watermaster # 14
3. WRD - Regional Manager (not Bob Main): SWR

Copies Mailed
By: <u>1/30 - Cak</u>
(SUPPORT STAFF)
on: <u>1/30/98</u>
(DATE)

Other Commenters:

4. ODFW District Biologist: Y _____
5. WaterWatch of Oregon: Y _____
6. Other Commenters Y _____

Other Interested Persons (CWRE, Agent, etc.)

7. _____
8. _____
9. _____
10. _____

CASEWORKER: AmMm

Information	Below	This	For	Mitigation	Team	Use	Only		
SMBS	SMSS	BPC	KR1	KR2	J	BSD	<u>BSD2</u>	1A	MD
MD1	MD2	MD3	B57	B58	BYPASS	B51A		Basin	_____

* NO GW USE IN EXCESS OF EXISTING RTS AND GW EXEMPTION
OF CURS 537.545)



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

January 26, 1998

Gary D. Garnett
2680 Deer Creek Road
Selma, OR 97538

REFERENCE: P-83101

Dear Mr. Garnett:

This letter is to confirm our telephone conversation regarding file P-83101. If you are satisfied with the mitigation order including the conditions, then it is not necessary to notify the Department. If, however, you believe the conditions to be inappropriate or inaccurate it will be necessary to contest the order within the time limits specified. If you do not write the Department within the period allowed the order is final.

Feel free to call me at (503) 378-8455 ext. 266 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

Russell W. Klassen
Senior Water Rights Specialist



Oregon

John A. Kitzhaber, M.D., Governor

January 16, 1998

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

GARY D. GARNETT
2680 DEER CREEK RD.
SELMA, OR 97538

Reference: File P-83101

Dear Applicant:

Thank you for your continuing efforts in our program for authorizing exemptions for existing ponds and reservoirs. We know it has been a long and complicated process, and we appreciate your cooperation.

As indicated in our letters to you last November, we had previously received written comments indicating that your reservoir could be detrimental to fish or might cause injury to other water rights. You took advantage of an opportunity that was provided to address those comments. The additional information that you submitted was sent to the commenter indicating that they must reply if there are still concerns regarding detriment to fish or injury to other water rights.

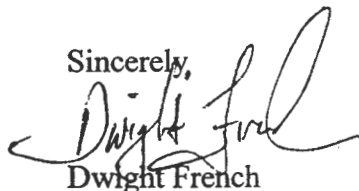
Since then, we have reviewed all the information available to us, including any reply from the commenter, and have determined that certain conditions are necessary to mitigate the potential harm to fish or other water rights. The enclosed Mitigation Order spells out the additional conditions we are proposing.

If you agree with these conditions, and comply with the Mitigation Order, the process will be complete.

If you disagree with this order, you may request a contested case hearing, and submit in writing your reasons why the order should be changed or rescinded. You may wish to submit maps or sketches to help us to better understand the particulars of your situation. Once we receive your request for a contested case hearing, we will contact you to discuss the situation and how we might be able to settle disagreements without holding a hearing. If we are unable to agree on a solution, we will schedule a contested case hearing at a time that is agreeable to both you and the Department. The appeal rights are described in more detail in the order enclosed.

Once again, thank you for your participation in this program. If you have any questions please call one of the water rights staff listed below. My extension number is 268.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dwight French".

Dwight French

Water Rights Section Manager

Enclosures

cc: Watermaster

Russ Klassen 1-800-624-3199 Ext 266

Laura Snedaker Ext 331

Dallas Miller Ext 272

Oregon Water Resources Department
Water Rights Division

Notice of Existing Reservoir
Number P-83101

Reservoir Mitigation Order

Application History

A reservoir was constructed prior to January 1, 1995. As evidence of the right to store water, pursuant to ORS 537.405(2)(a), notice of existing reservoir was submitted.

Pursuant to ORS 537.405(4)(b) the Department has received information demonstrating that the reservoir results in injury to an existing water right.

ORS 537.405(7) specifies that "...the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resource."

Therefore, the Department has determined that with the following additional mitigation condition(s), the injury to existing water rights and/or detrimental impact to existing fishery resources, described above, will be mitigated.


Order

Any secondary use of stored water is limited each year to the capacity of the reservoir.

No groundwater use in excess of existing rights and groundwater exempt uses under ORS. 537.545

Therefore, pursuant to ORS 537.405, the use evidenced by notice of existing reservoir number P-83101, shall be allowed to continue if the injury/negative impact of the reservoir is mitigated as described above.

DATED January 16, 1998


Martha O. Pagel
Director

Notice of Right to Contested Case Hearing

The owner of the reservoir that is the subject of this mitigation order may request a contested case hearing if the owner disagrees with the order. Most disagreements are settled through a series of informal discussions before the hearing date arrives.

If the department does not receive a request for hearing within the time stated in this notice you have waived your right to a hearing under ORS Chapter 183, unless your failure to request a hearing was beyond your reasonable control, as provided in OAR 137-03-075.

The record of this proceeding to date, including information in Department files on the subject of this proceeding, is automatically part of the contested case record upon default for the purpose of proving a prima facie case.

In order to process your request for a contested case hearing please include the following in writing:

- The reference number (located near the top right corner of the order.);
- Your name, address, and telephone number;
- A detailed description of why the condition(s) proposed in this order is not necessary to protect existing water rights or fishery resources;
- Any citation of legal authority to support your protest, if known.

Your request for a contested case hearing must be received by the Department no later than 60 days after the date of this order.

Send your request for a contested case hearing to:

Ponds Program Appeals
Water Rights Section
Oregon Water Resource Department
158 12th ST NE
Salem OR 97310

P83006	Peltier	No mitigation required.
P83021	Vahrenwald	No change.
P83022	Nicholson	Headgate requirement not needed.
P83044	Ormsby	Headgate requirement can be removed.
P83054	Baumann	No change.
P83099	Evensen	No mitigation required.
P83101	Garnett	Totalizing meter condition can be removed. It might be better to change condition on groundwater use to say "no groundwater use allowed in excess of existing rights and statutory groundwater exemption".
P83156	Vawter	Headgate condition can be removed. Has water right.
P83157	Tunberg	No mitigation required.
P83158	Rodine	Steam Beer Mining Ltd. Headgate condition can be removed.
P83160	Dunn	Headgate condition can be removed.
P83315	Baas	No mitigation required. Has water right for pond #2, Per 4060.

TO: Water Rights Section, OWRD

FROM: Norm Daft, Dist. 14



DATE: January 12, 1998

SUBJECT: Mitigation for Ponds

I have reviewed rebuttal submitted by pond registrants. I am suggesting that mitigation conditions remain the same unless I have specifically referenced them.

P74446	Schiffiler	Applicant admits there was no prior use of stored water so no mitigation is required.
P80689	Gonzales	Headgate requirements can be removed.
P80826	Caldwell	Change meter requirements to if required by Watermaster.
P81156	Roberts	Change meter requirements to if required by Watermaster.
P81681	Rendata	Remove period of use requirement. Change meter requirement to if required by Watermaster.
P81780	Young	The applicant rebuttal states that no water is diverted from Louse Creek, therefore no mitigation is required.
P82015	Canevari	Change meter requirement to if required by Watermaster.
P82076	Burns	No mitigation required.
P82179	Blakely	Remove meter requirement.
P82432	Walther	No mitigation required.
P82818	Stephens	Since the registrant clarified the use of water, no mitigation is required.
P83004	Applegate	No change
P83005	Robinson	It might be better to say "any secondary use, other than those uses covered by existing water rights, are limited to storage capacity of the reservoir." Headgate requirement can be deleted as it can be required for an existing water right.

Rebuttal

(Y) N

Exempt by WM comments

Y / (N)

COMMENTOR:

WM and/or WM Dist: Norman Deft +

ODFW Dist: ~~Survey Vag-1~~

Water Watch:

Y / (N)

Mailing List for Commenter Letter

File #: P-83101

Letter & copies of rebuttal, comments, certificate or notice, and map sent to:

☒ 1. Watermaster: Norman Dufte

☒ 2. ODFW District Bio: ~~Jerry Vogt~~

☐ 3. Waterwatch

☐ 4. Other: _____

(Note: Materials mailed only to those individuals/parties that are checked off above.)

Copy of Letter to:

☒ 1. WRD File # P-83101

Copies Mailed
By: <u>[Signature]</u>
(SUPPORT STAFF)
on: <u>12/19/97</u>
(DATE)



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

December 19, 1997

Bruce Sund
Norman Daft
Watermaster District 14

Dear Bruce and Norman:

You submitted comments on ponds filed under ORS 537.407 (HB 2153) or under ORS 537.405 (HB 2376). These laws provided an opportunity for the Oregon Department of Fish and Wildlife to comment on how a specific reservoir(s) will cause significant detrimental impacts to an existing fishery resource and allowed members of the public to comment on how the reservoir(s) will cause an injury to an existing water right(s). Based upon review of your comments, the Department prepared notices of proposed mitigation conditions. A notice was mailed to each of the registrants along with a copy of your comments. The registrants were provided an opportunity to submit additional information to the Department explaining how your comments were in error.

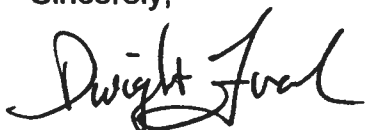
The Department received the attached rebuttals to your comments. If you do not agree with a rebuttal and believe that your comments are still valid, please send a written response to the Department identifying why you disagree with the rebuttal and affirming your position. However, if you agree with the rebuttal you need not respond, unless you determine that it is necessary. In order for use to issue a mitigation order within 180 days of receiving your comments, we need to have your response(s) received by the Department no later than January 7, 1998. If you need an additional day or two to look further at a couple of ponds, please send a request and attention the request to the appropriate file number.

If you choose to respond, the Department will determine whether a Mitigation Order is required based upon your response and the rebuttal submitted by the registrant. The Mitigation Order, if required, will identify any conditions that must be met in order to protect the fishery resource and/or existing water rights and for exempt status of the reservoir to be authorized.

If no response to a rebuttal is received, the Department will conclude that you agree with the rebuttal and that a Mitigation Order is not necessary.

If you have any questions, please me at (503) 378-8455, extension 268, or toll free within Oregon at 1 (800) 624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight French". The signature is fluid and cursive, with the first name "Dwight" being more prominent than the last name "French".

Dwight French
Water Rights Manager

Enclosures: Your Comments
Proposed Mitigation Conditions
Rebuttal from Registrant
Copy of Notice of Exempt Pond or Certificate and Map



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

November 20, 1997

GARY D GARNETT
2680 DEER CREEK RD
SELMA, OR 97538

REFERENCE: FILE#: P 83101

Dear Mr. Garnett,

I want to apologize for any confusion which may have resulted from the letter we sent to you about a week ago. I hope this follow-up letter will better explain our "ponds" program, and give you a clearer picture of what is happening with your pond.

In 1995, the legislature adopted a new law intended to help address a legal problem with many existing ponds throughout the state. These ponds had been developed over the years by land owners who were not aware that water rights may have been required. In order to make sure that all the ponds were "legal" the legislature approved HB 2376 in 1995, which set out a process for filing a notice of the pond with our department. Under the law, such notices could be filed until January 31, 1997. Our job was then to determine whether any of the ponds resulted in injury to other existing water rights, or created a detrimental impact on fish.

This simplified review process was intended to make it easier for the owners of existing ponds to receive final water right certificates. The 1995 law also required that we provide a comment period, which ended on August 1, 1997. During this time, we were required to accept comments as to whether a pond may in fact be resulting in injury to other water rights or creating a detrimental impact to fish. After the close of that comment period, our department was given 180 days in which to evaluate the comments, give notice to the pond owners, and identify whether mitigation measures would be required to alleviate the injury to other water rights or impacts to fish.

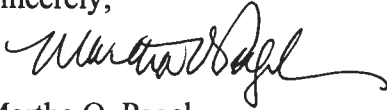
This is why you received a letter from us last week. For more than 16,000 ponds on which notices were filed under HB 2376, about 960 comments were received. From those comments, we determined that about half would appear to require mitigation measures. A total of 450 letters were sent out last week to pond owners like you.

The purpose of these letters was to advise you that the comments had been received, and to provide you with an opportunity to get back to us with any information you might have to show that the mitigation should not be required — either because you disagree with the comment that we received, or because you have a better idea of how to remedy the situation.

The letter you received included a copy of the comments we received about your pond, along with our proposed mitigation plan. We need to hear from you by December 10, 1997, as to whether you disagree with the underlying comment or with our proposed mitigation. We do encourage you to get back to us by the deadline, and we will make every effort to accommodate your suggestions.

Again, I offer my sincere apology for any confusion or irritation caused by our earlier letter. I hope this letter provides additional background information that will help you respond to the questions about your pond. If you have questions about this process, please let us know. I urge you to call our Water Rights Information staff at 1-800-624-3199 extension 499. In some circumstances they may also involve your local Watermaster for additional help. We will try our best to work through this with you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Martha O. Pagel', written in dark ink.

Martha O. Pagel
Director

m:955

Water Resources Department
158 12th Street NE
Salem, OR 97310-0210
Water Right Section
Ref. P 83101

RECEIVED
NOV 28 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Be advised that I am hereby disagreeing with your departments findings, and that of the Oregon Department of Fish and Wildlife in regards to my pond and sump.

Because your department has acknowledged my application to register my pond and sump (original paperwork submitted in either 1993 or 1994, whenever you first requested this filing) I know you have the detailed surveyor's map of Max Hull, Grants Pass, and have on file the notarized statements stating both pond and sump existed before 1988.

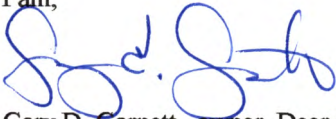
In reference to the pond, it is located north of the creek by over 175 feet. It is above the creek bed by no less than 20 feet. Deer Creek road is between the creek and the pond, and road elevation is another 6 feet. Any Spring run off from the hills behind the pond can not flow to the creek. Considering the distance and elevation of the pond from the creek, I think you will agree that this is an out of channel pond and does not cause injury to any existing fishery resources.

In reference to the sump, again, please refer to the surveyor's map. This data was included in the 1993, or 1994 filing. On file with your office is an affidavit from the land owner from which I purchased the adjoining parcel to my original piece of property which states that the sump was there in 1982, when he purchased the land. The sump is an excavated sump located just north of an alfalfa field. Your first request for exact locations was more detailed than the second. Information on the first form asked for the distance between sump and creek. I cannot remember the exact footage required, but I do know that the sump exceeds allowable distance. Physically, the sump is separated from the creek by a vast riparian area of several feet. A road exists between the riparian area and the sump, the road being at field elevation, which is from 8 to 10 feet above the creek when it isn't dried up. Again, given the distance from the creek, the elevation of the creek, and it being out of the channel, I think you will agree that this is not injuring any fishery resources.

I took the time to speak with Jerry Voit at the Oregon Department of Fish and Wildlife, at the Central Point office, and to Bruce Sund, Watermaster District 14. I believe I now have a good understanding as to why I didn't receive an exempt status initially, i.e. legislative time limits.

I ask that you take the time to evaluate the data I sent you and perhaps conclude that maybe the pond and sump are exempt from water right and registration requirements, as so stated in November 1994 brochure.

I am,



Gary D. Garnett, owner, Deer Creek Vineyards
2680 Deer Creek Road
Selma, OR 97538

DEER CREEK VINEYARDS
2680 Deer Creek Road
Selma, OR 97538

CERTIFIED

Z 139 015 152

MAIL



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WATER RESOURCES DEPT.
WATER RIGHT SECTION
158 12TH STREET NE
SALEM, OR 97310-0210

97310/0210





Oregon

John A. Kitzhaber, M.D., Governor

November 10, 1997

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

FILE#: P 83101

GARY D GARNETT
2680 DEER CREEK RD
SELMA, OR 97538

Dear Reservoir Owner,

You submitted a Notice of Exempt Reservoir under *ORS 537.405 (HB 2376)*. HB 2376 provided an opportunity for the Oregon Department of Fish and Wildlife to comment on how a specific reservoir(s) caused injury to an existing fishery resource. In addition the same law allowed members of the public to comment on how the storage or use of the water caused an injury to an existing water right. This comment period ended on August 1, 1997.

The Department received the attached injury allegation(s) related to your reservoir(s), as provided for in ORS 537.405. If you do not agree with the allegation of injury, please submit detailed information to the Department explaining why or how the allegation is in error. Your response must be postmarked no later than *December 10, 1997*.

The Department will review any submission you may make and determine if a Mitigation Order is required. If the Department finds that the allegation is factual and verifiable, the Department will issue a Mitigation Order requiring that the attached conditions, or other conditions that prove to be necessary after reviewing any information that is submitted, be met in order for the reservoir to maintain an exempt status.

If you receive a Mitigation Order, you may request a Contested Case Hearing to contest the findings of the Department and the allegation of injury. Information on how to request a Contested Case Hearing will be provided with the mitigation order, if issued.

If you have any questions, please call the Water Rights Information Group at (503) 378-3739 extension. 499.

Water Right Section

MITIGATION CONDITIONS

File # P-83101
Date 11-7-97
LKS

Oregon Department of Fish and Wildlife Conditions

- _____ In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish. (SMBS)
- _____ Install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion. (SMSS)
- _____ The reservoir owner is required to by-pass flows from _____ through _____. (BPC)

Water Right Related Conditions

- _____ The pond may be filled one time only per year. No diversion of water to storage can occur during times all water rights are not met on the John Day river System. (KR1)
- _____ If required by the Watermaster, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Watermaster (Department). (KR2)
- _____ Live stream flow must be passed when required to satisfy existing water rights. In order to substantiate live flow is being passed, measuring devices may be required. (J)
- _____ Live flow must be by-passed all year. (BSD)
- ✓ _____ Any secondary use of stored water is limited each year to the capacity of the reservoir. (BSD2)
- _____ The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- ✓ _____ No groundwater use allowed in excess of groundwater exemption (ORS 537.545).

_____ The following provision for a measuring device shall be effective:

_____ the pump system shall include an access port for measuring the water level;

_____ the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the user is entitled;

_____ the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

✓
_____ A totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

_____ A staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed.

_____ Live stream flow must be by-passed between _____ and _____.

_____ The period of use has been limited to _____ through _____.

RECEIVED

AUG 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATERMASTER COMMENTS FOR
HB 2153 CERTIFICATES
HB 2376 NOTICES

Deputy Watermaster Name NORMAN E. DAFT
Date 7-23-97

Please attach copy of HB 2153 Certificate.

HB 2376 Notice of Exempt Reservoir Application # P 83101

**Attach additional sheets if necessary.

Please specify which reservoir(s)/ponds(s) the comments pertain to:

Describe by name, number or Township Range Section and 1/4 1/4 if necessary. If comments refer to all reservoir listed please specify. Please provide enough information to accurately describe which reservoir the comment(s) pertains to.

ALL

Does the reservoir/pond cause injury to an existing water right? Specify which water right and the evidence which supports that finding. *Please describe for each reservoir listed above. If the water right and the supporting evidence are the same please indicate.*

YES - LSWR 59768 - MEASUREMENT SHOW

INJURY TO C-13831 REGULATION FOR C-13831
ON MOST YEARS

*****SEE BACK OF PAGE FOR LIST OF CONDITIONS TO MITIGATE INJURY*****

Which of the following conditions are required to mitigate the described injury?

(1)

The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

(2)

The following provision for a measuring device shall be effective:

- (a) the pump system shall include an access port for measuring the water level;
- (b) the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the user is entitled;
- (c) the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

✓ (3)

A totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

(4)

A staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed.

*Please specify whether the installation of the weir(s) will provide no public benefit.

(5)

Live stream flow must be by-passed between _____ and _____.

(6)

The period of use has been limited to _____ through _____.

Other (Please specify below)

NO GROUNDWATER USE IN EXCESS OF STATUTORY EXEMPTION
LIMIT USE TO STORAGE CAPACITY

* MAPS DO NOT SHOW PONDS

MAY BE SAME PONDS AS GR 2599

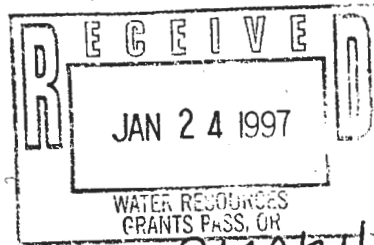


Oregon Water Resources Department Notice of Exempt Reservoir

For reservoirs built before January 1, 1995, that:

- Store less than 9.2 acre-feet of water, or
- Have a dam less than 10 feet high.

The deadline for submitting a Notice of Exempt Reservoir is January 31, 1997.



PH9740

Landowner: GARNETT, GARY D
Last name First name MI
Authorized Agent: GARNETT, GARY D
Last name First name MI
Address: 2680 DEAR CREEK ROAD
SELMA OR 97538
City State Zip
Phone: (541) 597-2574 (541) 597-2574
Home Work
FAX: (541) 597-2411 E-Mail Address: _____

A. County of use: JOSEPHINE B. River basin (see reverse): ROGUE

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
38 SOUTH	7 WEST	7		700 & 100

D. Name, if any, of reservoir: POND 1 POND 2 E. Reservoir in existence since: #1 JAN. 1951 #2 7-1-1982

F. Source of water: POND #1 RAIN FALL & RUN-OFF POND #2 GROUND WATER which flows into POND #1 - NONE POND #2 - NONE
Name of river or creek Name of river or creek

G. Maximum height of dam: #1 7' feet. #2 - GROUND LEVEL - 0'-0" drop
#1 2.5 #2 30

H. Quantity of water stored in reservoir at maximum capacity (see reverse): #1 120,000 #2 12,000 acre-feet.

I. Water stored in reservoir is used for (see reverse): Ag. Temp Cont. & Drip Irrigation

J. Rate and area of use—Refer to chart on the back of this form. For each type of water use listed in Item I., show the quantity of water used and, if applicable, the number of acres on which water is used.

BEFORE YOU SIGN AND SUBMIT THIS APPLICATION... HAVE YOU:

☐ Answered each question on this form as completely as possible?

☐ Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.

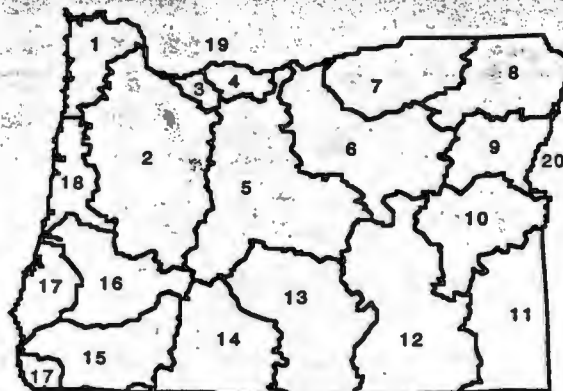
[Signature] GARY D. GARNETT, OWNER 1-9-97
(Signature of Landowner/Agent) (Printed name and title) (Date)

For Department Use: _____ Date received: _____

P83101

Oregon's major river basins:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



One acre-foot is the volume of water that would cover one acre with one foot of water. To find out how much water your pond stores, multiply the surface area by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. You can submit a Notice of Exempt Reservoir if your pond stores less than 400,752 cubic feet—43,560 X 9.2.

Rate and Area of Use

cfs—cubic feet per second

gpm—gallons per minute

Agriculture, Land Management

* Gen. Agriculture	cfs/gpm <u>45</u>	# acres <u>10</u>	Cranberry	cfs/gpm	# acres
Irrigation	cfs/gpm	# acres	* Nursery Operatn.	cfs/gpm	# acres
Stockwater	cfs/gpm <u>5</u>	# acres <u>2.5</u>	Temp. Control	cfs/gpm <u>30</u>	# acres <u>22</u>
Aquatic Life	cfs/gpm	# acres	Forest/Range Mgt	cfs/gpm	# acres
Other:	cfs/gpm	# acres	Other:	cfs/gpm	# acres

* Pond # 2 ONLY

Industrial/Commercial Uses

Industrial	cfs/gpm	_____	Commercial	cfs/gpm	_____
Fire Protection	cfs/gpm	_____	Mining	cfs/gpm	_____
Power Dev.	cfs/gpm	_____	Other:	cfs/gpm	_____

Drinking Water Supply

Human Consumption	cfs/gpm	_____	Domestic	cfs/gpm	_____
Domestic	cfs/gpm	_____	Other:	cfs/gpm	_____
Expanded	cfs/gpm	_____			

Community Water Supply

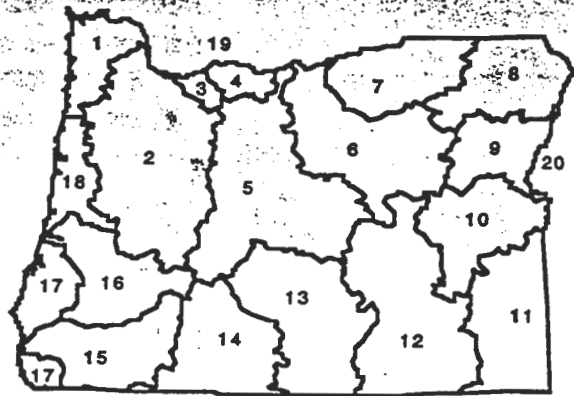
Municipal	cfs/gpm	_____	Quasi-Municipal	cfs/gpm	_____
Group Domestic	cfs/gpm	_____	Storm Water Mgt	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

Environmental Benefits

Pollution Abatement	cfs/gpm	_____	Recreation	cfs/gpm	_____
Wetland Enhancement	cfs/gpm	_____	Wildlife	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

Oregon's major river basins:

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Aquatic Life	cfs/gpm ___ # acres ___	Forest/Range Mgt	cfs/gpm ___ # acres ___
Other:	cfs/gpm ___ # acres ___	Other:	cfs/gpm ___ # acres ___

* Pond # 2 ONLY

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Industrial	cfs/gpm ___	Commercial	cfs/gpm ___
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Power Dev.	cfs/gpm ___	Other:	cfs/gpm ___

Drinking Water Supply

Human Consumption	cfs/gpm ___	Domestic	cfs/gpm ___
Domestic	cfs/gpm ___	Other:	cfs/gpm ___
Expanded	cfs/gpm ___		

Community Water Supply

Municipal	cfs/gpm ___	Quasi-Municipal	cfs/gpm ___
Group Domestic	cfs/gpm ___	Storm Water Mgt	cfs/gpm ___
Other:	cfs/gpm ___	Other:	cfs/gpm ___

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Wetland Enhancement	cfs/gpm ___	Wildlife	cfs/gpm ___
Other:	cfs/gpm ___	Other:	cfs/gpm ___

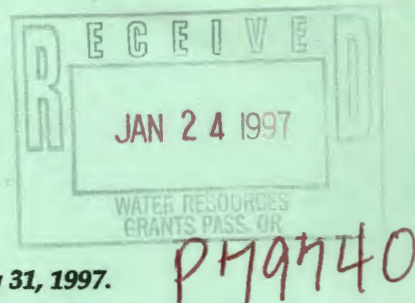


Oregon Water Resources Department Notice of Exempt Reservoir

For reservoirs built before January 1, 1995, that:

- Store less than 9.2 acre-feet of water, or
- Have a dam less than 10 feet high.

The deadline for submitting a Notice of Exempt Reservoir is January 31, 1997.



Landowner: GARNETT, GARY D
Last name First name MI
Authorized Agent: GARNETT, GARY D
Last name First name MI
Address: 2680 DEER CREEK ROAD
SELMA OR 97538
City State Zip
Phone: (541) 597-2574 (541) 597-2574
Home Work
FAX: (541) 597-2411 E-Mail Address: _____

A. County of use: JOSEPHINE B. River basin (see reverse): ROGUE

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
38 SOUTH	7 WEST	7		700 & 100

D. Name, if any, of reservoir: POND 1 POND 2 E. Reservoir in existence since: #1 JAN, 1951 #2 JAN 1982
MM DD YY

F. Source of water: POND #1 RAIN FALL & RUN-OFF POND #2 - NONE which flows into POND #1 - NONE POND #2 - NONE
Name of river or creek Name of river or creek

G. Maximum height of dam: #1 7' feet. #2 - GROUND LEVEL - 3'-3' deep

H. Quantity of water stored in reservoir at maximum capacity (see reverse): #1 2.5 #2 1.30 acre-feet.

I. Water stored in reservoir is used for (see reverse): Ag, Temp Cont. & Drip Irrigation

J. Rate and area of use—Refer to chart on the back of this form. For each type of water use listed in Item I., show the quantity of water used and, if applicable, the number of acres on which water is used.

BEFORE YOU SIGN AND SUBMIT THIS APPLICATION... HAVE YOU:

☐ Answered each question on this form as completely as possible?

☐ Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

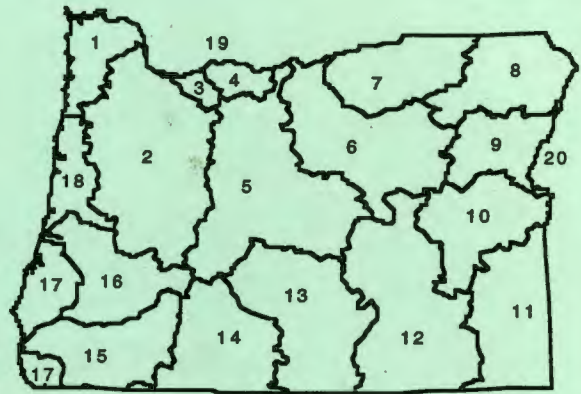
By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.

[Signature] GARY D. GARNETT, OWNER 1-9-97
(Signature of Landowner/Agent) (Printed name and title) (Date)

For Department Use P-83101 File # Date received 10-95

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* Pond # 2 ONLY

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Power Dev.	cfs/gpm ___	Other:	cfs/gpm ___

Drinking Water Supply

Human Consumption	cfs/gpm ___	Domestic	cfs/gpm ___
Domestic	cfs/gpm ___	Other:	cfs/gpm ___
Expanded	cfs/gpm ___		

Community Water Supply

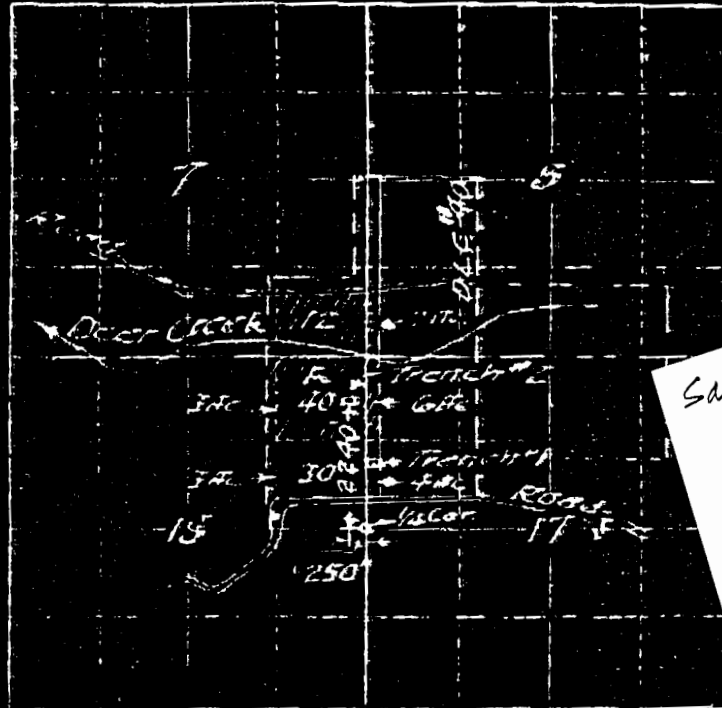
Municipal	cfs/gpm ___	Quasi-Municipal	cfs/gpm ___
Group Domestic	cfs/gpm ___	Storm Water Mgt	cfs/gpm ___
Other:	cfs/gpm ___	Other:	cfs/gpm ___

Environmental Benefits

Pollution Abatement	cfs/gpm ___	Recreation	cfs/gpm ___
Wetland Enhancement	cfs/gpm ___	Wildlife	cfs/gpm ___
Other:	cfs/gpm ___	Other:	cfs/gpm ___

Permit: GR 2599
 Volume: 8A
 Strm: A SUMP
 Trib: DEER CR
 Priority: 7/01/49

Township 38 S Range 7 W W.M.
 North



Same ponds?
 What about
 Pond on 11. 2. 2.
 pond?

Locate well and a range of irrigated land or plat.
 Scale: 2" = 1 Mile

STATE OF OREGON

County of Deschutes

I, Lester A. [Signature], being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Lester A. [Signature]
 (Signature of Registrant)

Subscribed and sworn to before me this 17 day of July 1949

My commission expires July 17, 1951

(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State

EF

30

INTERIOR L.COR.
D.L.C. No. 40

30

COR. D.L.C. 40
S. 1 P. L. N. 100-55
E. 9 N. 15. P. 367
N. L. POINTLANIER PARCEL 1
170.4858 ACRES TOTAL
JOSEPHINE COUNTY PLANNING

DEER

C/L

PARCEL 1
40.9577 ACRES
170.4858 ACRES TOTAL

140.5281 ACRES

PARCEL 2
80.00 ACRES

100

207

SOUTH SIDE DEER CREEK ROAD

LEGEND

SET 5/8" X 30" IRON RODS WITH YELLOW PLASTIC CAPS MARKED "HALL 95 001" FOUND IRON MONUMENTS AS NOTED BASIS OF BEARINGS PER C.S. 88-95 MARCH 16, 1993 SCALE 1"=300'

MAP: 38-7-7 & B.T.L. 5700 5701
20-7-17, T.L. 207
20-7-17 & 10, T.L. 100

SURVEYED FOR:
WALLY LA FLAMME
3600 LAKESHORE DRIVE
SELMA, OREGON

SURVEYED BY:
MAX H. HALL SURVEYING
231 N.W. "B" STREET
GRANTS PASS, OREGON



N.A.

Application No. P-83101
Permit No.

PARTITION PLAT NO. 1993-55

SURVEYOR'S CERTIFICATE

I, MAX H. HALL, PROFESSIONAL LAND SURVEYOR NO. 901, CERTIFY THAT I HAVE ACCURATELY SURVEYED AND MARKED WITH PROPER MONUMENTS A PORTION OF PARCEL 1 OF THE LAND REPRESENTED ON THIS PROPERTY LINE ADJUSTMENT. THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT WHICH IS THE NORTHWEST CORNER OF OLE 40 IN SECTION 7, TOWNSHIP 30 SOUTH, RANGE 7 WEST, WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, THENCE NORTH 89°19'20" EAST 1324.76 FEET TO THE INTERIOR "L" CORNER OF SAID CLAIM NO. 40; THENCE SOUTH 89°20'20" EAST 279.38 FEET TO AN IRON ROD; THENCE SOUTH 0°14'20" EAST 478.82 FEET TO AN IRON ROD ON THE NORTHERLY RIGHT OF WAY LINE OF DEER CREEK ROAD; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 70°22'26" EAST 255.62 FEET TO AN IRON ROD ON THE NORTH-SOUTH CENTER LINE OF SAID CLAIM NO. 40; THENCE ALONG SAID CENTER LINE SOUTH 0°14'20" EAST 578.80 FEET TO THE CENTER LINE OF DEER CREEK; THENCE ALONG SAID CENTER LINE OF DEER CREEK NORTH 89°50'50" EAST 341.90 FEET TO A POINT WHICH BEARS NORTH 8°14'20" WEST OF THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN VOLUME 140, PAGE 58 OF THE JOSEPHINE COUNTY DEED RECORDS, THENCE SOUTH 8°14'20" EAST 2370.26 FEET TO AN IRON ROD ON THE NORTHERLY RIGHT OF WAY LINE OF SOUTHSIDE DEER CREEK ROAD; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 89°03'55" WEST 196.29 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE AROUND A 4180.92 FOOT RADIUS CURVE TO THE LEFT THE LONG CHORD OF WHICH BEARS NORTH 89°04'38" WEST 146.83 FEET TO SAID NORTH-SOUTH CENTER LINE; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE AROUND A 40,055.31 FOOT RADIUS CURVE TO THE LEFT THE LONG CHORD OF WHICH BEARS SOUTH 89°11'20" WEST 584.18 FEET TO AN IRON ROD; THENCE NORTH 0°15'08" WEST 248.19 FEET TO THE CENTER LINE OF THOMPSON CREEK; THENCE ALONG SAID CENTER LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 89°33'20" WEST 93.87 FEET, SOUTH 27°09'18" WEST 167.80 FEET, NORTH 82°30'40" WEST 120.80 FEET, NORTH 4°15'15" WEST 157.87 FEET AND SOUTH 82°48'20" WEST 310.87 FEET TO THE WEST LINE OF SAID CLAIM NO. 40; THENCE NORTH 0°15'00" WEST 300.41 FEET BACK TO THE INITIAL POINT. LESS AND EXCEPT DEER CREEK ROAD AND PARKER LAKE.

MAX H. HALL, PROFESSIONAL LAND SURVEYOR NO. 901

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS, THAT EARLY BARNETT, AND E. BARNETT AND LONE PINE TRUST ARE THE OWNERS OF THE LAND REPRESENTED ON THE ANNEKED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAVE CAUSED THE SAME TO BE ADJUSTED INTO PARCELS AS SHOWN ON THE ANNEKED MAP.

EARLY BARNETT

EARLY BARNETT

WILLIAM H. LATTAM, TRUSTEE
LONE PINE TRUSTWILLIAM H. LATTAM, TRUSTEE
LONE PINE TRUSTH. BOB HELMS, TRUSTEE
LONE PINE TRUST

NARRATIVE

THE PURPOSE OF THIS PROPERTY LINE ADJUSTMENT IS TO CHANGE THE LINE BETWEEN TAX LOTS 700 AND 701 IN SECTION 7, TAX LOT 207 IN SECTION 17 AND TAX LOT 100 IN SECTION 19, TOWNSHIP 30 SOUTH, RANGE 7 WEST, WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, USING SURVEY 70-73, 201-75, 88-91, 149-82 AND 27-88. I LOCATED MONUMENTS AS SHOWN FOUND ON THE MAP, THENCE I SURVEYED AND ADJUSTED THE PARCELS AS SHOWN ON THE MAP.

APPROVED THIS 2ND DAY OF MAY, 1993

JOSEPHINE COUNTY SURVEYOR

APPROVED THIS 5TH DAY OF MAY, 1993

JOSEPHINE COUNTY PLANNING DEPARTMENT

STATE OF OREGON

COUNTY OF JOSEPHINE

I HEREBY CERTIFY THAT THE ATTACHED PROPERTY LINE ADJUSTMENT WAS RECEIVED DAY OF MAY, 1993, AT 10 O'CLOCK AND RECORDED AS PARTITION PLAT NO. 1993-55 JOSEPHINE COUNTY RECORDS.

COUNTY CLERK

STATEMENT OF WATER RIGHTS. THERE ARE WATER RIGHTS APPURTENANT TO THIS PROPERTY. CERTIFICATES 13999, 37267, 6A-2599, 6A-2600.

I, MAX H. HALL, REGISTERED LAND SURVEYOR NO. 901, CERTIFY THAT THIS TRACING IS AN EXACT COPY OF THE PROPERTY LINE ADJUSTMENT.

#745

38-7-7

700, 701

#754

38-7-17

207

#755

38-7-18

100

30

#745

28-7-

700.7

#75

38-7-

20

75

28-7

30 100

100

SET 5/8" 30" MON ROOS WITH YELLOW
PLASTIC CAPS MARKED "REAL 95 903"
FOUND FROM MONUMENTS AS NOTED
BASIS OF BEARING PER C.S. 88-05
MARCH 16 1993
SCALE 1"=300'
MAP: 38-7-7 & 8, T. 1 S700 S701
38-7-17, T. 1 S701
38-7-17 & 18, T. 1 S701

SURVEYED FOR:
WALLY LA FLAMME
3500 LAKESHORE DRIVE
SELMA, OREGON

SURVEYED BY:
MAX H. MULL SURVEYING
231 N.W. "B" STREET
GRANTS PASS, OREGON

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS, THAT GARY BARNETT, BARN E BARNETT
AND LOUIE PINE TRUST ARE THE OWNERS OF THE LAND REPRESENTED ON THE
ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING
SURVEYOR'S CERTIFICATE, AND HAVE CAUSED THE SAME TO BE ADJUSTED INTO
PARCELS AS SHOWN ON THE ANNEXED MAP. /)

JERRY GARDNER WILLIAM H. LAFLAME TRUSTEE LONG PINE TRUST	JOHN C. GARDNER BETTE H. LAFLAME TRUSTEE LONG PINE TRUST
W. GORDON WELLS LONG PINE TRUST	

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APPROVED THIS 9th DAY OF JULY 1893
JOSEPHINE COUNTY SHERIFF

APPROVED THIS 2 DAY OF May, 1993
Sharon K. Hargrett
 JOSEPHINE COUNTY PLANNING DEPARTMENT

STATE OF OREGON } ss. _____
COUNTY OF JOSEPHINE }

I HEREBY CERTIFY THAT THE ATTACHED PROPERTY LINE ADJUSTMENT WAS RECEIVED FOR RECORDING ON THE 19th DAY OF APRIL, 1993, AT ONE O'CLOCK AND RECORDED AS PARTITION MAP NO. 229-9 IN THE COUNTY RECORDS.

County Clerk

STATEMENT OF WATER RIGHTS. THERE ARE WATER RIGHTS APPURTENANT TO THIS PROPERTY CERTIFICATE 13000, 37287, 60-2508, 60-2600.

I, WARREN H. HALL, REGISTERED LAND SURVEYOR NO. 901, CERTIFY THAT THIS TRACING IS AN EXACT COPY OF THE PROPERTY LINE ADJUSTMENT.

Application No. 7-830
Permit No.

COA.D.L.C. 40
MILITARY RECLASS
PAGE 15, P. 367
181 POINT

PLANNER PARCEL 1
21 5001 0000
(170 4250 0000 TOTAL)

JOSEPHINE COUNTY PLANNING

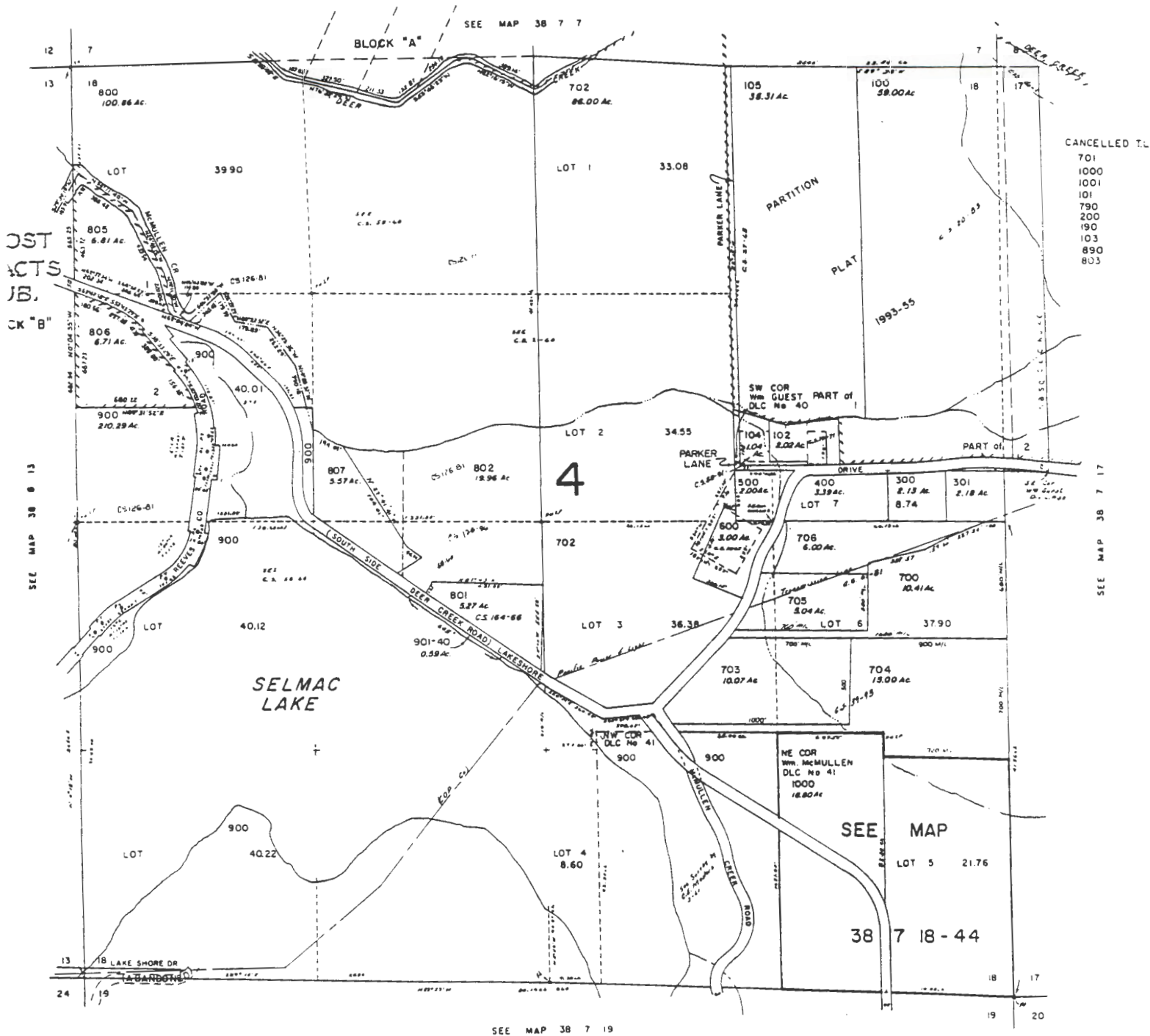
PARCEL 1
40 9577 acres
412 acres TOTAL

PARCEL 2
80.00 KFE

S.W.COR.D.L.C. 40
FD 11/27/10
DEC 03 404

[illegible]

his map was prepared for
assessment purpose only.

 $i'' = 400'$ 

Application No. P-43101
Permit No.

NTY

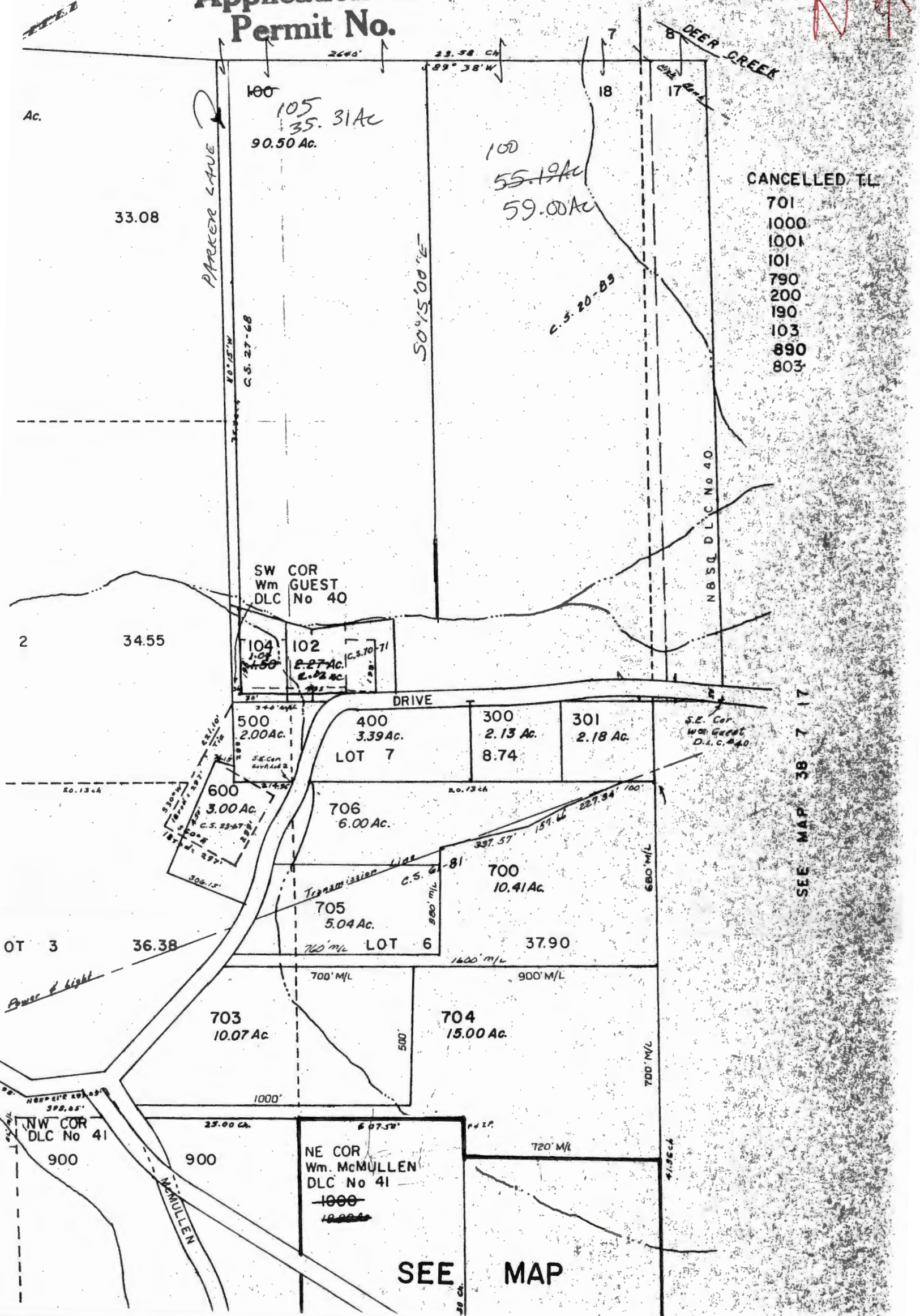
385-7W-18

$$1'' = 400'$$

Application No.
Permit No.

p-83101

↑
N



250
201
300
400
500
501
690

↑
N
1" = 400'

SEE MAP 38 7 8

702
10.10 Ac

703
10.10 Ac.

LOT 3 6.53

700
~~26.66 AC~~
35.14 AC

34.24

601
5.06 Ac.

DEER.

~~701~~
~~12.86 AC~~

790
9.514

701
4.36 AC

N 77° 59' E
ROAD

CREEK

LINE

701
4.36 AC

18

17

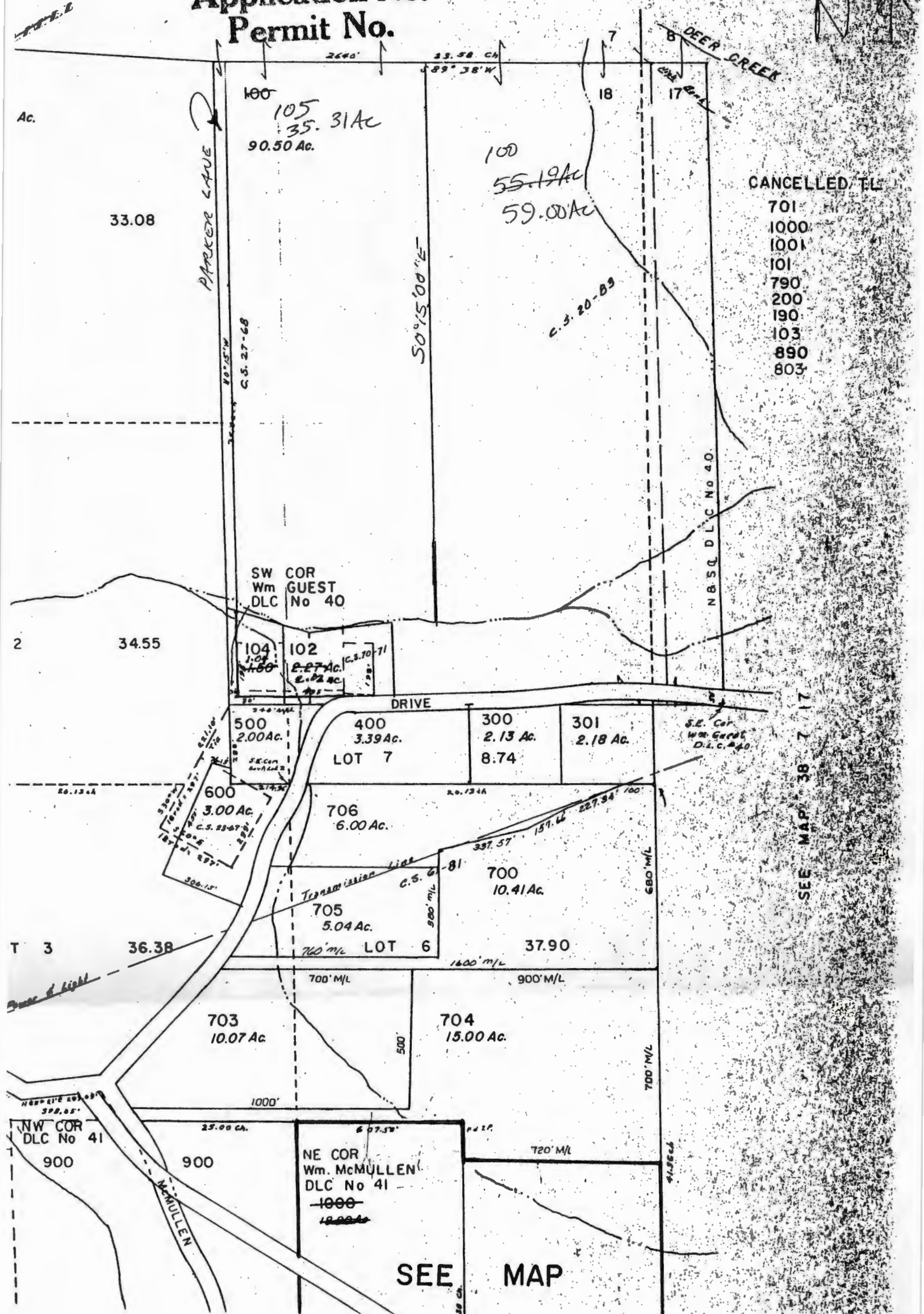
$$1'' = 400'$$

Application No.
Permit No.

P-83101

↑
N

NA



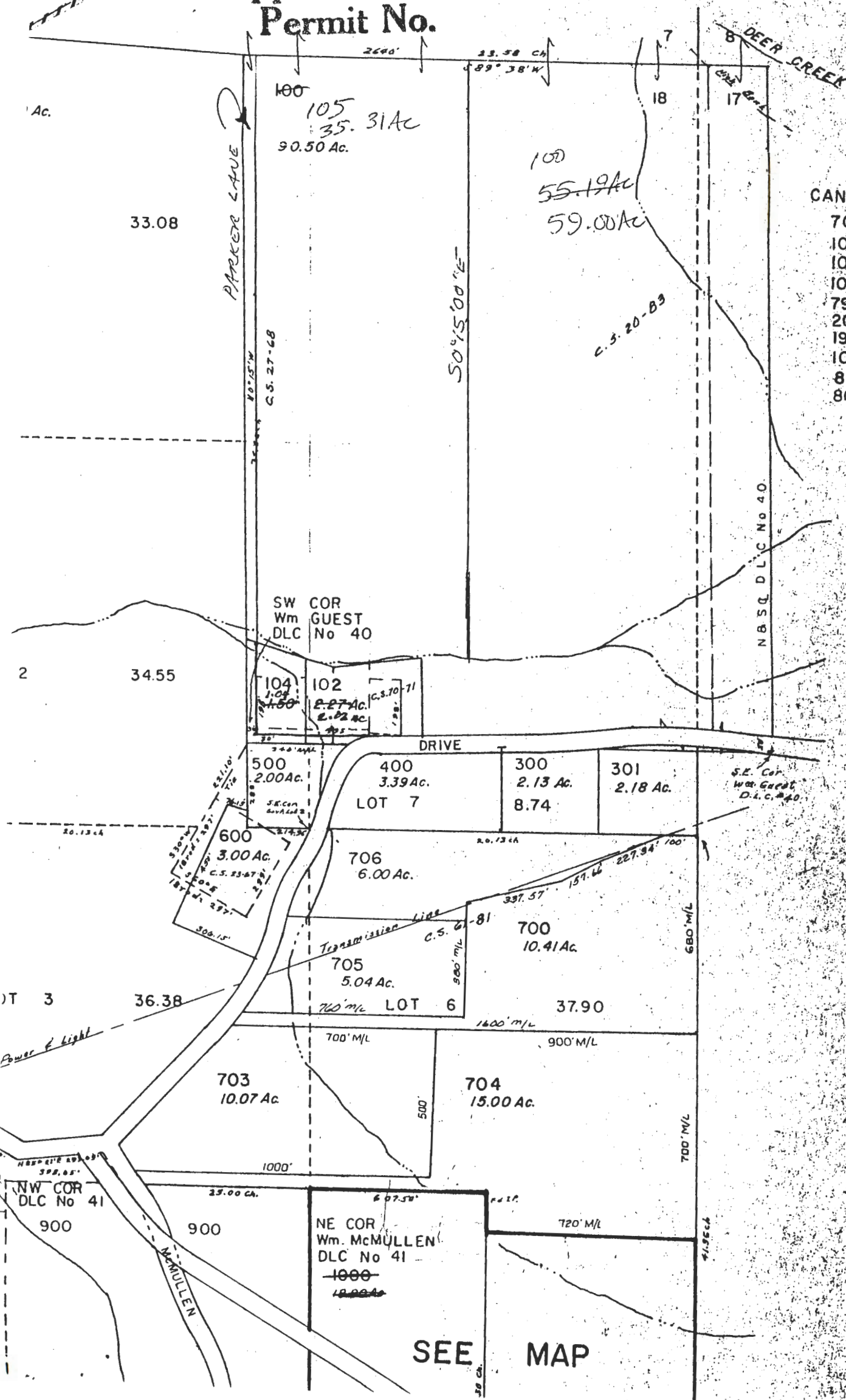
$$1'' = 400'$$

Application No. _____
Permit No. _____

p-83101

↑
N

NN



CANCELLED/TL

701
1000
1001
101
790
200
190
103
890
803

SEE MAP 38.7.17

SEE MAP

201
300
400
500
501
690

↑
N

 $1'' = 400$

SEE MAP 38 7 8

702

10.10 ha.

703
10.10 Ac.

C. S. 201'

700
~~26.66Ac.~~
35.16Ac

34.24

601
5.06 Ac.

DEER.

01
120647

790
G. S. A. C.

701
4.36 AC

N 77° 59' E
ROAD

CREEK

18

17