

No Evidence of
Pre 93
Exit.

No
Evidence

June 27, 1995

Oregon

MORRIS MONTGOMERY

14640 FERNS CORNER
MONMOUTH, OR 97361

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-77599;
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,

Ms. Anita M. Mc Loud
Water Rights Specialist
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. P-77549
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIVED
DEC 27 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: MORRIS Montgomery

Authorized Agent: (if applicable) _____

Address: 14640 FERNS CORNER

Maamouth OR 97361 503-623-4000
City State Zip Telephone No.

I/WE SUBMIT NOTICE OF THE FOLLOWING RESERVOIR(S):

NOTE: Multiple reservoirs may be included in a single notification. For items 1-6 below, attach extra sheets for additional reservoir descriptions.

1. The reservoir is located in Section 29, Township 08S, Range 5W, in POIK 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 and ground water.

3. Maximum height of the dam: 9 Feet

4. Maximum water depth in the reservoir: 8 Feet . 0.04

5. Maximum storage capacity of reservoir: 42,420 Cubic feet

6. Size, description and location of any outlet pipe: NONE

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 must 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 690-11-014 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 690-11-014 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: _____

Morris Montgomery

(Print Name and Title) _____

MORRIS Montgomery Landowner

Date: _____

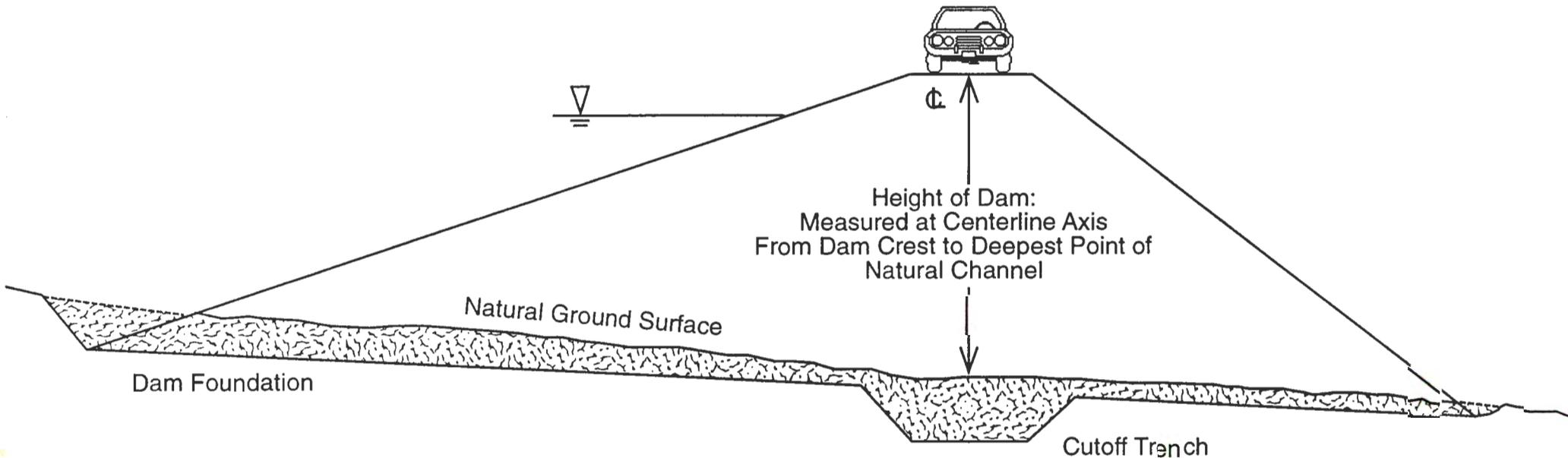
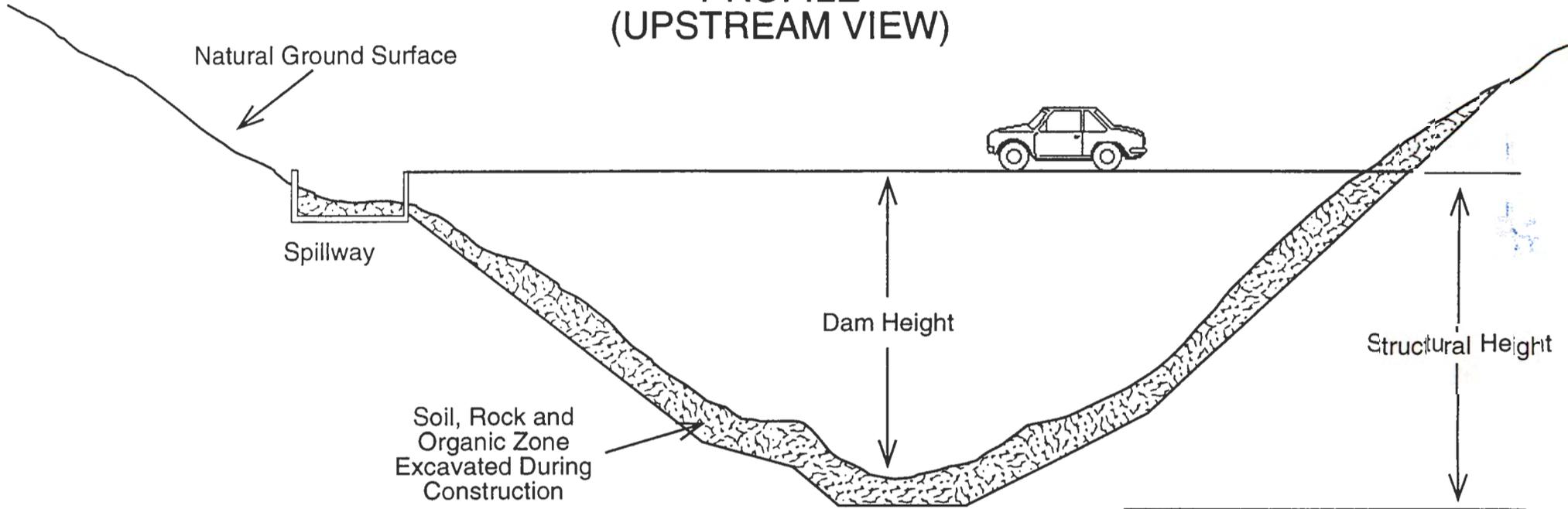
12-23-94

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) _____

PROFILE (UPSTREAM VIEW)



CROSS SECTION (TYPICAL)

Application No. 07-11511
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIVED

JAN - 3 1995

WATER RESOURCES DEP.
SALEM, OREGON

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: Phillip Turnbull or Mary Turnbull

Authorized Agent: (if applicable) _____

Address: 907 Rolling Ridge Rd

Oakland, Or 97462 459-4144
City State Zip Telephone No.

I/WE SUBMIT NOTICE OF THE FOLLOWING RESERVOIR(S):

NOTE: Multiple reservoirs may be included in a single notification. For items 1-6 below, attach extra sheets for additional reservoir descriptions.

1. The reservoir is located in Section 11, Township 25S, Range 6W, in Oregon 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: rainfall

3. Maximum height of the dam: 8'

4. Maximum water depth in the reservoir: 4

5. Maximum storage capacity of reservoir: 0.08 AF

6. Size, description and location of any outlet pipe: none

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 must 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 690-11-014 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 690-11-014 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: Phillip Turnbull
MARY TURNBULL

(Print Name and Title) Phillip TURNBULL
MARY TURNBULL

Date: 12-28-94

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 received on _____, 1994 and assigned FILE NUMBER _____.

cc: Watermaster District # _____

PLOT PLAN

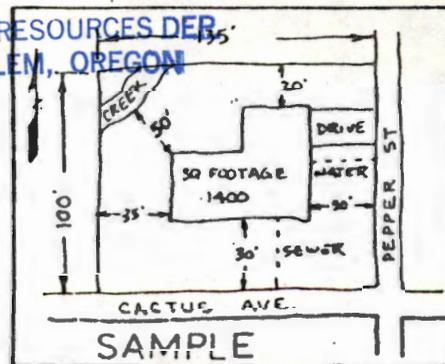
RECEIVED

JAN - 3 1995

INFORMATION NEEDED: Draw to scale. Show the actual shape and dimensions of the subject property, the size and shape of existing structures, the dimensions of proposed use, all other features of development capable of delineation. (See below for suggestions.)

If necessary to give the required detail, a separate drawing on a larger sheet of paper may be attached to this application.

WATER RESOURCES DEPT.
SALEM, OREGON



Smet's Application No. P-77599
Permit No.

20.93 Ac

↑
ALL
TREES
↓

TANKS

House

POND

Mobile home

TREES

BRK

Stewards

Smet's

1138
1138

Rolling Ridge Rd

Include to scale yard area, fencing, landscaping, berms for noise control, required parking area with spaces marked and surfacing noted, width and location of points of ingress and egress and driveways, size and location of signs.

85 SW 29

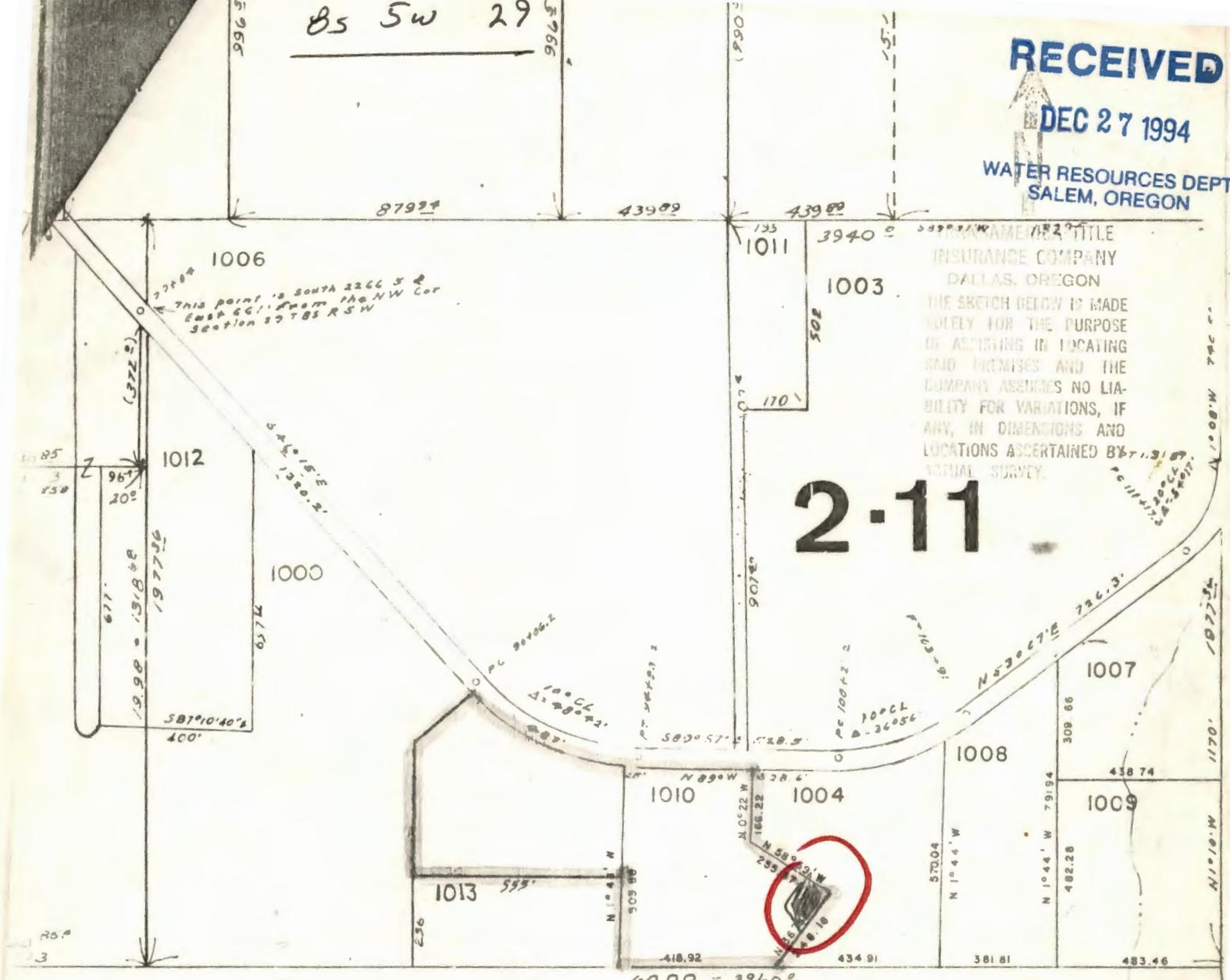
RECEIVED

DEC 27 1994

WATER RESOURCES DEPT.
SALEM, OREGON

AMERICAN TITLE
INSURANCE COMPANY
DALLAS, OREGON
THE SKETCH BELOW IS MADE
SOLELY FOR THE PURPOSE
OF ASSISTING IN LOCATING
SAID PREMISES AND THE
COMPANY ASSUMES NO LI-
ABILITY FOR VARIATIONS, IF
ANY, IN DIMENSIONS AND
LOCATIONS ASCERTAINED BY
ACTUAL SURVEY.

2-11



CORNER
L. COOPER DLG
5-68

N.E. C
COOPER

Application No. P-77599
Permit No.

RECEIVED
Oregon
DEC 23 1994

WATER RESOURCES DEPT.
SALEM, OREGON

RESOURCES
DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

Application No. P- 77599
Permit No.

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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

Description of Water Use

Use 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.

Use 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: Morris Montgomery
 Address: 14640 Ferns Corner ROAD
Monmouth OR 97361
 Phone: 503-623-4000

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): Greenhouse and some trees and shrubs.
- 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.) Pond for swimming
- Fish and Wildlife (pond, hatchery, etc.): _____
- 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 type="checkbox"/> Surface Water Name sources: _____ _____ _____ | _____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet |
| <input checked="" type="checkbox"/> Reservoir or pond | |
| <input checked="" type="checkbox"/> Ground Water | |

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

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.**

Applicant's Name: MORRIS MONTGOMERY
 Address: 14640 FERNS CORNER ROAD
 City: Monmouth State: OR Zip: 97361 Day Phone: 503-623-4000

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.

(CHECK ALL THAT APPLY)

| TAX LOT LOCAL ID # | PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5) | WATER DIVERTED | WATER CONVEYED | WATER USE |
|--------------------|---|----------------|----------------|------------|
| 1010 | | | X | Irrigation |
| | | | | |

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

The following section must be completed by a planning official from each county and city listed **unless your project will be located entirely within the city limits.** In this case, only the city planning agency must complete this form. Please request additional forms as needed.

For Local Government Use Only

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 on the reverse of this form. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)**

=====

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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: _____
 Staff Contact: _____ Phone: _____
 Signature: _____ Date of Information Request: _____

PRE-TR APPLICATION PROCESSING OUTLINE P- 77509

Application File # _____

MINIMUM REQUIREMENTS TO FILE

OAD 690-11-020

DATE STAMP

| <u>DATE</u> | <u>INITIAL</u> | |
|-------------|----------------|--|
| _____ | _____ | 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

| | | |
|----------------|-----------|--|
| <u>3/20/95</u> | <u>ST</u> | Stamp contents with application number |
| _____ | _____ | Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file |
| <u>3/20/95</u> | <u>ST</u> | 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

2/10/95 CE
(date & initials)

NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

None

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