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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

RECEIVED

Oregon

May 11, 1995

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

MAY 19 1995

WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Re: Response to Technical Evaluation of Water Right Applications
for the Bear Creek

File: P78936

Source: springs

Flow: 0.036 AF

Use: unknown

File: R75799

Source: runoff from Evans,
Emigrant, Galls and Sardine
Creeks

Flow: 0.69 AF

Use: fire and road construction

File: R79218

Source: spring off S. Fork Cove
Creek

Flow: 0.132 AF

Use: livestock and fire

File: R79220

Source: spring off Cove Creek

Flow: 0.18 AF

Use: livestock, fire, road

File: R79222

Source: springs, unnamed
streams and Dead Indian Creek

Flow: 0.46 AF

Use: livestock, fire and road

File: R79224

Source: springs and unnamed
streams

Flow: 0.61 AF

Use: livestock, fire and road

File: R79226

Source: springs, unnamed
streams off Cottonwood Creek

Flow: 0.293 AF

Use: livestock, fire and road

File: R79228

Source: spring off Dosier Creek

Flow: 0.022 AF

Use: livestock and fire

File: R79244

Source: Unnamed stream, spring,
Porcupine Creek

Flow: 0.505 AF

Use: livestock, fire and road

File: R79248

Source: unnamed stream off
Dutch Oven Creek

Flow: 0.11 AF

Use: livestock, fire and road

File: R79250

Source: unnamed stream off
Arrastra Creek

Flow: 0.002 AF

Use: livestock and wildlife

File: R79252

Source: unnamed streams, Grouse
Creek and Texer Gulch

Flow: 0.36 AF

Use: livestock, fire and road



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

DEQ-1



File: R79272
Source: unnamed stream off Frog
Creek
Flow: 0.035 AF
Use: Livestock, fire and road

File: R79274
Source: unnamed stream off
Carter Creek
Flow: 0.002 AF
use: Livestock, fire and road

File: R79221
Source: spring and Cove Creek
Flow: 14.45 gpm
Use: livestock

File: R79225
Source: springs and unnamed
stream
Flow: 60 gpm
Use: livestock

File: R79229
Source: springs and Cove Creek
Flow: 4.05 gpm
Use: livestock

File: R79249
Source: unnamed stream
Flow: 11.0 gpm
Use: livestock

File: R79251
Source: unnamed stream
Flow: 0.55 gpm
Use: livestock

Dear Mr. French:

The Department has completed its review of the above referenced Technical Reviews of water rights applications. The drainage basin in which these applications are 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 flow normally occurs during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exist. On August 5, 1993, the Department submitted application for instream water rights to provide pollution abatement flows in the above referenced basin.

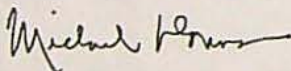
These applications propose additional out of stream use of water which if granted would reduce available instream flows during the seasonal low flow period, thus increasing the identified water quality problems in this drainage basin. The Department recommends limiting the pond or reservoir water rights to high flow if it is available, and requests that this be verified with a meter when 2.0 acre feet or more are impounded. Large reservoirs covering 5 acres or more are required to obtain a DEQ stormwater permit to control runoff during construction.

The Department requests that for pollution prevention a farm management plan be developed to address water quality issues, including: 1) possible herbicide and pesticide use in the vicinity of the proposed pond or reservoir; 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 reservoir if located in the 100 year floodplain with subsequent contamination release; 5) riparian restoration and 6) a plan to keep stock out of the stream.

If the pond, reservoir or diversion is designed for stock watering, operators are encouraged to establish off channel watering sites. The standard .005 Cfs or 3.62 AF per head is to be applied in requesting water. Metering for stock water is not needed. Any systems established in freeze zones or other situations where water may have to be left running should provide a closed loop return system, which would allow any overflow water to return to the stream. A NPS control management plan needs to be developed or the area fenced and the riparian zone replanted. In this case with these stipulations the Department would support WRD permits for year round flow in a TMDL basin.

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

Sincerely,



Michael Downs
Administrator
Water Quality Division

MD:bjp:crw

SA\WC13\WC13448

cc: Denise Troxel, NRCS
Gary Arnold, DEQ
Kimberly Priestly, Waterwatch

March 27, 1995

Oregon

NANCY AMES COLE
COLE, MARSHALL
12050 HWY 99 S
ASHLAND, OR 97520

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-78936;
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.

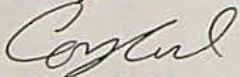
To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the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

NOTICE OF EXEMPT RESERVOIR

RECEIVED

DEC 28 1994

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: Nancy Ames Cole and Marshall Cole

Authorized Agent: (if applicable) _____

Address: mailing 1205D Highway 99 South -

Ashland OR 97520 (503) 488-2377
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 33, Township 40S, Range 2E, in JACKSON County. (Enclose a US Geological Survey topographical map or a tax lot map showing the location of the reservoir(s). Copies of portions of the maps are acceptable, provided information on the copy verifies the correct legal description.)

2. Source of water: Spring

3. Maximum height of the dam: 5'

4. Maximum water depth in the reservoir: 5'

5. Maximum storage capacity of reservoir: 1500 gallons

6. Size, description and location of any outlet pipe: _____

outlet to house for domestic use, thence to
septic drain field

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.

County septic permit and dwelling permit

Application No P 78936
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 690-11-014 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: _____

Nancy Ames Cole

(Print Name and Title) NANCY AMES COLE - owner

Date: 12-26-94

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 # _____

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DEC 28 1994

**WATER RESOURCES DEP.
SALEM, OREGON**

mailing address:
12050 Highway 99 South
Ashland, Oregon 97520
December 26, 1994

Water Resources Department
158 12th Street NE
Salem, Oregon 97310

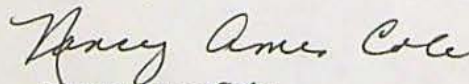
REF: Water Storage - Notification of Exempt Use
 T40S R2E Sec 33 Tax Lot 5901
 "R. Lance" Spring
 Pre-1993 exempt domestic use

My husband Marshall and I own TL 5900 and 5901, as shown in the attached plat map. I am also enclosing a copy of a Jackson County document showing domestic use prior to 1993, specifically a document dated 1990 showing that a dwelling was established there in 1930 with an installed septic system. This implies to me that a domestic water system has been in existence since that time. The water system includes a holding tank west of the house and another, larger tank above the house providing "gravity feed". The total storage capacity of both tanks is around 1500 gallons

County documents from 1969 suggest that the water source is a "well." In the course of repairing the water system, we traced the entire system and we found that the source is an artesian spring. Therefore, the springbox and holding tank qualify as surface water storage prior to 1993 and we are registering it with your department. I should also note that the dwelling's street address has now been adjusted to 12297 Highway 99 South, but correspondence may be addressed to me at 12050 Highway 99 South, Ashland, Oregon 97520.

The runoff from the spring does not go from the property into any defined channel nor is this spring or springbox adjacent to or part of any defined streams. I believe this qualifies as an exempt use which can be registered as domestic water storage reservoir in existence before 1993.

Sincerely,


Nancy Ames Cole

Enclosures: Plat Map & 1990 Zoning Clearance



ZONING CLEARANCE SH

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DEPARTMENT OF PLANNING & DEVELOPMENT

COUNTY COURTHOUSE

MEDFORD, OREGON 97501

WATER RESOURCES DEP

SALEM, OREGON

08/29/90

14:38:44

PLZN200R

Current Owner: MURPHY CREEK LUMBER CO

Map Id: 402E

Tax Lot: 5901

Property Address: 12299 OLD HWY 99

S

Acreage: 4.18

Acres: 4.18

Applicant Name: MURPHY CREEK LUMBER CO

Mailing Address:

City/St:

Zoning Clearance Date: 8/29/90

Phone:

Creation Date: 0/00/00

Proposal:

To Serve: Existing Dwelling

Property is Zoned: FR-160

Minimum Parcel Area:

MINIMUM STRUCTURAL SETBACK FROM PROPERTY LINES: Front: 30 Side: 30 Rear: 30

Development on this land is subject to Mandatory Fire Safety Requirements as described in Chapter 280.100 of the Jackson County Land Development Ordinance. A 100 foot fuelbreak is required and may affect setbacks.

Owner/Applicant must apply for and receive approval of:

- | | |
|---|--|
| ☐ Minor Partition | ☐ Major Partition |
| ☐ Forest Site Plan Review | ☐ Farm/Nonfarm Dwelling |
| ☐ Nonforest Site Plan Review | ☐ County Recognized Access |
| ☐ Open Space Site Plan Review | ☐ Administrative Review for |
| ☐ Commercial Site Plan Review | ☐ Structures in a Floodplain |
| ☐ Alteration of Nonconforming Use | ☐ Administrative Review for |
| ☐ Subdivision | ☐ Airport Approach Concern Area |
| ☐ Conditional Use Permit | ☐ Temporary Mobile Home |
| ☐ Areas of Special Concern. Specify: | |
| ☒ Other - See Below | |

Comments: COMPUTER SHOWS A 1930 DWELLING, 425 SQ. FT., VALUE 18,850. PROPERTY HAS A VESTED RIGHT WITH AN INSTALLED SEPTIC SYSTEM AND A DWELLING, THE DWELLING MAY BE REPLACED, REPAIRED, OR REMODELED. NO NEED FOR ANY APPLICATION FOR A HOME SITE.

CERTIFICATION: The information I have provided for this zoning clearance is, to the best of my knowledge, true, accurate and complete. I also understand that any changes in my plans or county regulations may render this clearance sheet invalid.

Signature of owner/applicant:

Date:

Signature of staff member:

Debbie Rodriguez

Date:

8/29/90

Copy of the zoning clearance HANDGIVEN to applicant on: 8/29/90

Bose
(P 7760)

ASSIGNMENT OR FACILITY	OWNER	OPERATOR	DATE CHARGED
		<i>Builder Installer</i>	<i>same Sanitation Service</i>

ADDRESS: *12299 Hwy 99 So.* CITY: *Astoria* FILE CODE: *R204-60*

TYPE OF ESTABLISHMENT OR FACILITY: (SPECIFY EXACT TYPE: I.E., GROUP CARE - HOSPITAL, DAY NURSE, ETC.)

A—DISPOSAL SITE _____ B—FOSTER HOME _____ C—GROUP CARE _____ D—ICE PLANT _____ E—INDUSTRIAL PREMISE _____ F—INSTITUTION _____ G—LABOR CAMP _____ H—PRIVATE PREMISE _____	I—PROPOSED BLDG. SITE _____ J—PUBLIC PREMISE _____ K—PUBLIC WATER SYSTEM _____ L—SCHOOL _____ M—SUMMER CAMP _____ N—SWIMMING POOL _____ O—MILK ESTABLISHMENT _____ P— _____
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WATER RESOURCES DEP
SALEM, OREGON

SAMPLES COLLECTED	DATE	RESULT	TESTS PERFORMED	DATE	RESULT

COMPLAINT REGISTERED BY _____ ON _____

COMPLAINANT'S REMARKS _____

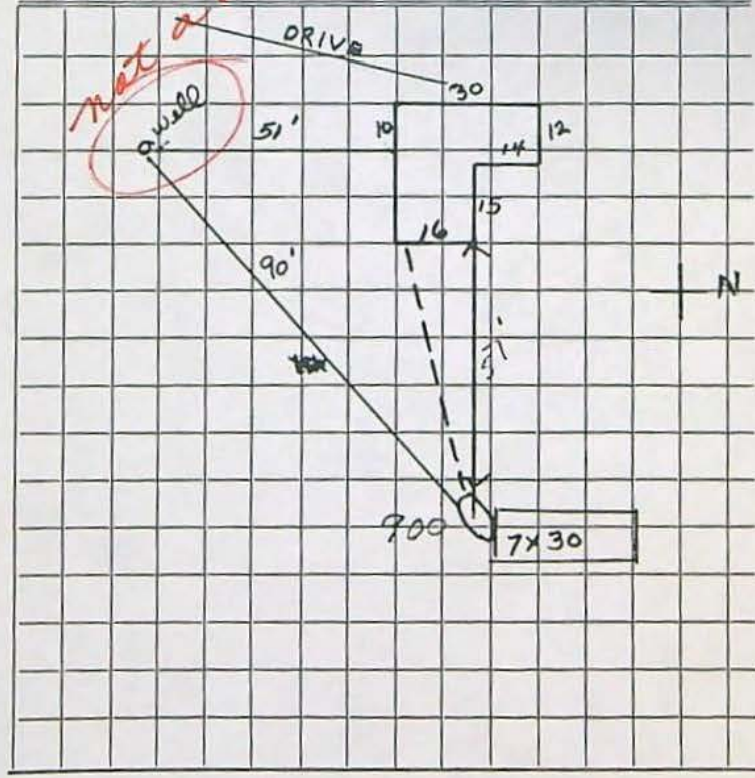
SANITATION SERVICE RECORD LHS-8 REV. 10-58

FIELD INSPECTION RECORD COMPLETED:

RECORD CODE	TITLE OF FORM
1	ICE FACTORY INSPECTION FORM
2	SCHOOL AND INSPECTION FORM
3	SCHOOL PLANT SURVEY REPORT
4	REPORT ON PROPOSED SCHOOL SITE
5	FOSTER HOME REPORT
6	VA HOME LOAN REPORT
7	STATE VET LOAN REPORT
8	FHA HOME LOAN REPORT
9	OTHER HOME LOAN REPORT
10	
11	
12	

RECORD CODE	DATE FORM COMPLETED	DATE FORM COMPLETED	DATE FORM COMPLETED

SKETCHES, GRAPH, DIAGRAM (SHOW LOCATION)



LHS-8 12-64

SP-35477-333

FROM COUNTY SEPTIC RECORDS

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DEC 28 1994

WATER RESOURCES DEP
SALEM, OREGON

TO THE WATER RESOURCES DEPARTMENT
STATE OF OREGON

REF: TAX LOT 5901, T 40S, R2E, Section 33

I hereby attest that my husband, Marshall B. Cole, and I purchased in 1991 the property with the legal description of Township 40S Range 2E Tax Lots 5900, 5901 and 4090 in 1991, and that located on Tax Lot 5901 at that time was a cabin, garage, springbox (holding approximately 500 gallons) and back-up gravity feed cistern (holding approximately 1000 gallons). The water system supplies domestic water for irrigating a "green belt" around the cabin for fire safety purposes, for domestic uses to persons dwelling in the cabin, and as an emergency water supply in compliance with Jackson County Zoning Requirements regarding forest fire prevention and mitigation.

SIGNED: Nancy Ames Cole
Nancy Ames Cole

DATE: 12-27-94



STATE OF OREGON

COUNTY OF JACKSON

BEFORE ME PERSONALLY APPEARED

Nancy Ames Cole AND

ACKNOWLEDGE THE FORGOING INSTRUMENT

TO BE Her VOLUNTARY ACT AND DEED.

Joy A. Rametes
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES 10-14-97

#1

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DEC 28 1994

Oregon

WATER RESOURCES DEP
SALEM, OREGONWATER
RESOURCES
DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

Application No. P-78936
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

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

RECEIVED
DEC 28 1994
WATER RESOURCES DEP
SALEM, OREGON

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: NANCY AMES COLE
Address: 12050 HIGHWAY 99 SOUTH
City: ASHLAND State: OR Zip: 97520 Day Phone: (503) 488-2377

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 Rural Residential/RR-5)	(e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
<u>T40SR2E</u>	<u>FR 160</u>				<u>domestic</u>
<u>Sec 33 TL 5701</u>					

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

JACKSON

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); 218.030, 11p. 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: NANCY AMES COLE

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: _____

Description of Water Use

Note 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.

Note 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: NANCY AMES COLE
 Address: 12050 HIGHWAY 99 SOUTH
ASHLAND, OR 97520
 Phone: (503) 488-2377

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DEC 28 1994
 WATER RESOURCES DEP
 SALEM, OREGON

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): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): one bedroom home
with 1/2 acre "green belt" for fire protection
- ☐ 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.): _____
- ☐ 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.
☒ Surface Water Name sources: <u>a spring we call</u> <u>"R. Lane" spring -</u> <u>held in storage</u>	_____ Cubic feet per second. <u>1</u> Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: DODY TALBOTT JACKSON CO. DEPT. OF PLANNING & DEVELOPMENT Date: 12-27-94

Title: PLAN. TECH II Phone: 776-7554

Signature: Dorly Jacobson

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Water Resources Department
158 12th NE
Salem, OR 97310
(503)378-3739

8/94

m: FORMS/LU2

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIVED

DEC 28 1994 # 2

NOTICE OF EXEMPT RESERVOIR

WATER RESOURCES DEP
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: NANCY AMES COLE

Authorized Agent: (if applicable) _____

Address: 12050 Highway 99 South
Ashland OR 97520 (503) 488-2377
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 28, Township 40 S, Range 2E, in JACKSON County. (Enclose a US Geological Survey topographical map or a tax lot map showing the location of the reservoir(s). Copies of portions of the maps are acceptable, provided information on the copy verifies the correct legal description.)
2. Source of water: Spring.
3. Maximum height of the dam: 4'.
4. Maximum water depth in the reservoir: 4'.
5. Maximum storage capacity of reservoir: 10,000 gallons.
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.

Application No. P-78936
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 690-11-014 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: _____

Nancy Ames Cole

(Print Name and Title) _____

NANCY AMES COLE - OWNER

Date: _____

12-26-94

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 # _____

RECEIVED

DEC 28 1994

**WATER RESOURCES DEP.
SALEM, OREGON**

12050 Highway 99 South
Ashland, Oregon 97520
December 26, 1994

Water Resources Department
158 12th Street NE
Salem, Oregon 97310

REF: Water Storage - Notification of Exempt Use
 T40S R2E Sec 28 TL 5402

I own the tax lots 5400 and 5402 shown in the attached maps. The attached Exhibit A (hand-drawn map) shows the relative locations of water mentioned in the narrative, as well as our property line. Further exhibits include a plat map, photos and a copy of our 1921 water right permit for McAllister Spring.

Enclosed is my notification of exempt use for water storage created in the summer of 1991 on our land, zoned FR 160, for purposes of wildlife use and as an emergency domestic water source. The storage is in a 10,000 gallon metal tank, installed in a cooperative venture with the Oregon Department of Forestry tank in the summer of 1991. The tank was installed on Tax Lot 5402.

The tank was filled from ODF fire trucks who hauled in a tanker and completed filling with water from my spring on tax lot 5400, McAllister Spring, water rights held since 1921.

The water thus stored has been recharged from winter rains. However, we have plumbed a pipeline under the road (see map Exhibit A) from a spring which arises to the west, on tax lot 5400. This spring, which we call "Surprise Spring," does not run off our property. We have plumbed a gravity feed line so that we can open a valve and "top off" the tank if summer evaporation so requires. For the most part, water does not flow from the tank off our property. However, spring seasonal runoff does create some overflow toward the east and downhill into the Carter Creek, thence Emigrant Creek, drainage.

The normal use of this water tank is by wildlife; it is also to be used for emergency fire situations involving our domestic structures, or those of our neighbors, or surrounding forest land.

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WATER RESOURCES DEP
SALEM, OREGON

Letter to Department of Water Resources
December 25, 1994
Page Two

I believe this qualifies as an exempt use and should be registered as a use created prior to 1993.

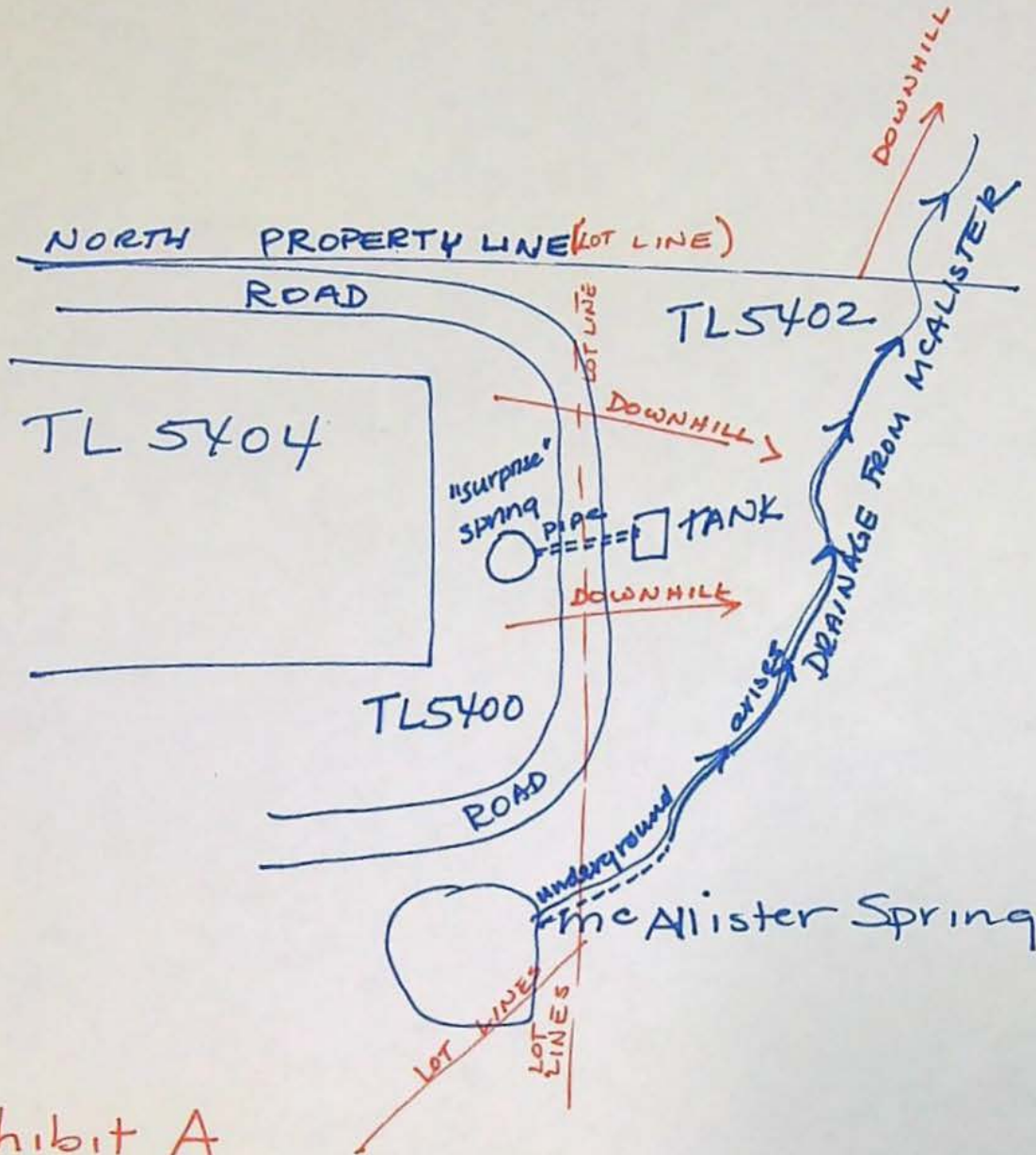
Sincerely,


Nancy Ames Cole

Exhibits:

- A. Hand-drawn map
- B. Plat map showing relative locations
- C. Photographs showing: #1 - tank during installation
#2 - filling of tank from pumper trucks
- D. Water Right Abstract # 5319, McAllister Spring, 1921.

N ↑



Application No. P-78934
Permit No.

Exhibit A
COLE 12/94

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WATER RESOURCES DEP.
SALEM, OREGON

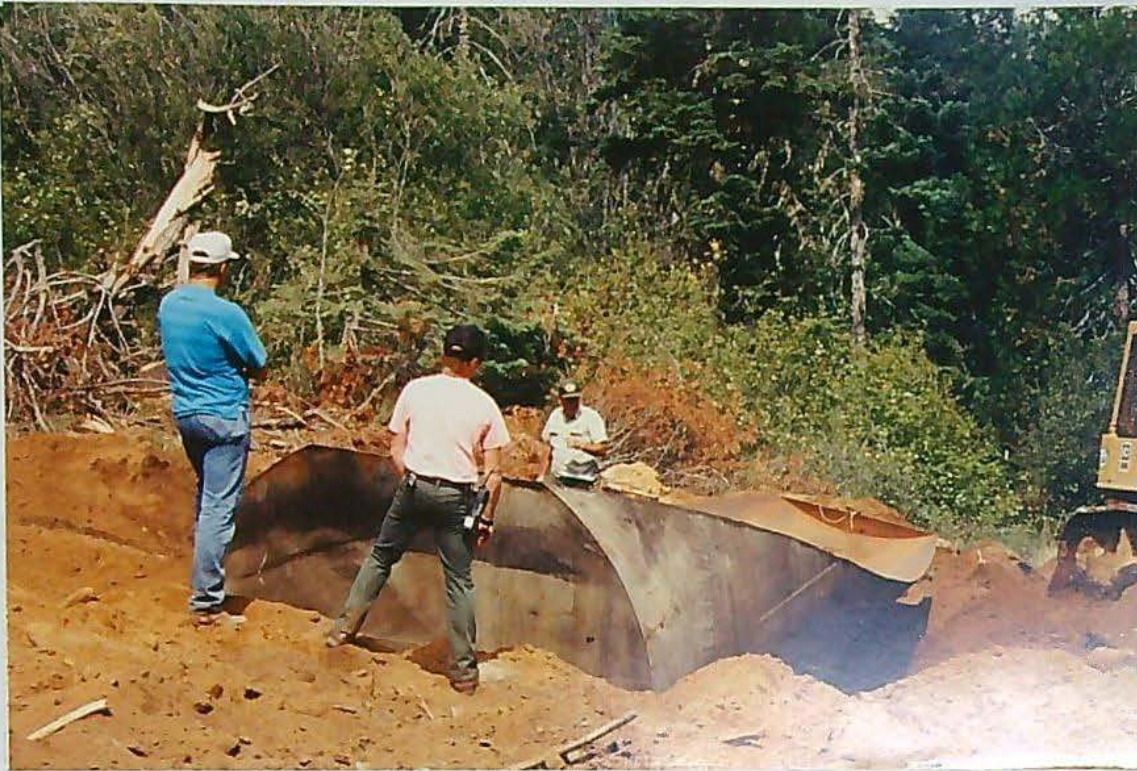
41 2E

Exhibit "C" - Cole - 12/94

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SALEM, OREGON



#1

Shows
size &
shape of
tank



#2

Shows initial
filling of
tank
from
ODF
pumper

Application No P-78936
Permit No.

DEC 28 1994

WATER RESOURCES DEP
19 SALEM, OREGON

5319

Application No. 8226

Certificate No. 6667

Correction Cert. No. 7608

Name G. C. McAllister.

Address Ashland, Oregon.

DBX-
Carter Cr.

Source of water supply McAllister Spring, a tributary of Emigrant Creek Watershed.

Use Domestic including garden irrigation.

Point of diversion N. 62° E. 1327' from the SW cor. of Sec. 28 in T. 40 S.,
R. 2 E., W.M. Being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, T. 40
Number of acres S., R. 2 E., W.M.

Number of acres S., R. 2 E., W. 14.

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

[illegible]

Priority date December 31, 1921.

Amount of water 0.1 cfs.

Time limit to begin construction

Time limit to complete construction

extended to

extended to

Time limit to completely apply water

extended to

extended to

Remarks This certificate is to correct and supersede that certain water right certificate issued on November 1, 1926, which certificate was recorded in State Record of Water Right Certificates, Volume 7, Page 6667.

Exhibit D - Cole - 12/94

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WATER RESOURCES DEP
SALEM, OREGON

TO: Water Resources Department
State of Oregon

REF: TAX LOT 5402

I hereby attest that the water storage tank described in the attached documents, and located in Jackson County, Oregon, on Tax Lot 5402, Township 40S, Range 2E, Section 28, which provides water for wildlife and emergency domestic purposes, was established in the summer of 1991.

SIGNED

Nancy Ames Cole

Nancy Ames Cole

DATE 12-27-94



STATE OF OREGON

12-27-1994

COUNTY OF JACKSON

BEFORE ME PERSONALLY APPEARED

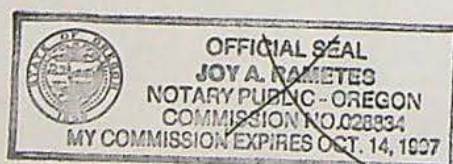
Nancy Ames Cole AND

ACKNOWLEDGE THE FORGOING INSTRUMENT

TO BE *Her* VOLUNTARY ACT AND DEED.

Joy A. Rametes
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES 10-14-97



#2

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WATER RESOURCES DEP
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

Application No. P-78936
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

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

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WATER RESOURCES DEPT
SALEM, OREGON

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: NANCY AMES COLE
Address: 12050 HIGHWAY 99 SOUTH
City: ASHLAND State: OREGON Zip: 97520 Day Phone: (503) 488-2377

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 Rural Residential/RR-5)	(e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
<u>4052E Sec 28</u>	<u>FR 160</u>				<u>Storage</u>
<u>TL 5902</u>					

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

JACKSON

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); 210.030, 3 . 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: Nancy Ames Cole

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: _____

Description of Water Use

Note 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.

Note 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: Nancy Ames Cole
 Address: 12056 Highway 99 South
Ashland, Oregon 97520
 Phone: (503) 488-2377 FAX: (503) 488-2618

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 WATER & DEP.
 SALEM, OREGON

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): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☒ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
Emergency back up in event of fire -
- ☐ 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.): _____
- ☒ Fish and Wildlife (pond, hatchery, etc.): Wildlife water source
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☒ Other (Name and list key characteristics): "Helitank" storage refill - only for
Emergency Use by Oregon Dept. of Forestry

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>"surprise" spring - a</u> <u>spring which does not</u> <u>flow off our property</u>	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet <u>500-1000 gallons only</u> <u>per year to refill ("top off")</u> <u>evaporated water</u> <u>from tank -</u>
☐ Reservoir or pond	
☐ Ground Water	

11

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: DODY TABBOTT PLANNING & DEVELOPMENT Date: 12-27-94

Title: PLAN. TECH II Phone: 776-7554

Signature: Doyle T. Adams

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

NANCY AMES COLE

FILE NUMBER P-789361

APPLICANT NAME

PAGE OF

APPLICANT NAME

[illegible]

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

12-28-94

2-21-95 JES
(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

JES
Appropriate map (see item 1 on form).

JES
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).

JES
Items 2, 3, 4, 5, and 6 are completed.

JES
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