

ARNOLD R CASTOS
25837 NE BUTTEVILLE RD
AURORA, OR 97002

Application No. R80878

Permit No. _____

Certificate No. 72099

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 _____

2153

Exam

FEEES PAID		
Date	Amount	Receipt No.
12-30-94	\$40.00	19366
2-12-96	10 ^{<u>00</u>}	132218
	Cert. Fee	

FEEES REFUNDED		
Date	Amount	Check No.

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

REMARKS

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

MEMORANDUM

FROM: Dwight French
Patricia McCarty
Meghan Scott

RE: R-80878– Change of Ownership

DATE: June 23, 2010

According to the County Assessor's Office, the property listed for this application has changed ownership.

Courtney Osborn and Lilia Aguilar
25837 NE Butteville Rd.
Aurora, OR 97002



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 10, 2010

Courtney Orsborn and Lilia Aguilar
25837 NE Butteville Rd.
Aurora, OR 97002

Reference: File R-80878

Dear Certificate Holder:

On December 3, 1994, the past owner of this property filed a reservoir application with our office for a small pond on your property. His last communication to us was February 9, 1998. You are receiving this letter at this late date because we have only recently been able to attend to these files.

Based on the records in the file for this property, he received a Mitigation Order requiring the installation and operation of a bypass device for your pond listed under Certificate 72099. We also have in our records a letter from the Department of Fish and Wildlife stating adequate passage exists on your pond and that no installation of an additional bypass device is needed. As long as the existing structure is maintained to ensure passage, your pond will remain in compliance.

The Mitigation Order will remain in the record without change. This is to ensure that if the property ever changes owners, the new owners will maintain the current bypass devices or install new ones to keep ponds in compliance with the Department of Fish and Wildlife's requirements.

If you have any questions, please contact Meghan Scott at 503-986-0809.

Sincerely,

Dwight French, Administrator
Water Rights and Adjudications Division

RECEIVED

FEB - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

To Water Resources Dept.
From Arnold R. Castor
372 S. E. 9th Ave.
Canby Or. 97013
Reference # 80878
Water Rights Cer. # 72099

old Add. 25837 N. E. Butterill Rd.
Aurora Or. 97002

First off my name is not Castos
and I also have a new address, see
above. My Oregon and summer phone no.
is 503-263-1657, my winter phone no.
is 602-373-8800 in AZ.

I believe this is my 3rd attempt to
convey this information by mail and
a try or two by phone.

It has been very difficult to convince
anyone that I have not created a de-
tached pond using stream water.

RECEIVED

FEB - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

What I have done just does not seem to be in the definitions that you have available.

I will try again; for about two months out of the summer I install a small dam (18-20 inches) part way across the stream with a 3' foot wide weir or by pass to let the normal flow of water continue down the stream.

This causes the upper level of the stream to raise for my grand kids and the neighbor kids to enjoy some deeper water for recreation.

This dam is removed after this period of time with ~~no~~ no change to the stream.

I do not create a separate pond nor create a trap for fish as they have the normal flow of water at all times; this is not separate from the stream as it is directly in the stream.

RECEIVED

FEB - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Please see letter from Tom Murtzagh
of the fish and wildlife Dept. that
is enclosed.

If you find it necessary I will
gladly call from A2. to further explain
the situation, please let me know.

Arnold R. Cantor

RECEIVED

FEB - 9 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

January 2, 1998

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310



DEPARTMENT OF
FISH AND
WILDLIFE

Salem District Office

RE: HB 2153 Certificate/HB 2376 Notice Review
Certificate No. 72099; Arnold Castor
Milk Creek; tributary to Molalla River
Clackamas County

Under Permit Certificate #72099, Mr. Arnold Castor applied for exemption of a pond site located in Milk Creek, a tributary to the Molalla River. ODFW's preliminary assessment of this application was that fish passage would be required to protect existing fish resources in this stream. We based our assessment on information provided in the application and analysis of the quad map covering this area.

On January 2, 1998, I had the opportunity to discuss the application and pond site with Mr. Castor over the phone. Presently, this small dam is managed and functions in a way that does not impede fish passage either up or downstream. Therefore, ODFW will not require that additional fish passage facilities be provided at this site as it is currently operated and maintained.

Thanks for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Murtagh".

Tom Murtagh
Assistant District Fish and Wildlife Biologist

cc: Arnold Castor
372 SE 9th Ave.
Canby, OR 97013



ARNOLD: You can contact the Division of State Lands
in Salem at 503-378-3805 for info
on the necessary permit(s) for the
work you want to complete in Milk Creek. J.M.

4412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

ARNOLD & DIXIE CASTOR
372 S.E. 9th AVE.
CANBY, OR 97013



Ponds Program Appeals
Water Rights Section
Oregon Water Resource Dept.
158 12th St. N.E.
Salem Or. 97310

97310/0705



Mailing List for MO Copies

Application R-80878 (Cvert. 72099)

MO Date January 6, 1998

Original mailed to:

Applicant: ☒ Is there a new address? Y

Copies Mailed
By: <u>Cuk</u>
(SUPPORT STAFF)
on: <u>2/2/98</u>
(DATE)

1. WRD - File # R-80878
2. WRD - Watermaster # ELG
3. WRD - Regional Manager (not Bob Main): NWR

Other Commenters:

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

Other Interested Persons (CWRE, Agent, etc.)

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

CASEWORKER :

Information	Below	This	For	Mitigation	Team	Use	Only		
SMBS	<u>SMSS</u>	BPC	KR1	KR2	J	BSD	BSD2	1A	MD
MD1	MD2	MD3	B57	B58	BYPASS	B51A		Basin	<u>2</u>

ODFW responded



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 16, 1998

ARNOLD R. CASTOS
25837 NE BUTTEVILLE RD.
AURORA, OR 97002

Reference: File R-80878

Dear Certificate Holder:

Thank you for your continuing efforts in our program for issuing final water rights certificates 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.

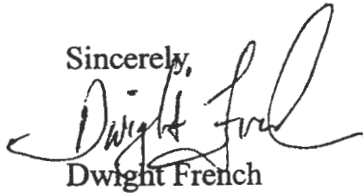
Since then, we have reviewed all the information available to us, including any reply from the commenter, and have determined that certain conditions are necessary to mitigate the potential harm to fish or other water rights. The enclosed Mitigation Order spells out the additional conditions we are proposing.

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 black ink, appearing to read "Dwight French", written over the printed name.

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

Water Rights Certificate
Number 72099

Reservoir Mitigation Order

Application History

A reservoir was constructed prior to January 1, 1993. As evidence of the right to store water, pursuant to ORS 537.407(1), an application was submitted.

Pursuant to ORS 537.407(3)(a) the Department has received information from Oregon Department of Fish and Wildlife demonstrating that the reservoir poses a significant detrimental impact to existing fishery resources.

ORS 537.407(6) 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."

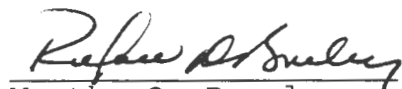
Therefore, the Department has determined that with the following additional mitigation condition(s), the injury to existing water rights and/or detrimental impact to existing fishery resources, described above, will be mitigated.

Order

Install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

Therefore, pursuant to ORS 537.407, the use evidenced by certificate 72099 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

JAN - 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

January 2, 1998

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310DEPARTMENT OF
FISH AND
WILDLIFE

Salem District Office

RE: HB 2153 Certificate/HB 2376 Notice Review
Certificate No. 72099; Arnold Castor
Milk Creek; tributary to Molalla River
Clackamas County

Under Permit Certificate #72099, Mr. Arnold Castor applied for exemption of a pond site located in Milk Creek, a tributary to the Molalla River. ODFW's preliminary assessment of this application was that fish passage would be required to protect existing fish resources in this stream. We based our assessment on information provided in the application and analysis of the quad map covering this area.

On January 2, 1998, I had the opportunity to discuss the application and pond site with Mr. Castor over the phone. Presently, this small dam is managed and functions in a way that does not impede fish passage either up or downstream. Therefore, ODFW will not require that additional fish passage facilities be provided at this site as it is currently operated and maintained.

Thanks for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Murtagh".

Tom Murtagh
Assistant District Fish and Wildlife Biologistcc: Arnold Castor
372 SE 9th Ave.
Canby, OR 970134412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

Mailing List for Commenter Letter

File #: R 80878

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

☐ 1. Watermaster: _____

☒ 2. ODFW District Bio: WAYNE HUNT

☐ 3. Waterwatch

☐ 4. Other: _____

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

Copy of Letter to:

☒ 1. WRD File # R 80878

Copies Mailed

By: _____
(SUPPORT STAFF)

on: 12-19-97
(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

Wayne Hunt
Oregon Department of Fish & Wildlife
4412 Silverton Rd. NE
Salem, Oregon 97305

Dear Mr. Hunt:

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.

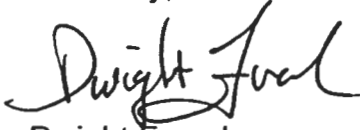
The Department received the attached rebuttals to your comments. If you do not agree with a rebuttal and believe that your comments are still valid, please send a written response to the Department identifying why you disagree with the rebuttal and affirming your position. However, if you agree with the rebuttal you need not respond, unless you determine that it is necessary. In order for us 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, attention 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 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 cursive script that reads "Dwight 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

RECEIVED

DEC - 4 1997

WATER RESOURCES DEPT.
SALEM, OREGON

ARNOLD & DIXIE CASTOR
372 S.E. 9th AVE.
CANBY, OR 97013

Dear Sir,

This is in answer to the Mitigation
Conditions for Cert # 72099 App # 80878

Please note my new address above
which has no connection to the property
in question.

I have tried in the past to get the
idea across that this is not a diversion
nor a pond nor a reservoir. I finally had
to call and explain over the phone at
which time I assumed that the explanation
was understood. Now from the last letter
it looks like I am back to square one
again. This is only a small dam in
the stream with a 3' ^{wide} by pass ~~over~~ Flum
to pass the total stream flow. It does
not stop the flow, only raises the level
for a short distance for recreational
purposes for only about 2 1/2 to 3 months
of time. The dam is only 1 1/2' tall and
is removed at the end of the summer
season.

over

I am now in Arizona and will
be home about the 17th of Dec. and
will try to call at that time. My
AZ. phone is 602-373-8800 if
you have any questions.

Hope fully
Arnold R. Cantor

ARNOLD & DIXIE CASTOR
372 S.E. 9th AVE.
CANBY, OR 97013

Oregon

July 29, 1997

RECEIVED
DEC - 4 1997
WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

Salem District Office

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

RE: HB 2153 Certificate/HB 2376 Notice Review
Certificate No. 72099
Clackamas County
Milk Creek > Mollala River; 3.00 acre feet

ODFW has determined that the subject reservoir(s) cause a detrimental impact on existing fish resources, specifically cutthroat trout, because reservoir-associated water diversion(s) are not adequately equipped with protective fish screening devices.

This assessment is based on the information provided in the application and our knowledge, based on past documentation of fish and/or habitat resources in the affected stream reach. Therefore, ODFW requests that WRD require the reservoir owner to complete the following actions in order for the subject reservoir(s) to maintain exempt status:

Install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the existing diversion.

Thank you for the opportunity to comment.

Sincerely,

Wayne L. Hunt

Wayne L. Hunt
Assistant District Fish Biologist

RECEIVED

JUL 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON



cc: Couch, HCD

4412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

ARNOLD & DIXIE CASTOR
372 S.E. 9th AVE.
CANBY, OR 97013

Water Rights Sect.
Water Resources Dep.
158 12th St. N.E.
Salem Or. 97310

97310/0703

llh



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

ARNOLD R CASTOS
25837 NE BUTTEVILLE RD
AURORA, OR 97002

REFERENCE: FILE#: R 80878

Dear Mr. Castos,

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.

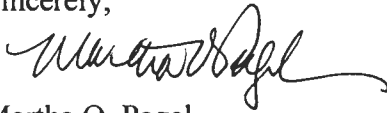
This is why you received a letter from us last week. For more than 16,000 ponds on which notices were filed under HB 2376, about 960 comments were received. From those comments, we determined that about half would appear to require mitigation measures. A total of 450 letters were sent out last week to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



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 10, 1997

FILE#: R 80878

ARNOLD R CASTOS
25837 NE BUTTEVILLE RD
AURORA, OR 97002

Dear Reservoir Owner,

You submitted a reservoir application under section 4, chapter 595, Oregon Laws 1993 (House Bill 2153) and were issued a certificate as provided for in ORS 537.407 (HB 2376). HB 2376 also 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 537.407. 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 of injury 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 placed on your water right certificate.

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 in 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

Cert # 72099
App # 80878
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.

July 29, 1997

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310



DEPARTMENT OF
FISH AND
WILDLIFE

Salem District Office

RE: HB 2153 Certificate/HB 2376 Notice Review
Certificate No. 72099
Clackamas County
Milk Creek > Mollala River; 3.00 acre feet

ODFW has determined that the subject reservoir(s) cause a detrimental impact on existing fish resources, specifically cutthroat trout, because reservoir-associated water diversion(s) are not adequately equipped with protective fish screening devices.

This assessment is based on the information provided in the application and our knowledge, based on past documentation of fish and/or habitat resources in the affected stream reach. Therefore, ODFW requests that WRD require the reservoir owner to complete the following actions in order for the subject reservoir(s) to maintain exempt status:

Install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the existing diversion.

Thank you for the opportunity to comment.

Sincerely,

Wayne L. Hunt

Wayne L. Hunt
Assistant District Fish Biologist

RECEIVED

JUL 30 1997

WATER RESOURCES DEPT.
SALEM, OREGON



cc: Couch, HCD

4412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

STATE OF OREGON
COUNTY OF Clackamas

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

ARNOLD R CASTOS
25837 NE BUTTEVILLE RD
AURORA, OR 97002

confirms the right to store the waters of
AN UNNAMED RESERVOIR AND STORE THE WATERS OF MILK CREEK, A TRIBUTARY
OF MOLALLA RIVER
for RECREATION.

The right to store and use these waters was perfected under Reservoir Application R-80878.
The date of priority is January 1, 1993. The amount of water entitled to be stored and
used each year under this right is not more than 3.0 ACRE-FEET

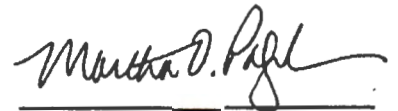
Located as follows:

NW 1/4 SW 1/4 SECTION 21, TOWNSHIP 4 SOUTH, RANGE 2 EAST WM.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with
a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary
for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of
use listed above.

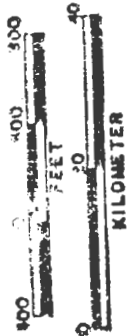
WITNESS the signature of the Water Resources Director, affixed **FEBRUARY 27, 1996.**



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72099

SCALE 1:9500



RECEIVED
FEB 27 1995
DEPT. OF REVENUE
STATE OF OREGON

Application No. *2-80878*
Permit No.

72099

CERTIFICATE NO.

THE LOR HARRISON
WRIGHT D.L.C. 38

PARTITION PLAT
1993-50

RRFF-5

T.T.-20

35-29

E.F.U.-20

E.F.U.-20

35-28

PARTITION
PARCEL 1
(23.97 Ac.)
PLAT

PARCEL 2
(20.02 Ac.)
1993-76

CANCELLED T.S.
2000
500E
500W
500N

SEE MAP 4 2E 22
FOR CONTINUATION
OF PARTITION PLAT 1992-198

1"= 400'

4 2E 21

14000

14500

15000

SEE MAP 4 2E 16

16 15

27000

27500

28000

SEE MAP 4 2E 28

SEE MAP 4 2E 28A

NUMBER 06155

Check 1000 Mo _____ Cash _____

- ☐ Surface Application
- ☒ Reservoir Application
- ☐ Ground Water Application
- ☐ Transfer Application
- ☐ PFO Request
- ☐ Research
- ☐ Hydroelectric Fees
- ☐ Copying
- ☐ Assignment
- ☐ Extension of Time
- ☐ Protest
- ☐ Other

0
10

Merry C

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

158 12TH ST. N.E.

INVOICE # **132218**

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIVED FROM:

Arnold Castor

APPLICATION

R80878

BY:

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

24-7038

☐

TOTAL REC'D

\$ *1000*

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

\$

831.087 PUBLICATIONS / MAPS

\$

830.650 PARKING FEES Name / month

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001 COPY FEES

\$

850.200 RESEARCH FEES

\$

880.109 MISC REVENUE: (IDENTIFY)

\$

520.000 OTHER (P-6) (IDENTIFY)

\$

WATER RIGHTS:

842.001 SURFACE WATER

EXAM FEE
\$ <i>0</i>

842.002

RECORD FEE
\$ <i>1000</i>

842.003 GROUND WATER

\$

842.004

\$

842.005 TRANSFER

\$

842-006

\$

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

EXAM FEE
\$

842.023

LICENSE FEE
\$

LANDOWNER'S PERMIT

842.024

\$

OTHER (IDENTIFY)

06-00-0 WELL CONST. START FEE

842.013 WELL CONST START FEE

\$

CARD #

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE (FW/WRD)

--

\$

842.115 HYDRO LICENSE FEE (FW/WRD)

--

\$

HYDRO APPLICATION

\$

RECEIPT #

132218

DATED:

2-12-96

BY:

Flo L

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # **132218**

RECEIVED FROM: *Arnold Castor*

BY: _____

APPLICATION *R80878*

PERMIT

TRANSFER

CASH: ☐ CHECK: # *24-7038* OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ *1022*

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	\$ <i>0</i>	842.002
842.003	GROUND WATER	\$	842.004
842.005	TRANSFER	\$	842.006

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	\$	842.023
_____	LANDOWNER'S PERMIT		842.024

OTHER (IDENTIFY) _____

RECORD FEE

\$ *1022*

LICENSE FEE

\$

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$
_____	MONITORING WELLS	\$
_____	OTHER (IDENTIFY)	

CARD #

CARD #

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

RECEIPT #

132218

DATED: *2-12-96*

BY: *Flo L*

January 2, 1996

RECEIVED

FEB 12 1996

WATER RIGHTS DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

ARNOLD CASTOR
25837 NE BUTTERVILLE RD
AURORA OR 97002

RE: Application # R-80878

Dear Applicant,

The 1995 Legislature passed House Bill 2376, a law which requires the Department to issue water right certificates on reservoirs applied for under House Bill 2153 (1993 Ponds Bill).

Our staff is preparing to issue your certificate(s). However, we need recording fees in the amount of \$10 before we can proceed.

In order to expedite the processing of your certificate(s), we request that you submit the recording fees by February 10, 1996. I have enclosed a stamped envelope for your use.

Should you have any questions please feel free to call the Water Rights Information Group at 1-800-624-3199, extension 499.

Sincerely,


Gerry Clark
Completeness Team

*Hope this isn't too late as I didn't receive it until
2/5 in Arizona.*



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

February 5, 1996

WATER
RESOURCES
DEPARTMENT

ARNOLD R CASTOS

25837 NE BUTTEVILLE RD
AURORA, OR 97002

REFERENCE: File # R-80878;

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Your application will be considered under House Bill 2153 enacted by the 1993 Oregon Legislature. You may continue the storage of water while a decision is pending on your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, the Department works through Oregon's 18 river basins on a rotating schedule, processing applications in the order in which they have been received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

Technical Reviews are processed in accordance with Oregon Administrative Rules. The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



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

REFERENCE: File(s) - R-80878

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

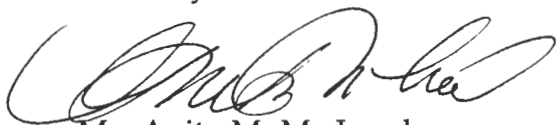
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact the Water Rights Information Group (WRIG) if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Anita M. Mc Loud", written in a cursive style.

Ms. Anita M. Mc Loud
Water Rights Specialist
Water Rights/Adjudication Division

cc: CWRE

February 5, 1996

WATER
RESOURCES
DEPARTMENT

ARNOLD R CASTOS

25837 NE BUTTEVILLE RD
AURORA, OR 97002

REFERENCE: File # R-80878;

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

REFERENCE: File(s) - R-80878

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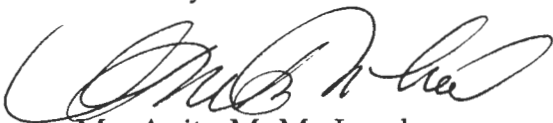
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Please contact the Water Rights Information Group (WRIG) if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in black ink, appearing to read "Anita M. Mc Loud", written in a cursive style.

Ms. Anita M. Mc Loud
Water Rights Specialist
Water Rights/Adjudication Division

cc: CWRE

Application No.

R-80878

RECEIVED

DEC 30 1994

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s)

Arnold R. Castor

(Please print or type - use dark ink)

Mailing Address:

25837 N.E. Butterville Rd.

Aurora

Or.

97002

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to construct temporary dam reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: Milk Creek,
a tributary of Mollala River.
If not in channel of a stream, state how it is to be filled: _____

2. THE DAM: The maximum height of the structure will be 2 feet above stream bed or ground surface at the centerline.

The dam will be (check one) _____ earthfill, _____ concrete, ☒ flashboard, _____ other.

If "other" give description: sand and gravel

Give the location, description, and dimensions of the outlet conduit: 4' wide
spill way at west shoreline

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: recreational and
temporary for 2 1/2 months of the summer

4. THE AMOUNT OF WATER to be stored is: approximately 3 acre-feet.
The area submerged by the reservoir, when filled, will be 3 acres,
and the maximum depth of water will be 2 feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. 40' wide open way around or at the edge of stream bed.

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin July 15

Proposed date construction work will be completed same day

Proposed date water use will be completed will be removed Sept. 30

NOTE: Prior to issuance of a permit, it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract. I am in Florida and traveling for the winter and will not be home until spring so cannot provide all information

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant CWRE Other (Identify in REMARKS section)

RECEIVED

DEC 30 1994
WATER RESOURCES DEPT
SALEM, OREGON

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: The water will back up and raise the level bordering 4 other properties but will not exceed the level reached at other times of the year. This is just a temporary use that is welcomed by the neighbors for the summer period.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Arnold R. Custer
Signature

12-27-94
Date

Signature

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 30 day of December, 19 94, at 8 o'clock, A M.

Priority 1/1/93

APPLICATION NO: R-80878

I the undersigned declare that this site on this stream has been damed for summer recreational seasons prior to Jan. 1, 1973.

Arnold A. Cator

7-20-90

R-82878

RECEIVED

JUL 21 1995

**WATER RESOURCES DEPT.
SALEM, OREGON**

January 2, 1996

WATER
RESOURCES
DEPARTMENT

ARNOLD CASTOR
25837 NE BUTTERVILLE RD
AURORA OR 97002

RE: Application # R-80878

Dear Applicant,

The 1995 Legislature passed House Bill 2376, a law which requires the Department to issue water right certificates on reservoirs applied for under House Bill 2153 (1993 Ponds Bill).

Our staff is preparing to issue your certificate(s). However, we need recording fees in the amount of \$10 before we can proceed.

In order to expedite the processing of your certificate(s), we request that you submit the recording fees by February 10, 1996. I have enclosed a stamped envelope for your use.

Should you have any questions please feel free to call the Water Rights Information Group at 1-800-624-3199, extension 499.

Sincerely,



Gerry Clark
Completeness Team



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

RECEIVED

JUL 21 1995

WATER RESOURCES DEPT.
SALEM, OREGON**RECEIVED**

DEC 30 1994

WATER RESOURCES DEPT.
SALEM, OREGON**Oregon****NOTE TO LOCAL GOVERNMENTS****WATER
RESOURCES
DEPARTMENT****Application No. 1-80878**
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

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: Arnold R. Castor
 Address: 25937 N.E. Butterville Rd.
Aurora Oreg. 97002
 Phone: 628-5356

RECEIVED

JUL 21 1995

WATER RESOURCES DEPT.
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): _____
- ☐ 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.) X _____
- ☐ 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>Milk Creek</u> <u>tributary of the</u> <u>Mollala River</u>	_____ Cubic feet per second. _____ Gallons per minute. <u>1 acre</u> Acre-Feet <u>Variable due to</u> <u>rain fall</u>
☒ Reservoir or pond <u>behind a</u> <u>temporary dam</u>	
☐ Ground Water	

It will be a temporary use in the summer only to raise water level and will not use, waste or change the volume of flow

**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: Arnold R. Castor
 Address: 25837 N.E. Butterville Rd.
 City: Aurora State: Or. Zip: 97002 Day Phone: 628-5355

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>1033811</u>	<u>Forest land class 610</u>			<u>recreational</u>
<u>01100</u>				

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.
Clackamas
 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); 309. 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: Clackamas Co.
 Staff Contact: Clayton G. Glasgow Phone: 655-8521
 Signature: [Signature] Date of Information Request: 7-18-95

(for Local Use Continued)

(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: Clayton G. Glasgow Date: 7.18.95

Title: Planner Phone: 655-8521

Signature: 

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:

RECEIVED

JUL 21 1995

WATER RESOURCES DE
SALEM, OREGON

☒ Item (8) on the application was not completed. Please complete the statement below.

Are the lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list below the names and mailing addresses of the legal owners of all property involved in the proposed development.

* Please provide the names and addresses of the legal owners of all the properties which border the reservoir. A sheet is provided.

☒ A map showing the place where water is to be used and the place where the water will be diverted. The map must show the township and range, and section corners near the property applied for.

The water will not be used or diverted.

☒ Evidence that the reservoir was constructed prior to January 1, 1993. Construction receipts, dated aerial photos, or a notarized affidavit by the landowner or other knowledgeable person will meet this requirement. *This has been done for several years prior to 1993*

☒ Land Use Information Form signed by a county planner (a form is enclosed). *Enclosed*

☐ Enclosed you will find the correct form to complete your application.

☐ There can only be a maximum of 10 reservoirs per application. The excess reservoirs must be applied for on another application. Please complete the enclosed application.
(ORS 595 Sec. 4(2)(a))

☐ A separate application must be submitted for each reservoir that stores 9.2 acre feet or more of water or that has a dam 10 feet or more in height. (ORS 595 Sec. 4(3)(a)) Each application will require a fee. A copy of the fee schedule is enclosed.

☒ An oath that the information contained in the application and in this Additional Information Sheet is a true and accurate representation of the proposed water use. Please sign the oath statement below.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

Arnold R. Carter
Name

7-20-95
Date

Name

Date

☐ Other: _____

RECEIVED

JUL 21 1995

WATER RESOURCES DEPT.
SALEM, OREGON

ADDITIONAL INFORMATION SHEET

Please provide the following:

Reference File # I-1064

- ☐ Additional fees in the amount of \$_____.00
A copy of the fee schedule is enclosed.
- ☐ Item (1) on the application concerning the source of the water was not completed. Please complete the statement below.
Source of Water for the proposed use: Milk Creek,
a tributary of Mollala River.
If not in channel of a stream, state how it is to be filled:
It is in the channel
- ☐ Item (2) on the application concerning The Dam was not completed. Please complete the statement below.
The maximum height of the structure will be 2 feet above stream bed or ground surface at centerline.
The dam will be (check one) _____ earthfill, _____ concrete,
X flashboard, _____ other. If "other" give description:
Two poles, one on top of the other and back filled with gravel
Give the location, description, and dimensions of the outlet conduit:
The outlet w/c is to the right side of a long, narrow stream, it is 4 feet wide and the depth is variable according to stream flow as most of flow passes thru it except what filters thru gravel fill
- ☐ Item (3) on the application concerning The Use was not completed. Please complete the statement below.
The use(s) of the impounded water will be: For recreational use only
- ☐ Item (4) on the application concerning The Amount of Water to be stored was not completed. Please complete the statement below.
The Amount of Water to be stored is: one acre-feet.
The area submerged by the reservoir, when filled, will be one acres.
and the maximum depth of the water will be 1.5 feet.
- A Quick Calculation For Reservoir Volumes:
- Volume= (length X width) (maximum depth) (0.4)
(cu/ft) (surface area)
 - To determine Acre Feet, divide above number by 43,560 which is the number of cubic feet in one acre foot.
(1 acre, 1 foot deep in water)
 - The "factor" of 0.4 is to be used in all cases where sufficient information is not available for use in determining a more precise reservoir volume.

June 14, 1995

RECEIVED
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WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

Arnold Castor
25837 NE Butteville Rd
Aurora OR 97002

RE: Reference Number I-1064

Dear Applicant,

The Department has received your Reservoir Application. However, we need more information before we can accept, file, and review the application.

We will return your application and any supporting documentation to you if you fail to return the information requested on the "ADDITIONAL INFORMATION SHEET" within 60 days.

The application you submitted is for storage of water only. A secondary application would be required if you choose to maintain the water level during the non-storage season or to use the water outside the reservoir area.

We will begin our analysis when the application and information noted above is received. Please feel free to contact me at 1-800-624-3199 Ext. 261 if you have any questions.

Sincerely,



Gerry E. Clark
Engineer Technician

enclosures

cc: general correspondence



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

June 14, 1995

Oregon

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- ☐ Item (1) on the application concerning the source of the water was not completed. Please complete the statement below.
Source of Water for the proposed use:_____,
a tributary of_____.
If not in channel of a stream, state how it is to be filled:

- ☐ Item (2) on the application concerning The Dam was not completed. Please complete the statement below.
The maximum height of the structure will be _____ feet above
stream bed or ground surface at centerline.
The dam will be (check one) _____ earthfill, _____ concrete,
_____ flashboard, _____ other. If "other" give description:

_____ Give the
location, description, and dimensions of the outlet conduit:

- ☐ Item (3) on the application concerning The Use was not completed. Please complete the statement below.
The use(s) of the impounded water will be:_____

- ☐ Item (4) on the application concerning The Amount of Water to be stored was not completed. Please complete the statement below.
The Amount of Water to be stored is: _____ acre-feet.
The area submerged by the reservoir, when filled, will be _____ acres.
and the maximum depth of the water will be _____ feet.
- A Quick Calculation For Reservoir Volumes:
- Volume= (length X width) (maximum depth) (0.4)
(cu/ft) (surface area)
 - To determine Acre Feet, divide above number by 43,560 which
is the number of cubic feet in one acre foot.
(1 acre, 1 foot deep in water)
 - The "factor" of 0.4 is to be used in all cases
where sufficient information is not available for use in
determining a more precise reservoir volume.

Item (8) on the application was not completed. Please complete the statement below.

Are the lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? _____. If not, list below the names and mailing addresses of the legal owners of all property involved in the proposed development.

* Please provide the names and addresses of the legal owners of all the properties which border the reservoir. A sheet is provided.

A map showing the place where water is to be used and the place where the water will be diverted. The map must show the township and range, and section corners near the property applied for.

Evidence that the reservoir was constructed prior to January 1, 1993. Construction receipts, dated aerial photos, or a notarized affidavit by the landowner or other knowledgeable person will meet this requirement.

Land Use Information Form *signed by a county planner* (a form is enclosed).

☐ Enclosed you will find the correct form to complete your application.

☐ There can only be a maximum of 10 reservoirs per application. The excess reservoirs must be applied for on another application. Please complete the enclosed application.
(ORS 595 Sec. 4(2)(a))

☐ A separate application must be submitted for each reservoir that stores 9.2 acre feet or more of water or that has a dam 10 feet or more in height. (ORS 595 Sec. 4(3)(a)) Each application will require a fee. A copy of the fee schedule is enclosed.

An oath that the information contained in the application and in this Additional Information Sheet is a true and accurate representation of the proposed water use.
Please sign the oath statement below.

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

Name

Date

Name

Date

☐ Other: _____

DEC 30 1994

WATER RESOURCES
SALEM, OREGON

WATER
RESOURCES
DEPARTMENT

December 7, 1994

Arnold Castor
25837 NE Butteville Rd
Aurora, OR 97002

Dear Mr. Castor,

Thank you for your letter.

Oregon law requires a water right to legally store water. This includes the dam you have across Milk Creek. I am enclosing an application to construct a reservoir, this is the application needed to apply for water rights on your pond.

Our letter was sent out to pond owners to inform them of the new law passed. House Bill 2153 allows pond owners to apply for water rights on their ponds, waiving some of the mapping requirements and allows them also to continue storing water without penalty while decisions are reached on their application. Applications must be in before January 1, 1995 to take advantage of this bill.

If you have any question please call me at (503) 378-8455 extension 291.

Sincerely,



Melissa R. Conley
Assistant Watermaster District 16

cc: Dave Jarrett
Watermaster District 16

Enclosures

*Please note this is a temporary dam only
installed for 2 1/2 months.*

*Also I am traveling and won't be able to
be contacted after the midly of Feb.*



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

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # R 80878

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE	INITIAL	
<u>1-26-96</u>	<u>SC</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
		HB 2153/BB 2107 APPLICATION -- SEE REVERSE
		Oath
		Application date stamped per money receipt date
		Land use approved <u>X</u> pending
		If reservoir < 5 AF \$ <u>40</u> , if > 5 AF \$
		Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code _____
Entered into WRIS

SUPPORT SERVICES

2/6/96 ✓
Stamp contents with application number
Mail ack letter (provided by Data Center) with
receipt to applicant, cc to CWRE and file
Place label on file and calendar 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	<u>YES</u>	<u>NO</u>
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

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

Appropriate map (see item 1 on form).

Evidence that reservoir existed before
January 1, 1993 (one or more of the following: dated aerial
photo, NOTARIZED affidavit, dated map from agency, construction
receipts or other documentation).

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

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

**Complete Minimum Requirements to File on reverse, except before
routing to Data Center, change priority date to 1/1/1993. Also,
confirm the following:**

1-26-96 JC 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

Bordering properties

Russell E. Graves

14341 S. Union Mills Rd.

Mulino Oreg. 97042

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JUL 21 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Lloyd M. Moles

27692 South Hwy. 213

Mulino Oreg. 97042

Randy Huff

27688 South Hwy. 213

Mulino Oreg. 97042

The water will not be diverted or used, it will only be backed up for recreational purposes. The full flow will be maintained by way of an overflow 4 ft. wide by the depth according to the volume of the stream.

This dam is only in place for 2 to 3 months so not to cause any flooding problems.

R-80878

RECEIVED

JUL 21 1995

WATER RESOURCES DEPT.
SALEM, OREGON

36.16

IRA-1 ZONE

Proposed Drain site
on Section 21 tax lot
all 100 Township 4S
Range 2E

Water will not
be diverted

SITE FOR PROPOSED LOT SIZE
WAIVER

SEC. 20 21

R-80878

WOODWARD, B. J.
PVR-49-66

LOCATION: SEC. 20 T.4S. R.2E.
SCALE: 1" = 400'

NOTICE OF PUBLIC HEARING

CLACKAMAS COUNTY BOARD OF ADJUSTMENT
ROOM 9, COUNTY COURTHOUSE
OREGON CITY, OREGON
656-2641, Ext. 205

FILE NUMBER: PVR-49-66

HEARING DATE: Monday, July 11, 1966

TIME: 8:00 P. M.

PLACE: Circuit Court Room No. 3, 3rd floor, County Courthouse, Oregon City, Oregon

TO: Property owners within 150 feet of property in question

SUBJECT: Hearing for a Variance by the Board of Adjustment

- (a) Location: Between Molalla-Oregon City Highway #213 and Milk Creek, approximately 1.5 miles South of Mulino, Oregon
- (b) Legal Description: Tax Lot 21-1, Section 20, T4S, R2E
- (c) Total Area Involved: Approximately 18,781 square feet
- (d) Applicant: B. J. Woodward
- (e) Owner of Property: Same
- (f) Present Zoning: IRA-1 Interim Rural (Agri.) Single Family Residential District
- (g) Applicant's Proposal: To waive the required minimum lot size from one (1) acre to 18,781 square feet, allowing the construction of a new home

PROPERTY OWNERS PLEASE NOTE:

You or any interested persons are invited to attend this public hearing; however, the Board of Adjustment will give careful consideration to all written correspondence concerning this matter.

Those wishing to receive written notification of the decision of the Board of Adjustment in this matter may do so by supplying this office with a self-addressed envelope indicating the above-mentioned file number.

ck 24-7036

19366

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE 12-30-94
NAME Arnold R. Carter		
ADDRESS		
CITY, STATE, ZIP		

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT
---------	------	--------	--------	----------	--------------	----------

QUAN.	DESCRIPTION	PRICE	AMOUNT
1			
2			
3	LLB 2153	\$ 40	
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

RECEIVED BY D. B. ...

KEEP THIS SLIP FOR REFERENCE

CT 24-7058 19366

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE 12-30-94
NAME Arnold R. Castor		
ADDRESS		
CITY, STATE, ZIP		

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT
---------	------	--------	--------	----------	--------------	----------

QUAN.	DESCRIPTION	PRICE	AMOUNT
1			
2			
3	LB 2153	\$ 40.-	
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12TH STREET NE
SALEM, OR 97310

RECEIVED BY R. Bushnell

KEEP THIS SLIP FOR REFERENCE