

Watermaster HB-2153
Check-List

WM/6

require more exact map

off channel

March 16, 1995

FELIPE C FUENTES
BABNICK, CATHERINE T
7016 SE KNIGHT ST
PORTLAND, OR 97206

REFERENCE: File(s) P-79987

Reservoir qualifies as exempt

Reservoir does not qualify as exempt

Reservoir is off channel

YES NO

Height of Dam

YES NO

Capacity of Reservoir

Constructed before 1/1/1993

YES NO

I Chad Brady examined the information included with the file P-79987.
My determination is based on review of the information and field visit to the site and/or
personal knowledge.

Chad Brady

Signature

11/6/95

Date

November 8, 1995

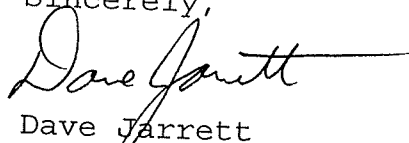
REFERENCE: Notice of Exempt Reservoir (Pond)

Dear Pond Owner:

The department has now reviewed the exempt reservoir notice that you filed with us. We are pleased to tell you that from examining your notice and the accompanying data, we have determined that your pond(s) qualifies (qualify) as exempt under our administrative rules and you need not apply for a water right for your pond(s). We encourage you to keep this letter with other property records that you keep. The attached sheet includes a file number which corresponds to the file assigned to your notice and any questions about the file should reference that number.

If you have any questions, please contact Chad Brady at 378-8455 x291, or me at 378-8455 x220.

Sincerely,



Dave Jarrett
Watermaster, District 16

Enclosure: Copy of accepted notice

cc: OWRD



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

March 16, 1995

Oregon

FELIPE C FUENTES
BABNICK, CATHERINE T
7016 SE KNIGHT ST
PORTLAND, OR 97206

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-79987;
Notice of Exempt Reservoir (Pond)

Your exempt reservoir notice has been received by the Department and has been assigned the above-referenced file number. We would like to ask you to refer to this number if you should need to contact us about the notice, your pond, or ponds if you have more than one.

To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the Water Resources Commission's administrative rules to your situation. These rules set the standards that determine which ponds require water rights and which are exempt. We will let you know the results as soon as we are able to complete our review of your pond(s)'s nature.

Since the department must rely initially on the information you submit to us, it is very important that the information be complete and accurate. If inspections show that your pond(s) does (do) not qualify as exempt, you could be asked to drain the pond(s) or submit a water right application or both. If you submit your application after January 1, 1995, it will be processed like any other application, since that is the deadline for filing water rights under the pond amnesty program.

The department will process your information as quickly as possible. However, because water right processing staff members are working hard to reduce a backlog of applications, it may be some weeks before you hear from us.

If you have questions, you may contact your watermaster. The enclosed brochure lists watermaster names, telephone numbers and addresses by county.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

Enclosure: New Water Right Law for Pond Owners Brochure



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIVED

JAN -4 1995

WATER RESOURCES DEPT.
OREGON

NOTICE OF EXEMPT RESERVOIR

This notice is submitted pursuant to ORS 537.141, which provides that a water right is not needed for certain ponds/reservoirs which were in existence before January 1, 1993, are located off-channel and store less than 9.2 acre-feet of water or have a dam less than 10 feet in height.

Landowner: Felipe C. Fuentes & Catherine T. Babnick

Authorized Agent: (if applicable) _____

Address: 7016 SE Knight St

Portland OR 97206 503/777-6225
City State Zip Telephone No.

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

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

1. The reservoir is located in Section 11, Township 35, Range 2E, in Clackamas 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: _____
3. Maximum height of the dam: _____
4. Maximum water depth in the reservoir: _____
5. Maximum storage capacity of reservoir: _____
6. Size, description and location of any outlet pipe: _____

7. Enclose evidence that the reservoir(s) existed before January 1, 1993, such as one or more of the following:
 - 7.1 A dated aerial photograph which shows the immediate area above, below and surrounding the reservoir(s);
 - 7.2 An affidavit signed by the landowner or other knowledgeable person (signature must be notarized);
 - 7.3 A dated map prepared by a local, state or federal agency showing the location of the reservoir; or
 - 7.4 Construction receipts or other forms of documentation.

Declaration by Owner/Authorized Agent:

Each of the reservoirs described herein was in existence before January 1, 1993, is located off-channel and stores less than 9.2 acre-feet of water or has a dam less than 10 feet in height.

I/We believe the reservoir(s) qualifies under ORS 537.141 and OAR 690-11-014 for exemption from Oregon's water right filing requirements.

Notice to Owners/Authorized Agent:

Reservoirs that qualify for exemption under ORS 537.141 and OAR 690-11-014 shall be subject to the following conditions:

1. The right to store or use water in the reservoir shall not have priority over any water right; and
2. The right to store and use water in the reservoir(s) shall be subordinate to all future permitted or certificated water rights.

THE UNDERSIGNED VERIFIES THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF THE INFORMATION CONTAINED IN THIS NOTICE IS TRUE, CORRECT AND COMPLETE.

Landowner/agent signature: Catherine Babnick

(Print Name and Title) Catherine Babnick

Date: 12/28/94

FOR WATER RESOURCES DEPARTMENT USE ONLY

The foregoing Notice and accompanying data have been examined by authorized staff of the Water Resources Department. Based on review of the information submitted, this Notice is accepted on _____, 1994 and assigned FILE NUMBER P 79087.

cc: Watermaster District # _____
To Data Center (date) _____

#1

1. Section 11, T3S, R2E, Clackamas Co
2. unnamed creek
3. 6 ft
4. 4ft, more or less
5. less than 1 acre foot
6. none

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JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON

#2

1. Section 11, T3S, R2E, Clackamas Co
2. unnamed creek
3. 6 ft
4. 4-5 ft
5. less than 1 acre foot
6. none

#3

1. Section 11, T 3S, R 2E, Clackamas Co
2. unnamed creek
3. 6 ft
4. 4-5 ft
5. less than 1 acre foot
6. none

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WATER RESOURCES DEPT.
SALEM, OREGON

#4

1. Section 11, T 3S, R 2E, Clackamas Co.
2. Not known. Maybe groundwater or spring.
3. 6 ft
4. 4-5 ft
5. less than 1 acre foot
6. none

Fuentes/Babnick

#5

1. Section 11, T3S, R2E, Clackamas Co
2. unnamed creek
3. 5 ft
4. 15 ft
5. less than 1 acre ft.

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JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON

December 29, 1994

The ponds in the attached application (#1-5) were in existence prior to January 1, 1993.

Catherine Babnick
Catherine Babnick



Jessi L. Cook

RECEIVED

JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON

State Of Oregon,

RECEIVED

JAN - 4 1995

WATER RESOURCES DEPT.
SALEM, OREGON

County of Multnomah ss

BE IT REMEMBERED, That on this 30 day of December, 1994 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Catherine Babnick

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that _____

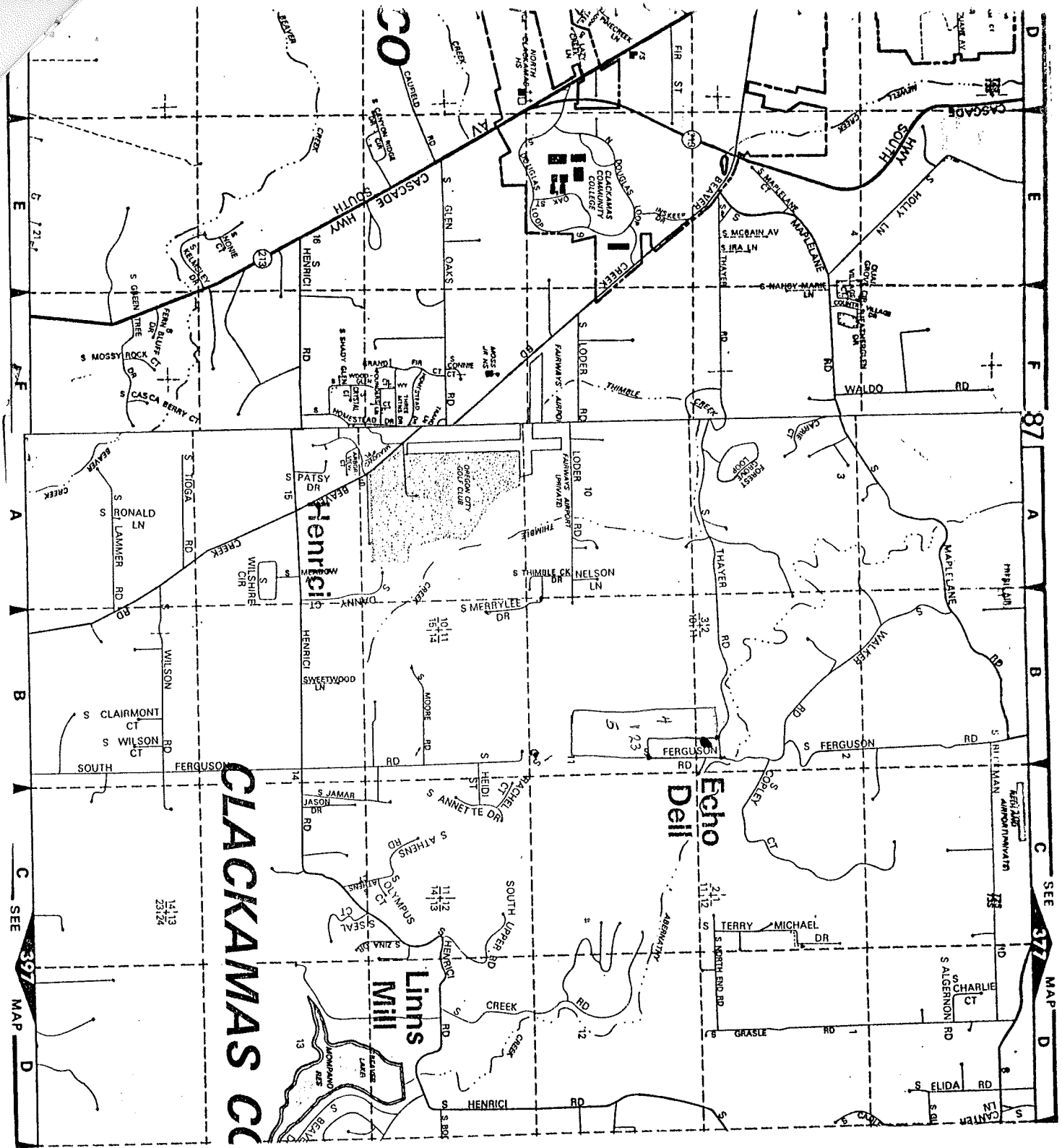
She executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Jessi L. Cook

Notary Public for Oregon

My commission expires Aug 03, 1997.



Application No. P-7998.7
 Permit No.

RECEIVED
 JAN - 4 1995
 WATER RESOURCES DEPT.
 SALEM, OREGON

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

2/20/95 DB
(date & initials)

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

Appropriate map (see item 1 on form).

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

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

Signature (and title, if applicable)

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

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

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

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

Name/address of adjacent property owner within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2