

010355

Stream Index, Page No. _____

1/30/76 **CANCELLED** in special order Vol 67 pg 771

2857

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE CANCELLATION)
OF CERTAIN PERMIT(S) TO APPROPRIATE) ORDER
WATER UNDER THE PROVISIONS OF ORS)
537.260)

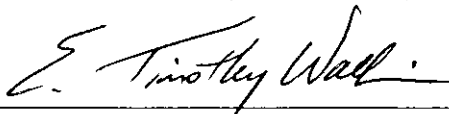
The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO CONSTRUCT RESERVOIRS AND STORE WATER:

| <u>Name</u> | <u>Basin Number</u> | <u>Watermaster District</u> | <u>Application Number</u> | <u>Permit Number</u> |
|-------------------|-------------------------|---------------------------------|-------------------------------|--------------------------|
| Charles J Goodman | 02 | 2 | R-73960 | R-12316 |

Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the WATER RESOURCES DIRECTOR as required under ORS 537.260. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on January 30, 2006.



E. Timothy Wallin, Water Rights Program Manager, for
Phillip C. Ward, Director

JAN 30 2006
PLACED IN U.S. MAIL
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and ORS 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



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

July 30, 2004

Certified mail number 7006 8735

Return receipt requested

CHARLES J GOODMAN
PO BOX 754
LEBANON OR 97355

Reference: Application R73960, Permit R12316

Dear Mr. Goodman:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by 10/1/01.

Our records indicate on or about June 29, 2004, you received a letter from the Department suggesting that you did not need to hire a CWRE. This particular letter was sent to you by mistake. We apologize for any inconvenience this may have caused.

You are required by law to hire a Certified Water Rights Examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/01 (ORS 537.230(3)). A copy of ORS 532.230 is enclosed along with a list of Certified Water Rights Examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter. In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (September 28, 2004) the Department may issue a final order to cancel your permit without further notice.

Should you have any questions, or need additional time for a CWRE to prepare a claim and a final proof map, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (4)

cc: OWRD Watermaster District 2
File R73960

Re: Application R73960, Permit R12316

PO Box 754
Lebanon, OR 97355
July 20, 2004

Jerry Sauter
Water Resources Dept.
North Mall Office Bldg.
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Dear Mr. Sauter:

Thanks for your recent letter concerning the above permit. I wondered why there was no followup several years ago. Maybe I missed something, but I was not aware of any further instructions from WRD.

I completed one small pond, one of two for which I received construction permits. The only input source is winter runoff. It is near the NW corner of my property, just east of Oak Creek, about 200 feet from my northern property line (as shown on my application diagram). Doesn't amount to much, but I have enjoyed it! Even raised a few bluegill, until the nutria and beaver took over.

In your letter, you talk about "Use." My primary use is recreation, and I do not remember if I asked for something else. Cattle have access to one small corner of the pond, but they always have fresh water in a tank.

Right now I am in the Philippines, waiting for a visa for my wife. We hope to be in Oregon on my property later this year. If, after all this time, you will give me a few more months at the most, I will be able to prepare an accurate and adequate site map, including legal description.

Feel free to contact me by email, below.

Thank you very much.

Yours truly,



Charles Goodman
charliejgood@aol.com

RECEIVED

AUG 16 2004

WATER RESOURCES DEPT
SALEM, OREGON

PERMIT STATUS REVIEW BY JE DATE 4/29 FILE # R-73960

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update appropriate db

NO Permit is for municipal or quasi-municipal use (per DF, when in doubt about MU/QM, change database code) or in Bonanza study area or New River

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO Dept. has already sent a certified "Form 100" letter (date _____, # _____)

Was **60 days notice** allowed? _____

Was mail deliverable as addressed? _____ date _____

Send cancellation letter _____

NO Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

yes Send **certified** "C" date notice packet to permit holder.

"C" DATE 0-0-2004 BASIN NUMBER 02

CWRE or AGENT _____

SEND CERTIFIED LETTER
SELF CERT. French
HB-2107 5/17/04

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-73960

Final Order

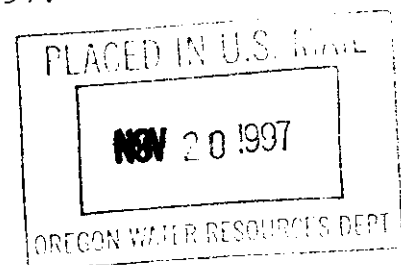
Application History

On March 8, 1994, CHARLES J GOODMAN submitted an application to the Department for a water use permit to store water in five ponds. On August 12, 1997 the Department issued a Proposed Final Order and sent a certified letter to the applicant requesting information about the characteristics of each reservoir. The deadline for submission of protests and the additional information requested by certified mail was September 26, 1997. The applicant submitted a portion of the required information on September 23, 1997. No protest was filed.

On October 1, 1997 a second request for information about the characteristics of each reservoir was sent to the applicant. As required by OAR 690-310-100 the applicant was given at least 10 days to respond to this request. The deadline for submission of the required information was October 15, 1997. Whereas no reply was received from the applicant by that date, the application was rejected on October 21, 1997 by Special Order recorded in Volume 51, Page 1213 in accordance with ORS 537.153.

A request for reconsideration of the Special Order was filed October 29, 1997. The applicant provided written arguments which demonstrated that the applicant's failure to comply with the Department's October 1, 1997 was not intentional. In addition, sufficient information was provided to continue processing the request for storage in Ponds A and B. The applicant has indicated that Ponds C, D, and E can be removed from consideration.

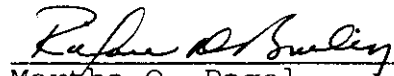
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the number, location and characteristics of the ponds as amended by the applicant on October 29, 1997.



Order

Application R-73960 therefore is reinstated and approved as modified above, and Permit R-12316 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED November 19 , 1997



Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

STATE OF OREGON

COUNTY OF LINN

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CHARLES J GOODMAN
PO BOX 754
LEBANON, OREGON 97355

PHONE (503) 451-1670

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-73960

SOURCE OF WATER: UNNAMED DRAINAGE, TRIBUTARY OF OAK CREEK

STORAGE FACILITY: PONDS A AND B

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT FOR USE BY WILDLIFE, WATERFOWL, FISH AND LIVESTOCK

MAXIMUM VOLUME: 3.56 ACRE-FEET (AF) EACH YEAR, BEING 0.69 AF IN POND A, AND 2.87 AF IN POND B

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: MARCH 8, 1994

The area submerged by Reservoir A, when full, will be 0.17 acre and the maximum depth of water will be 9.0 feet. The maximum height of the dam shall not exceed 4.0 feet.

The area submerged by Reservoir B, when full, will be 0.57 acre and the maximum depth of water will be 12.0 feet. The maximum height of the dam shall not exceed 8.0 feet.

DAM LOCATION: SW 1/4 SE 1/4, SECTION 36, T12S, R2W, W.M.; POND A - 270 FEET SOUTH AND 740 FEET WEST, POND B - 720 FEET SOUTH AND 520 FEET WEST, BOTH FROM THE NE CORNER OF BURGE DLC 54

THE AREA TO BE SUBMERGED BY THE RESERVOIRS IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4
SECTION 36
TOWNSHIP 12 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or

other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

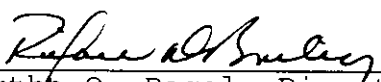
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2001.

Issued November 19 , 1997


Martha O. Pagel, Director
Water Resources Department

Application R-73960 Water Resources Department
Basin 02 Volume 5 OAK CREEK MISC
DSM MGMT.CODE

PERMIT R-12316
District 2

Mailing List for PFO Copies

Application #R-73960

PFO Date: August 12, 1997

Original mailed to:

Applicant: CHARLES J GOODMAN, PO BOX 754, LEBANON, OREGON 97355

Copies sent to:

1. WRD - File # R-73960
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 2
4. WRD - Regional Manager: NW REGION
5. ODFW District Biologist: (MID WILLAMETTE DISTRICT)
6. DEQ- Headquarters-Water Quality Division
7. Oregon Division of State Lands
8. Oregon Economic Development Department
9. Oregon Department of Agriculture

| | |
|--------------------|-----------------|
| Copies Mailed | |
| By: <u>CAH</u> | (SUPPORT STAFF) |
| on: <u>8/11/97</u> | (DATE) |

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. _____
7. _____
8. _____
9. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- ✓ 1. Don Rose 30365 Sodaville -Mt. Home Rd. Lebanon, Or 97355
- ✓ 2. Larry Syme 30520 Sodaville-Mt. Home Rd. Lebanon, Or 97355
- ✓ 3. Elmer Theophilus 38160 Middle Ridge Road Lebanon, Or 97355
4. Joseph Kaczmarek 19145 NW Curtis Cr. Dr. Manning, Or 97125
- ✓ 5. Luis Schuldt 38146 Middle Ridge Dr., Lebanon, Or 97355

RECEIVED

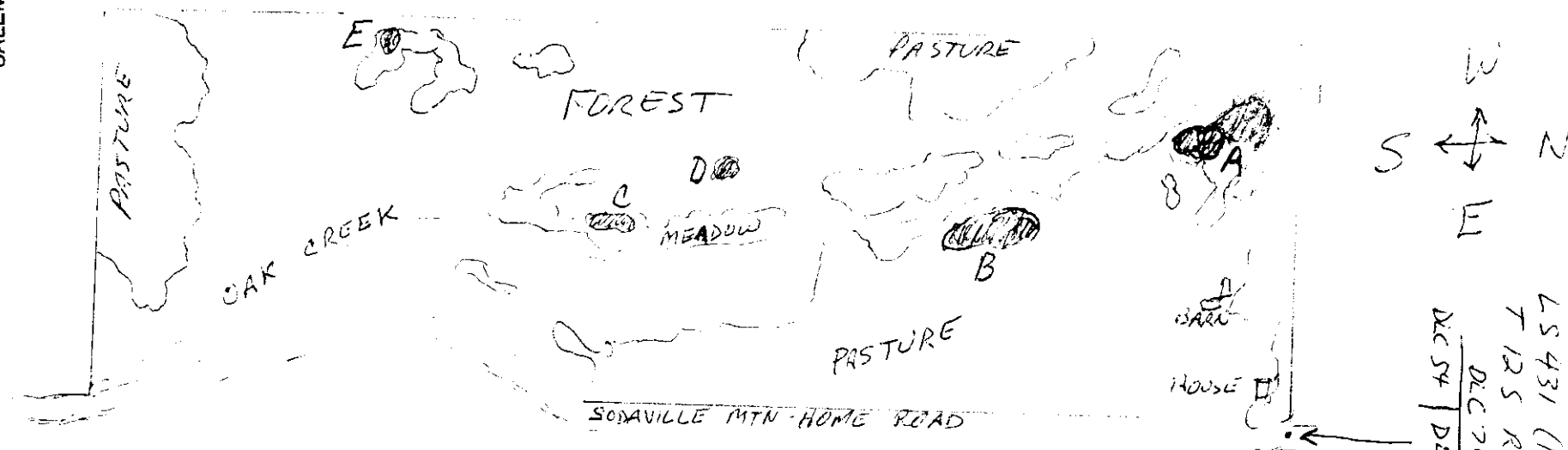
OCT 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

CHARLES GOODMAN
P.O. Box 754
30510 SODAVILLE MT-HM. RD
LEBANON, OR 97355
451-1670

RECEIVED
10-25-97

File No. 73960
Map No. 81231E



A. 1ST CHOICE FOR POND
ABOUT .2 ACRE

B. 2ND CHOICE
ABOUT .5 ACRE

C. .25 TO .3 ACRE POND
IN MEADOW

D. SMALL POND

E. SMALL POND

CANCELLED

POND A - FROM
SURVEY MARKER TO THE RIGHT
(NE CORNER OF PROPERTY)
IS 270'S, 740' W
TO CENTER

POND B FROM MARKER IS
720'S, 520' W
TO CENTER

LINE QUALITY SURVEY MARKER
LS 431 (1993)
T 125 R2W S36
DEC 70
DEC 71 DEC 72

RECEIVED

OCT 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON**Supplemental Information Sheet***Please fill in the blanks*

CHARLES J GOODMAN

APPLICATION R73960

| <i>Pond Name</i> | <i>Volume</i> | <i>Area</i> | <i>Depth</i> | <i>Dam Height</i> |
|------------------|----------------------------------|--------------------------------|--------------|-------------------|
| Pond A | UP TO 30,000 20000 cubic feet | UP TO 7500 5000 square feet | 9.0 feet | 4.0 feet |
| Pond B | 185000 cubic feet | 37000 square feet | 12.0 feet | 8.0 feet |
| Pond C | (Prob. 125,000) | (Prob. 25,000) | 8.0 feet | |
| Pond D | | | 8.0 feet | |
| Pond E | | | 8.0 feet | |

Please submit this completed Supplemental Information Sheet together with your corrected map, on or before **October 15, 1997**. If we do not receive your corrected map and the completed Supplemental Information Sheet, or a request for a time extension under OAR 690-310-270(2) by this date, we will reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.



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

October 21, 1997

CHARLES GOODMAN
PO BOX 754
LEBANON OR 97355

RE: File R-73960

The above application for a water right was rejected on October 21, 1997 by a Special Order of the Water Resources Department. Enclosed is a copy of that order.

The application is of no further force or effect.

If you have any questions, please contact the Water Rights Section at 378-3739.

Sincerely,

Janet Halladey
Water Rights Section

cc: Gene McGinnis, Watermaster
Oregon Department of Fish & Wildlife - Mid-Willamette District
Oregon Department of Environmental Quality - Water Quality Division
Oregon Department of State Lands
Oregon Department of Economic Development
Oregon Department of Agriculture

enclosure

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE REJECTION)
OF APPLICATIONS FOR PERMITS) ORDER
TO APPROPRIATE WATER)

STATEMENT

The applications for permit to appropriate the public waters of the State of Oregon listed below were filed with the Water Resources Department.

Pursuant to the findings of fact and conclusions of law set forth herein, the Director of the Department issues the following ORDER with respect to these applications.

Requests for information required to complete the applications were mailed by regular first class mail and certified mail, to the applicants listed herein at their address of record.

The applicants were afforded a total of 45 days to return the requested information to the Department.

The applications to be rejected and the names of the applicants are:

| <u>APPLICANT:</u> | <u>APPL.#</u> | <u>BASIN #</u> |
|-------------------|---------------|----------------|
|-------------------|---------------|----------------|

APPLICATIONS TO USE GROUNDWATER:

| | | |
|-----------------|---------|----|
| Lone Pine Ranch | G-12229 | 11 |
| Darrell Kammer | G-14359 | 14 |

APPLICATIONS TO USE STORE WATER:

| | | |
|-------------------|---------|----|
| Charles J Goodman | R-73960 | 02 |
|-------------------|---------|----|

The 1995 Legislative Assembly enacted Senate Bill 674 amending the statutory procedure for water right application processing (Chapter 416, Oregon Laws 1995). Pursuant to Senate Bill 674 the Director may determine how pending applications are to be processed.

CONCLUSIONS OF LAW

The Department has determined that the above-listed applicants were notified and given more than 45 days to provide required information needed to complete their applications.

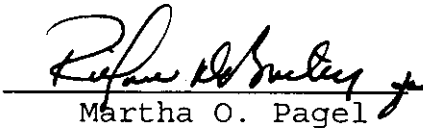
Pursuant to Section 46(2) of Chapter 416, Oregon Laws 1995, the Department shall determine the appropriate step to continue the

application review process established under the Chapter. The Department has determined that all procedural steps have been completed as to the above-listed applications; therefore, pursuant to this ORDER the Director may reject the applications.

ORDER

It is ORDERED the above-listed applications are hereby REJECTED and are of no further force or effect.

Dated at Salem, Oregon this 21 day of October, 1997.


Martha O. Pagel
DIRECTOR

Pursuant to 183.484 and 536.075 and OAR 137-04-080 each applicant is entitled to either petition the Director for reconsideration of this order or to seek judicial review of this order with the Circuit Court of Marion County or the circuit court in the county in which all or part of the property affected by the order is situated, within 60 days from the date this order is served.

Such review shall be conducted according to the provisions of ORS 183.484, 183.486, 183.495, 183.497 and 183.500.

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number R-73960

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Additional Information Required: Before a permit may be issued under this application, a revised application map, meeting the Department's map requirements, needs to be submitted to the Department.

In addition, the applicant needs to submit information identifying how much water will be stored in each pond. The applicant must also identify the maximum height of each dam (dike) on each pond, the number of acres submerged by each pond, and the maximum depth of each pond.

Application History

On March 8, 1994, CHARLES J. GOODMAN submitted a Notice of Registration for Water Use to the Department under ORS 537.015 to 537.032 (House Bill 2107, 1993):

- Amount of Water: 5.0 ACRE-FEET IN 5 UNNAMED PONDS
- Use of Water: STORAGE OF WATER FOR WETLAND ENHANCEMENT FOR WILDLIFE, WATERFOWL, FISH AND LIVESTOCK
- Source of Water: UNNAMED DRAINAGE (WINTER RAIN), TRIBUTARY OF OAK CREEK
- Area of Proposed Use: LINN County within SECTION 1, TOWNSHIP 13 SOUTH, RANGE 2 WEST, W.M.
- Water Delivery System: FIVE SUMP RESERVOIRS WITH EARTH FILL DAMS

Under ORS 537.025, the Department consulted with the Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Oregon Department of Agriculture, Oregon Division of State Lands, and Oregon Economic Development Department to determine whether the proposed development qualified for a Water Use Registration.

On October 4, 1994, the Department mailed the applicant notice of its Water Use Registration, determining that the appropriation of 5.0 AF of water for storage in 5 UNNAMED Reservoirs for Wetland Enhancement is allowable from November 1 through June 30. On December 14, 1994, the 60-

day objection period closed. Within the 60-day period, an objection was received from Waterwatch.

The Department has determined that the objections received warrant further review of the use of water. Under ORS 537.027 "if written comments are received that the director determines warrant further review, the director shall rescind the registration and the permit application process shall continue as for a water right permit submitted under ORS 537.130." The Water Use Registration, therefore, is rescinded and review of the use shall continue under the Department's permit application process.

Since there has not yet been a protest opportunity, the next step in the process for this application is for the Department to issue a Proposed Final Order under ORS 537.153.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Willamette Basin Program allows the following uses: APPROPRIATION OF WATER FOR STORAGE FOR WETLAND ENHANCEMENT FOR USE BY WILDLIFE, WATERFOWL, FISH AND LIVESTOCK. THE STORAGE SEASON UNDER THE WILLAMETTE BASIN PROGRAM IS ALLOWED FROM NOVEMBER 1 THROUGH JUNE 30 (OAR 690-502-040 4a).

Senior water rights exist on AN UNNAMED DRAINAGE (WINTER RAIN), TRIBUTARY OF OAK CREEK, or on downstream waters.

AN UNNAMED DRAINAGE (WINTER RAIN), TRIBUTARY OF OAK CREEK, is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at a 50 percent exceedance probability) for the period NOVEMBER 1 THROUGH JUNE 30.

The Department finds that no more than 5.0 ACRE-FEET would be necessary for the proposed use. The amount of water requested, 5.0 ACRE-FEET, is allowable.

There is no evidence in the record of the presence of game fish at the described point of diversion.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount of water necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED August 12, 1997



Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than September 26, 1997.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

DSM

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF LINN

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CHARLES J GOODMAN
PO BOX 754
LEBANON, OREGON 97355

PHONE (503) 451-1670

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-73960

SOURCE OF WATER: UNNAMED DRAINAGE (WINTER RAIN), TRIBUTARY OF OAK CREEK
WITHIN THE WILLAMETTE BASIN

STORAGE FACILITY: 5 UNNAMED PONDS

PURPOSE OR USE OF THE STORED WATER: WETLAND ENHANCEMENT FOR USE BY
WILDLIFE, WATERFOWL, FISH AND LIVESTOCK

MAXIMUM VOLUME: 5.0 ACRE FEET EACH YEAR

PERIOD OF ALLOWED USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM
NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: MARCH 8, 1994

The area submerged by the reservoir, when full, will be 1/2 acre and the
maximum depth of water will be 12 feet. The maximum height of the dam
shall not exceed 10 feet.

DAM LOCATION: NE 1/4 NE 1/4, SECTION 1, T13S, R2W, W.M.

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4
SECTION 1
TOWNSHIP 13 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the

watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS **NOT** A PERMIT

Water Resources Department
Director

October 1, 1997

Certified Mail

WATER
RESOURCES
DEPARTMENT

CHARLES J GOODMAN
PO BOX 754
LEBANON, OREGON 97355



REFERENCE: APPLICATION R73960

Dear Applicant:

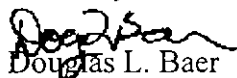
Your letter describing the characteristics of your five reservoirs has been received. As stated in our letter to you dated August 12, 1997, and the Proposed Final Order of the same date, copies enclosed, you must identify the Volume, Area, Depth, and Dam Height for each pond.

It appears that your letter is lacking information required for Ponds C, D, and E. Please complete the attached Supplemental Information sheet, even if the figures are tentative. In addition, you must provide a new map which meets the minimum standards for application maps (see OAR 690-310-050, copy enclosed). Please note that the (proposed) locations of the ponds must be measured from a public survey corner, such as the NE corner of DLC 53. Please revise your map to include this information either as a bearing and distance (South X° West Y feet) or as coordinates (X feet North and Y Feet South) from the NE corner of DLC 53 or other public survey corner. Your sketches of the subject property are enclosed. Please transfer all pertinent information to your revised map.

Please submit the completed Supplemental Information Sheet and your corrected map, meeting the standards of OAR 690-310-050, by October 15, 1997. If we do not receive your corrected map and the completed Supplemental Information Sheet, or a request for a more time to comply with this request by October 15, 1997, we will reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503) 378-3739.

Sincerely,


Douglas L. Baer

Senior Water Rights Technician

enclosure - PFO, 8/12/97 letter, maps

CC: Watermaster, District 2

File



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

Supplemental Information Sheet

CHARLES J GOODMAN

APPLICATION R73960

| <i>Pond Name</i> | <i>Volume</i> | <i>Area</i> | <i>Depth</i> | <i>Dam Height</i> |
|-------------------------|----------------------|--------------------|---------------------|--------------------------|
| Pond A | 20000 cubic feet | 5000 square feet | 9.0 feet | 4.0 feet |
| Pond B | 185000 cubic feet | 37000 square feet | 12.0 feet | 8.0 feet |
| Pond C | | | 8.0 feet | |
| Pond D | | | 8.0 feet | |
| Pond E | | | 8.0 feet | |

Please submit this completed Supplemental Information Sheet together with your corrected map, on or before **October 15, 1997**. If we do not receive your corrected map and the completed Supplemental Information Sheet, or a request for a time extension under OAR 690-310-270(2) by this date, we will reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

PO Box 754
Lebanon, OR 97355
October 25, 1997

Re. Ap. R-73960

RECEIVED

OCT 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Dallas Miller, Natural Resource Specialist 2
Douglas L. Baer, Senior Water Rights Technician
Janet Halladey, Water Rights Section
Martha O. Pagel, Director
Water Resources Dept.
158 12th St. NE
Salem, OR 97310-0210

Dear Mr. Miller, Mr. Baer, Ms. Halladey and Ms. Pagel:

Now, I know you folks are swamped. After all, it has been over three years since I first applied under an expedited permit system that, at the time, was to take about 90 days. But I hope you spend a little more time with my application and rethink your rejection; here's why....

On August 12 you requested certain information to be provided within 45 days. I did so to the best of my ability for two of the of the five ponds I proposed (A and B); I was not exact with the other three (C, D and E). On October 1 you asked for particulars on C, D and E as well as additional map information for all ponds. You gave me until October 15 to respond.

Here is were I become a bit miffed. I am a trucker who runs out of Portland. Usually I cannot get to my PO box except on weekends. Because your letter was certified, I had to sign for it but was not able to do so until October 21 and had no chance to respond before today. However...touche: I guess I should have made sure I provided all the information on ponds C, D and E in my reply to your August 12 letter. So they can be legitimately rejected and are hereby cancelled. However, contrary to the implication of your letter of October 21, I was given less than two weeks--not 45 days--to provide the additional information concerning ponds A and B. Therefore, I feel it is not right to reject those ponds on the basis that I failed to respond within 45 days.

I am assuming you are still as nice as you were back in '94 when I made several trips down to Portland Ave. to talk with you. I am further assuming that, based on this letter, you will reconsider my application. Therefore I am including the map information you requested. Contrary to your letter of October 1, no copy was enclosed of OAR 690-310-050 regarding minimum standards for application maps. But you apparently simply needed a more precise legal location, which I am providing; it is penned in on the map that you returned.

Thank you for your attention.

Yours truly,



Charles J. Goodman

RE. AP. FILE # R 7396

RECEIVED

RECEIVED

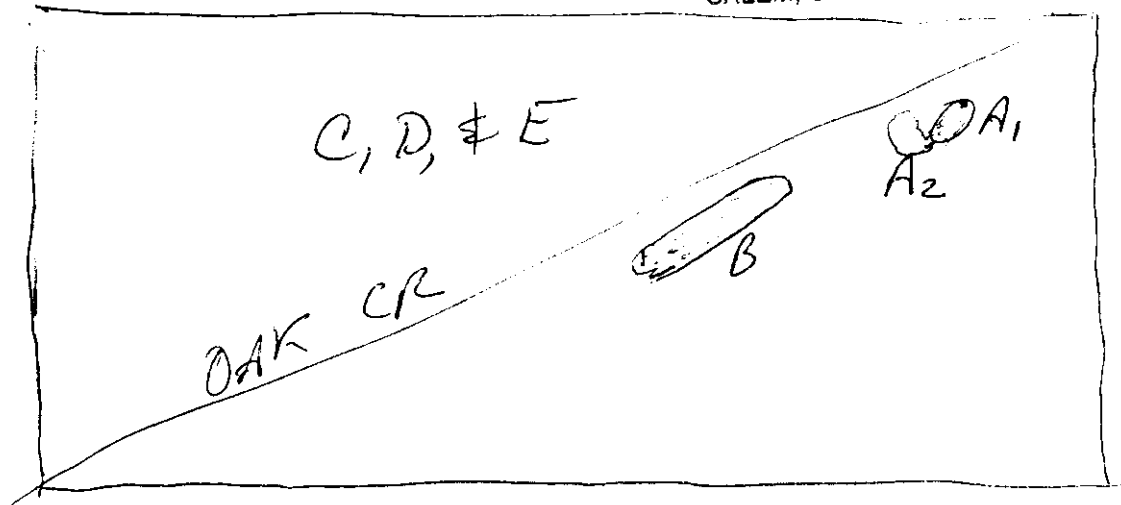
SEP 23 1997

OCT 29 1997

WATER RESOURCES DEPT.

WATER RESOURCES DEPT. SALEM, OREGON
SALEM, OREGON

→ N



POND A -

MY EXISTING "HOLE IN THE GROUND" - ~~A1~~ - IS
UP TO 90 FEET ACROSS, ABOUT
5000 SQ FT MAX, SURFACE AREA,
ALLOWING FOR THE ISLAND.

IT IS 8-9 FT. AT THE DEEPEST,
IF WATER IS BROUGHT UP
ON THE DAM. ROUGHLY UP TO
20,000 CU. FT. STORAGE.

THE DAM EXTENDS AROUND PART OF
THE N. & S. SIDES AND ALL OF
THE WEST SIDE. IT IS 4 FT. HIGH
MAX, WITH WATER, IF RAISED,
UP TO 3 FT. IT IS ABOUT 6 FT. ACROSS
ON TOP AND 12 FT. ON BOTTOM.
I HOPE TO ADD A2, WITH A DAM
SIMILAR TO THE ABOVE AND
OTHER MEASUREMENTS LESS THAN
HALF, EXCEPT DEPTH OF UP TO 10 FT.

-OVER-

A_1 & A_2 TOGETHER WILL HAVE UP TO
7500 SQ FT SURFACE AREA AND
UP TO 30,000 CU FT STORAGE.

RECEIVED

RECEIVED

OCT 29 1997

SEP 23 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
SALEM, OREGON

POND B-

PROPOSED BUT VERY TENTATIVE.
WILL BE 200-250 FT. LONG,
UP TO 100 FT. ACROSS WHEN
FULL, MAX. 25,000 SQ. FT. SURFACE
AREA, PROBABLY LESS. ABOUT
12 FT DEEP AT MOST, HALF OR
MORE EXCAVATED. UP TO
125,000 CU. FT. STORAGE.

THE DAM WILL EXTEND AROUND
THE N., S. & W. SIDES.

IT WILL BE UP TO 8 FT HIGH,
PROBABLY LESS, WITH WATER RISING
5-6 FT. IT WILL BE 8' ACROSS
ON TOP AND ABOUT 20' ON
THE BOTTOM, POSSIBLY UP
TO 24'.

CANCELLED

PONDS C, D & E -

THESE ARE VERY TENTATIVE
& WILL BASICALLY BE
EXCAVATIONS UP TO 8 FT DEEP,
SMALLER THAN A.

Charles Goodman

SEP 23 1997

CERTIFIED MAIL
Return Receipt Requested

WATER RESOURCES DEPT
SALEM, OREGON
WATER
RESOURCES
DEPARTMENT

Date August 12, 1997

CHARLES GOODMAN
PO BOX 754
LEBANON, OR 97355

RE: Application File # R 73960

Dear Applicant:

On **August 12, 1997**, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. The following information must be received:

► Additional pond information:

- Amount of water stored in each pond, the area submerged for each of the five ponds and the maximum depth of each pond.

A description of each dam, including the height of each structure or if any of the ponds are excavated.

Please submit this item by **September 26, 1997**. If we do not receive the item requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.



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

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

Date August 12, 1997

CHARLES GOODMAN
PO BOX 754
LEBANON, OR 97355

RE: Application File # R 73960

Dear Applicant:

On **August 12, 1997**, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. The following information must be received:

▶ Additional pond information:

Amount of water stored in each pond, the area submerged for each of the five ponds and the maximum depth of each pond.

A description of each dam, including the height of each structure or if any of the ponds are excavated.

Please submit this item by **September 26, 1997**. If we do not receive the item requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.



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

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 272.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dallas Miller".

Dallas Miller
Natural Resource Specialist 2

Enclosures:

cc: Watermaster District 2

October 4, 1994

WATER
RESOURCES
DEPARTMENT

CHARLES J GOODMAN
PO BOX 754
LEBANON, OR 97355

Reference: Water Use Registration, File #R73960

Dear Mr. Goodman,

The Water Resources Department has finished the first stage of its analysis of your application for a water right filed under Water Use Registrations for Wetland, Stream or Riparian Area Enhancement or Storm Water Management, ORS 537.020 (HB 2107, 1993).

The first stage is a review of the Department's legal and scientific analysis of the application, including a calculation of the expected availability of water for your proposed use, an analysis of whether the use would conflict with other existing water rights, and if the use is compatible with local land use plans and the Department's river basin programs.

In consultation with the Oregon Departments of Fish and Wildlife, Environmental Quality, Agriculture, Division of State Lands, and Economic Development, the Water Resources Department is required to determine whether there is reasonable expectation that your development qualifies for a Registration submitted under ORS 537.020.

In the case of your application, the first stage review was satisfactory, and it concluded that water would be reliably available for this use for the time period described in the attached report. The analysis also included other conditions which may be placed in the water right permit to protect other water users, the public or fish and wildlife habitat.

Hence, enclosed please find a copy of the resulting Water Use Registration, which authorizes you to begin water use, as conditioned, for your project.



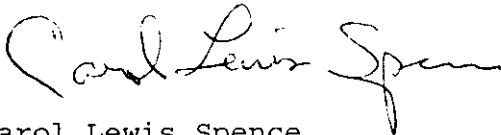
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Your application is continuing within the second stage of review. In the second review, State regulations require that other water users and the general public be given an opportunity to object to the Registration of your proposed water use. Satisfactory reviews up to this point do not represent any commitment by the Department ultimately to approve your application. If objections to the Registration warrant further review, the Registration will be rescinded and your application will be placed in line with all other applications.

You also may object to any of the Department's findings or proposed permit conditions contained in the Registration. If you wish to object, you must file your objection with the Department in writing by **5 p.m. on December 14, 1994**. Interested parties must also submit their objections before the same deadline.

If you have questions, please telephone me or any of the Department's Water Rights Division staff members. My telephone number is 378-3739 in Salem, or please call toll-free from within the state, 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Carol Lewis Spence". The signature is written in dark ink and is positioned above the typed name.

Carol Lewis Spence
Senior Water Rights Specialist

Enclosure

Report Date: October 4, 1994

**WATER USE REGISTRATION FOR WETLAND,
STREAM RESTORATION OR STORM WATER MANAGEMENT PROJECTS**

**OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN
WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM,
OREGON 97310, BY 5 P.M. ON OR BEFORE: DECEMBER 13, 1994.**

1. APPLICATION FILE NUMBER -R 73960
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

CHARLES J GOODMAN
PO BOX 754 503-451-1670
LEBANON, OR 97355
COUNTY OF LINN

Date application received for filing and/or tentative date
of priority: 3/ 8/1994

SOURCE: STORAGE OF RAINWATER AND SEEPAGE IN 5 PONDS
TRIBUTARY OF OAK CREEK, WILLAMETTE BASIN

Purpose and/or use: STORAGE OF WATER FOR WETLAND,
WILDLIFE, FISH AND LIVESTOCK.

Flow: NO MORE THAN 5.0 ACRE-FEET TOTAL (5 PONDS)

Point of Diversion Location:
NE 1/4 NE 1/4, SECTION 1, T 13 S, R 2 W, W.M.

Place of use:
NE 1/4 NE 1/4
SECTION 1
TOWNSHIP 13 SOUTH, RANGE 2 WEST, W.M.

REPORT CONCLUSIONS:

The Director has determined that your proposed project meets the
following criteria for a registration under its administrative
rules (OAR Chapter 690, Division 11):

- a) The proposed water use will not result in injury to
existing water right holders or the public interest
[OAR 690-11-049 (4) and (6)].

- b) The project is reasonably expected to result in wetland, stream or riparian area enhancement or storm water management benefits. [Based on consultations with the agencies listed in OAR 690-11-049 (7).]
- c) No issues were identified during the Director's technical review of the proposed water use that warrant further review.
- d) No written comments were received that warrant further review period.

PROPOSED PERMIT CONDITIONS

Application: R 73960

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: water may be appropriated for storage from November 1 through June 30 of each year.
3. Volume of use: not more than 5.0 acre-feet total in 5 ponds.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The total area proposed to be submerged by each reservoir, when full is no more than 1/2 acre; the proposed maximum depth of water in feet is 12; the maximum height of the dams is less than 10 feet.
10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

INTEROFFICE MEMORANDUM

June 3, 1997

TO: Dwight French
CC: file
FROM: D Baer

SUBJECT: Application R- 73960

Objections were filed in response to the department's water use registration for this application. In order to adequately address the issues raised in the objection and to preserve the objector's appeal/protest rights, a PFO should be completed for this application. Please add this file to your PFO to do list.

Done

*Agree
DJP*

WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

TO: R 73960

DATE: May 16, 1997

FROM: Dallas Miller

SUBJECT: Water Watch Objection

The objection filed 11/23/94 during the Registration objection period points out the report does not consider public interest, water availability, fish protection etc.

Be lieve our report addresses these concerns and the permit should be issued.

Recommend using the PFO process.

Oak Cr \rightarrow
Calapooia R.

Basin: Willamette WAB: 0105341

Township ~~5~~ S Range 2W Section 36 1/4 1/4 SE SE

12

1. Is the file complete by the Completeness Checklist? Y / N
2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N map?
3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
4. Groundwater Review **A B C D** conditions _____ (convert old gw conditions to the 7 series)
5. Is second groundwater review necessary? (comments) Y / N
6. Is HB 1033 review complete? Y / N
7. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y / N
8. Is use from a B.O.R. project? Y N Contract in file? Y / N Contract # _____
9. Is the use allowed by the Basin Program? Y / N Limited Y / N Live flow: Oct -> July
Storage: Nov -> June
10. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
Avail year 1992
11. Is the source withdrawn or limited by statute or Department withdrawal order? Y / N _____
12. Is the Proposed Use located in or above a Scenic Waterway? Y (N) / _____
13. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994; June 3, 1994; or Statewide - in shaded areas on T, E, and S Map - after June 3, 1994) Y / N / NA predates
14. Have conflicts been identified, verified and/or addressed? Y / N _____
15. Rate _____ Duty _____ Irrigation Season _____
16. Period of Allowed Use 11-1 thru 6-30
17. Allowed Rate of Use _____
18. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)?
19. Conditions 6E (1st 1/2), ~~100% 100%~~, even
20. IR Public Notice Date _____
21. Documents used in determination are attached and highlighted
22. Spell Check
23. Check for Accuracy
24. Final PFO report hard copy check (format, margins, etc.)
25. Final PFO has been saved to m:\t\pfo\done\week#\application #
26. Fill out IR/PFO/FO CC List (don't forget to check for other property owners)
27. a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N

Name: Larva Snedaker Date: 7-11-97

Delivered by the

Date: 7-11-97
8-5-97

days before water use under the registration is initiated. If sensitive, threatened or endangered aquatic species are present in the stream(s) proposed as a source(s) of water under the registration and such species may be adversely affected by withdrawal of water by the registrant, ODFW shall advise the watermaster to direct the registrant to withdraw water from an alternative location(s) or stream(s) wherein the proposed withdrawal will not cause significant adverse impact to the affected watershed.

(8) The public agency must submit an annual renewal statement on or before February 1 of each calendar year. The annual renewal statement shall be accompanied with a \$50 renewal fee and shall specify any change in:

- (a) The registrant's map;
- (b) The sources of water to be used;
- (c) The maximum amount of water to be used during the calendar year or during any 24-hour period; and
- (d) A map delineating any changes in the location(s) of point(s) of diversion.

Stat. Auth.: ORS 536.027

Statutes Implemented: ORS 537.040

Water Use Registrations for Wetland, Stream or Riparian Area Enhancement or Storm Water Management (HB 2107, 1993)

690-340-050 (1) Any person may apply to register a water use that would otherwise require a water right if the use is for a qualifying wetland, stream or riparian area enhancement or storm water management project. The registration process is an expedited process for obtaining a water right permit.

(2) Project Qualification Criteria:

(a) A proposed water use shall meet the following criteria to be considered for registration:

(A) The primary purpose of the proposed appropriation or impoundment of water must be for one or more of the following purposes:

(i) Wetland enhancement, except that groundwater may only be appropriated to maintain a wetland;

(ii) Stream or riparian area enhancement, including but not limited to:

(I) The construction of off-channel reservoirs, diversion or spring development to provide water for livestock and wildlife use outside of riparian areas in order to protect or enhance a riparian area; or

(II) Channel improvement or restoration that is hydraulically stable and enhances the biological conditions of the stream or riparian area; or

(iii) Management or treatment of storm water, including:

(I) Landscaping or channeling that directs run-off into small reservoirs, wetlands or treatment facilities; or

(II) On-channel storm water treatment facilities that impound or slow water; and

(B) The project must be designed to result in one or more of the following benefits:

- (i) Decreased pollutant loads to streams;
- (ii) Reduced soil or bank erosion;
- (iii) Reduced summer stream temperatures;
- (iv) Improved riparian conditions;
- (v) Improved habitat conditions for aquatic or terrestrial species;
- (vi) Decreased peak or storm flows;
- (vii) Increased storage capacity in the watershed
- (viii) Increased streamflows during the low-flow season; or
- (ix) Other wetland enhancement, stream or riparian area enhancement or storm water management benefits.

(b) If the project does not qualify according to the criteria described in this section, the proposed water use shall be processed in the same manner as a water use application under OAR Chapter 690, Division 310.

(3) Notices of Registration:

(a) A notice of registration for a water use for wetland, stream or riparian area enhancement or storm water management shall be submitted by an applicant on a form provided by the Department and shall be accompanied by the following:

(A) The information and fees required under OAR 690-310-040, except as modified in paragraph (C) of this subsection;

(B) The name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice. For the purposes of this rule, "adjacent property owner" means any owner of property that shares a common boundary within 1/4 mile of a proposed project site;

(C) A map that meets the requirements of OAR 690-310-050, with the following exceptions;

(i) The standard scale requirements shall be no less than 2 inches = 1 mile; and

(ii) The map is required to be prepared by a certified water right examiner only when the notice of registration includes a reservoir with a proposed dam height greater than ten feet or proposed storage greater than 9.2 acre feet.

(D) A description of the proposed water use and related project, the condition the proposed project will address, and the benefits that are expected to result from the proposed project.

(b) One notice of registration may be submitted for up to ten reservoirs provided:

(A) Each reservoir stores less than 9.2 acre feet of water or includes a dam that is less than ten feet high;

(B) All of the reservoirs are located within the same drainage basin; and

(C) All of the reservoirs are located on contiguous property and are owned by the same party.

(c) The applicant is encouraged to submit copies of permits or endorsements, if any, which have been received from natural resource agencies, watershed councils, the Governor's Watershed Enhancement Board, or the Watershed Health Program.

(4) Injury to Existing Water Rights. The Department shall evaluate each notice of registration to determine whether the proposed water use would interfere with the exercise of an existing water right and the proposed use cannot be restricted so as to avoid causing injury to an existing water right.

(5) Injury to the Public Interest. The Department shall evaluate each notice of registration in accordance with OAR 690-310-110 through 690-310-140, as applicable.

(6) Project Benefits:

(a) In consultation with the agencies listed below, the Department shall determine if the proposed project is reasonably expected to result in wetland, stream or riparian area enhancement or storm water management benefits:

- (A) The Oregon Department of Fish and Wildlife;
- (B) The Oregon Department of Environmental Quality;
- (C) The Oregon Department of Agriculture;
- (D) The Oregon Division of State Lands;
- (E) The Oregon Economic Development Department; and
- (F) Any other agency the Department considers appropriate.

(b) In order to determine if the proposed project is reasonably expected to result in wetland, stream or riparian area enhancement or storm water management benefits, the Department and consulting agencies shall consider if the proposed project is likely to result in one or more of the following benefits:

- (A) Decreased pollutant loads to streams;
- (B) Reduced soil or bank erosion;
- (C) Reduced summer stream temperatures;
- (D) Improved riparian conditions;
- (E) Improved habitat conditions for aquatic or terrestrial species;
- (F) Decreased peak or storm flows;
- (G) Increased storage capacity in the water-shed;
- (H) Increased stream flows during the low-flow season; or
- I) Other wetland enhancement, stream or riparian area enhancement or storm water management benefits.

(8) Public Notice and Comments:

(a) The Department shall include notice of registration applications for qualifying projects and a description of the proposed projects in its weekly notice described in OAR 690-310-090;

(b) The public and state agencies shall have 30 days from the day the Department deposits the notice in the mail of the U.S. Postal Service to submit written comments.

(9) The Department shall issue a water use registration if:

(a) No written comments are received under section (8) of this rule that warrant further review, as determined by the Director;

(b) The proposed water use will not result in injury to existing water rights or the public interest, as determined under sections (4) and (6) of this rule;

(c) The Department has consulted with the agencies listed in section (7) of this rule and the project is reasonably expected to result in the wetland, stream or

riparian area enhancement or storm water management benefits, as determined under section (6) of this rule; and

(d) No issues are identified during the Department's review of the proposed water use that warrant further review, as determined by the Director.

(10) The Department shall mail a registration to the applicant and a copy of the registration to all individuals and agencies who have filed timely comments with the Department. In addition, any person may request a copy of a registration. The Department shall include notice of issuing a water use registration in the weekly notice described in OAR 690-310-090. The notice shall include the date by which objections to the registration must be received.

(11) Objections:

(a) A 60-day objection period shall commence on the day the Department mails a registration to the applicant and other interested parties.

(b) If an objection is received that the Director determines warrants further review, the Director shall rescind the registration and the water use application process shall continue.

(c) If no objection is received that the Director determines warrants further review, the Department may presume that the registration is not opposed by any person or entity.

(12) Registration Denials. If the Director denies registration, the construction of facilities or use of water is prohibited until the applicant successfully completes the permit application process and a permit is issued.

Stat. Auth.: ORS 536.027, Ch. 595 & 654

Statutes Implemented: 537.017 to 537.032

November, 1994

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 502
WILLAMETTE BASIN PROGRAM

[ED. NOTE: This Division was renumbered from OAR 690-080 by WRD 4-1992, f. & cert. ef. 3-13-92.]

Definitions

690-502-010 As used in this rule, unless the context requires otherwise:

(1) The Willamette Basin is as shown on Water Resources Department Map No. 2.6.

(2) "Agricultural Use" means non-irrigation agricultural use of water such as temperature control, chemigation, mineral leaching, dairy barn washing, greenhouse use, harvest use and other related uses.

(3) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of any of the surface or groundwaters of the Willamette Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification.

(4) "Commission" means the Water Resources Commission.

(5) "Commercial Use" means use of water at a place where commodities or services are bought or sold or provided by an entity open to the public, such as a gas station, restaurant, motel, etc.

(6) "Department" means the Water Resources Department.

(7) "Director" means the Director of the Water Resources Department.

(8) "Domestic Use" includes domestic use, domestic use expanded and group domestic, as defined in OAR 690-11.

(9) "Fish Life Use" includes use of water to support natural or artificial propagation of fish and other aquatic life.

(10) "Groundwater Recharge" means the intentional addition of water to a groundwater reservoir where consistent with OAR 690-11.

(11) "Industrial Use" includes the use of water in the manufacture of a product and maintenance of industrial sites, facilities and buildings, and includes other related miscellaneous uses.

(12) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth or nourish plants.

(13) "Livestock Use" means the use of groundwater or diversion of water from the natural water course or storage of water for consumption by livestock or wildlife.

(14) "Mining Use" means the use of water to extract metals or minerals including placer mining as defined in OAR 690-11 and leaching operations.

(15) "Municipal Use" means the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-11.

(16) "Pollution Abatement" means the use of water to remove or dilute pollutants or achieve water quality standards.

(17) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR 690-51.

(18) "Public Instream Use" means the public use of water where there is no diversion or other means of physical control over the water. Public instream uses include, but are not limited to, recreation, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, wetlands other than those referred to in section (21) of this rule and any other ecological values, pollution abatement or navigation.

(19) "Recreation Use" means the use of natural or stored water to provide recreation uses as defined in OAR 690-11.

(20) "Storage Season" means the time period during which reservoirs may be filled.

(21) "Wetland Enhancement" means the diversion or control of surface or groundwater for the purpose of mitigating, constructing, enhancing and/or maintaining wetlands.

(22) "Wildlife Use" includes use of water by or for sustaining wild animal species and their habitats.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Policies

690-502-020 Water Resources Commission and Department activities which affect the waters of the Willamette River Basin shall be compatible with the policies established in this rule. Surface water allocation, groundwater management, municipal and domestic water systems, reservoir coordination, conservation and land use coordination are important issues in the Willamette Basin. The Commission's policies on these issues are as follows:

(1) Surface water allocation:

(a) Protect undeveloped streams with instream values for public instream uses;

(b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes;

(c) Preserve opportunities for future economic development by reserving water for future use;

(d) Minimize the likelihood of over-appropriation due to new uses;

(e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights;

(f) Allow irrigation use for the longest period possible between March 1 and October 31 provided sufficient water is available.

(2) Groundwater management:

(a) Prevent excessive water level declines, restore aquifer stability in areas of decline and preserve with limited storage capacity for designated uses;

(b) Identify low-yield aquifers and inform local agencies of probable groundwater capacity limitations for some uses;

(c) Ensure safe municipal and domestic groundwater supplies by participating with the Department of Environmental Quality and the State Health Division in a formal monitoring program to document changes in quality and provide data for aquifer management;

(d) Minimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water;

(e) Encourage the development of programs for making groundwater resource information available to the public and local agencies.

(3) Municipal and domestic water systems: Support coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin.

(4) Reservoir coordination:

(a) Promote funding to study and implement the Willamette River Basin Review Study reconnaissance phase recommendations with significant potential to assist the state in meeting its resource management objectives;

(b) Formalize reservoir operation guidelines with the Corps of Engineers to meet state water management objectives and enter into a memorandum of understanding or other agreement that defines the reservoir coordination process and water management objectives.

(5) Water conservation:

(a) Implement programs to eliminate wasteful water use;

(b) Improve the efficiency of water use through implementation of voluntary conservation measures;

(c) Give priority to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and in water quality problem areas as listed by the Department of Environmental Quality.

(6) Land use coordination: Promote effective state and local water resource planning and protection and efficient water use through coordination with land use programs.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Objectives

690-502-030 The objectives of the Commission in managing the waters of Willamette Basin are to:

(1) Retain minimum perennial streamflows as provided in OAR 690-502-050 to 690-502-150 until the process for conversion to instream water rights is completed.

(2) Promote public instream uses and values in headwaters streams exhibiting high instream values.

(3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.

(4) Protect instream values in state scenic waterways as described in ORS 390.835 and support management of national wild and scenic rivers.

(5) Minimize the potential of future permits to over-appropriate water.

(6) Consider reservations for future uses within the context of planned and reasonably expected mixes of land uses and economic development in the basin or subbasin(s) consistent with the public interest. Establish reservations that provide for appropriate mix(es) of future uses as established by local or regional plans; e.g., comprehensive plans, water supply plans, economic development plans, urban reserves, and other relevant resource development and protection plans. Generally, design, condition or subordinate reservations such that water can be allocated to meet future municipal and irrigation needs without disadvantaging either use in a way that is consistent with the public interest.

(7) Coordinate with the Department of Environmental Quality in efforts to meet total maximum daily loads in designated drainages by limiting new surface water appropriations during the low-flow season and placing conditions on permits requiring efficiency measures. These drainages include, but are not limited to, the Coast Fork of the Willamette, Tualatin, Yamhill, Pudding, Rickreall Creek and Columbia Slough.

(8) Increase basinwide water use efficiency.

(9) Coordinate with the Northwest Power Planning Council in meeting the objectives of the "protected areas" designation when evaluating hydroelectric permit applications.

(10) Protect and encourage use of water which sustains economic development.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

General Provisions

690-502-040 (1) Water availability: The classifications in OAR 690-502-050 through 690-502-150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-050 through 690-502-150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-050 through 690-502-150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

(a) [REDACTED] The Sacramento River and tributaries are classified for storage from June 00. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

(b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;

(c) Water legally stored may be released or used at any time for any beneficial purpose, such as domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

(5) Groundwater recharge: Use of surface water to recharge groundwater shall be subject to the same limitations and season as specified in section (4) of this rule. Use of groundwater from one aquifer to recharge another shall be allowed only if consistent with the classification of the providing aquifer as specified in OAR 690-502-160.

(6) Expanded irrigation season: Unless expressly limited by statute, court decree, order, administrative rule (including classification, except for use of stored water), water availability or any other permit condition, an irrigation season of March 1 to October 31 shall apply to future permits for primary and supplemental irrigation.

(7) Conservation: The Department shall require that special conservation and water use efficiency conditions be employed when permitting the use of water from the Columbia River Basalt Group, low-yield aquifers and water quality limited streams.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(c) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

- (A) Maxfield Creek tributary to Luckiamute River;
- (B) Ritner Creek tributary to Luckiamute River;
- (C) Pedee Creek tributary to Luckiamute River.

(3) Rickreall Creek Drainage: Rickreall Creek and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(4) Yamhill River Drainage:

(a) Except as specified in subsection (4)(b) of this rule, the Yamhill River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31;

(b) The following streams and tributaries are classified for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

- (A) Agency Creek tributary to South Yamhill River;
- (B) Gold Creek tributary to South Yamhill River;
- (C) Rowell Creek tributary to South Yamhill River;
- (D) Rock Creek tributary to South Yamhill River near Grande Ronde;
- (E) Pierce Creek tributary to South Yamhill River;
- (F) Deer Creek tributary to South Yamhill River;
- (G) E. Fork Willamina Creek tributary to Willamina Creek;
- (H) Gooseneck Creek tributary to Mill Creek;
- (I) Haskins Creek tributary to North Yamhill River;
- (J) Panther Creek tributary to North Yamhill River;
- (K) Cedar Creek tributary to North Yamhill River;
- (L) Fairchild Creek tributary to North Yamhill River;
- (M) Turner Creek tributary to North Yamhill River.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Santiam River — Calapooia River Subbasin

690-502-110 The Santiam — Calapooia Subbasin includes the drainage basins of the Santiam and Calapooia Rivers upstream from the confluence with the Willamette River:

(1) Surface water classification:

(a) The Little North Santiam River from the confluence of Battle Ax Creek and Opal Creek downstream to the Willamette National Forest boundary near Elkhorn at river mile 17 is a designated state scenic waterway. The Little North Santiam River and tributaries above the Willamette National Forest boundary are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as specified in paragraph (b)(A) and (B) of this section, the Santiam River and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31:

(A) The South Santiam River and tributaries below Trout Creek, and the Middle Santiam River and tributaries below Green Peter Dam, are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from October 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through September 30;

(B) The following streams and their tributaries are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses:

- (i) South Santiam River above Trout Creek tributary to Santiam River;
- (ii) Middle Santiam River above Green Peter Dam;
- (iii) Quartzville Creek tributary to the Middle Santiam River;
- (iv) Wiley Creek tributary to South Santiam River;
- (v) Thomas Creek tributary to South Santiam River;
- (vi) North Santiam River above USGS Gage 14181500 at Niagara tributary to Santiam River;
- (vii) Mad Creek tributary to North Santiam River;
- (viii) Rock Creek tributary to North Santiam River;
- (ix) Stout Creek tributary to North Santiam River;
- (x) McDowell Creek tributary to South Santiam River.

[REDACTED] Boston Mill at approximately river mile 22 are classified for domestic, [REDACTED] irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, [REDACTED] pollution abatement, wetland enhancement and public instream uses from [REDACTED] and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from August 1 through September 30;

(d) The Calapooia River and tributaries above Boston Mill at approximately river mile 22 are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 to June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;

(e) The waters of natural lakes with surface elevations above 3,000 feet mean sea level are classified only for domestic, excluding irrigation of lawn and commercial garden, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses. No storage shall be allowed in these lakes.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Middle Santiam River or its tributaries above USGS Gage 14186500 (NE 1/4 SE 1/4 Section 24, Township 13 South, Range 1 East) near Foster, Oregon, for

natural flows of the Middle Fork Santiam River or its tributaries below 110 cubic feet per second plus waters released from storage of up to 260 cubic feet per second measured at the aforementioned gage;

(b) The South Santiam River or its tributaries above USGS — Corps of Engineers — State Engineer Gage 14187500 (SW 1/4 NW1/4 Section 28, Township 12 South, Range 1 West) at Waterloo, Oregon, for natural flows of the South Santiam River below 170 cubic feet per second plus waters released from storage of up to 930 cubic feet per second measured at the aforementioned gage;

(c) The North Santiam River or its tributaries above USGS Gage 14181500 (NE 1/4 NE 1/4 Section 34, Township 9 South, Range 4 East) at Niagara, Oregon, for natural flows of the North Santiam River below 500 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(d) The North Santiam River or its tributaries above USGS Gage 14183000 (NW 1/4 Section 18, Township 9 South, Range 2 East) at Mehama, Oregon, for natural flows of the North Santiam River below 580 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(e) The North Santiam River or its tributaries above USGS Gage 14184100 (Section 7, Township 10 South, Range 2 West) near Jefferson, Oregon, for natural flows of the North Santiam River below 430 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(f) The Santiam River or its tributaries above USGS Gage 14189000 (SE 1/4 Section 11, Township 10 South, Range 3 West) at Jefferson, Oregon, for natural flows of the Santiam River below 330 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at the aforementioned gage;

(g) The Santiam River or its tributaries above the Santiam River — Willamette River confluence for natural flows of the Santiam River below 320 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at a point between the said confluence and 1.0 miles above said confluence;

(h) The Calapooia River or its tributaries above USGS Gage 14172000 (SE 1/4 Section 15, Township 14 South, Range 1 West) at Holley, Oregon, for natural flows of the Calapooia River below 30 cubic feet per second plus waters released from storage of up to 340 cubic feet per second measured at the aforementioned gage;

(i) The Calapooia River or its tributaries above USGS Gage 14173500 (NW 1/4 Section 13, Township 11 South, Range 4 West) at Albany, Oregon, for natural flows of the Calapooia River below 20 cubic feet per second plus waters released from storage of up to 340 cubic feet per second measured at the aforementioned gage.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

Molalla River — Pudding River Subbasin

690-502-120 The Molalla — Pudding Subbasin includes the drainage area of the Molalla and Pudding Rivers upstream from the confluence with the Willamette River near Canby. Surface water classification:

(1) The following streams and tributaries are withdrawn from further appropriation except storage:

Date: 08/30/1994

[illegible]

August 30, 1994

CHARLES J GOODMAN
PO BOX 754
LEBANON, OR 97355

Reference: File R73960

Dear Mr. Goodman,

The Department has received the above-referenced application with your request for consideration under House Bill 2107 (HB 2107), Water Use Registrations for Wetland, Stream or Riparian Area Enhancement or Storm Water Management.

The following information must be submitted along with the application:

- * The name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice. For the purposes of this rule, "adjacent property owner" means any owner of property within one-quarter mile of a proposed project site.

"Verification" may be a statement with a notarized signature indicating a letter as attached has been placed in the U.S. Mail, addressed to the last known address of each owner of the adjacent property." Attach one copy as a representative letter.



Before processing may continue, we need to receive your response to the item(s) noted above. Please reply to the address shown below, marked "Attention: HB 2107."

If you have questions, you may contact the Water Rights Information Group or myself at 503-378-3739, or toll-free 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Lewis Spence".

CAROL LEWIS SPENCE
Water Rights Specialist

cc: Watermaster #2

RECEIVED

P.O. Box 754
30510 Sodaville-Mt. Hm. Rd.
Lebanon, OR 97355
September 8, 1994

SEP 21 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Carol Lewis Spence, Water Rights Specialist
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210

Re: File R73960 "Attention: HB 2107"

Dear Ms. Spence:

Thank you for your letter of August 30, 1994 regarding notification of adjacent property owners. In person or by mail I have notified the four involved (see attached map). I did not notify the school since we have no common property line (no doubt the kids will find out soon enough!). Enclosed is a copy of the letter I sent to each of them. Following are their names and addresses.

Don Rose 30365 Sodaville-Mt. Hm. Rd. Lebanon, OR 97355

Larry Syme 30520 Sodaville-Mt. Hm. Rd. Lebanon, OR 97355

Elmer Theophilus 38160 Middle Ridge Road Lebanon, OR 97355

Joseph Kaczmarek 19145 NW Curtis Cr. Dr. Manning, OR 97125

RECEIVED

STATE OF OREGON,

County of CLATSOP

SEP 21 1994

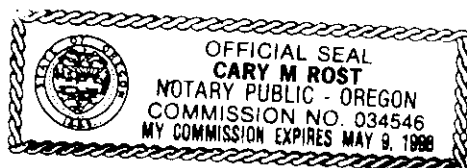
FORM No. 23—ACKNOWLEDGMENT.
Stevens-Ness Law Publishing Co., NL
Portland, OR 97204 © 1992

ss. WATER RESOURCES DEPT.
SALEM, OREGON

BE IT REMEMBERED, That on this 8 day of Sept., 1994,
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within
named Charles J. Goodman

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



My commission expires

Notary Public for Oregon

RECEIVED

September 18, 1994

SEP 21 1994

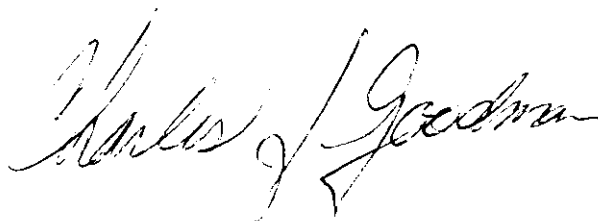
WATER RESOURCES DEPT.
SALEM, OREGON

Note....

After notifying the above adjacent property owners, I found that one more may touch ours, at least at a point. So I delivered a copy of the letter to him also (met some nice neighbors I hadn't known before). His name is....Louis V. Schuldt, 38146 Middle Ridge Dr., Lebanon, OR 97355.

As noted in the letter, we have a sump hole, with a berm around part of it. We hope to get a pond permit in order to raise the water level 2-3 feet. I don't know what WRD's procedure is for the next step (I hope WRD has figured it out by now!), so we are waiting to hear from you.

Thank you for your attention.

A handwritten signature in cursive script, reading "Charles J. Goodman". The signature is written in dark ink and is centered on the page.

P.O. BOX 754
30510 Sodaville-Mt. Hm. Rd.
Lebanon, OR 97355
September 8, 1994

RECEIVED
SEP 21 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Neighbor:

Bass plugs ready? If the Water Resources Department approves my application, perhaps within a year or two you can use them on our new pond. State law requires that I notify adjacent neighbors within 1/4 mile of the site of my hope to build a small pond. I am glad to do so and to welcome you over to check it out. My file number is R73960.

The pond will be located 215 feet from our western line and 205 feet from our northern line. It will be centered approximately 700 feet west of Sodaville-Mt. Hm. Rd. and 845 feet north of the boundary between Townships 12 and 13 South of Range 2 West of the Willamette Meridian in Linn County. It will be 52 feet east of Oak Creek at its closest point. (See attached map.)

The pond will be built by adding a dam to a shallow sump hole we put in. It will average 110 feet across, with an island to protect ducks and other waterfowl that happen along. The dam will raise the possible water level about three feet above the surrounding ground. At its deepest point, the pond will be about eight feet. It will hold around 1.5 acre feet of water when full (the amount of water that would cover 1-1/2 acres one foot deep). I had hoped for more, but such doesn't seem feasible. All water for the pond should come from rain that falls between it and the area of our house on Sodaville-Mt. Hm. Rd. Except for pushing back some blackberry vines, no damage will be done to the present riparian zone along Oak Creek. (If you visit our property, I think you will agree that, even with the cattle, our riparian zone is as good as or better than any along the creek.)

This pond is for wetlands enhancement and our own enjoyment. Our livestock will have access to one corner. There will be a fence to keep them away from 95 percent of the rest as well as the area toward the creek and our northern line. Since Oak Creek usually dries up in the summer, the pond will provide water to wildlife, including the flock of wild turkeys that recently found a home on our property. We will probably plant bass and sunfish it, as they should thrive better than trout during the summer when there is no fresh water coming in.

Feel free to write or call me.

Yours truly,



Charley Goodman
Phone 503-451-1670

RECEIVED

SEP 21 1994

WATER RESOURCES DEPT.
SALEM, OREGON

KACZMAREK

NE Cor. DLC 54
John M. Burge

NW Cor. DL
John Burge

NW Cor. DLC 54
John M. Burge

300

SW Cor. DLC 54
John M. Burge

NW Cor. DLC 53
John M. Burge

SE Cor. DLC 54
John M. Burge

NE Cor. DLC 53
John M. Burge

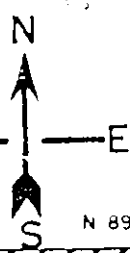
See

ROSE

13-2

JOSEPH KACZMAREK

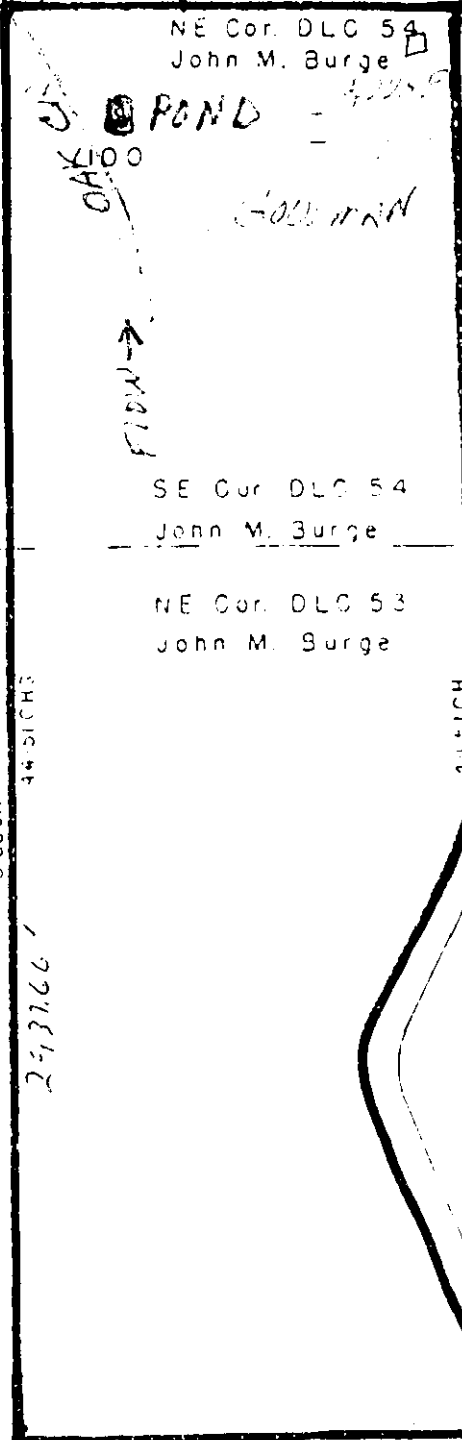
100' = 66'



AMERICAN PACIFIC
TITLE & ESCROW COMPANY
100 ELLSWORTH STREET SW
ALBANY, OR 97321
928-3368 724 75

THIS MAP IS PROVIDED SOLELY
FOR THE PURPOSE OF ASSIST-
ING IN THE LOCATION OF THE
PROPERTY. THE COMPANY ASS-
UMES NO LIABILITY FOR VARIA-
TIONS, IF ANY, IN DIMENSIONS
OR LOCATIONS ASSERTED BY
AN ACTUAL SURVEY.

ORDER NO.

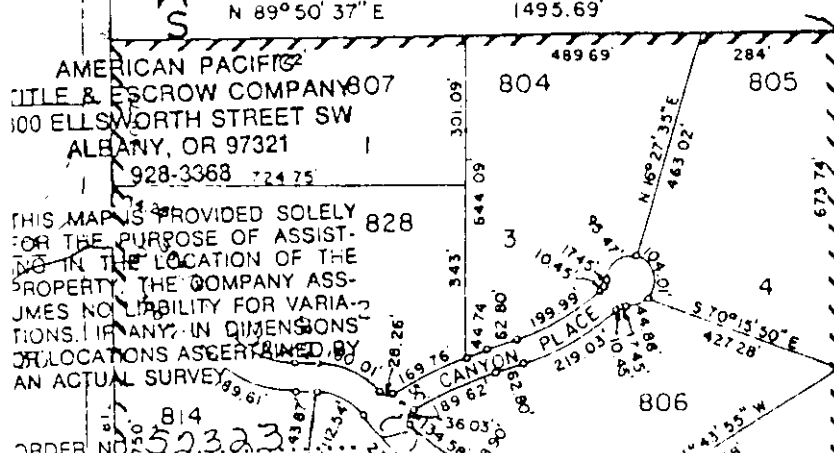


CO RD 741

SW Cor. D
John Burge
NW Cor. D
John Burge

See Map 3 1W 6

OT 1
36 A
S 0°18'41"E
13 24.82
N 0°09'W
50.65 CHS
RD 738
CO RD 738
N 0°22'E
36 W



Charles Goodman
P.O. Box 754
Leticia, OR 97355



Attn. HB 2107

Carol Lewis Spence
Water Rights Specialist
Water Resources Dept.
Commerce Bldg. 158 12th St. NE
Salem, OR 97310-0210

Application No. R73 960

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir
UNDER TERMS OF 1993 PROPOSED HOUSE BILL 2107

Applicant(s) CHARLES J. GOODMAN
(Please print or type - use dark ink)

Mailing Address: P.O. BOX 754 30510 SODAVILLE - MT. HOME RD.
LEBANON OR 97355 503-451-1670
City State Zip Daytime Phone No. (HOME)

I (We) make application for a permit to construct 5 SUMPS OR PONDS reservoir and store the following described waters of the State of Oregon: SEE ATTACHED

1. **SOURCE OF WATER** for the proposed use: WINTER RAIN,
a tributary of _____
If not in channel of a stream, state how it is to be filled: RAIN WATER & SEEPAGE

2. **THE DAM:** The maximum height of the structure will be ~~10~~ 12 feet above stream bed or ground surface at the centerline.
The dam will be (check one) X earthfill, _____ concrete, _____ flashboard, _____ other.
If "other" give description: _____

Give the location, description, and dimensions of the outlet conduit: _____
TO BE DETERMINED - SEE # 5

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: CREATE AND ENHANCE
A WETLAND ENVIRONMENT FOR USE BY
WILDLIFE, WATERFOWL, FISH AND POSSIBLE
LIVESTOCK

4. **THE AMOUNT OF WATER** to be stored is: NO MORE THAN 25 acre-feet.
The area submerged by the reservoir, when filled, will be LESS THAN 1/2 acres,
and the maximum depth of water will be 12 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam.

TO BE DETERMINED

NOTE: I DO NOT ANTICIPATE THAT THE DAMS WILL HOLD MUCH WATER. BASICALLY THESE WILL BE SUMPS WITH OVERFLOWS, SPILLAGE GOING TO NORMAL FLOW. IF ANY, FLOWING AROUND THE DAMS OR THROUGH 1' CULVERTS ABOUT 2'-4' ABOVE THE NORMAL GROUND LEVEL MIDWAY IN THE DAMS

6. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin ASAP AFTER PERMIT

Proposed date construction work will be completed WITHIN 1 OR 2 MONTHS

Proposed date water use will be completed UP TO NATURE?

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

SEE REMARKS

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):

X 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):

X Applicant _____ CWRE _____ Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. 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: IF HB 2107 PASSES IN 1993, NO
CURE MAP WILL BE NECESSARY.
OTHERWISE, I WILL PROVIDE MAP AT
LATER DATE

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:

Charles J. Goodman
Signature

5-25-93
Date 3-6-94

Signature

Date

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Charles J. Goodman
Signature of Applicant

5-25-93
Date 3-6-94

Signature of Co-Applicant, if any

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 SACEM, Oregon, on the 8th day of March, 1994, at 12:20 o'clock, P M.

APPLICATION NO: R-73960

STATUS

MEMO TO FILE

FROM: CAROL S. LEWIS

DATE: AS OF 5/1, 1995

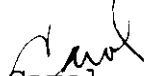
FILE # R73960, NAME Woodman

This application has been reviewed under HB 2107. Agency consultation forms were sent 8/31/94. Due back (30 days) _____.

A registration was sent 10/4/94. 60-Day deadline for objections is/was 12/14/94.

WRD staff and DEQ staff are holding meetings to work out discrepancies between agency permitting conditions. Next meeting is scheduled for May 9, 1995.

Until agreement is reached, almost all of the registrations will not be issued permits; some may be rescinded.


Carol



Nov. 30, 1994

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

Re: Application #R-73960; Report of Technical Review
Goodman, Charles J.
Linn County
Unnamed tributary to Oak Creek (Calapooia River); 5.0 acre-feet

Since no game fish are present in the diversion area, fish passage and screening facilities will not be required. ODFW supports the proposed permit as conditioned.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Wayne L. Hunt".

Wayne L. Hunt
Ass't District Fish Biologist

c: Burchfield, HCD



WaterWatch

Regular Mail

November 22, 1994

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

Re: Objection to Technical Report for:
R73960, Goodman, Wetland, Wildlife, Fish & Livestock, Willamette

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ The Technical Report is Defective

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

◆ The Water Availability Analysis in the Technical Report is Defective

The analysis is defective for the following reasons:

- There is no analysis of water availability in the technical reports as required under OAR 690-11.
- Any analysis performed must take into account existing water rights of record. Merely assuming the streamflow data reflects the amount of use or by using estimates of consumptive use fails to give adequate consideration to rights-of-record. At any given moment there may be valid, but unexercised water rights in a basin. Water users may at any time use the water which they are legally entitled to up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.
- The water availability analysis must differentiate between natural flows and regulated flows (water released from upstream storage) in the Willamette River mainstem. There are several storage facilities in the system. These facilities release stored water into the Willamette mainstem. Failure to differentiate between natural flows and regulated flows in the analyses overestimates the amount of natural flow available for use downstream and may result in the over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a policy matter the Department should be differentiating between stored water and natural flow in its water availability analysis for new permits and in its regulation activities on existing permits.

Failure to determine the amount of water available for these proposed uses is contrary to ORS 537.170(5)(d).

- The water availability analysis failed to take into account the numerous pending Minimal Perennial Streamflows in the Willamette River system, all of which have senior priority dates. Failure to take these flows into account when doing the water availability analysis results in an overestimation of actual water availability.

◆ **The Use Proposed is Not in the Public Interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.170. *See also* OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. The proposed uses are not in the public interest because it will likely interfere with habitat needed to support public instream uses of water.

The proposed uses of water may deplete flows needed for numerous public instream uses of the Willamette River, of which Oak Creek is a tributary. The Willamette River system supports a variety of fish life including chinook and coho salmon, steelhead and cutthroat trout and warm water game fish. The proposed use will deplete flows which will adversely affect spawning, rearing and migration habitat for these fish.

2. Measurement and Reporting

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permit.

3. The proposed uses are contrary to Oregon's statewide policies.

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. Given the critical status of fish populations in the basin, the water quality problems, it is imperative that any use allowed be held to a strict efficiency standard **prior to** any permit issuance.

Oregon's statewide storage policy recognizes that storage is an "integral part" of the


State's "strategy to enhance the public" benefits resulting from instream uses of Oregon's waters. OAR 690-410-080(1). The policy also recognizes that "(s)torage can provide increased water management flexibility and control." *Id.* One of the principles of the policy is to require that storage projects be managed in a way that will "protect and enhance the public health, safety and welfare, and the state's natural resources." OAR 690-410-080(2)(d). The Department's historic failure to manage stored water once it is released from storage and to distinguish between natural and regulated flows is not consistent with these policy mandates.

4. Livestock Use is not in the public interest

The use of water for livestock which is contemplated is not in the public interest because it is not sufficiently conditioned to protect the resource. There is no indication that these are off channel reservoirs for livestock use outside of the riparian areas in order to protect or enhance a riparian area, contrary to OAR 690-11-049(2)(a)(A)(i)(ii)(I). Thus, it seems that livestock will enter the riparian areas and stream beds not only to drink from the stream, but also to eat the lush riparian vegetation. Failure to require fencing of the riparian area as a condition of water use results in no assurance that livestock will stay out of the riparian areas. Thus, the use as proposed is not in the public interest.

5. The proposed use should be processed as a water use application because it will not result in a wetland, stream or riparian area enhancement or stormwater management benefits as required under OAR 690-11-049.

OAR 690-11-049 requires a project to meet a number of qualification criteria in order to be considered for registration, including the criteria that it require at least one of the listed benefits. There is nothing in the file to indicate that these criteria were met. On the contrary there were 2 consultation forms (that list all the possible benefits) of which neither showed any benefit from this project. Thus, unless it can be shown that the qualifications have been met, this application should be processed under the regular permitting process.

Sincerely,

Kimberley Priestley
Legal/Policy Analyst

OCT 14 1994

WATER RIGHTS DIVISION
SALEM, OREGON

September 28, 1994

Steve Brown, Manager
Water Rights Division
Water Resources Department
158 12th Street, Northeast
Salem, Oregon 97310

Re: Response to Technical Evaluation of Water Right Application

File Number: R73960
Source: Runoff and seepage from Oak Creek
Tributary To: Calapooyia River
Proposed Flow: 5.0 AF
Use: Stockpond, fish, wetland & wildlife

Dear Mr. Brown:

The Department has completed its review of the above referenced technical review of a water right (wetland enhancement) application. The project is expected to result in a wetland, stream or riparian area enhancement or storm water management benefits.

The Department would like permit requirements to include: 1) metering of the water used; 2) fencing the streamside area to prevent wading by stock; and 3) a development of SCS farm management plan that addresses potential use of herbicides, pesticides, erosion and turbidity from overland runoff, potential groundwater contamination, flooding of the pond if located in the floodplain, and re-planting of the streamside riparian zone.

If you have questions or wish to further discuss this issue please feel free to contact either Bob Baumgartner (503-229-5877) or Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs
Administrator
Water Quality Division

MD:bjp:crw
SA\WC12\WC12961.5



1994

WATER RESOURCES DEPARTMENT CONSULTATION FORM

RE: Application # R 73960 Name GOODMAN, CHARLES

The above application was submitted for consideration under the

**WATER USE REGISTRATIONS FOR WETLAND, STREAM OR
RIPARIAN AREA ENHANCEMENT OR STORM WATER MANAGEMENT
(HB 2107, 1993; ORS 537.015 - 032)**

As required in ORS 537.025, the agency identified below:

 ODFW DEQ ODA ✓ ODSL OEDD

OTHER AGENCY: _____

determines the project is reasonably expected to result in one or more of the wetland, stream or riparian area enhancement or stormwater management benefits, as follows (please circle letter):

- (A) Decreased pollutant loads to streams;
- (B) Reduced soil or bank erosion;
- (C) Reduced summer stream temperatures;
- (D) Improved riparian conditions;
- (E) Improved habitat conditions for aquatic or terrestrial species;
- (F) Decreased peak or storm flows;
- (G) Increased storage capacity in the watershed;
- (H) Increased streamflows during the low-flow season; or
- (I) Other (please describe): Exempt from the jurisdiction under CRS-537.015

Signature Tami Burress (printed) Tami Burress

Title Natural Resource Coordinator Date 9-7-94

Please sign, date and return this form within 30 days to:

Water Resources Department - HB 2107
Water Rights/Adjudications Division
Commerce Building
158 12th Street NE
Salem, OR 97310

Thank you for a timely response. If questions, call 378-3739.
Date WRD sent 8/31/94 Reply received _____ (consult.8-4)

1996

WATER RESOURCES DEPARTMENT CONSULTATION FORM

RE: Application # R 73960 Name GOODMAN, CHARLES

The above application was submitted for consideration under the

**WATER USE REGISTRATIONS FOR WETLAND, STREAM OR
RIPARIAN AREA ENHANCEMENT OR STORM WATER MANAGEMENT
(HB 2107, 1993; ORS 537.015 - 032)**

As required in ORS 537.025, the agency identified below:

 ODFW DEQ ODA ODSL / OEDD

OTHER AGENCY: _____

determines the project is reasonably expected to result in one or more of the wetland, stream or riparian area enhancement or stormwater management benefits, as follows (please circle letter):

- (A) Decreased pollutant loads to streams;
- (B) Reduced soil or bank erosion;
- (C) Reduced summer stream temperatures;
- (D) Improved riparian conditions;
- (E) Improved habitat conditions for aquatic or terrestrial species;
- (F) Decreased peak or storm flows;
- (G) Increased storage capacity in the watershed;
- (H) Increased streamflows during the low-flow season; or
- (I) Other (please describe): NO COMMENT

Signature _____

(printed)

FABRIZIA LANGE

Title _____

OEDD

Date

9/6/94

Please sign, date and return this form within 30 days to:

Water Resources Department - HB 2107
Water Rights/Adjudications Division
Commerce Building
158 12th Street NE
Salem, OR 97310

Thank you for a timely response. If questions, call 378-3739.

Date WRD sent 8/31/94 Reply received _____ (consult.8-4)

August 30, 1994

GABRIELLA LANG
SR. BUSINESS DEV'T OFFICER
DEPARTMENT OF ECONOMIC DEVELOPMENT
775 SUMMER STREET
SALEM, OR 97310

RE: Water Right Registration Application, # R73960

Dear GABRIELLA LANG,

As you will recall, the 1993 Legislative Assembly enacted House Bill 2107 to provide an expedited process for review of applications for water use associated with wetland enhancement, stream and riparian restoration, and storm water management projects. HB 2107 has been codified as ORS 537.015 through 030. The Water Resources Department has adopted administrative rules (OAR 690-11-049) to implement the water use registration and permitting process for these projects.

The following documents are enclosed for your review:

1. Acknowledgment letter which has been transmitted to the applicant;
2. Agency Consultation Form; and
3. DRAFT Water Use Registration for the above-reference application.

Please review this material and submit any comments you have to this office within 30 days from the date of this letter. Direct any correspondence to my attention.

Your cooperation in completing the enclosed Consultation Form will allow us to expedite processing of this application. If you have further comments, attach extra sheets to the Consultation Form.

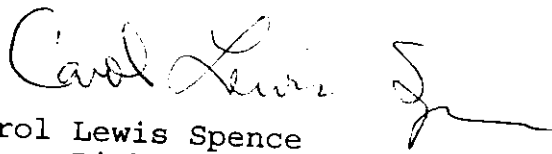


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Please indicate on the Consultation Form if you feel a consultation session should be scheduled to review the proposed project. If a consultation session is held, a representative of the Water Resources Department will facilitate the discussion.

If you have any questions regarding the information included with this letter or the HB 2107 Water Use Registration process, you may call me at (503) 378-3739. If I am not available, leave a message and I will return your call.

Sincerely,



Carol Lewis Spence
Water Rights Specialist

Enclosures



DRAFT

DRAFT

**WATER USE REGISTRATION FOR WETLAND,
STREAM RESTORATION OR STORM WATER MANAGEMENT PROJECTS**

**OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN
WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM,
OREGON 97310, BY 5 P.M. ON OR BEFORE: (60+ DAYS)**

1. APPLICATION FILE NUMBER -R 73960
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

CHARLES J GOODMAN

PO BOX 754

503-451-1670

LEBANON, OR 97355

COUNTY OF LINN

Date application received for filing and/or tentative date
3/ 8/1994

SOURCE: STORAGE OF RAINWATER AND SEEPAGE IN 5 PONDS
TRIBUTARY OF OAK CREEK

Purpose and/or use: STORAGE OF WATER FOR WETLAND,
WILDLIFE, FISH AND LIVESTOCK.

Flow: NO MORE THAN 5.0 ACRE-FEET TOTAL (5 PONDS)

Point of Diversion Location:
NE 1/4 NE 1/4, SECTION 1, T 13 S, R 2 W, W.M.

Place of use:
NE 1/4 NE 1/4
SECTION 1
TOWNSHIP 13 SOUTH, RANGE 2 WEST, W.M.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of
diversion.

There are no existing water rights appurtenant to the
lands described in the application.

REPORT CONCLUSIONS:

The Director has determined that your proposed project meets the following criteria for a registration under its administrative rules (OAR Chapter 690, Division 11):

- a) The proposed water use will not result in injury to existing water right holders or the public interest [OAR 690-11-049 (4) and (6)].
- b) The project is reasonably expected to result in wetland, stream or riparian area enhancement or storm water management benefits. [Based on consultations with the agencies listed in OAR 690-11-049 (7).]
- c) No issues were identified during the Director's technical review of the proposed water use that warrant further review.
- d) No written comments were received that warrant further review period.

PROPOSED PERMIT CONDITIONS

Application: R 73960

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: water may be appropriated for storage from November 1 through June 30 of each year.
3. Volume of use: not more than 5.0 acre-feet total in 5 ponds.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
 - B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the

Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The total area proposed to be submerged by each reservoir, when full is no more than 1/2 acre; the proposed maximum depth of water in feet is 12; the maximum height of the dams is less than 10 feet.
10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

WaterWatch

O F O R E G O N

Water Resources Department
158 12th St. N. E.
Salem, OR 97310

March 22, 1994

RE: Application for Permit #R73960, Charles Goodman
Oak Cr., Linn Co., Wildlife, Fish & Livestock

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and report water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the Department's technical review of this application.

Sincerely,

WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039
bc: Jim Myron

August 5, 1994

CHARLES J GOODMAN

PO BOX 754
LEBANON, OR 97355

RE: Water Right Registration Application R-73960

We have received your application to appropriate water for a wetland enhancement project and a stream or riparian restoration project (HB 2107). Unless a receipt was sent to you at the time you filed your application, one is enclosed herewith. Your application has been assigned the above-referenced file number; please refer to this number when contacting our office about your application.

The filing of an application does not create a water right. Water may not be used until a Registration for the proposed use has been issued by the Department.

Applications for projects which are eligible under HB 2107 will receive a processing preference over other water use applications and will be processed as quickly as possible.

Public notice of this application will be published in the Department's weekly notice of new applications. The public and interested agencies will have 30 days to submit written comments on this application. During the public comment period, we will be consulting with other state agencies concerning the wetland, riparian, or storm water management benefits which could be provided by your proposed water use.

Following the comment period, we will determine if your application provides wetland, stream or riparian restoration and/or storm water management benefits. If a favorable determination is made, a water use registration will be issued. Upon receipt of the Registration, you may begin water use for your project as authorized.



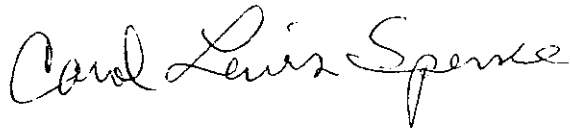
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Objections to the proposed water use as described in the Registration may be filed with the Water Resources Department within 60 days of issuance of the Registration. Should objections be filed, the Water Resources Director will determine if the objections warrant further review.

If the Director determines that there are valid public interest issues that must be addressed, **the Registration will be rescinded**. If your application is rescinded, it will be removed from the HB 2107 program and will be placed in line with other water right applications for routine review.

If you have any questions about the process described above or the status of your application, you may call me at (503) 378-3739. If I am not available, please leave a message and I will return your call.

Sincerely,

A handwritten signature in cursive script that reads "Carol Lewis Spence".

Carol Lewis Spence
Water Rights Specialist
Water Rights/Adjudication Division

cc: Watermaster
CWRE

ACKNOLDG.L-2 (080494)

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # R73960 [HB2107]

WATERWATCH

ODF&W

WATERMASTER # 2 McGINNES

REGIONAL MANAGER - NW (PAUL)

CWRE - N/A TIL FINAL TRCF

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

CASEWORKER CXSp 5/9/94 5/30/94

ORIGINAL TO APPLICANT 2/03/94

T:\HB2107\DXACT\REC-XR73960
T:\TRSENT94\R73960 10/4/94

4/27/94

TECHNICAL REVIEW CHECKLIST

Application: R73960 (HB 210?)

Review Date: 5/17/94 GKS
8/30/94

- S indicates information was completed or adequately addressed.
U indicates information is needed, or incomplete, or inadequately addressed
N/A indicates Not Applicable

SUMMARY

S

Land Use

NA/yes/no

Substantial SW interference w/GW
(if yes, see results of surface
water availability analysis)

S

Conflicts NCR

S

Water Availability (0105341)

(Water Availability Sub-basin)

~~NA~~ S

The application, map and supporting
data are complete and free of defects.

yes (NA)

A TMDL letter has been received for
this source or tributary. If yes, the
period of use has been adjusted.

1056 LTR

9/21/94

S

The applicant has certified that the information
provided in the application is an accurate
representation of the proposed use and is true and
correct to the best of their knowledge.

N/A

No oath is required because application was filed
before June 5, 1992.

S

Application fees:

| | |
|---|--------------|
| Examination fee: | \$ <u>40</u> |
| Recording fee: | \$ <u>10</u> |
| TOTAL REQUIRED | \$ <u>50</u> |
| TOTAL SUBMITTED | \$ <u>50</u> |
| AMOUNT DUE prior to issuance of permit | \$ <u>-</u> |
| AMOUNT OVERPAID | \$ <u>-</u> |
| refund due applicant | \$ <u>-</u> |

- S Proposed dates of beginning and completion of construction, and complete application of water.
- S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.) *No CWRE Required under HB2107.*
- S A written copy of the legal description of the property on which the water is to be used.
- NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
0. S No statement of ownership was required for applications filed before August, 1990.
1. S The proposed use is not restricted or prohibited by statute.
2. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538. *Wetland Enhancement & LV & FISH*
3. S *Willamette River-Salmon* use(s) is/are classified uses(s) under the Basin Program, OAR 690 - 50.2 - 050 (1)(b)

Land Use Compatibility:

4. As expressed by the Planning Department of LENN CO.
5. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section unregulated).
6. NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
7. NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

8. S Plans, specifications and supporting information for the dam and impoundment area.

2107

COM

COMPLETENESS DETERMINATION CHECKLIST

| Application # | Review Date | Reviewer |
|---------------|-------------|----------|
| R - 73960 | 11 124195 | JERRY |

EXAM 40
RECORD 10OTHER
TOTAL 50
DUE: A checkmark (✓) indicates that the item is Incomplete or defective.

- ☒ 1. Examination fees (and recording fees, if for PFO/FO).
- ☒ 2. Name and address of the applicant, and title if applicable.
- ☒ 3. Source of water.
- ☒ 4. Use of water.
- ☒ 5. Amount of water.
- ☒ 6. Description of delivery system.
- ☒ 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- ☒ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- ☒ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- ☒ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- ☒ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- ☒ 12. If for a **reservoir**:
 - ☒ a. The height of the dam.
 - ☒ b. The storage capacity.
 - ☒ c. The area submerged.
 - ☒ d. The maximum depth.
 - ☒ e. The construction method (earthfill, concrete, flashboard, etc.).
 - ☒ f. A description of the outlet conduit.
 - ☒ g. A description of the spillway.
- ☒ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- ☒ 14. If the application was made under HB 2107:
 - ☒ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - ☒ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - ☒ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- ☒ 15. An oath that the application information is true and correct.
- ☒ 16. The signature of the applicant(s).
- ☒ 17. A satisfactory map of the proposed POD & POU.
- ☒ 18. A Land Use Information Form or receipt.
- ☒ 19. A legal description of the property where water will be used.

Title No. 52323L

Permit No.

EXHIBIT 'A'

Beginning at the Northeast corner of the Donation Land Claim of John M. Burge and wife, same being Notification No. 2345 and Claims No. 53 and 54, in Townships 12 and 13 South, of Range 2 West of the Willamette Meridian, Linn County, Oregon; and running thence South 66.49 chains on the East boundary line of said Donation Land Claim; thence West 15.04 chains; thence North, parallel with the East boundary line of said Donation Land Claim 66.49 chains to the North boundary line thereof; thence East on said North boundary line of said Claim, 15.04 chains to the place of beginning.

EXCEPTING from the above described property the following premises sold to G. E. Price and Jennie Price by Warranty Deed, executed March 28, 1912 and filed for record April 1, 1912, to wit: Beginning at a point on the East boundary line of and South 49.19 chains distant from the Northeast corner of the Donation Land Claim of John M. Burge, Notification No. 2345 and Claims No. 53 and 54 in Townships 12 and 13 South, of Range 2 West of the Willamette Meridian, Linn County, Oregon; thence South 17.30 chains along the East line of said Claim No. 53; thence West 15.04 chains; thence North 17.30 chains; thence East 15.04 chains to the place of beginning.

ALSO EXCEPTING the following described property sold to G. E. Price and Jennie Price by Warranty Deed executed June 5, 1912, and filed for record March 6, 1913, to wit: Beginning at a point on the East boundary line of and South 44.51 chains distant from the Northeast corner of the Donation Land Claim of John M. Burge and wife, Notification No. 2345, Claims No. 53 and 54 in Townships 12 and 13 South, Range 2 West of the Willamette Meridian, Linn County, Oregon; thence South 4.66 chains; thence West 15.04 chains; thence North 4.66 chains; thence East 15.04 chains to the point of beginning.

ALSO EXCEPTING that portion lying East of the County Road as now existing.

The person presenting
the attached request for
land use information is
applying for a water right.
The Water Resources

WATER
RESOURCES
DEPARTMENT

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 information 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.



June 1992

3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

R-73960

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: CHARLES J. GOODMAN
 Address: PO BOX 754 30510 SODAVILLE - MT. HOME RD.
 City: LEBANON State: OR Zip: 97355 Day Phone: 503-451-1670

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.

| Tax Lot or Local I.D.# | Plan Designation/Zoning (e.g. Rural Residential/RR-5) | Check All That Apply | | |
|------------------------|---|----------------------|----------------|-------------------------------------|
| | | Water Diverted | Water Conveyed | Water Use |
| 100 | FARM/TIMBER | | | <input checked="" type="checkbox"/> |
| 7135 P3W | FARM FOREST | | | |
| 5021 | | | | |

SUMP OR POND

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. LINN COUNTY
 The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra 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 this 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): NOT REGULATED. 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 below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

| Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Please check the box that applies: | | |
|---|--|------------------------------------|----------------|------------------------------|
| | | Already Obtained | Already Denied | Being Pursued Satisfactorily |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Kathy Baker
Title: Assistant Planner

Date: 6-8-93
Phone: 962-3816

Signature: Kathy Miller

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.

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: CHARLES J. GOODMAN
 Address: PO BOX 754
30510 SODAVILLE - MT. HOME RD
LEBANON, OR 97355
 Phone: 503-451-1670

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): POSSIBLY SOME CATTLE OR SHEEP
- ☐ 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.): _____
- ☒ Fish and Wildlife (pond, hatchery, etc.): UP TO 5 POSSIBLE LOCATIONS SUMPS OR PONDS FOR WETLAND ENVIRONMENT
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

| Indicate sources for the proposed water use below: | Indicate the estimated quantity of water the use will require. |
|---|--|
| <input type="checkbox"/> Surface Water Name sources: _____ _____ _____ | _____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet |
| <input type="checkbox"/> Reservoir or pond <u>WINTER RAIN AND SEEPAGE</u> | <u>SUMPS OR PONDS</u> <u>UP TO 9.2 ACRE-FEET</u> |
| <input type="checkbox"/> Ground Water <u>TO FILL</u> | |

March 14, 1994

CHARLES J GOODMAN

PO BOX 754
LEBANON, OR 97355

REFERENCE: File(s) R-73960

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.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the 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. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - R-73960

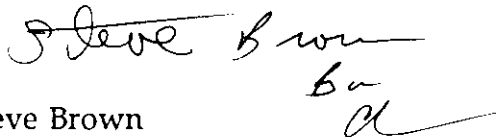
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. 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. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

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, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, 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 cursive script that reads "Steve Brown". Below the name, there are additional handwritten initials or a flourish that appear to be "Ba" followed by a long horizontal stroke.

Steve Brown
Manager
Water Rights Division

cc:CWRE

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:

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:

~~need~~ Rec'd 9/21/94

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

~~copy~~ 8/30/94

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)
10-12-94

Reg. ack ltr.
3/14/94

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **110024**

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455 / 378-8130 (FAX)

RECEIVED FROM: Charles J. Gooden
BY: _____

| | |
|-------------|-------|
| APPLICATION | 73960 |
| PERMIT | |
| TRANSFER | |

CASH: ☐ CHECK: # 124 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 50

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. _____
VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

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

WATER RIGHTS:

| | | |
|---------|---------------|----|
| 842.001 | SURFACE WATER | \$ |
| 842.003 | GROUND WATER | \$ |
| 842.005 | TRANSFER | \$ |

WELL CONSTRUCTION

| | | |
|---------|------------------------|----|
| 842.022 | WELL DRILL CONSTRUCTOR | \$ |
| | LANDOWNER'S PERMIT | \$ |
| | OTHER (IDENTIFY) | \$ |

EXAM FEE

| |
|-----------------|
| \$ <u>90</u> |
| \$ |
| \$ |
| EXAM FEE |
| \$ |

RECORD FEE

| |
|--------------------|
| \$ <u>10</u> |
| \$ |
| \$ |
| LICENSE FEE |
| \$ |
| \$ |

06-00-0 WELL CONST START FEE

| | | | | |
|---------|----------------------|----|--------|--|
| 842.013 | WELL CONST START FEE | \$ | CARD # | |
| | MONITORING WELLS | \$ | 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 # **110024**

DATED: 7/1/01 BY: W. J. [Signature]

| DATE | INITIALS | MINIMUM REQUIREMENTS TO FILE |
|------|----------|--|
| | | Name and mailing address |
| | | Source of water |
| | | Quantity of water |
| | | Location of project |
| | | Use of water |
| | | Signature of applicant |
| | | Allowable use by policy |
| | | State Engineer withdrawal |
| | | Legislative withdrawal |
| | | Land use approved _____ pending _____. |
| | | FIELD OPERATIONS |
| | | Application date stamped per money receipt date |
| | | Stream Indexed |
| | | Stream Code _____ |
| | | Scenic Waterway _____ |
| | | Findings: |
| | | 1) Concluded - Scenic-Reg Ack letter |
| | | 2) Under Study - Scenic-Ack letter |
| | | 3) Basin 2 - Willamette-Ack letter |
| | | Plat Carded and copy made YES NO |
| | | Conflicts (well _____ surface _____) |
| | | Prior ISWR # _____ |
| | | Within Irrigation District _____ (name) |
| | | Notified _____ |
| | | District excerpt received _____ |
| | | Entered in Paradox _____ |
| | | Prepare six copies of Draft Permit _____ |
| | | Send one copy to Data Center _____ |
| | | SUPPORT SERVICES |
| | | Stamp contents with application number |
| | | Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER |
| | | Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file |
| | | Place label on file and card |
| | | If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section |
| | | Notify Irrigation District |
| | | FIELD OPERATIONS |
| | | Ownership Statement YES NO |
| | | Name and address of all owners _____ |
| | | Other landowners notified _____ |
| | | Legal Description _____ |
| | | Need Commission review _____ |
| | | Requests greater than 5.0 cfs _____ |
| | | Dam height greater than 20 feet _____ |
| | | Storage greater than 100 acre-feet _____ |
| | | Out of Basin diversion _____ |
| | | Groundwater recharge project _____ |
| | | Other substantial public interest _____ |
| | | GW comments received resolved _____ |
| | | ODFW comments received resolved _____ |
| | | DEQ comments received resolved _____ |
| | | Interest Groups _____ |
| | | Water availability received _____ |
| | | Objections received resolved _____ |
| | | Protest received resolved _____ |
| | | Management Goals _____ |

12-73960

992.64' 13.3424

NW Cor. DLC 54
John M. Burge

22.1124

NE Cor. DLC 54
John M. Burge

NW Cor. DL
John Burge

300

T12S R2W

100

Sec. 36
SESE

See

RECEIVED

OCT 29 1997

FOR REFERENCE ONLY

WATER RESOURCES DEPT
SALEM, OREGON

SW Cor. DLC 54
John M. Burge

SE Cor. DLC 54
John M. Burge

SW Cor. DL
John Burge

NW Cor. DLC 53
John M. Burge

NE Cor. DLC 53
John M. Burge

NW Cor. D
John Burge

1324.82
N 0° 09' W
50.65 CHS

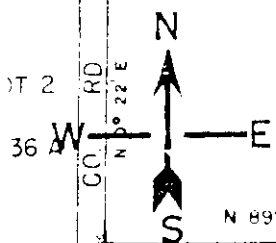
TOUCH KICKZ PARK

T13S - 2W
Sect. 1
NENE

104' = 66'

CHARLES GOODMAN
30510 SODAVILLE MT-HM RD,
LEBRON, OR 97355

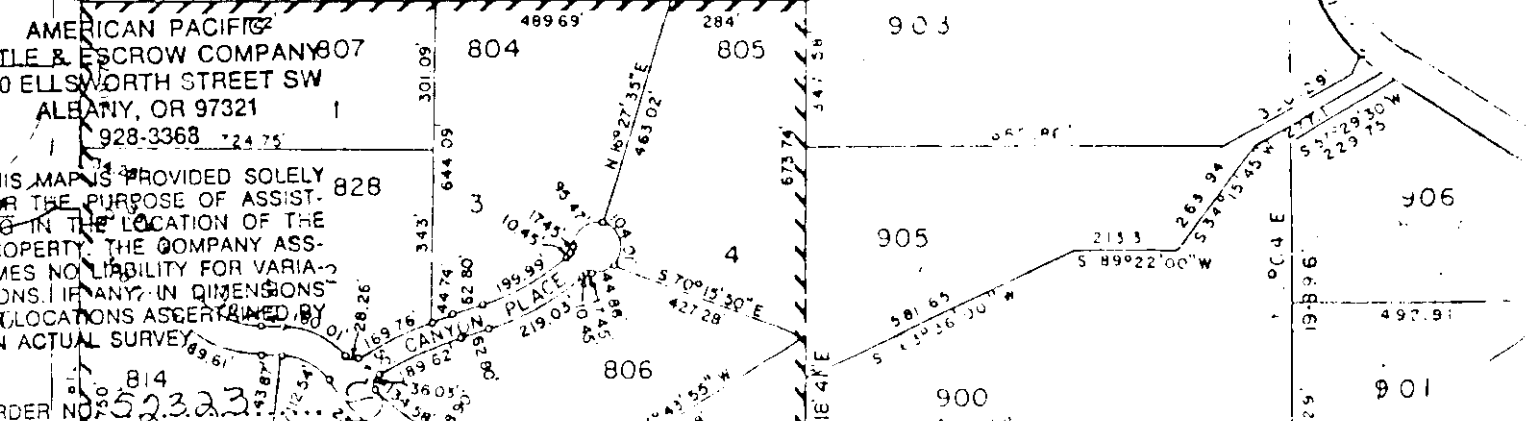
See Map T13 R1W 6



AMERICAN PACIFIC
TITLE & ESCROW COMPANY
100 ELLSWORTH STREET SW
ALBANY, OR 97321
928-3368

THIS MAP IS PROVIDED SOLELY
FOR THE PURPOSE OF ASSISTING
IN THE LOCATION OF THE
PROPERTY. THE COMPANY ASS-
UMES NO LIABILITY FOR VARIA-
TIONS, IF ANY, IN DIMENSIONS
OR LOCATIONS AS DETERMINED BY
AN ACTUAL SURVEY.

ORDER NO. 52323



POND A. (A₁, A₂)

PROPERTY LINE

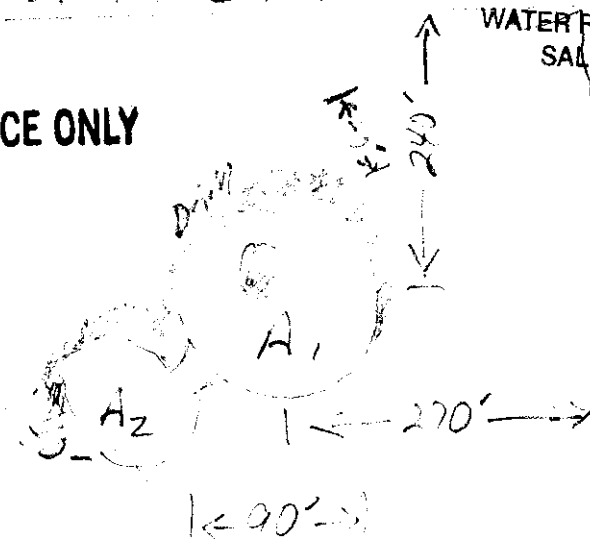
RECEIVED

OCT 29 1997

WATER RESOURCES DEPT
SALEM, OREGON

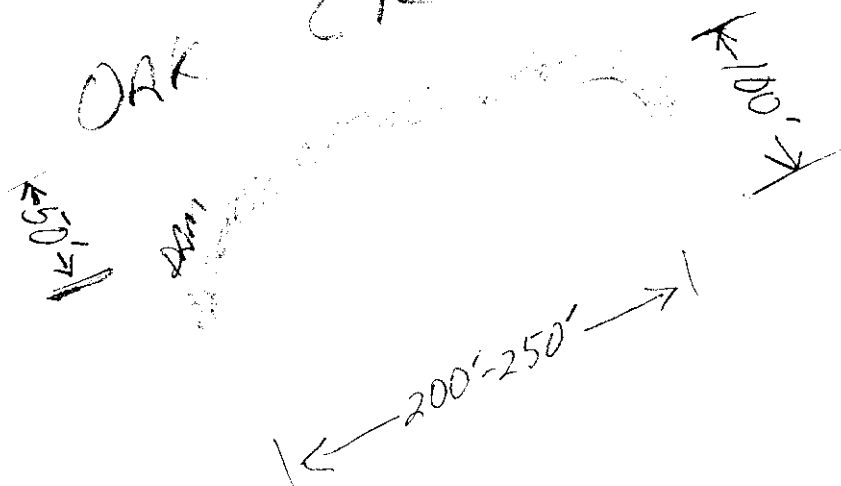
FOR REFERENCE ONLY

OAK CR



POND B

OAK CR



LINN

Sec. 1, T. 13 S., R. 2 W., W.M.

13 2W

SEE MAP 12 2W 36

SEE MAP 12 2W 36DB

SE Cor
DLC 62

NW Cor. DLC 54
John M. Burns

NE Cor. DLC 54
John M. Burge

NW Cor. DLC 72
JAN 8 1968

MIDDLE
RIDGE
TERRACE

60/2F

4/10/19E

SW/NE

13-2

13-3

13-3

13-2

FOR REFERENCE ONLY

SCALE 1:9600

DEVELOPMENT

OCT 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
JUN 23 1993
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

- 1) complete & sign checklist
- 2) Did you check ~~the~~ for conflicts? - printout of existing rights & applications attached to PFO checklist.
- 3) I made a few edits

Otherwise looks great

Lauren

PURGE 1/30/07

Application No. R-73960
Permit No. 112316

Name Charles J Goodman
Address PO Box 754 Lebanon OR 97355

Assigned

Address

Beginning construction 11/19/98

Completion of construction

Extended to

Complete application of water 10/1/01

Extended to

Form 111 SP00 67 19 771

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R73960 JS 7006 8735
CHARLES J GOODMAN
PO BOX 754
LEBANON OR 97355

2. Article Number

(Transfer from service label)

7003 1680 0001 7006 8735

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Connie m. Ward*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Connie Ward

C. Date of Delivery

8/2/00

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

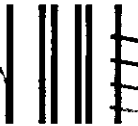
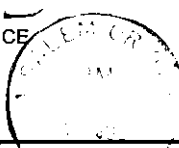
AUG 03 2004

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
ATTN: J. SAUTER
725 SUMMER ST NE, SUITE A
SALEM OR 97301-1271



UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

08 2004
WATER RESOURCES DEPT
SALEM, OREGON

Send. Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPT
ATTN: J. SAUTER
725 SUMMER ST NE, SUITE A
SALEM OR 97301-1271

RECEIVED

JUL 08 2004

WATER RESOURCES DEPT
SALEM, OREGON



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R-73960
CHARLES J GOODMAN
PO BOX 754
LEBANON OR 97355

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Connie Ward

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7-7-05

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 3110 0005 7003 5191

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

WATER RESOURCES DEPARTMENT
158 12TH STREET NW
SALEM OR 97310



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Charles Goodman
PO Box 754
Tebanan, OK
E-73960 97355

4a. Article Number

556676

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-21-91

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

X Charles Goodman

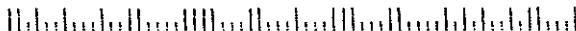
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

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



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

Charles Goodman
PO Box 754
Lebanon, OR 97355

4a. Article Number

456554

4b. Service Type

- ☐ Registered
 ☒ Certified
☐ Express Mail
 ☐ Insured
☐ Return Receipt for Merchandise
 ☐ COD

7. Date of Delivery

8/21/94

R-73960

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

Charles Goodman

