

STATE OF OREGON
WATER RESOURCES DEPARTMENT

NOTICE OF EXEMPT RESERVOIR

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

Landowner: G F T Enterprises

Authorized Agent: (if applicable) Judith Kennedy

Address: 506 Granite St

Ashland OR 97520 503-482-5070
City State Zip Telephone No.

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

NOTE: Multiple reservoirs may be included in a single notification, provided the reservoirs are within the same ownership, on contiguous property and within the same drainage basin. For items 1-6 below, attach extra sheets for additional reservoir descriptions.

1. The reservoir is located in Section 38, Township 1W, Range 34, in Jackson County. (Enclose a US Geological Survey topographical map or a tax lot map showing the location of the reservoir(s). Copies of portions of the maps are acceptable, provided information on the copy verifies the correct legal description.)
2. Source of water: Talent Irrigation System - MacDonaed Ditch.
3. Maximum height of the dam: approx. 8'
4. Maximum water depth in the reservoir: approx. 8'
5. Maximum storage capacity of reservoir: approx. 280,000 gal.
6. Size, description and location of any outlet pipe: 4-6" outlet in dam
7. Enclose evidence that the reservoir(s) existed before January 1, 1993, such as one or more of the following:
 - 7.1 A dated aerial photograph which shows the immediate area above, below and surrounding the reservoir(s);
 - 7.2 An affidavit signed by the landowner or other knowledgeable person (signature needs to be notarized);
 - 7.3 A dated map prepared by a local, state or federal agency showing the location of the reservoir; or
 - 7.4 Construction receipts or other forms of documentation.

Application No. P-74792
Permit No.

Declaration by Owner/Authorized Agent:

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

I/We believe the reservoir(s) qualifies under ORS 537.141 and OAR 690-11-041 for exemption from Oregon's water right filing requirements.

Notice to Owners/Authorized Agent:

Reservoirs that qualify for exemption under ORS 537.141 and OAR 690-11-041 shall be subject to the following conditions:

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

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

Landowner/agent signature: Judith Kennedy

(Print Name and Title) Judith Kennedy / partner

Date: August 30, 1994

FOR WATER RESOURCES DEPARTMENT USE ONLY

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

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

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # P 74792

MINIMUM REQUIREMENTS TO FILE

OADR 690-11-020

DATE STAMP

DATE

INITIAL

 _____ Name and mailing address of applicant
 _____ Source of water
 _____ Quantity of water
 _____ Map showing location of POD & POU
 _____ Use of water
 _____ Names and addresses of legal owners
 _____ Signature of applicant
 _____ Oath
 _____ Application date stamped per money receipt date
 _____ Land use approved _____ pending _____

 _____ If reservoir < 5 AF \$ _____, if > 5 AF \$ _____

 _____ HB 2153/HB 2107 APPLICATION -- SEE REVERSE

 _____ Route to Data Center (Unless 2153/2107)

DATA CENTER

 _____ Stream Code _____
 _____ Entered into WRIS

SUPPORT SERVICES

4/11/95 PK Stamp contents with application number
 _____ Mail ack letter (provided by Data Center) with
 _____ receipt to applicant, cc to CWRE and file
 _____ " " Place label on file and calender card

APPLICATION SECTION

 _____ Stream Indexed Basin # _____
 _____ Plat Carded and copy made YES NO
 _____ If dam is over 10 feet or storage exceeds 9.2
 _____ AC-FT, route file to Dam Safety Section

TR CASEWORKER

 _____ TR Checklist complete YES NO
 _____ Within Irrigation District _____
 _____ District Notified _____
 _____ District excerpt received _____

 _____ TR Mailed DATE _____

 _____ Public Interest Checklist complete _____

 _____ Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

10/29/99 CE
(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:

_____ within 1/4 mile

Name/address of adjacent property owner

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

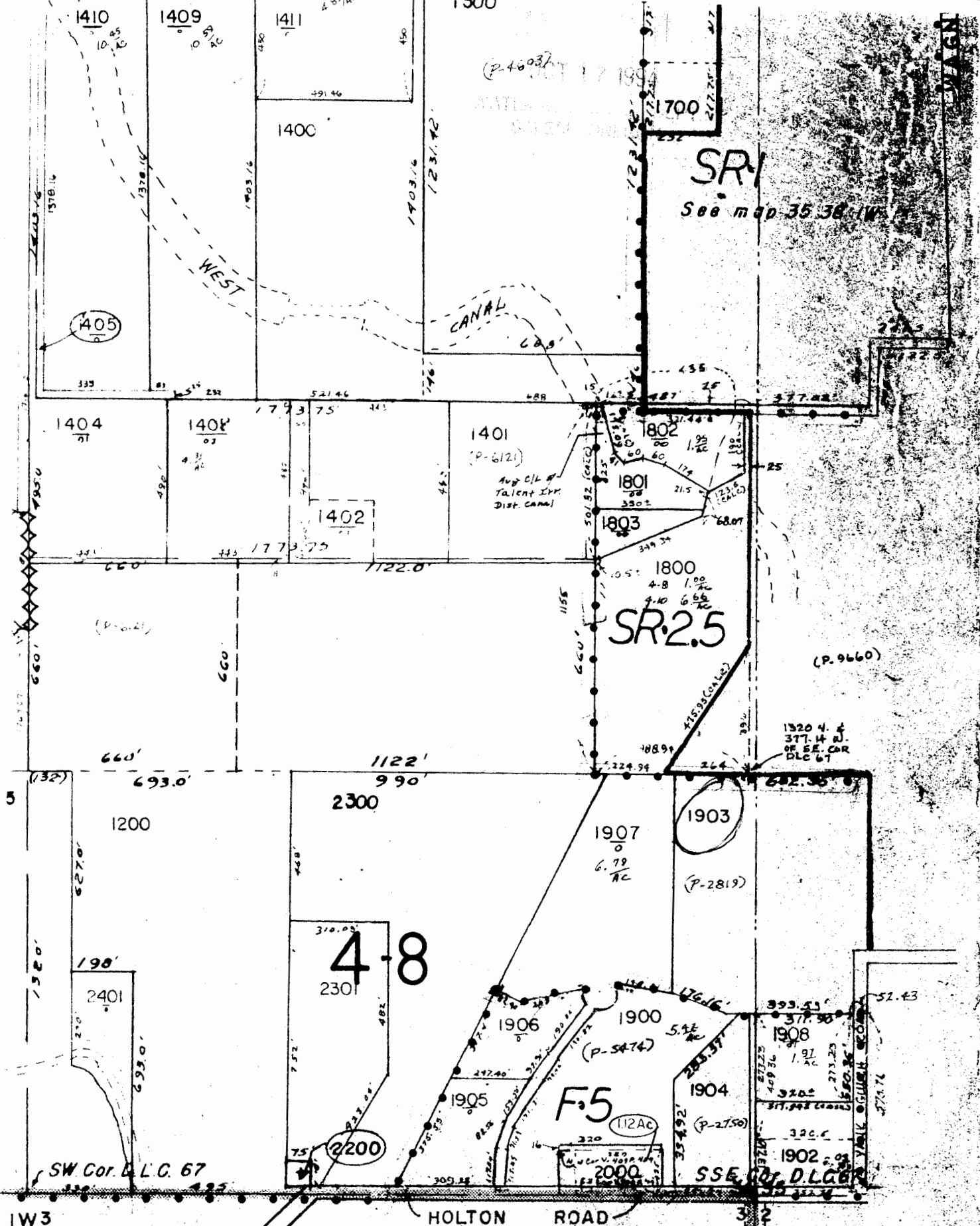
CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2



3816134-1903

J.P. 10/5/94

Application No. P-74792
 Permit No.

January 11, 1995

JAN 20 1995

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

WATER
SALEM, OREGON

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Re: Response to Technical Evaluation of Water Right Application

File: P74792
Source: pond and waters of MacDonald Ditch for reservoir
Trib: Bear Creek
Flow: .859 AF
Use: unknown

Dear Mr. French:

The Department has completed its review of the above referenced Technical Review of a water right application. The drainage basin in which this application is located has been identified as water quality limited by the Department. As a result of extensive analysis, Total Maximum Daily Loads (TMDLs) have been set for this basin. The estimated low flows normally occur during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exists. On August 5, 1993, the Department submitted application for instream water rights to protect the public's interest to provide pollution abatement flows in the above referenced basin.

Application P74792 proposes additional out of stream use of water which could reduce available instream flows during the seasonal low flow period, thus, increasing the likelihood of exacerbating identified water quality problems in this drainage basin. The Department does not believe that it is in the public's best interest to further reduce the instream flows during the seasonal low flow period in this drainage basin. The Department requests that exempt ponds occurring in water quality limited basins be limited to high flow waters which should be verified with a meter on ponds of 2.0 acre feet or more.

The Department requests that for pollution prevention an NRCS farm management plan or wetlands be developed to address water quality issues, such as: 1) possible herbicide and pesticide use in the vicinity of the proposed pond or wetland; 2) an erosion (sediment) plan with buffer strips; 3) a nutrient plan to prevent nitrate runoff into surface and groundwater; 4) potential flooding of the pond or wetland if located in the 100 year floodplain with subsequent contamination release; and 5) if a stock watering pond is being created then a way to keep stock of the stream needs to be developed and the riparian area restored.



811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TDD (503) 229-6993
DEQ-1



RECEIVED

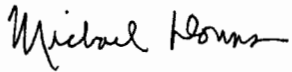
JAN 23 1995

WATER QUALITY DIVISION
SALEM, OREGON

Page 2

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\WC13\LTR5
cc: Denise Troxel, NRCS - Roseburg