

November 8, 1995

REFERENCE: Notice of Exempt Reservoir (Pond)

Dear Pond Owner:

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

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

Sincerely,



Dave Jarrett
Watermaster, District 16

Enclosure: Copy of accepted notice

cc: OWRD



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

February 15, 1995

Oregon

MERRILL D GONTERMAN

28390 S HWY 170
CANBY, OR 97013

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-77514;
Notice of Exempt Reservoir (Pond)

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

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

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

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

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

Sincerely,



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

Enclosure: New Water Right Law for Pond Owners Brochure



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
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NOTICE OF EXEMPT RESERVOIR

WATER RESOURCES DEPT
SALEM, OREGON

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

Landowner: Merrill D. GOUTERMAN

Authorized Agent: (if applicable) SAME

Address: 28390 S. Hiway 170
CANBY OR 97013 651-2939
City State Zip Telephone No.

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

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

1. The reservoir is located in Section 27, Township 4 S, Range 1 E, in CLACKAMAS County. (Enclose a US Geological Survey topographical map or a tax lot map showing the location of the reservoir(s). Copies of portions of the maps are acceptable, provided information on the copy verifies the correct legal description.)

2. Source of water: SEEPAGE FROM SURROUNDING LAND.

3. Maximum height of the dam: 7 to 7 1/2'

4. Maximum water depth in the reservoir: 2 1/2' to 3 1/2' - 80' diameter

5. Maximum storage capacity of reservoir: 5074 ac. ft.

6. Size, description and location of any outlet pipe: OUTLET PIPE ON NORTH WEST CORNER OF POND

7. Enclose evidence that the reservoir(s) existed before January 1, 1993, such as one or more of the following:

7.1 A dated aerial photograph which shows the immediate area above, below and surrounding the reservoir(s);

7.2 An affidavit signed by the landowner or other knowledgeable person (signature must be notarized);

7.3 A dated map prepared by a local, state or federal agency showing the location of the reservoir; or

→7.4 Construction receipts or other forms of documentation.

MY ASSET LISTING FROM MY TAXES COMPILED FROM THE TAX FILES FROM GEO. DOUGLAS CPA DATED 10-1-80

Declaration by Owner/Authorized Agent:

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

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

Notice to Owners/Authorized Agent:

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

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

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

Landowner/agent signature: Merrill D. Gonterman

(Print Name and Title) MERRILL D. GONTERMAN OWNER

Date: 12-30-94

FOR WATER RESOURCES DEPARTMENT USE ONLY

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

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

RECEIVED
DEC 30 1994
WATER RESOURCES DEPT.
EM, OREGON

APPLICANT NAME _____

FILE NUMBER _____

APPLICANT NAME _____

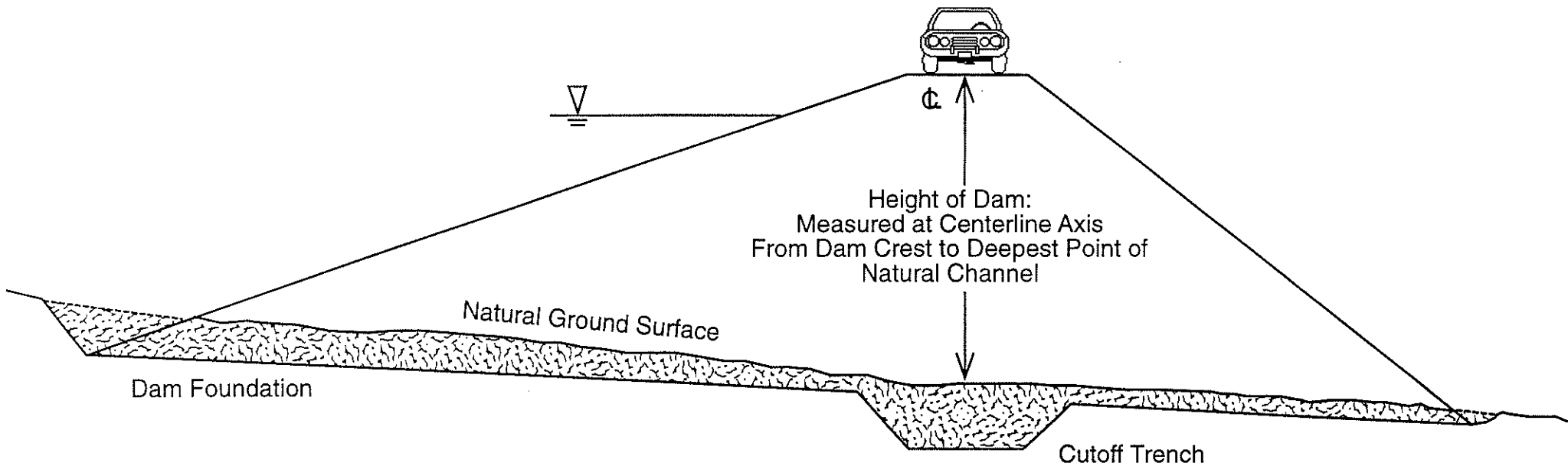
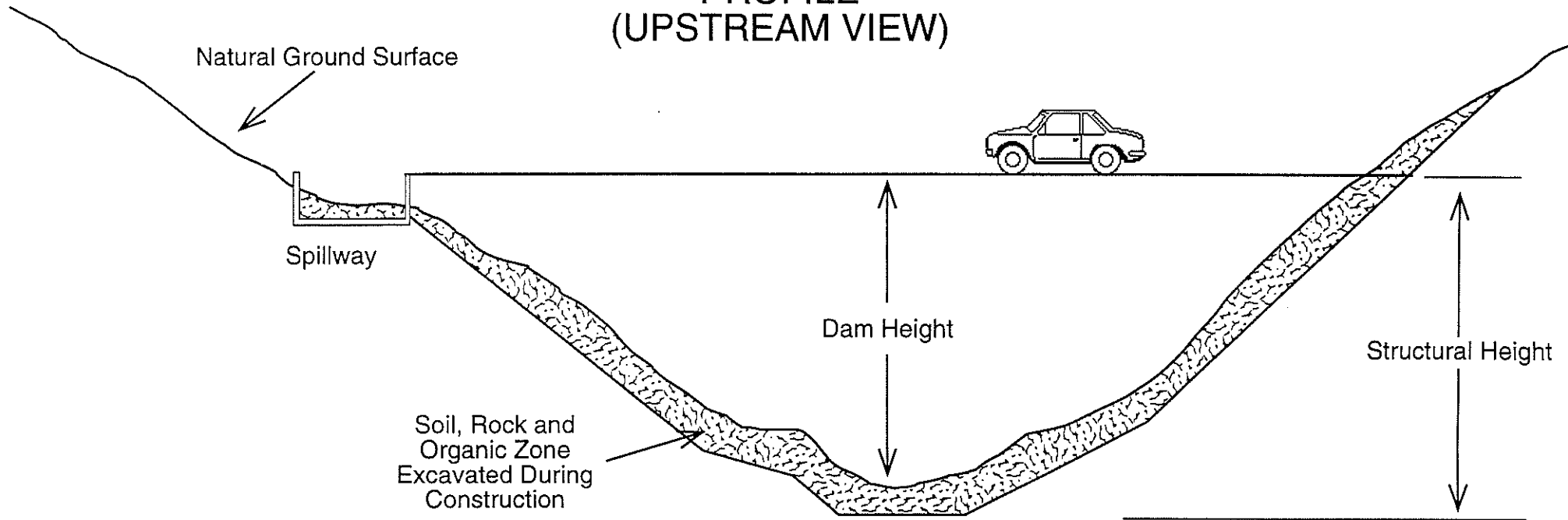
PAGE _____ OF _____

RESERVOIR NAME/ NUMBER	TOWN SHIP	RANGE	SECTION	COUNTY	SOURCE	MAXIMUM HEIGHT OF DAM	MAXIMUM WATER DEPTH	STORAGE CAPACITY (STATE UNITS)	OUTLET PIPE (LOCATION, DESCRIPTION, SIZE)

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 DEC 30 1994
 WATER RESOURCES DEPT
 SALEM, OREGON

ATTACHMENT 1

PROFILE (UPSTREAM VIEW)



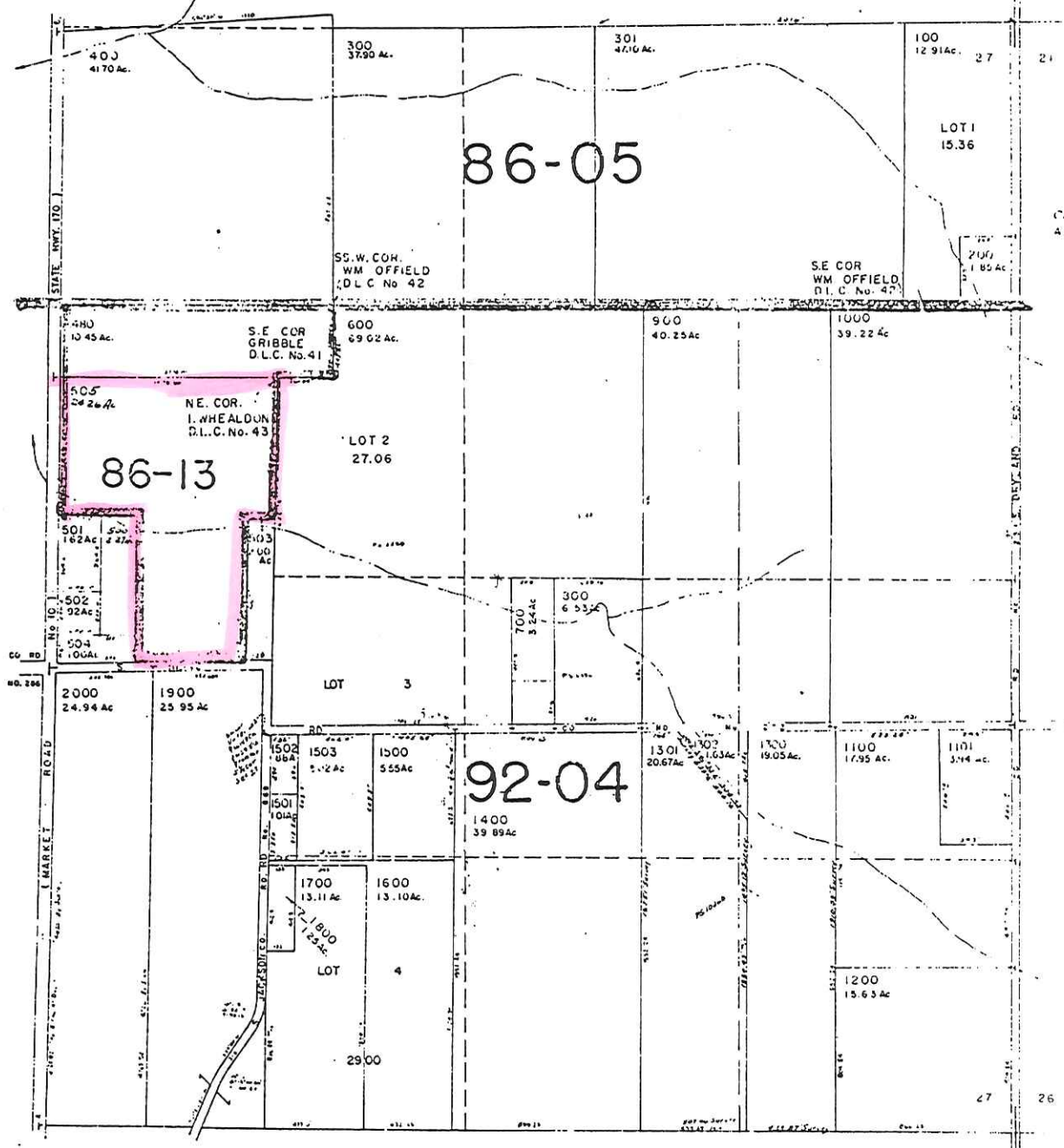
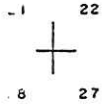
CROSS SECTION (TYPICAL)

SCALE 1:9300.



SEE MAP 4 IE 22

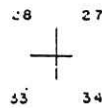
22 23



Cancelled No. 430

SEE MAP 4 IE 25

SEE MAP 4 IE 25



SEE MAP 4 IE 34

4 IE 27

Application No. P-77514
Permit No.

RECEIVED
DEC 30 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. P-77514
Permit No.

RECEIVED

DEC 30 1994

WATER RESOURCES DEPT.
SALEM, OREGON

480
10.45Ac.

600
69.02Ac.

505
24.26Ac.

501 500
1.62 2.27

FORD

503
2.00

504
1.00Ac.

HEINE Road

2000
24.94Ac.

1900
25.95Ac.

DRYLAND RD

1503
5.02Ac.

1500
5.55Ac.

1502
0.88

1501
1.10

JILL
A

1700
13.11Ac.

1600
13.10Ac.

1800
1.25Ac.

ARQUAM - Conby Hwy #130

JACKSON ROAD

October 24, 1994

RECEIVED

DEC 30 1994

WATER RESOURCES DEPT.
SALEM, OREGON

MERRILL GONTERMAN
28390 S HWY 170
CANBY, OR 97013

RE: COUNTY: Clackamas
LOCATION: Township 4S Range 1E Section 27 Tax lot 505

Hello:

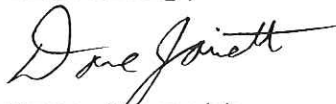
This office recently conducted a published map survey of reservoirs and ponds in Clackamas and Marion counties. Although many property owners may not be aware of legal requirements, Oregon law requires recorded water rights for most surface water storage facilities. You are being sent this letter because there appear to be one or more unpermitted reservoirs on the above described property that you own. If our information is in error or a former reservoir has been removed, please call so that we can correct our records.

Legislation passed in the 1993 Oregon Legislative Session included House Bill 2153 that simplified the filing process and allow storage to continue, without penalty, while an application is being processed. To qualify, a reservoir must have been completed before January 1, 1993 and an application submitted by January 1, 1995. An informational sheet describing the legislation is enclosed.

Water right permits are more than a legal requirement. They protect investment in a water feature against encroachment by newer water claims, and establish a legal right to continue water storage. Under this legislation, the priority date of water rights established will be to January 1993.

If you have any questions, need information or application forms, please call Melissa Conley ext. 296 or myself at (503) 378-8455 ext. 220.

Sincerely,



Dave Jarrett
Watermaster District 16

Application No *P-77514*
Permit No.

Enclosures



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

ASSET LISTING AT 12/31/93

Please review and delete any assets that you no longer have

Seja & Mirror Magic:

COMPUTER FURNITURE	1/01/87	212
COMPUTER #1	1/15/87	6,815
COMPUTER #2	4/01/87	4,815
POLAROID CAMERA	10/01/87	2,065
CAMERA FOR COMPUTER	8/06/89	1,100
COMPUTER PEN & BOARD	8/15/89	770
SOFTWARE	8/15/89	695
COMPUTER BOARDS	8/15/89	770

Farm assets:

250 STRAWBERRY CRATES	8/01/66	375
1947 CHEV TRUCK	8/01/66	40
1/2 T FORD TRUCK	2/01/67	175
INTERNATIONAL TRUCK	5/01/67	190
CASE RAKE	7/01/70	75
214 JD BALER	7/01/70	400
OLIVER MOWER	7/01/70	50
FARMALL TRACTOR	7/01/70	650
TRAILER	1/01/71	200
COW	5/01/71	303
TANDEM DISC	6/01/71	50
CEMENT MIXER	7/01/71	150
CORN PICKER	2/01/73	175
JEEP PICKUP	3/01/73	4,387
DRILL	3/01/73	73
WELL	8/01/73	742
PUMP	9/01/73	395
DRILL PRESS	8/01/74	130
STORAGE BUILDING	11/01/74	2,014
CANOPY	7/01/75	338
AIR COMPRESSOR	7/01/75	250
MACHINE SHOP	7/01/75	3,390
AIR GUNS	7/01/75	110
1 USED COW	7/01/76	175
2 USED COWS	7/01/76	300
NEW PUMP	9/01/76	150
NEW GRINDER	6/01/78	109
BERRY FIELDS	1/01/79	14,365
TILING	3/01/79	4,067
POST DIGGER	5/01/79	567
WALK IN COOLER	7/01/79	215
HOES	7/01/79	40
TRACTOR & ROTOVATOR	7/01/79	8,072
WRENCHES	7/01/79	39
SPRAYER	7/01/79	203
AXE & GLOVES	11/01/79	39
WEED WIPER	3/01/80	79
REARS SPRAYER - USED	3/01/80	600
1980 VW PICKUP	6/01/80	6,930
SATO TRACTOR & ROTOTILLER	6/01/80	5,259
IRRIGATION POND	10/01/80	5,737
PIPE PUMP INSTALLATION	3/01/81	8,253
METER	3/01/81	144
IRRIGATION WELL	5/01/81	3,456
GMC TRUCK	6/01/81	550
REBUILT ENGINE - JEEP	6/01/81	550

RECEIVED

DEC 30 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 8-77614
 Permit No.

Constructed by Eymon Equip Inc.
 9718 S. Barnard Rd Canby, Or.
 266-2567
 performed by Jon Eymon

Watermaster HB-2153
Check-List

WM 16

February 15, 1995

MERRILL D GONTERMAN

28390 S HWY 170
CANBY, OR 97013

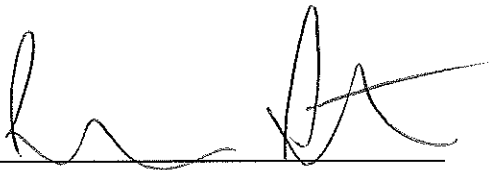
REFERENCE: File(s) P-77514

Reservoir qualifies as exempt

Reservoir does not qualify as exempt

Reservoir is off channel	<u>YES</u> <u>NO</u>
Height of Dam	_____
Capacity of Reservoir	_____
Constructed before 1/1/1993	<u>YES</u> <u>NO</u>

I Rachel Stevens examined the information included with the file P-77514. My determination is based on review of the information and field visit to the site and/or personal knowledge.



Signature

8/17/95
Date

PRE-TR APPLICATION PROCESSING OUTLINE 77514
 Application File # _____

MINIMUM REQUIREMENTS TO FILE
 OAR 690-11-020

DATE STAMP

<u>DATE</u>	<u>INITIAL</u>	
_____	_____	Name and mailing address of applicant
_____	_____	Source of water
_____	_____	Quantity of water
_____	_____	Map showing location of POD & POU
_____	_____	Use of water
_____	_____	Names and addresses of legal owners
_____	_____	Signature of applicant
_____	_____	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

<u>3/27/95</u>	<u>PX</u>	Stamp contents with application number
_____	_____	Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
<u>3/27/95</u>	<u>PX</u>	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

Sm 02-08-95 (date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

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

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

Signature (and title, if applicable)

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

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

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

HB 2107 - wetland, stream restoration and storm water management

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

- _____ Name/address of adjacent property owner
- _____ within 1/4 mile
- _____ Map with scale not less than 2 in.=1 mi.
- _____ CWRE map if > 10 feet dam or > 9.2 AF
- _____ Description of proposed use
- _____ Condition addressed
- _____ Resulting benefits
- _____ Public notices (circle) #1 #2