

November 8, 1995

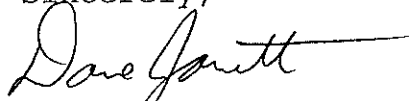
REFERENCE: Notice of Exempt Reservoir (Pond)

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

MARCELL RHODES
RHODES, LOUISE
22991 HWY 47
YAMHILL, OR 97148

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-77577;
Notice of Exempt Reservoir (Pond)

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

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

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

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

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

Sincerely,



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

Enclosure: New Water Right Law for Pond Owners Brochure



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIVED

JAN - 3 1995

WATER RESOURCES DEP.
SALEM OREGON

NOTICE OF EXEMPT RESERVOIR

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

Landowner: MARCELL + LOUISE RHODES

Authorized Agent: (if applicable) _____

Address: 22991 Hwy 47

Yamhill OREGON 97148 662-4604
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 01700, Township _____, Range R2423, in M00000102 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: WINTER RUN OFF

3. Maximum height of the dam: 7 ft.

4. Maximum water depth in the reservoir: 6 ft.

5. Maximum storage capacity of reservoir: 1A

6. Size, description and location of any outlet pipe: NE CORNER
8 inch OUTLET PLASTIC PIPE

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

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

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

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

7.4 Construction receipts or other forms of documentation.

Application No. P-77577
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 690-11-014 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: Marcell Rhodes / Louise Rhodes 12-29-94

(Print Name and Title) _____

Date: _____

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) _____

Administrative stamp

PONDS BROCHURE ADDENDUM

Attachment 2

9/21/94

Since 1909, Oregon water law has provided that, with few exceptions (see below), in order to store water in a man-made structure (pond or reservoir), a permit issued by the state is required. Storage, like irrigation or any other beneficial use of water, must have a water right to maintain its priority in line with other water rights. House Bill (HB) 2153 was passed by the 1993 legislature in recognition that many owners of small ponds were not aware of the law. Please refer to the April 1994 brochure, "New Water Right Law for Pond Owners" for details.

It has been recently brought to our attention that the brochure has created some confusion about ponds that are exempt from water right permit requirements. Namely, two of the examples of exempt ponds described in the brochure involve pond types that have never needed water rights under the law (Examples A & D). HB 2153 did NOT create any NEW water right requirements- it only provided RELIEF from the long-standing requirements for those ponds that meet the specific criteria described in the new law. We apologize for any confusion caused by the examples in our brochure.

The following pond examples have never required a water right for storage, and are not required to file a "Notice of Exempt Reservoir" form with the Department:

1. An excavated hole exposes the natural groundwater table to the atmosphere, no surface water is channeled into the hole and no additional uses are made of the water;
2. A pond is constructed around a natural spring, and runoff from the spring has never left the property of origin in a well-defined channel (Example "A" in the brochure);
3. Ponds formed for the purpose of erosion control, that are designed to slow runoff and collect silt (Example "D" in the brochure).
4. Ponds within irrigation districts that receive only district water and contain only an amount of water necessary to satisfy a rotation schedule allotment are called a "bulge in the system," rather than storage for future use.

HB 2153 allows an exempt status for certain other ponds that meet all of the following criteria (prior to HB 2153, these required a water right):

- a. The pond was constructed prior to January 1, 1993;
- b. The pond stores less than 9.2 acre-feet of water or has a dam less than 10 feet high; and,
- c. The pond is located off-channel (the law defines this term) and outside streambank areas.

NOTE: To qualify for any of the provisions of HB 2153, either an exempt notice (if the pond qualifies) or an application for a water right permit must be filed with the Department on or before January 1, 1995.

December 29, 1994

Statement

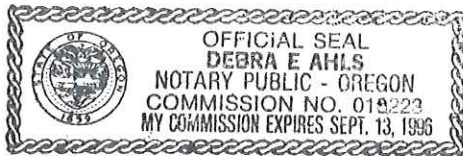
RECEIVED
JAN - 3 1995
WATER RESOURCES DEP.
SALEM, OREGON

The property commonly known as 22991 Hwy 47, Yamhill, OR has been owned by us, Marcell and Louise Rhodes for some 20 years. At the time of purchase this property contained a pond. The pond is fed by winter run off and is almost dry in the summer months. We do not use the pond for any agricultural purpose.

Louise Rhodes

State of Oregon
County of Yamhill

Subscribed and sworn before me this 29th day of December, 1994



Debra E. Ahls
Debra E. Ahls
My commission expires 09/13/96

80.75 ch

400
40 Ac

RECEIVED

JAN - 3 1995

WATER RESOURCES DEP.
SALEM, OREGON

300
25.9 Ac

Application No. P-77577
Permit No.

5.12 ch

10'

1700
18.6 Ac

Handwritten notes and symbols

1600

2400
91.55 Ac

LOT 2

LOT 3

16.2

61.50 ch

NE COR
Sam F Loughlin
DLC No 42

2200
2.1 Ac

CS 3132



560' ROAD

(11.51 ch by deed)

COUNTY ROAD

EAST LINE
984.98' CO. RD. NO. 273

LOT 4

1800
18 Ac

2100
91.29 Ac

1591.3'

N 85° 41'

Watermaster HB-2153
Check-List

February 15, 1995

MARCELL RHODES
RHODES, LOUISE
22991 HWY 47
YAMHILL, OR 97148

REFERENCE: File(s) P-77577

Reservoir qualifies as exempt

Reservoir does not qualify as exempt

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

I Rachel Stevens examined the information included with the file P-77577. My determination is based on review of the information and field visit to the site and/or personal knowledge.



Signature

8/29/95

Date

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # _____

P- 77577

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>3/28/95</u>	<u>PK</u>	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
<u>3/28/95</u>	<u>PK</u>	

APPLICATION SECTION

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

TR CASEWORKER

TR Checklist complete	<u>YES</u> <u>NO</u>
Within Irrigation District	_____
District Notified	_____
District excerpt received	_____

TR Mailed DATE _____

Public Interest Checklist complete _____

Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

 01-07-95 NOTICE OF EXEMPT RESERVOIR form (or letter
(date & initials) 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

FILE# P 77577

MARCELL RHODES
RHODES, LOUISE
22991 HWY 47
YAMHILL, OR

97148

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MARCELL RHODES
RHODES, LOUISE
22991 HWY 47
YAMHILL, OR

97148

Application No.

P-77577

Permit No.

MARCELL RHODES
RHODES, LOUISE
Name - 22991 HWY 47
Address YAMHILL, OR

97148

Assigned

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to