

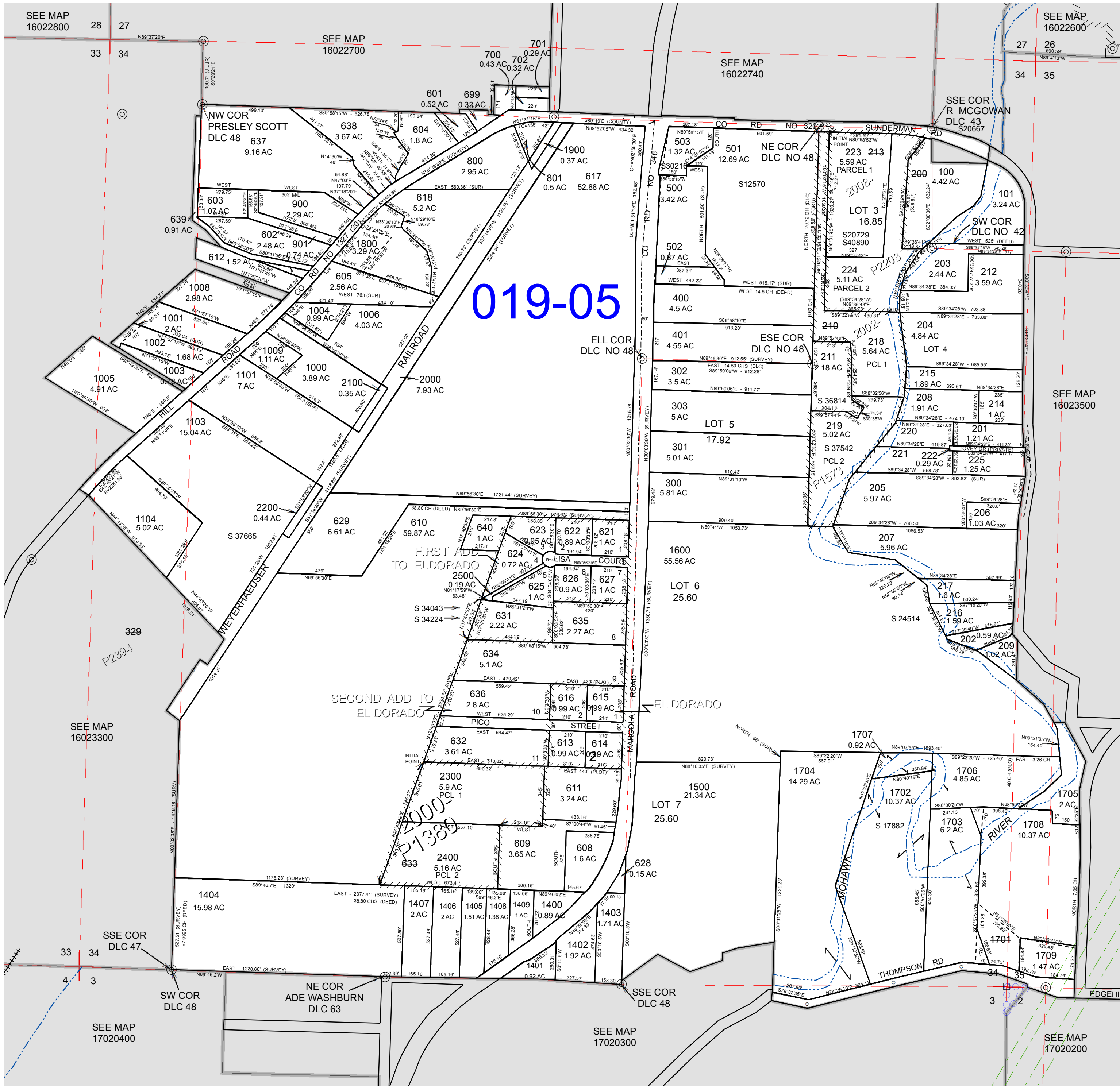








SECTION 34 T.16S. R.2W. W.M.  
Lane County  
1" = 400'



OCTOBER 30, 1995

ANTHONY SUOBODA  
JULIE SUOBODA  
91098 MARCOLA RD  
SPRINGFIELD, OR. 97478

NOTICE OF EXEMPT RESERVOIR (POND)  
FILE # P - 78615

Dear applicants:

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 accompanying data, we have determined that your pond qualifies as exempt under our administrative rules and you need not apply for a water right for your pond. We encourage you to keep this letter with the other important property records that you keep.

If you have any questions, please contact my office at the address or telephone number below.

Sincerely,

Gene Mc Ginnis  
Watermaster  
District 2  
Phone 687 - 3620



March 1, 1995

Oregon

ANTHONY SUOBODA  
SUOBODA, JULIE  
91098 MARCOLA RD  
SPRINGFIELD, OR 97478

WATER  
RESOURCES  
DEPARTMENT

REFERENCE: File # P-78615;  
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: Anthony & Julie Svoboda

Authorized Agent: (if applicable) \_\_\_\_\_

Address: 91098 marcola Rd

Springfield OR 97478 503 7261599  
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 34, Township 16.S, Range 2W, in Lane 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: ground water

3. Maximum height of the dam: \_\_\_\_\_

4. Maximum water depth in the reservoir: 8 ft.

5. Maximum storage capacity of reservoir: 1/2 acre

6. Size, description and location of any outlet pipe: none

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-78615  
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: Julie L. Svoboda

(Print Name and Title) Julie L. Svoboda Landowner

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 P78615.

cc: Watermaster District # \_\_\_\_\_  
To Data Center (date) \_\_\_\_\_

2153form9/19/94

STATE OF OREGON  
COUNTY OF LAINE  
SUBSCRIBED AND SWORN BEFORE ME  
THIS 30 DAY OF Dec 19 94  
Renee Brolin  
NOTARY PUBLIC







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.



Application No. *P-78615*

Permit No. 131834 (Sur)

RECEIVED

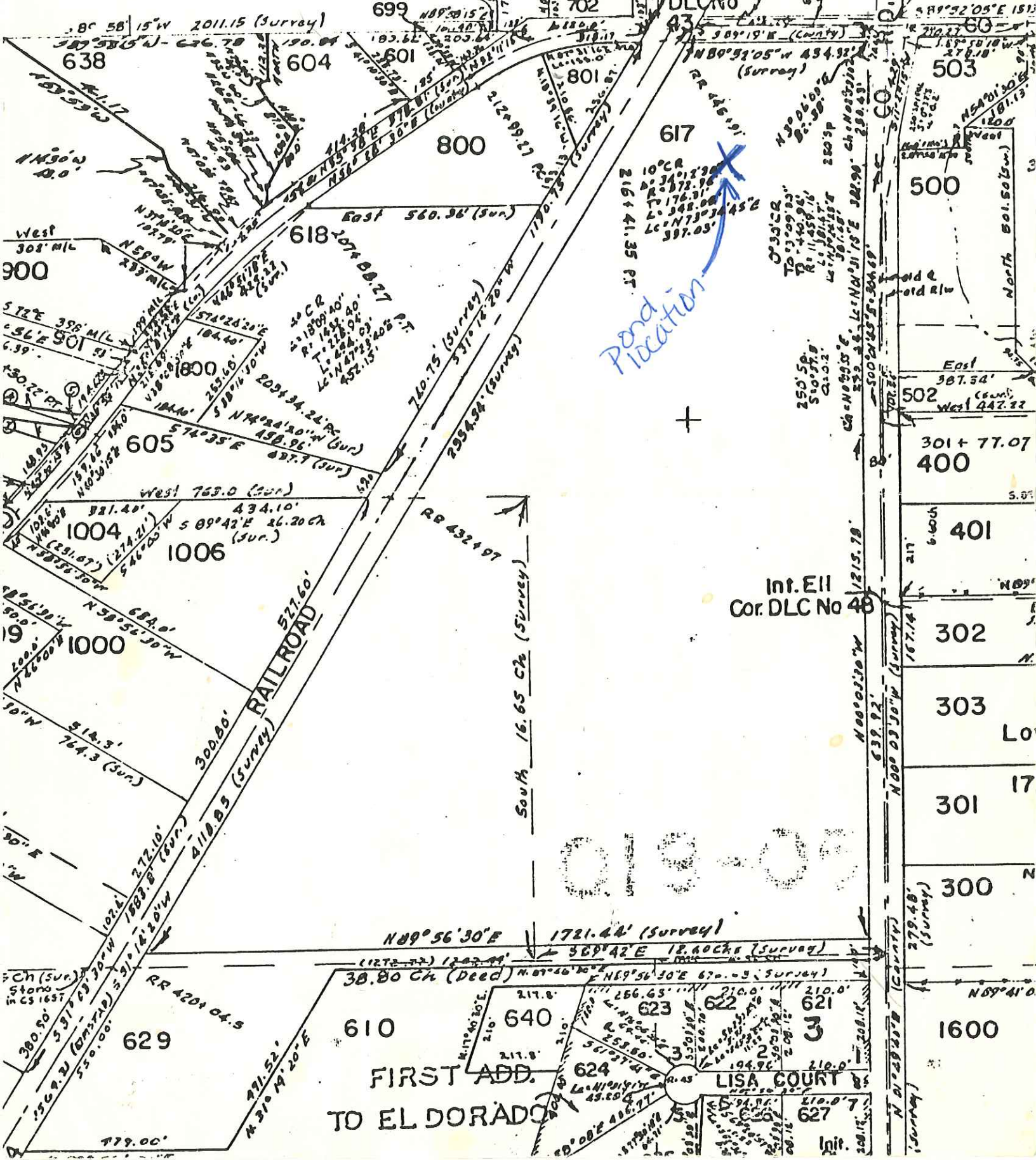
JAN - 3 1995

WATER RESOURCE DISTRICT SALEM, OREGON

65

Lot 2 10.12

NO. 346



*Pond Location*

Int. Ell Cor. DLC No 48

FIRST ADD. TO EL DORADO

LISA COURT

315 + 44

RR 494 + 149 CC

RR 251 + 84.9 BC

RR 251 + 87.7 PO

222185 38 (HIL)

5311 + 29.96 POST

589° 52' 05" E 151

278.18

503

1200

North 801.60 (Sur)

East 387.54'

502

West 247.22

301 + 77.07

400

6.60

401

302

303

Lo

301

17

300

1600

167.14

379.46 (Survey)

87.46

N 89° 41' 0"



MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

DB 2/17/95  
(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).

Clarity Volume 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

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Application No. P 78615

Permit No. \_\_\_\_\_

ANTHONY SUOBODA  
SUOBODA, JULIE  
91098 MARCOLA RD  
SPRINGFIELD, OR

97478

Assigned \_\_\_\_\_

Address \_\_\_\_\_

Beginning construction \_\_\_\_\_

Completion of construction \_\_\_\_\_

Extended to \_\_\_\_\_

Complete application of water \_\_\_\_\_

Extended to \_\_\_\_\_