

February 9, 1995

THOMAS D LACKEY
LACKEY, LOIS ANN
17296 SILVER FALLS HWY
SUBLIMITY, OR 97385

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-76971;
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.

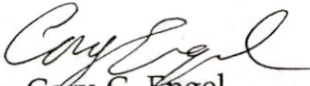
To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the 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

DEC 30 1994

WATER RESOURCES DEPT.
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: Thomas D. Luckey and Lois Ann Luckey

Authorized Agent: (if applicable) _____

Address: 17296 Silver Falls Hwy
Sublimity OR 97385 769-6807
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 20, Township 8 South, Range 1 East, in Marion 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: unnamed spring.
3. Maximum height of the dam: 6 feet.
4. Maximum water depth in the reservoir: 6 feet.
5. Maximum storage capacity of reservoir: 1.50 Acre Feet.
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-76971
Permit No. 5

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.

Pond was in existence at the time I purchased property in 1972.

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: *Thomas D. Lackey*

(Print Name and Title) Thomas D. Lackey

Date: December 28, 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) _____

Exhibit "A"

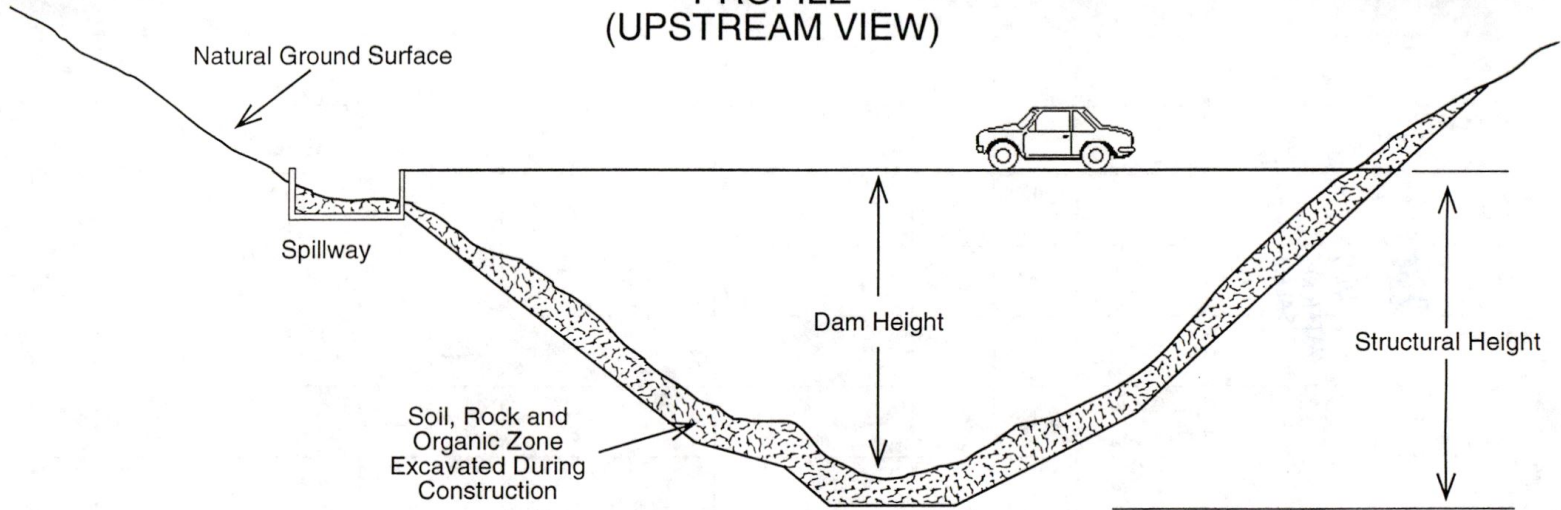
RECEIVED

DEC 30 1994

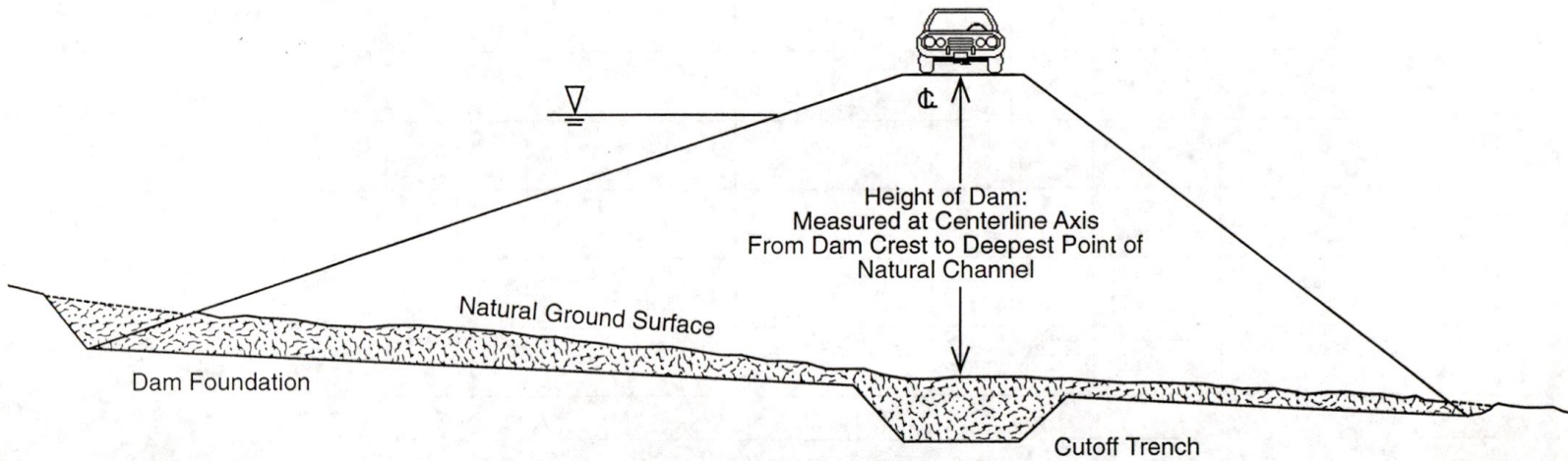
**WATER RESOURCES DEPT.
SALEM, OREGON**

Beginning at a point on the East line of the John Phillips Donation Land Claim No. 48 in Township 8 South, Range 1 East of the Willamette Meridian, which point of beginning is also the most Northerly Southwest corner of a tract of land conveyed to Geo. D. Scott and wife by deed recorded October 15, 1923, in volume 175, page 231, Deed Records; thence South 35° East along the Southwesterly line of said Scott Tract, 4.92 chains to the most Southerly Southwest corner of said Scott Tract; thence Southeasterly to and along the center line of the Oregon State Highway No. 214 to the North line of a tract of land conveyed to H. B. Scott by deed recorded in Volume 108, Page 39, Deed Records; thence West along the North line of said Scott Tract and a Westerly extension thereof, to the East line of said Phillips Donation Land Claim; thence North to the point of beginning, being situated in sections 17 and 20 in Township 8 South, Range 1 East of the Willamette Meridian in Marion County, Oregon.

PROFILE (UPSTREAM VIEW)



CROSS SECTION (TYPICAL)



APPLICANT NAME _____ FILE NUMBER _____
 APPLICANT NAME _____ PAGE ____ OF ____

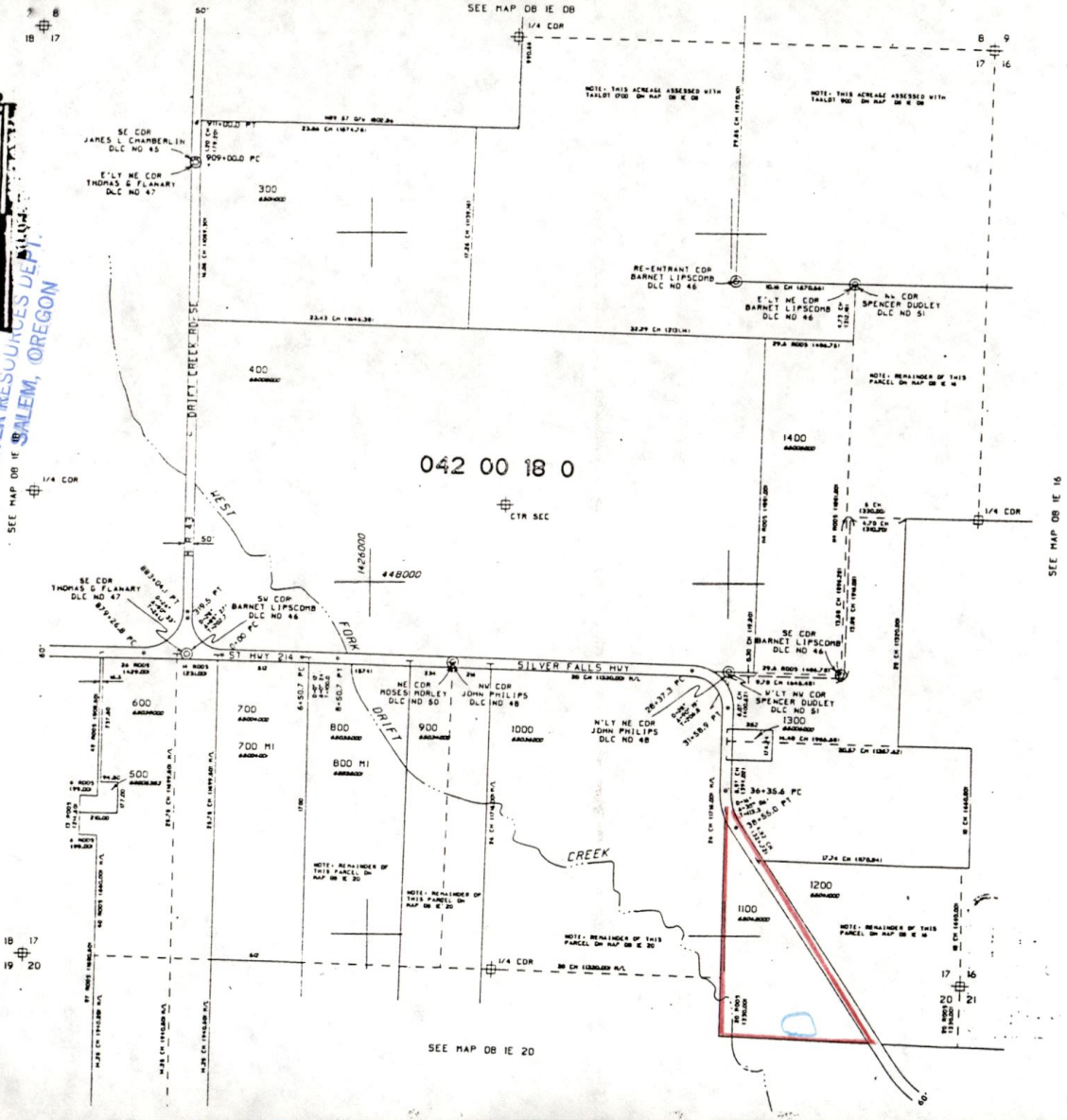
RESERVOIR NAME/ NUMBER	TOWN SHIP	RANGE	SECTION	COUNTY	SOURCE	MAXIMUM HEIGHT OF DAM	MAXIMUM WATER DEPTH	STORAGE CAPACITY (STATE UNITS)	OUTLET PIPE (LOCATION, DESCRIPTION, SIZE)

RECEIVED
 DEC 30 1984
 WATER RESOURCES DEPT
 SALEM, OREGON

SEC.17 TWP.BS. RGE.IE. WM
MARION COUNTY, OREGON

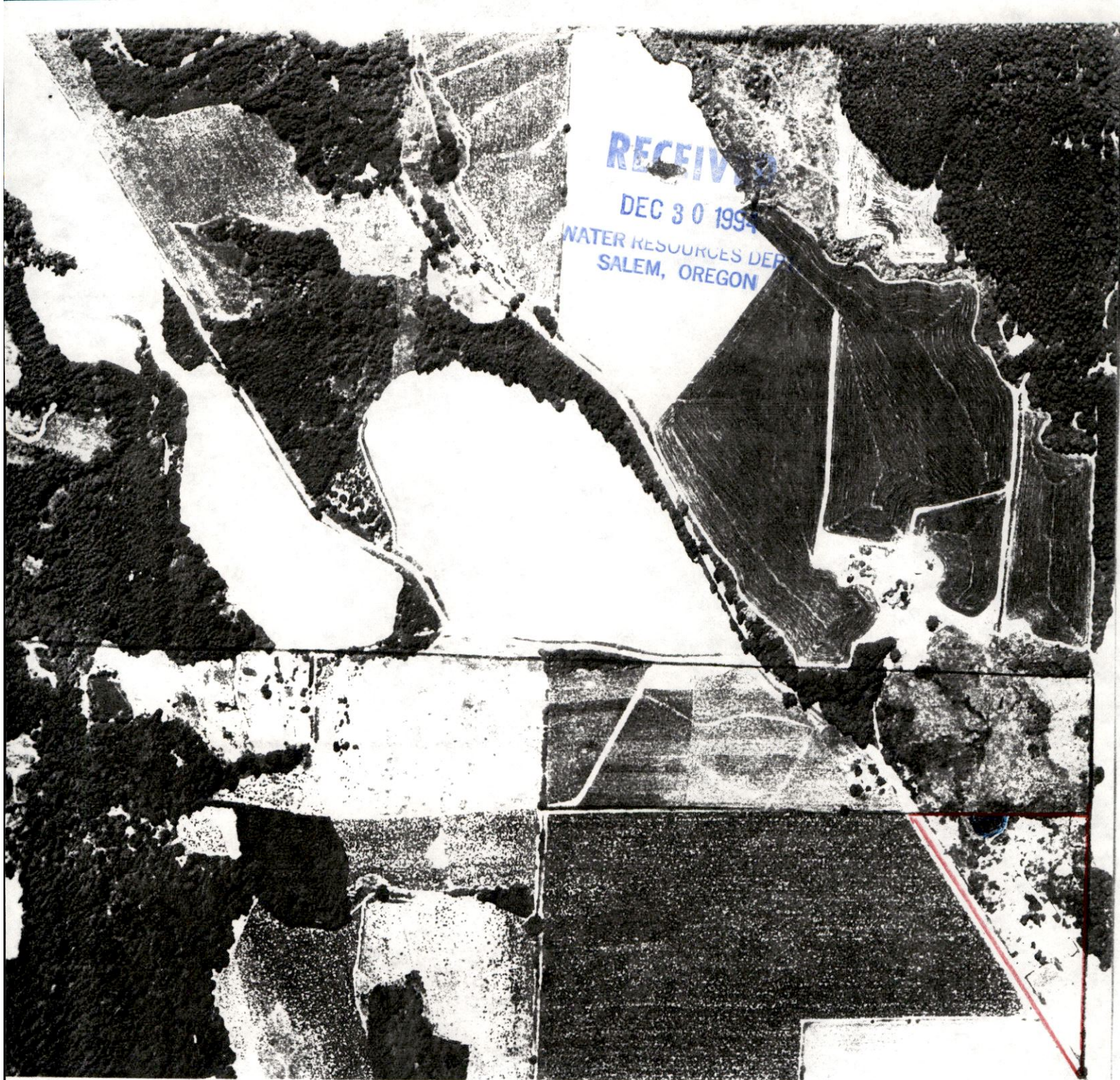
D 12 17

RECEIVED
SCALE 1:9600
DEC 30 1994
MATER RESOURCES DEPT.
SALEM, OREGON



1"=400'
07-JUN-89

Application No. 8-7697
Permit No.



Application No. 8-74971
Permit No.

February 1, 1995

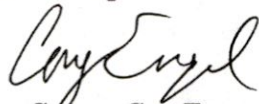
THOMAS D LACKEY
17296 SILVER FALLS HWY
SUBLIMITY OR 97385

Dear Mr. Lackey,

The Department has received your Notice of Exempt Reservoir. Fees are not required to file this Notice, so your check #1288 in the amount of \$40.00 is enclosed.

If you have any questions regarding this matter, please call our water rights section at 378-8455.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant

Application No. 8-76971
Permit No.

1288

THOMAS D. LACKEY
17296 SILVER FALLS HWY. 769-6807
SUBLIMITY, OREGON 97385

96-631/1232

December 29, 1994

PAY TO THE
ORDER OF

Water Resources Department

\$ 40⁰⁰

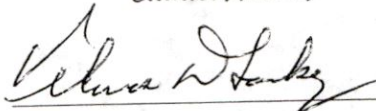
Forty and ^{no}/₁₀₀

DOLLARS

American Pacific Bank

P.O. Box 350
112 Main Street
Aumsville, Oregon 97325

Charter Account



FOR

⑆ 23 2063 12⑆ 1288 00⑆ 008 10 1⑆



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

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # P-76971

MINIMUM REQUIREMENTS TO FILE
OAR 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

3/20/95 BY Stamp contents with application number
 Mail ack letter (provided by Data Center) with
 receipt to applicant, cc to CWRE and file
3/23/95 IX Place label on file and calendar 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

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
Map with scale not less than 2 in. = 1 mi.
CWRP map if > 10 feet dam or > 9.2 AF
Description of proposed use
Condition addressed
Resulting benefits
Public notices (circle) #1 #2

