

August 10, 1994

Oregon

RONALD HRUSKA
HRUSKA, MARTHA
4341 LAKESHORE DRIVE
SELMA, OR 97538

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-74104;
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.

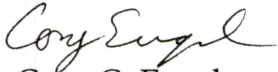
To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the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

OREGON FARM BUREAU

NEW WATER RESOURCES LEGISLATION

What: House Bill 2153, 1993 Oregon law, Chap. 595, the "ponds bill"
Who's affected: Owners of existing ponds without water rights
Effective date: November 4, 1993

ARE YOUR PONDS LEGAL?

The Oregon legislature passed HB 2153, the "Ponds Bill", because of the vast amount of ponds that don't have water rights. Many landowners did not realize a water right was required to store or use any amount of water.

HB 2153 grants a new exemption for certain small reservoirs and provides a temporary "amnesty" for owners of most other existing ponds and reservoirs. Under the new law, owners are allowed until January 1, 1995, to either request the Department to issue a storage permit for a reservoir in existence before January 1, 1993, or notify the department of the use of an exempt reservoir that was constructed before January 1, 1993.

HB 2153 became effective November 4, 1993. However, it does not appear that the Water Resources Department (WRD) will have the required rules to implement the bill in effect until at least the middle of 1994. Farm Bureau is supplying the following information to you now so that you can begin to protect yourself. The Water Resources Department has stated it is accepting applications now, even though their rules are not drafted.

The main thing is get your notice or your application filed with the Department before the deadline.

EXEMPT PONDS

- 1 ✓ Constructed on or before January 1, 1993
- 2 ✓ Located outside a riparian area
- 3 ✓ Located off-channel -- the statute defines off-channel to mean:

"Off-channel" means outside a natural waterway of perceptible extent which, during average water years, seasonally or continuously contains moving water that flows off the property owned by the applicant and has a definite bed and banks which serve to confine the water. "Off-channel" may include the collection of storm water run-off, snow melt or seepage which, during average water years, does not flow through a defined channel and does not flow off the property owned by the applicant.

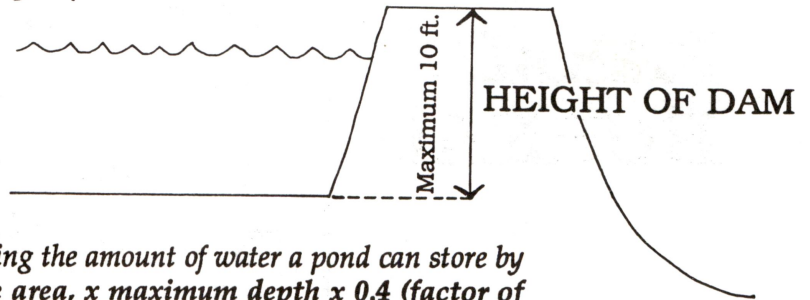
RECEIVED

MAY 10 1994

WATER RESOURCES DEPT.
SALEM, OREGON

4 ✓ Dams under 10' in height

The WRD determines the height of a dam in this manner.



5 ✓ Ponds under 9.2 acre feet

The WRD suggests calculating the amount of water a pond can store by using this formula; surface area, x maximum depth x 0.4 (factor of average slopes) = volume

✓ Does not divert water from a natural stream, lake or other on-channel source.

IF YOU QUALIFY FOR THE EXEMPTION:

If you think your pond qualifies as an exempt reservoir, you have to provide written notice of the use to WRD by January 1, 1995. If you do not meet that deadline, you will lose your chance for an exemption. The notice must include;

1. A map indicating the location of the reservoir, and
2. The amount of water stored, and
3. The source of water used to fill the reservoir, and
4. Verification signed by the owner of the reservoir. (This means the notice must contain a verification statement, be signed in front of a notary public and notarized.)

If you mail your notice, keep a copy and send the original by certified mail, return receipt requested. Keep your copy of the notice with the return receipt in a very safe place. It may be the only evidence you will ever receive that you are legal. Note that the notification process established for this new category of exempt reservoirs does not create a water right. The only way to get a water right is to apply for one.

IF YOU DON'T QUALIFY:

If your reservoir was built before January 1, 1993, but does not meet the criteria for exempt ponds, you may still be able to file a water right application by January 1, 1995, and continue to use the water until a decision is reached on your application.

The WRD says you may submit your application on the existing reservoir application forms. Up to ten reservoirs may be applied for under 1 application. Clearly mark your application across the top "HB 2153" and include a statement of when the reservoir was constructed. You may be asked for additional information as the rules change and to satisfy other agency requirements.

FOR MORE INFORMATION:

Protecting yourself in this area may require an attorney with an understanding of water law. If you need to talk with someone at the Water Resources Department, contact the Water Rights Division at 378-3739 or 1-800-624-3199.

Application No. 74104
Permit No.

RECEIVED

MAY 10 1994

Water
Application to Oregon State Resources Department-- WATER RESOURCES DEPT.
SALEM, OREGON

in reference to : HB2153

This is a written notice to apply for an exempt Pond Status
(HB2153 Pond Bill)

Statement of facts:

1. This property (tax lot 800 38 07 17 Josephine County) was purchased in 1973 and said pond was in existence at that time. The previous owner excavated the pond approximately 12 years prior to my purchase of said property. Then in 1981 we had said pond cleaned to remove unwanted aquatic vegetation and sediment.
2. This pond is not within a riparian area.
3. This pond is "off-channel" as to your definition. This pond is a sump type pond, a hole was excavated on level type ground. Water from underground seeps into it and out of it. There is no water escapement from this pond above ground level-- over its banks.
4. there is no damming involved with this pond.
5. Water level fluctuates during winter and summer months--the high being in winter. During winter months said pond measures 65' x 45' x 10' deep and contains approximately 11,700 cubic feet of water equal to approx. 0.26 acre foot (home calculations) to your formula.
6. This pond does not divert water from any natural stream, lake or other on channel source.
7. This stored water is used in nearly equal portions for livestock production (cattle and sheep), household, and recreation (swimming and fishing).

This is our verification statement: we sent for the WRD package and there was no application for an existing pond exemption. We will sign and have notarized this hand written application for your review. We have also enclosed a map with notarization and signatures.

Ronald L. Hruska

Martha Hruska

4341 lakeshore Drive
Selma, Oregon 97538

Phone: 503-597-4492

Application No. 74104
Permit No.

MAY 10 1994

Water
Application to Oregon State Resources Department-- WATER RESOURCES DEPT.
in reference to : HB2153 SALEM, OREGON

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STATE OF OREGON,

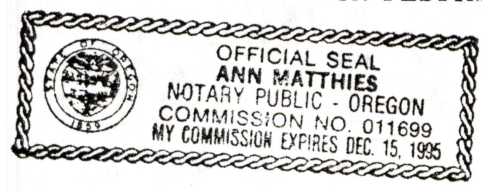
County of Josephine } ss.

FORM No. 23--ACKNOWLEDGMENT.
Stevens-Ness Law Publishing Co. NL
Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this 6th day of May, 1994, before me the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named RONALD L HRUSKA AND MARTHA HRUSKA

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Ann Mathies
Notary Public for Oregon
My commission expires 12/15/95

Ronald L. Hruska Ronald L. Hruska
Martha Hruska Martha Hruska
4341 Lakeshore Drive
Selma, Oregon 97538 Phone: 503-597-4492

MAY 10 1994

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

5/28/94 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

TAX LOT 800 10ND LOCATION 1714P

38 07 17

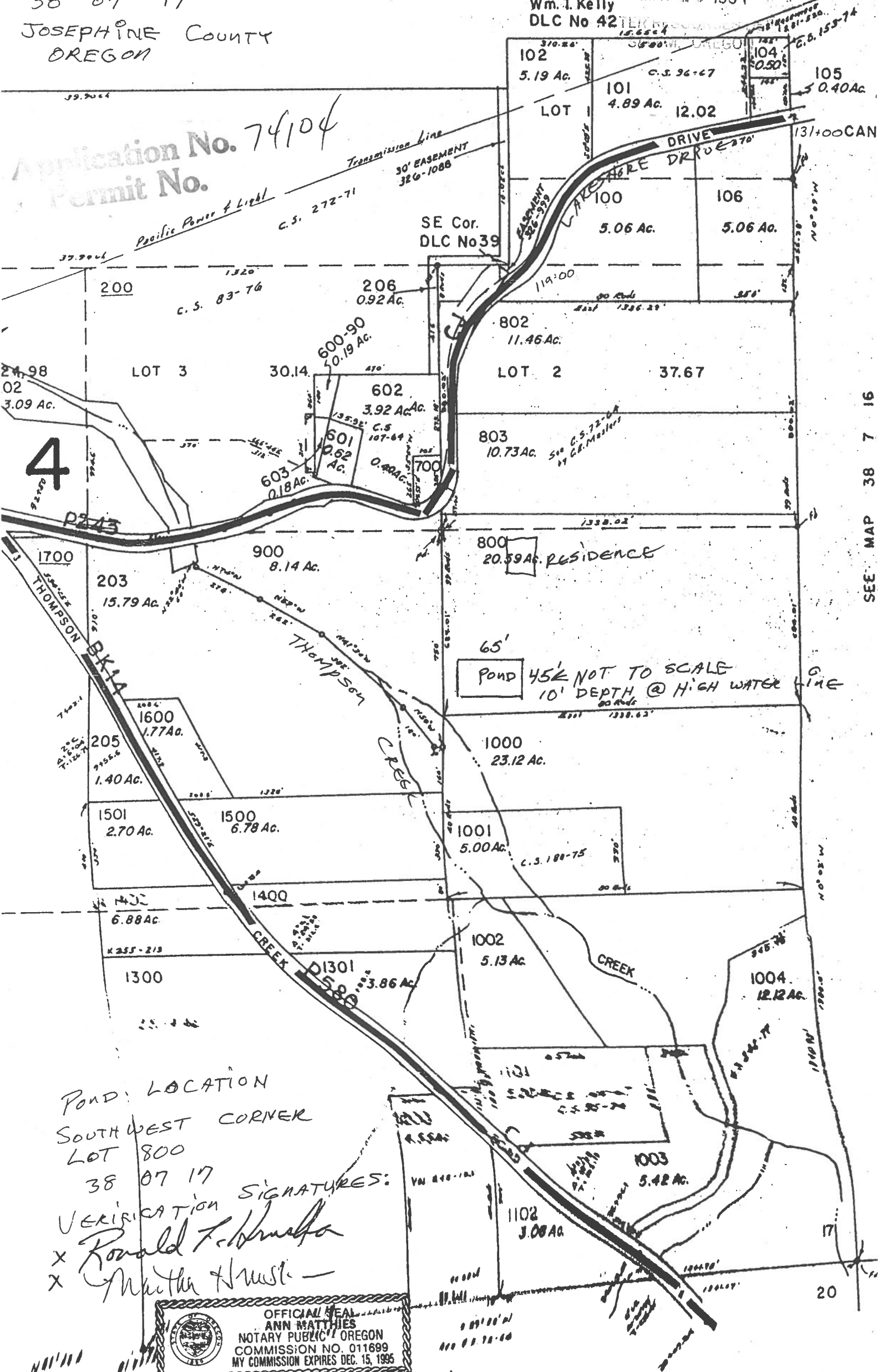
NORTH

SW Cor.
Wm. T. Kelly
DLC No 42

MAY 10 1994

JOSEPHINE COUNTY
OREGON

Application No. 74104
Permit No.



SEE MAP 38 7 16

POND LOCATION
SOUTHWEST CORNER
LOT 800
38 07 17

VERIFICATION SIGNATURES:
X *Ronald F. ...*
X *Maitha ...*

OFFICIAL SEAL
ANN MATTHIES
NOTARY PUBLIC OREGON
COMMISSION NO. 011699
MY COMMISSION EXPIRES DEC. 15, 1995

SOUTH