

Mailing List for MO Copies

Application P-82593

MO Date January 6, 1998

Original mailed to:

Applicant: Is there a new address? Y _____

1. WRD - File # P-82593
2. WRD - Watermaster # 13
3. WRD - Regional Manager (not Bob Main): SWR

Copies Mailed
By: <u>TCB</u>
(SUPPORT STAFF)
on: <u>1/27/98</u>
(DATE)

Other Commenters:

4. ODFW District Biologist: Jerrey VOGT
5. WaterWatch of Oregon: Y _____
6. Other Commenters Y _____

Other Interested Persons (CWRE, Agent, etc.)

7. _____
8. _____
9. _____
10. _____

CASEWORKER :

Information Below This For Mitigation Team Use Only

<u>SMB8</u>	SMSS	<u>BPC</u>	KR1	KR2	<u>J</u>	BSD	BSD2	1A	MD
MD1	MD2	MD3	B57	B58	BYPASS	B51A		Basin <u>15</u>	

4/1 - 10/31



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 16, 1998

GARY R. PELLETT
2550 OLD MILITARY RD.
CENTRAL POINT, OR 97502

Reference: File P-82593

Dear Applicant:

Thank you for your continuing efforts in our program for authorizing exemptions for existing ponds and reservoirs. We know it has been a long and complicated process, and we appreciate your cooperation.

As indicated in our letters to you last November, we had previously received written comments indicating that your reservoir could be detrimental to fish or might cause injury to other water rights. You were provided an opportunity to submit additional information addressing those comments.

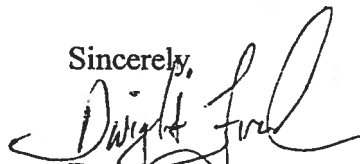
Since then, we have reviewed all the information available to us, and have determined that certain conditions are necessary to mitigate the potential harm to fish or other water rights. The enclosed Mitigation Order spells out the additional conditions we are proposing.

If you agree with these conditions, and comply with the Mitigation Order, the process will be complete.

If you disagree with this order, you may request a contested case hearing, and submit in writing your reasons why the order should be changed or rescinded. You may wish to submit maps or sketches to help us to better understand the particulars of your situation. Once we receive your request for a contested case hearing, we will contact you to discuss the situation and how we might be able to settle disagreements without holding a hearing. If we are unable to agree on a solution, we will schedule a contested case hearing at a time that is agreeable to both you and the Department. The appeal rights are described in more detail in the order enclosed.

Once again, thank you for your participation in this program. If you have any questions please call one of the water rights staff listed below. My extension number is 268.

Sincerely,



Dwight French

Water Rights Section Manager

Enclosures

cc: Watermaster

Russ Klassen	1-800-624-3199	Ext 266
Laura Snedaker		Ext 331
Dallas Miller		Ext 272

Oregon Water Resources Department
Water Rights Division

Notice of Existing Reservoir
Number P-82593

Reservoir Mitigation Order

Application History

A reservoir was constructed prior to January 1, 1995. As evidence of the right to store water, pursuant to ORS 537.405(2)(a), notice of existing reservoir was submitted.

Pursuant to ORS 537.405(4)(a) the Department has received information from Oregon Department of Fish and Wildlife demonstrating that the reservoir poses a significant detrimental impact to existing fishery resources.

Pursuant to ORS 537.405(4)(b) the Department has received information demonstrating that the reservoir results in injury to an existing water right.

ORS 537.405(7) specifies that "...the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resource."

Therefore, the Department has determined that with the following additional mitigation condition(s), the injury to existing water rights and/or detrimental impact to existing fishery resources, described above, will be mitigated.

Order

The reservoir owner is required to by-pass flows from April 1 through October 31. In addition, live stream flow must be passed during the remainder of the year when required to satisfy existing water rights. In order to substantiate live flow is being passed, measuring devices may be required.

In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish.

Therefore, pursuant to ORS 537.405, the use evidenced by notice of existing reservoir number P-82593, shall be allowed to continue if the injury/negative impact of the reservoir is mitigated as described above.

DATED January 16, 1998

A handwritten signature in cursive script, appearing to read "Martha O. Pagel", written over a horizontal line.

Martha O. Pagel
Director

Notice of Right to Contested Case Hearing

The owner of the reservoir that is the subject of this mitigation order may request a contested case hearing if the owner disagrees with the order. Most disagreements are settled through a series of informal discussions before the hearing date arrives.

If the department does not receive a request for hearing within the time stated in this notice you have waived your right to a hearing under ORS Chapter 183, unless your failure to request a hearing was beyond your reasonable control, as provided in OAR 137-03-075.

The record of this proceeding to date, including information in Department files on the subject of this proceeding, is automatically part of the contested case record upon default for the purpose of proving a prima facie case.

In order to process your request for a contested case hearing please include the following in writing:

- The reference number (located near the top right corner of the order.);
- Your name, address, and telephone number;
- A detailed description of why the condition(s) proposed in this order is not necessary to protect existing water rights or fishery resources;
- Any citation of legal authority to support your protest, if known.

Your request for a contested case hearing must be received by the Department no later than 60 days after the date of this order.

Send your request for a contested case hearing to:

Ponds Program Appeals
Water Rights Section
Oregon Water Resource Department
158 12th ST NE
Salem OR 97310

Rebuttal Y / N

Exempt by WM comments Y / N

COMMENTOR:

WM and/or WM Dist: BRUCE SONID 14

ODFW Dist: JERRY VOGT

WaterWatch: Y / N



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 20, 1997

GARY R PELLETT
2550 OLD MILITARY RD
CENTRAL POINT, OR 97502

REFERENCE: FILE#: P 82593

Dear Mr. Pellett,

I want to apologize for any confusion which may have resulted from the letter we sent to you about a week ago. I hope this follow-up letter will better explain our "ponds" program, and give you a clearer picture of what is happening with your pond.

In 1995, the legislature adopted a new law intended to help address a legal problem with many existing ponds throughout the state. These ponds had been developed over the years by land owners who were not aware that water rights may have been required. In order to make sure that all the ponds were "legal" the legislature approved HB 2376 in 1995, which set out a process for filing a notice of the pond with our department. Under the law, such notices could be filed until January 31, 1997. Our job was then to determine whether any of the ponds resulted in injury to other existing water rights, or created a detrimental impact on fish.

This simplified review process was intended to make it easier for the owners of existing ponds to receive final water right certificates. The 1995 law also required that we provide a comment period, which ended on August 1, 1997. During this time, we were required to accept comments as to whether a pond may in fact be resulting in injury to other water rights or creating a detrimental impact to fish. After the close of that comment period, our department was given 180 days in which to evaluate the comments, give notice to the pond owners, and identify whether mitigation measures would be required to alleviate the injury to other water rights or impacts to fish.

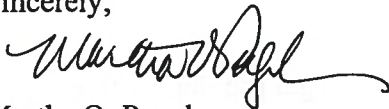
This is why you received a letter from us last week. For more than 16,000 ponds on which notices were filed under HB 2376, about 960 comments were received. From those comments, we determined that about half would appear to require mitigation measures. A total of 450 letters were sent out last week to pond owners like you.

The purpose of these letters was to advise you that the comments had been received, and to provide you with an opportunity to get back to us with any information you might have to show that the mitigation should not be required — either because you disagree with the comment that we received, or because you have a better idea of how to remedy the situation.

The letter you received included a copy of the comments we received about your pond, along with our proposed mitigation plan. We need to hear from you by December 10, 1997, as to whether you disagree with the underlying comment or with our proposed mitigation. We do encourage you to get back to us by the deadline, and we will make every effort to accommodate your suggestions.

Again, I offer my sincere apology for any confusion or irritation caused by our earlier letter. I hope this letter provides additional background information that will help you respond to the questions about your pond. If you have questions about this process, please let us know. I urge you to call our Water Rights Information staff at 1-800-624-3199 extension 499. In some circumstances they may also involve your local Watermaster for additional help. We will try our best to work through this with you.

Sincerely,



Martha O. Pagel
Director

m:955



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 12, 1997

FILE#: P 82593

GARY R PELLETT
2550 OLD MILITARY RD
CENTRAL POINT, OR 97502

Dear Reservoir Owner,

You submitted a Notice of Exempt Reservoir under *ORS 537.405 (HB 2376)*. HB 2376 provided an opportunity for the Oregon Department of Fish and Wildlife to comment on how a specific reservoir(s) caused injury to an existing fishery resource. In addition the same law allowed members of the public to comment on how the storage or use of the water caused an injury to an existing water right. This comment period ended on August 1, 1997.

The Department received the attached injury allegation(s) related to your reservoir(s), as provided for in *ORS 537.405*. If you do not agree with the allegation of injury, please submit detailed information to the Department explaining why or how the allegation is in error. Your response must be postmarked no later than *December 10, 1997*.

The Department will review any submission you may make and determine if a Mitigation Order is required. If the Department finds that the allegation is factual and verifiable, the Department will issue a Mitigation Order requiring that the attached conditions, or other conditions that prove to be necessary after reviewing any information that is submitted, be met in order for the reservoir to maintain an exempt status.

If you receive a Mitigation Order, you may request a Contested Case Hearing to contest the findings of the Department and the allegation of injury. Information on how to request a Contested Case Hearing will be provided with the mitigation order, if issued.

If you have any questions, please call the Water Rights Information Group at (503) 378-3739 extension. 499.

Water Right Section

MITIGATION CONDITIONS

File # P- 02593
Date 11-12-97
ML

Oregon Department of Fish and Wildlife Conditions

- In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish. (SMBS)
- Install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion. (SMSS)
- The reservoir owner is required to by-pass flows from April 1 through October 31. (BPC)

Water Right Related Conditions

- The pond may be filled one time only per year. No diversion of water to storage can occur during times all water rights are not met on the John Day river System. (KR1)
- If required by the Watermaster, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Watermaster (Department). (KR2)
- Live stream flow must be passed when required to satisfy existing water rights. In order to substantiate live flow is being passed, measuring devices may be required. (J)
- Live flow must be by-passed all year. (BSD)
- Any secondary use of stored water is limited each year to the capacity of the reservoir. (BSD2)
- The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

**ODFW BIOLOGIST COMMENTS FOR
HB 2153 CERTIFICATES
HB 2376 NOTICES**

Application # P-82593 Date: July 30, 1997
Biologist's Name: Jerry Vogt
Certificate # *(If applicable)* Address: 1495 East Gregory Rd., Central Point
Phone: (541) 826-8774

**** Attach additional sheets if necessary**

Please specify which reservoir(s)/ponds(s) the comments pertain to:
Describe by name, number or Township Range Section and 1/4 1/4 if necessary. If comments refer to all reservoir listed please specify. Please provide enough information to accurately describe which reservoir the comment(s) pertain to.

Unnamed reservoir, T39S, R4W, Sec. 5

Does the reservoir/pond cause a detrimental impact to existing fishery resource. Specify which fishery resource and the evidence which supports that finding. *Please describe for each reservoir listed above. If the water right and the supporting evidence are the same please indicate.*

This reservoir negatively impacts populations of steelhead in Tallowbox Creek by inhibiting the upstream and downstream movement of adult and juvenile fish. Tallowbox Creek is a tributary of Thompson Creek, which appears on DEQ's 303 (d) list of water quality limited streams due to high summer water temperatures; these high water temperatures reduce salmonid habitat in Thompson Creek. Withdrawals of water for this reservoir contribute to temperature problems in Thompson Creek and injure ODFW's instream water right on Thompson Creek (Certificate 59825).

*****BACK OF PAGE FOR LIST OF CONDITIONS TO MITIGATE INJURY*****

Which of the following conditions are required to mitigate the described injury?

The reservoir owner shall: (without ODFW approval)

- (a) install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screen is to be in place and functional prior to any further diversion of water.
- (b) in accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate by-pass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream and downstream passage for fish.
- (a & b) install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screen is to be in place and functional prior to any further diversion of water.

The reservoir owner shall: (with ODFW approval)

- (a) install, maintain, and operate fish screening device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screen is to be in place, functional and approved by an ODFW representative prior to any further diversion of water.
- (b) in accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate by-pass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream and downstream passage for fish. *The required by-pass device is to be in place, functional and approved by an ODFW representative prior to any further diversion of water.
- (a & b) install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. *The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to any further diversion of water.

The reservoir owner shall by-pass flows during months when Instream Water Rights are not being met.

Other: (Please specify below)

ODFW does not hold an instream water right for Tallowbox Creek. However, to prevent further degradation of stream temperature problems in Thompson Creek, and to avoid injury to ODFW's instream water right on that stream, the reservoir owner should be required to by-pass flows from April 1 through October 31.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 10, 1997

FILE#: P 82593

GARY R PELLETT
2550 OLD MILITARY RD
CENTRAL POINT, OR 97502

Dear Reservoir Owner,

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The Department received the attached injury allegation(s) related to your reservoir(s), as provided for in *ORS 537.405*. If you do not agree with the allegation of injury, please submit detailed information to the Department explaining why or how the allegation is in error. Your response must be postmarked no later than *December 10, 1997*.

The Department will review any submission you may make and determine if a Mitigation Order is required. If the Department finds that the allegation is factual and verifiable, the Department will issue a Mitigation Order requiring that the attached conditions, or other conditions that prove to be necessary after reviewing any information that is submitted, be met in order for the reservoir to maintain an exempt status.

If you receive a Mitigation Order, you may request a Contested Case Hearing to contest the findings of the Department and the allegation of injury. Information on how to request a Contested Case Hearing will be provided with the mitigation order, if issued.

If you have any questions, please call the Water Rights Information Group at (503) 378-3739 extension. 499.

Water Right Section

MITIGATION CONDITIONS

File # P- 92393

Date 11-7-97

LKS

Oregon Department of Fish and Wildlife Conditions

_____ In accordance with ORS 498.268 and ORS 509.605, install, maintain, and operate bypass devices as required by the Oregon Department of Fish and Wildlife that will provide adequate upstream passage for fish. (SMBS)

_____ Install, maintain, and operate fish screening devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion. (SMSS)

_____ The reservoir owner is required to by-pass flows from _____ through _____ . (BPC)

Water Right Related Conditions

_____ The pond may be filled one time only per year. No diversion of water to storage can occur during times all water rights are not met on the John Day river System. (KR1)

_____ If required by the Watermaster, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Watermaster (Department). (KR2)

✓ _____ Live stream flow must be passed when required to satisfy existing water rights. In order to substantiate live flow is being passed, measuring devices may be required. (J)

_____ Live flow must be by-passed all year. (BSD)

_____ Any secondary use of stored water is limited each year to the capacity of the reservoir. (BSD2)

_____ The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

RECEIVED

AUG 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATERMASTER COMMENTS FOR
HB 2153 CERTIFICATES
HB 2376 NOTICES

Watermaster Name BRUCE SUND
Date 7-29-97

Please attach copy of HB 2153 Certificate.

HB 2376 Notice of Exempt Reservoir Application # P82593

**Attach additional sheets if necessary.

Please specify which reservoir(s)/ponds(s) the comments pertain to:

Describe by name, number or Township Range Section and 1/4 1/4 if necessary. If comments refer to all reservoir listed please specify. Please provide enough information to accurately describe which reservoir the comment(s) pertains to.

Does the reservoir/pond cause injury to an existing water right? Specify which water right and the evidence which supports that finding. Please describe for each reservoir listed above. If the water right and the supporting evidence are the same please indicate.

THOMPSON CR. ASSOC. 9/26/36 CERT 12361
INJURY TO ↑ (DISTRIBUTION RECORDS)

*****SEE BACK OF PAGE FOR LIST OF CONDITIONS TO MITIGATE INJURY*****

Which of the following conditions are required to mitigate the described injury?

(1)

The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

(2)

The following provision for a measuring device shall be effective:

- (a) the pump system shall include an access port for measuring the water level;
- (b) the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the user is entitled;
- (c) the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

(3)

A totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.

(4)

A staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed.

*Please specify whether the installation of the weir(s) will provide no public benefit.

(5)

Live stream flow must be by-passed between WHEN REGULATION FOR PRIOR RIGHTS and _____.

(6)

The period of use has been limited to _____ through _____.

Other (Please specify below)

INSTRUCTIONS:
 Hi-lite answer to each question. Initial on line that follows

HB2376 PROCESSING GUIDELINES

Ap. No. P82593

(1) PULL AND ATTACH ASSOCIATE 2153 FILE IF ANY NO

(2) 2153 ELIGIBLE?

NO DIRRECT FRO > IRR, FROST CONTROL YES

(3) CHECK QUAD & AERIAL, STILL 2153 ELIGIBLE?

NO YES

(4) ERRONEOUS FILING? (HAS A WATER RIGHT)

NO SUB PLAT YES

(5) SORT BY BASIN AND SUB-BASIN > THOMPSON CR > ADJCT

(6) DISTRIBUTION PAST 5 YEARS?

YES NO

(7) FUTILE EFFORT? (NO BENEFIT FROM DENIAL)

NO YES

(8) WATERMASTER FINAL CHECK

CONCERN?

NO CONCERN?

WATERMASTER TO OWRD, SALEM
 LETTER OF CONCERN
 8-01-97

WATERMASTER TO OWRD, SALEM
 NO CONCERN"
 8-01-97

BRS 7-29-97
CERT 12361



Oregon Water Resources Department Notice of Exempt Reservoir

For reservoirs built before January 1, 1995, that:

- Store less than 9.2 acre-feet of water, or
- Have a dam less than 10 feet high.

The deadline for submitting a Notice of Exempt Reservoir is January 31, 1997.

Mailed 24 Dec 96
 RECEIVED
 JAN - 7 1997
 WATER RESOURCES DEPT.
 SALEM, OREGON

Landowner: Pellett, Gary Last name First name
 WATER RESOURCES DEPT. SALEM, OREGON

Authorized Agent: _____ Last name First name MI

Home Address: 2550 Old Military Road Last name First name MI

Property Address: Central Point OR 97502
184 Hogan Rd. Jacksonville OR (= no mail service). 97530

Phone: 541-772-9153 Home 773-5009 Work

FAX: 541-773 5080 E-Mail Address: _____

A. County of use: Jackson B. River basin (see reverse): 15-Rogue

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
39	4W	5	6W NB	200

D. Name, if any, of reservoir: _____ E. Reservoir in existence since: - / - / 1940 MM DD YY

F. Source of water: In winter, filled from Tallowbox Creek. which flows into Thompson Creek - Applegate River.
 Name of river or creek Name of river or creek

G. Maximum height of dam: 9.5 feet.

H. Quantity of water stored in reservoir at maximum capacity (see reverse): 0.1 ^{0.6} acre-feet.

I. Water stored in reservoir is used for (see reverse): Programmed for frost control and General agriculture - nursery.

J. Rate and area of use—Refer to chart on the back of this form. For each type of water use listed in Item I., show the quantity of water used and, if applicable, the number of acres on which water is used.

BEFORE YOU SIGN AND SUBMIT THIS APPLICATION . . . HAVE YOU:

Answered each question on this form as completely as possible?

Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

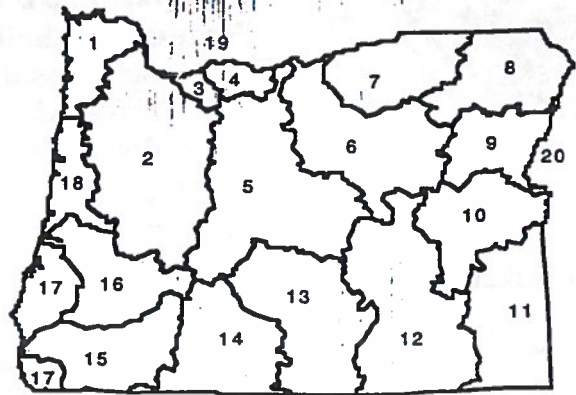
By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.

Jay R. Pellett (Signature of Landowner/Agent) Owner - Gary R. Pellett (Printed name and title) 23 Dec 1996 (Date)

For Department Use P-81593 amended 06 Jan. 1996
 File # Date received 10-95

Oregon's major river basins:

- 1-North Coast
- 2-Willamette
- 3-Sandy
- 4-Hood
- 5-Deschutes
- 6-John Day
- 7-Umatilla
- 8-Grande Ronde
- 9-Powder
- 10-Malheur
- 11-Owyhee
- 12-Malheur L.
- 13-Goose/Summer
- 14-Klamath
- ✓ 15-Rogue
- 16.Umpqua
- 17-S. Coast
- 18-Mid Coast
- 19-Columbia
- 20-Snake



One acre-foot is the volume of water that would cover one acre with one foot of water. To find out how much water your pond stores, multiply the surface area by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. You can submit a Notice of Exempt Reservoir if your pond stores less than 400,752 cubic feet - 43,560 X 9.2.

Rate and Area of Use

cfs - cubic feet per second gpm - gallons per minute

Agriculture, Land Management			
Gen. Agriculture	cfs/gpm	# acres	
Irrigation	cfs/gpm	# acres	
Stockwater	cfs/gpm	# acres	
Aquatic Life	cfs/gpm	# acres	
Other:	cfs/gpm	# acres	
Cranberry	cfs/gpm	# acres	
Nursery Operatn.	cfs/gpm	# acres	
Temp. Control	cfs/gpm	# acres	
Forest/Range Mgt.	cfs/gpm	# acres	
Other:	cfs/gpm	# acres	

Industrial/Commercial Uses			
Industrial	cfs/gpm	_____	Commercial
Fire Protection	cfs/gpm	_____	Mining
Power Dev.	cfs/gpm	_____	Other:
			cfs/gpm

Drinking Water Supply			
Human Consumption	cfs/gpm	_____	Domestic
Domestic			cfs/gpm
Expanded	cfs/gpm	_____	Other:
			cfs/gpm

Community Water Supply			
Municipal	cfs/gpm	_____	Quasi-Municipal
Group Domestic	cfs/gpm	_____	Storm Water Mgt
Other:	cfs/gpm	_____	Other:
			cfs/gpm

Environmental Benefits			
Pollution Abatement	cfs/gpm	_____	Recreation
Wetland Enhancement	cfs/gpm	_____	Wildlife
Other:	cfs/gpm	_____	Other:
			cfs/gpm

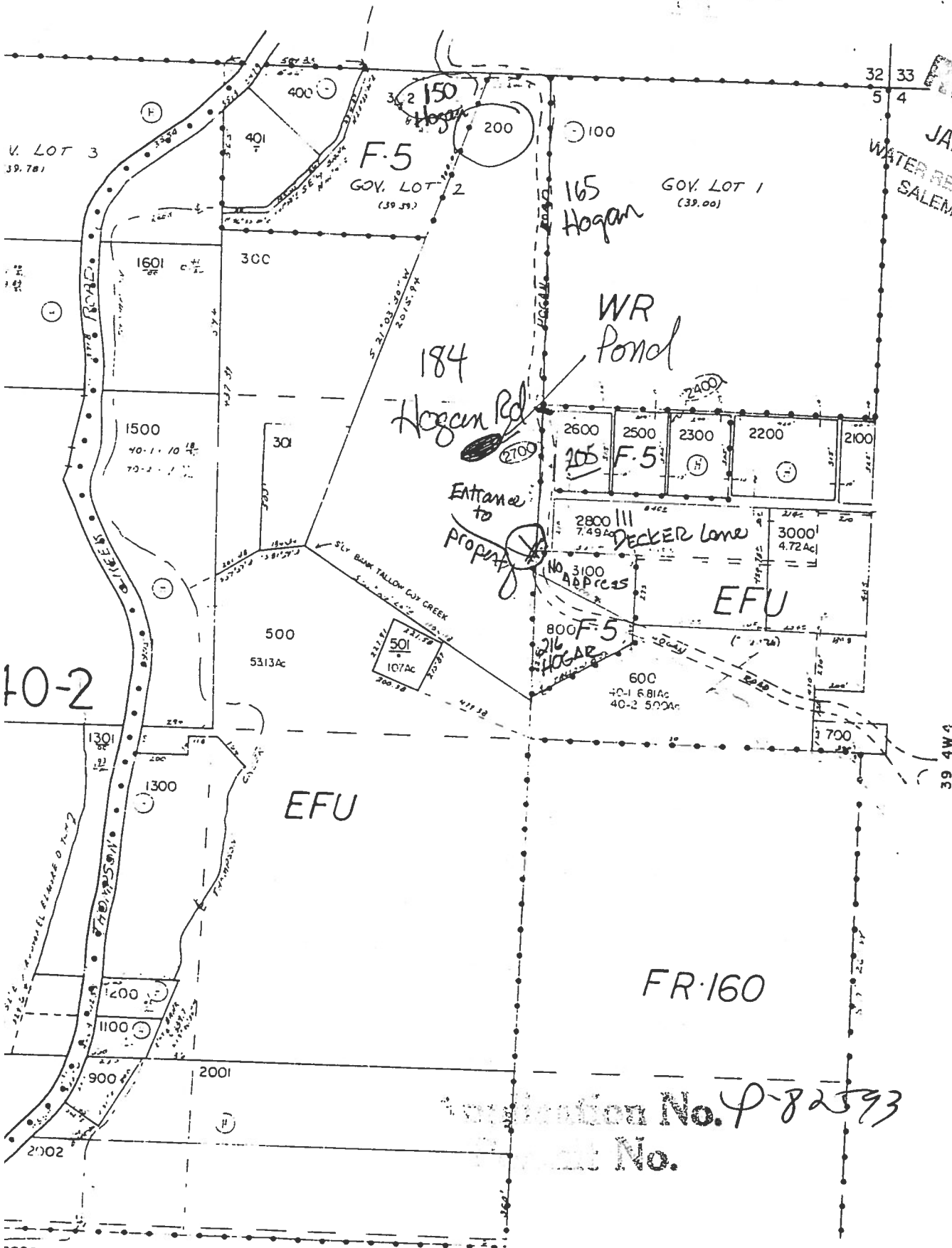
SECTION 5 T39S R4W WM

Pellett
2550 Old Military Rd
Central Point OR 97502

39 4W 5

SCALE 1"=400'

38 4W 32



RECORDED
JAN 24 1997
WATER RESOURCES DEPT.
SALEM, OREGON

10-2

FR-160

Section No. P-82593
Map No.



Oregon Water Resources Department Notice of Exempt Reservoir

For reservoirs built before January 1, 1995, that:

- Store less than 9.2 acre-feet of water, or
- Have a dam less than 10 feet high.

The deadline for submitting a Notice of Exempt Reservoir is January 31, 1997.

mailed 24 Dec 96
RECEIVED
 JAN - 7 1997
 WATER RESOURCES DEPT. SALEM, OREGON

Landowner: Pellett, Gary R. MI
 Last name First name MI

Authorized Agent: _____ MI
 Last name First name MI

Home Address: 2550 Old Military Road
Central Point OR 97502

Property Address: 184 Hogan Rd. Jacksonville OR (= no mail service). 97530

Phone: 541-772-9153 Home 773-5009 Work

FAX: 541-773 5080 E-Mail Address: _____

A. County of use: Jackson B. River basin (see reverse): 15-Rogue

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
39	4W	5		200

D. Name, if any, of reservoir: _____ E. Reservoir in existence since: - / - / 1940 MM DD YY

F. Source of water: In winter, filled from Tallowbox Creek. which flows into Thompson Creek → Applegate River.
 Name of river or creek Name of river or creek

G. Maximum height of dam: 9.5 feet.

H. Quantity of water stored in reservoir at maximum capacity (see reverse): 0.1 ^{0.6} acre-feet.

I. Water stored in reservoir is used for (see reverse): Programmed for frost control and General agriculture - nursery.

J. Rate and area of use—Refer to chart on the back of this form. For each type of water use listed in Item I., show the quantity of water used and, if applicable, the number of acres on which water is used.

BEFORE YOU SIGN AND SUBMIT THIS APPLICATION . . . HAVE YOU:

Answered each question on this form as completely as possible?

Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

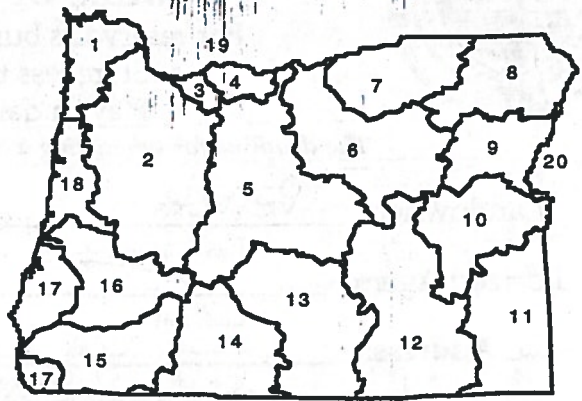
By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.

Gary R. Pellett (Signature of Landowner/Agent) Owner - Gary R. Pellett (Printed name and title) 23 Dec, 1996 (Date)
Gary Pellett amended 06 Jan. 1996

For Department Use P-82593 File # _____ Date received 10-95

Oregon's major river basins:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | ✓ 15-Rogue |
| 2-Willamette | 9-Powder | 16. Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



One acre-foot is the volume of water that would cover one acre with one foot of water. To find out how much water your pond stores, multiply the surface area by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. You can submit a Notice of Exempt Reservoir if your pond stores less than 400,752 cubic feet (43,560 X 9.2).

Rate and Area of Use					
cfs-cubic feet per second		gpm-gallons per minute			
Agriculture, Land Management					
Gen. Agriculture	cfs/gpm	# acres	Cranberry	cfs/gpm	# acres
Irrigation	cfs/gpm	# acres	Nursery Operatn.	cfs/gpm	# acres
Stockwater	cfs/gpm	# acres	Temp. Control	cfs/gpm	# acres
Aquatic Life	cfs/gpm	# acres	Forest/Range Mgt.	cfs/gpm	# acres
Other:	cfs/gpm	# acres	Other:	cfs/gpm	# acres
Industrial/Commercial Uses					
Industrial	cfs/gpm	_____	Commercial	cfs/gpm	_____
Fire Protection	cfs/gpm	_____	Mining	cfs/gpm	_____
Power Dev.	cfs/gpm	_____	Other:	cfs/gpm	_____
Drinking Water Supply					
Human Consumption	cfs/gpm	_____	Domestic	cfs/gpm	_____
Domestic			Other:	cfs/gpm	_____
Expanded	cfs/gpm	_____			
Community Water Supply					
Municipal	cfs/gpm	_____	Quasi-Municipal	cfs/gpm	_____
Group Domestic	cfs/gpm	_____	Storm Water Mgt	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____
Environmental Benefits					
Pollution Abatement	cfs/gpm	_____	Recreation	cfs/gpm	_____
Wetland Enhancement	cfs/gpm	_____	Wildlife	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

SECTION 5 T39S R4W WM

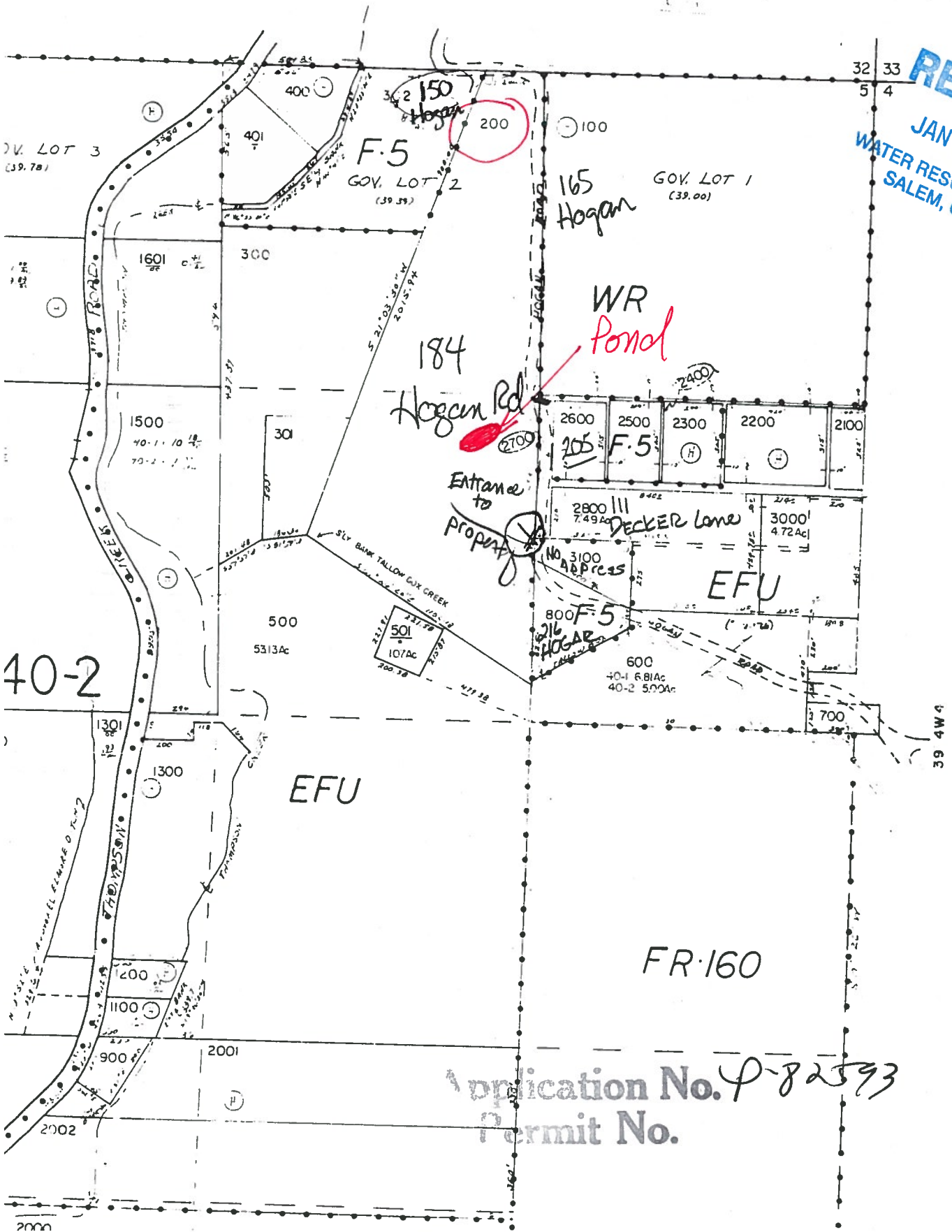
Pellett
2550 Old Military Rd
Central Point OR 97502

39 4W 5

SCALE 1" = 400'

38 4W 32

RECEIVED
JAN 24 1997
WATER RESOURCES DEPT.
SALEM, OREGON



Application No. P-82593
Permit No.

RECEIVED

JAN - 7 1997

Gary & Chris Pellett
2550 Old Military Road, Central Point, Oregon 97502
TEL: 541-773-5009 FAX: 541-773-5080

WATER RESOURCES DEPT.
SALEM, OREGON

January 6, 1997

Water Resource Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

RECEIVED
JAN 24 1997
WATER RESOURCES DEPT.
SALEM, OREGON

Ref: Recent "Notice of Exempt Reservoir" application.

To Whom It May Concern;

On December 24, 1996 a completed notice of an exempt reservoir was mailed to your office with an error. We mis-calculated the acre-feet incorrectly.

The re-calculation is as follows:

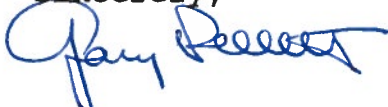
- The surface area of the existing reservoir is 4,000 sq. ft.
- The average depth is estimated at 8 feet, yielding a storage of 32,000 cubic feet.
- This translates into $32,000 \text{ cu.ft.} / 43,560 \text{ cu.ft.} = 0.6 \text{ acre feet.}$

The application has been corrected, signed a second time, as is attached. We apologize for any inconvenience that we have caused.

Please contact me with any questions that you may have.

Thank you for your cooperation.

Sincerely,



Gary Pellett
Land Owner

RECEIVED

JAN 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

17 Jan 97.

Gary Pettit

Dear Applicant,

The Water Resources Department has received your notice of Exempt Reservoir, however we are unable to accept the Notice at this time.

Please complete the information checked below and return your application to the Water Resources Department or your local Watermaster **BEFORE** January 31, 1997. Notices received after January 31, 1997 **will not** be accepted and you will be required to file for a water right permit if the deadline date is not met.

- _____ Landowner name and address*
- _____ A. County of use
- _____ B. River basin
- _____ C. Legal description of reservoir location*
- _____ D. Reservoir name
- _____ E. Date of construction
- _____ F. Source of water and tributary*
- _____ G. Dam height
- _____ H. Quantity of water stored*
- _____ I. Use of water
- _____ J. Rate and area of use (if any)
- _____ Signature of Landowner/agent

To whom It May Concern;

Please find enclosed the map that shows requested information. It was also attached to our first application, mailed 24 Dec 96. You should have a copy in your files. Thank you.

Gary Pettit

See attached.

_____ Map showing Township, Range, Section, Quarter-quarter section and Tax Lot and general location of pond. (You may use a county assessor map, with the pond and any place of use indicated)

If you have any question, please call the Water Rights Information Group at 1-800-624-3199 extension 499, or your local Watermaster.

Water Resources Department 158 12th St. NE Salem, OR 97301