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Oregon

January 11, 1995

JAN 23 1995

Dwight French, Manager
Water Rights Division
Water Resources Department
158 12th Street, Northeast
Salem, Oregon 97310

WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Re: Response to Technical Evaluation of Water Right Application

74762
File: P7762

Source: runoff and pond waters from Clarks Branch
Tributary: S. Umpqua
Flow: 6.9 AF
Use: unknown

Dear Mr. French:

The Department has completed its review of the above referenced Technical Review of a water right application. The drainage basin in which this application is located has been identified as water quality limited by the Department. The estimated low flows normally occur during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exists. On August 5, 1993, the Department submitted application for instream water rights to protect the public's interest to provide pollution abatement flows in the above referenced basin.

Application P7762 proposes additional out of stream use of water which could reduce available instream flows during the seasonal low flow period, thus, increasing the likelihood of exacerbating identified water quality problems in this drainage basin. The Department does not believe that it is in the public's best interest to further reduce the instream flows during the seasonal low flow period in this drainage basin. The Department requests that exempt ponds occurring in water quality limited basins be limited to high flow waters which should be verified with a meter on ponds of 2.0 acre feet or more.

The Department requests for pollution prevention an NRCS farm management or wetland plan be developed to address water quality issues such as: 1) possible herbicide and pesticide use in the vicinity of the pond or wetland; 2) an erosion (sediment) plan with buffer strips; 3) a nutrient plan to prevent nitrate runoff into surface and groundwater; 4) potential flooding of the pond or wetland if located in the 100 year floodplain with subsequent contaminant release; and 5) if the pond use is for stock watering, then a way to keep stock out of the stream needs to be developed and the riparian area restored.



811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TDD (503) 229-6993

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WATER RESOURCES DIVISION
SALEM, OREGON

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If you have questions or wish to further discuss this issue please feel free to contact either Bob Baumgartner (503-229-5877) or Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs
Administrator
Water Quality Division

MD:bjp:crw
SA\WC13\LTR4
cc: Denise Troxel, NRCS - Roseburg

November 14, 1994

ROY D GARREN

7110 DOLE RD
MYRTLE CREEK, OR 97457

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-74762;
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.

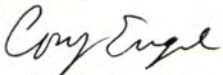
To avoid any misunderstanding, we feel it is important to tell you that although we have received and filed your notice, we have not yet determined whether you are exempt from water right requirements. The watermaster responsible for the area in which the pond(s) is (are) located will help us apply the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

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STATE OF OREGON
WATER RESOURCES DEPARTMENT

OCT 13 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: Roy D. GARREN

Authorized Agent: (if applicable) _____

Address: 7110 Dale Rd

Myrtle Creek OR 97457 503-863-4637
City State Zip Telephone No.

I/WE SUBMIT NOTICE OF THE FOLLOWING RESERVOIR(S) :

NOTE: Multiple reservoirs may be included in a single notification, provided the reservoirs are within the same ownership, on contiguous property and within the same drainage basin. For items 1-6 below, attach extra sheets for additional reservoir descriptions.

1. The reservoir is located in Section 2, Township 29S, Range 6, in Douglas 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: Rain

3. Maximum height of the dam: 0

4. Maximum water depth in the reservoir: 10 FT

5. Maximum storage capacity of reservoir: 6.9 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;
- 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.

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 690-11-041 for exemption from Oregon's water right filing requirements.

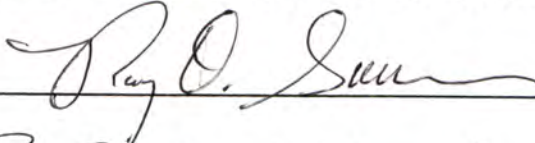
Notice to Owners/Authorized Agent:

Reservoirs that qualify for exemption under ORS 537.141 and OAR 690-11-041 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: _____



(Print Name and Title) _____

Roy D. GARREN Owner

Date: _____

October 11, 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) _____

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WATER RESOURCES DEPT.
SALEM, OREGON

AFFIDAVIT

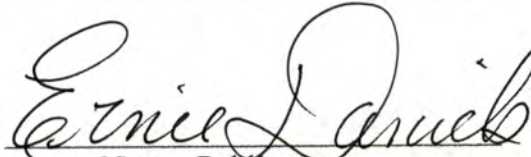
STATE OF OREGON }
 } ss.
County of Douglas }

I **Roy D. Garren** do swear that the **Pond** located at 7110 Dole Road Myrtle Creek Oregon, Section 2, Township 295, Range 6, in Douglas County was constructed prior to 1980.

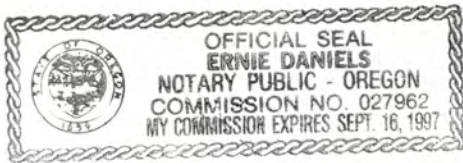


Roy D. Garren

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11TH day of October, 1994



Notary Public



My commission expires 9/17/97

SE 1/4 SEC. 2 T.29S. R. 6 W. W.M.
DOUGLAS COUNTY

1" = 200'

P74762

29 6 2D

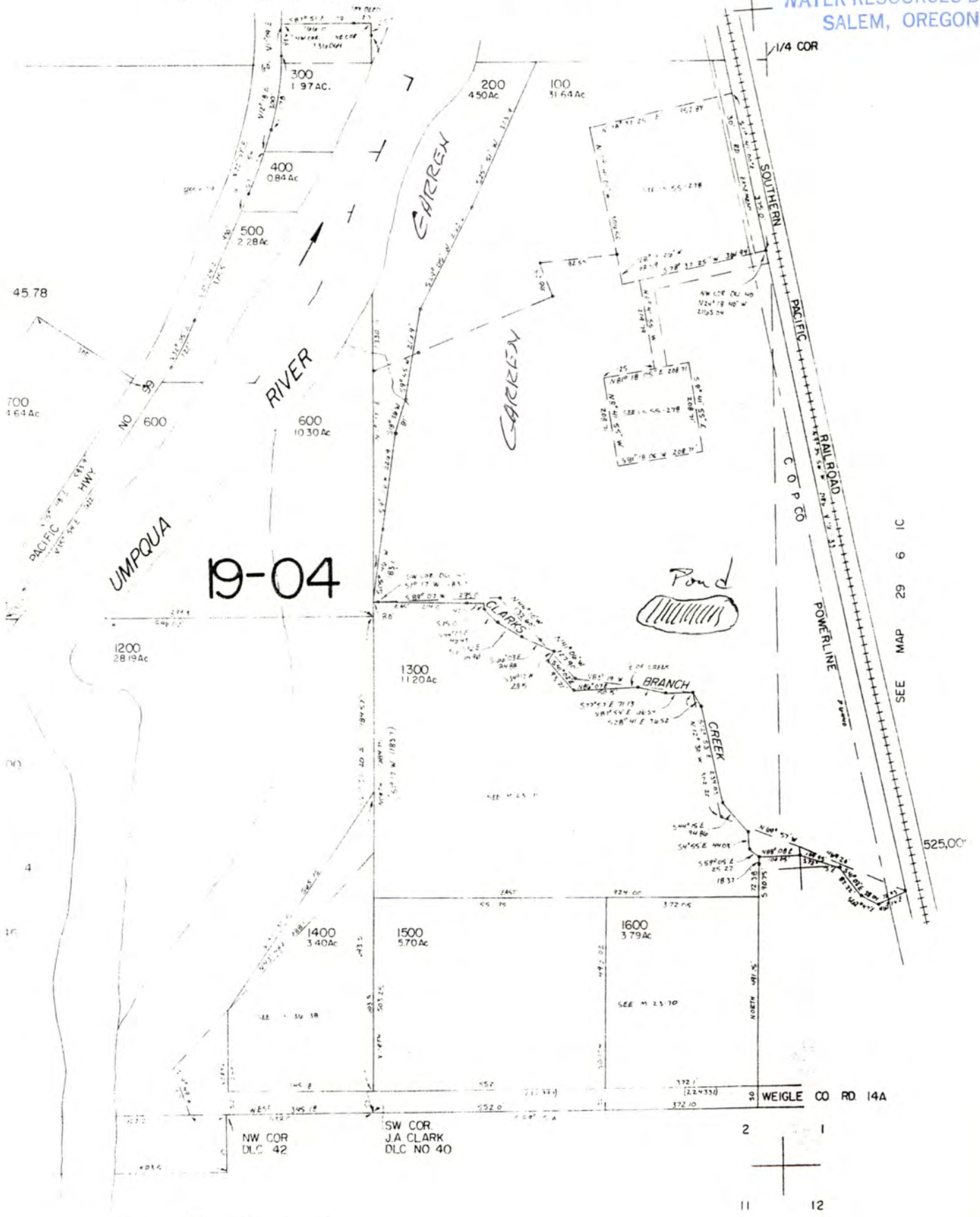
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WATER RESOURCES DEPT.
SALEM, OREGON

Roy D. GARREN

SEE MAP 29 6 2A



SEE MAP 29 6 1C



SEE MAP 29 6 11

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # P 74762

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

11/23/94

jh

- 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

11/23/94

jh

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

10/29/94 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