



**Herb Mosgar**

---

**From:** Kathy Smith [Kathy.A.SMITH@wrd.state.or.us]

**Sent:** Friday, July 21, 2006 12:05 PM

**To:** customerservice@wrd.state.or.us

**Subject:** maps

-->

Hi,

Please send me maps for transfer P103 (Our file mentions that there is a map, but we don't have it here) and a map for Pond, P74982. Thanks.

Kathy

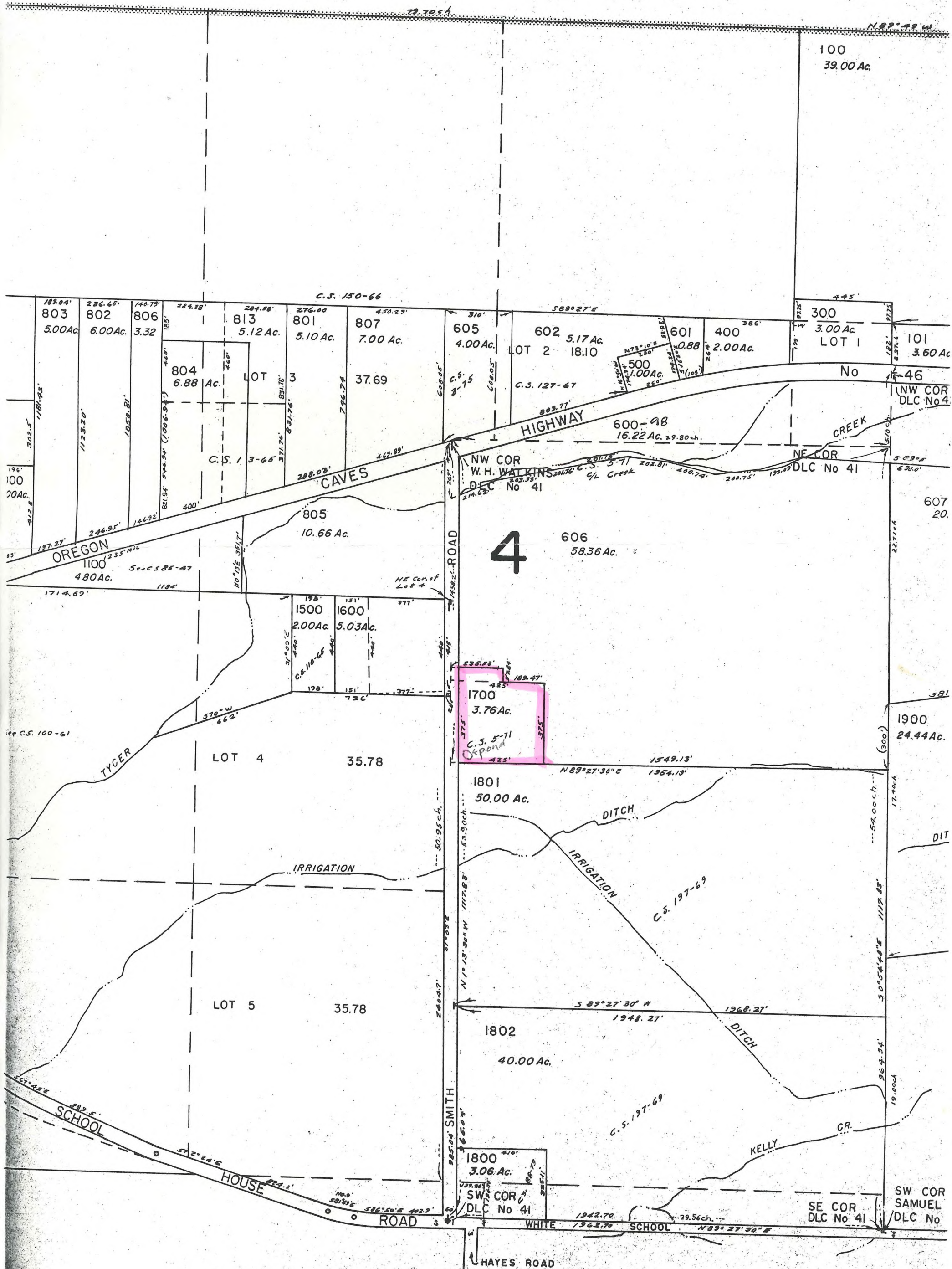
7/24/2006

SECTION 25 T.39S. R.8W. W. M.  
JOSEPHINE COUNTY

1" = 400'

Application No. P-74982  
Permit No.

SEE MAP 39 8 24



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: ROBERT G. and HELEN H. SMITH

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

Address: 201 SMITH SAWYER ROAD  
CAVE JUNCTION, OR      97523      (503) 592-2487  
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 25, Township 39 N, Range 08 W, in Josephine 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: Sucker Creek via - White Ditch
3. Maximum height of the dam: none
4. Maximum water depth in the reservoir: 10 feet ?
5. Maximum storage capacity of reservoir: approx 2,000 cubic ft.
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 needs to 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.

**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: Robert J. Smith Helen H. Smith

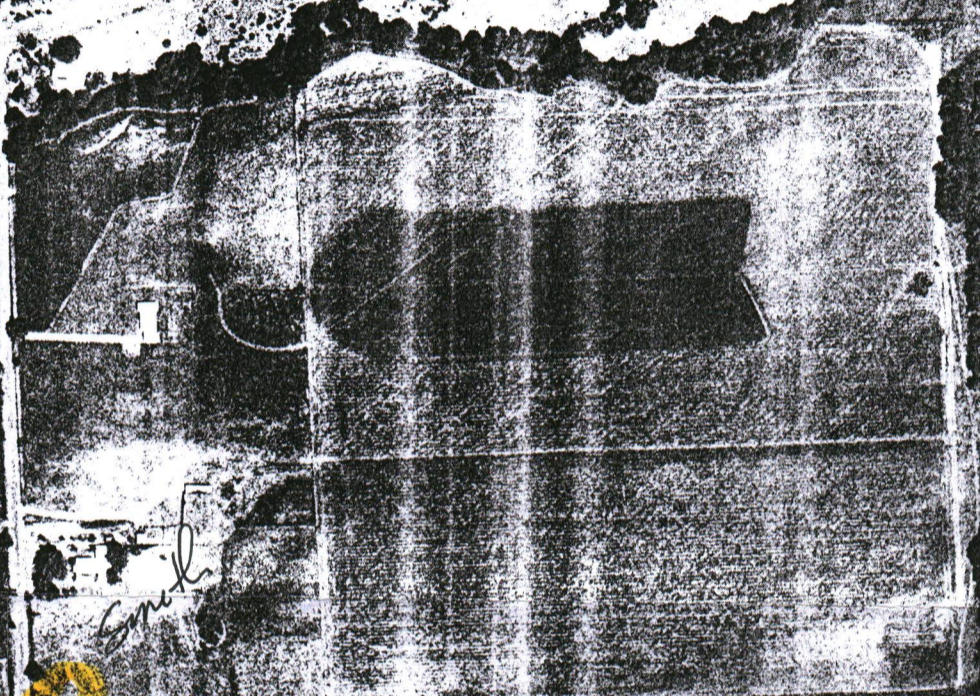
(Print Name and Title) \_\_\_\_\_

Date: Nov. 16, 1994

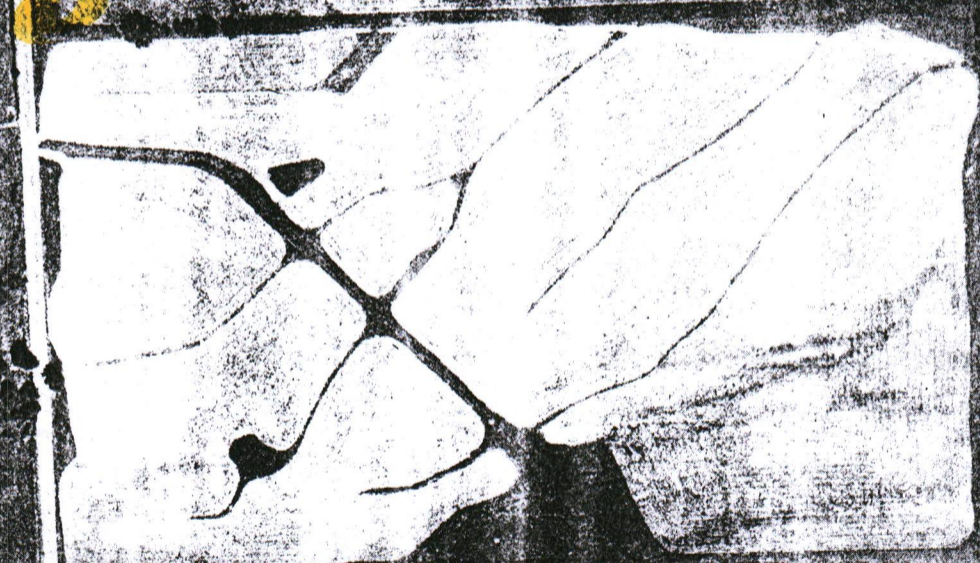
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

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 P-74982.

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



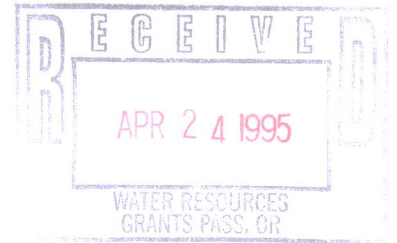
*Smith*



*21*

Watermaster HB-2153  
Check-List

Wh #14



January 19, 1995

ROBERT G SMITH  
SMITH, HELEN H  
201 SMITH SAWYER ROAD  
CAVE JUNCTION, OR 97523

REFERENCE: File(s) P-74982

- Reservoir qualifies as exempt
- Reservoir does not qualify as exempt

Reservoir is off channel	YES <u>NO</u>
Height of Dam	<u>NA</u>
Capacity of Reservoir	<u>.25 A.F.</u>
Constructed before 1/1/1993	<u>YES</u> NO

I NORMAN E. DAET examined the information included with the file P-74982. My determination is based on review of the information and field visit to the site and/or personal knowledge.

Norman E. Daet  
Signature

11-14-95  
Date

7/25/95

PONDS INSPECTION SHEET

FILE #: P74982 RVD SALEM: RVD REGION: COUNTY: JO

NAME: ROBERT G SMITH EXEMPT? NO

ADDRESS: 201 SMITH SAWYER RD  
CITY, STATE: CAVE JUNCTION, OR 97523  
PHONE NO. 503-592-2487

TRSQQ: 39/08/25 NW SE

MAP & TL: 39/08/24 T2 1700

INSPECTED BY  
INSPECTION DATE 11/14/95  
TALKED TO:

SOURCE(S) OF WATER: WHITE DITCH / RUNOFF  
COULD ALSO BE GROUND WATER

USE(S) OF WATER:

DESCRIBE POND: EXCAVATION

DESCRIBE DAM:

SURFACE AREA:  $\approx 40 \times 50 = 2000 \text{ ft}^2 = .046 \text{ Ac}$

ASSUMED AVERAGE DEPTH: 5 = .23 AF.

DISCREPANCIES:

REMARKS:

CERT. 7153 SUCKER CR. VIA WHITE DITCH

BULGE IN SYSTEM

WATER FLOWS OFF PROPERTY



January 19, 1995

Oregon

ROBERT G SMITH  
SMITH, HELEN H  
201 SMITH SAWYER ROAD  
CAVE JUNCTION, OR 97523

WATER  
RESOURCES  
DEPARTMENT

REFERENCE: File # P-74982;  
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,

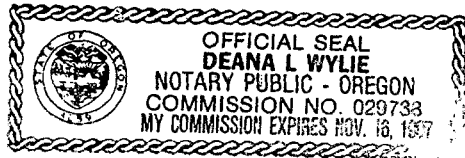
County of Josephine } ss.

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

BE IT REMEMBERED, That on this 16<sup>th</sup> day of November, 1994,  
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within  
named Robert G. Smith

known to me to be the identical individual..... described in and who executed the within instrument and  
acknowledged to me that he..... 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.



Deana L. Wylie  
Notary Public for Oregon  
My commission expires Nov. 16, 1997

I declare that the water reservoir  
(or pond) on Robert G. Smith's property  
at 201 Smith Sawyer Rd. in Cave Junction  
OR - Josephine County - as described on the  
attached forms was in existence before  
Jan. 1, 1993 - I believe it was dug in  
the early 1970's.

Donald A Beard  
4490 Caves Highway  
Cave Junction Ore.  
97523

Phone 592-3284

STATE OF OREGON,

County of Josephine } ss.

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WATER RESOURCES  
SALEM, OREGON

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City                          State                          Zip                          Telephone No.

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Landowner/agent signature: Robert J. Smith Helen H. Smith

(Print Name and Title) \_\_\_\_\_

Date: Nov. 16, 1994

**FOR WATER RESOURCES DEPARTMENT USE ONLY**

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

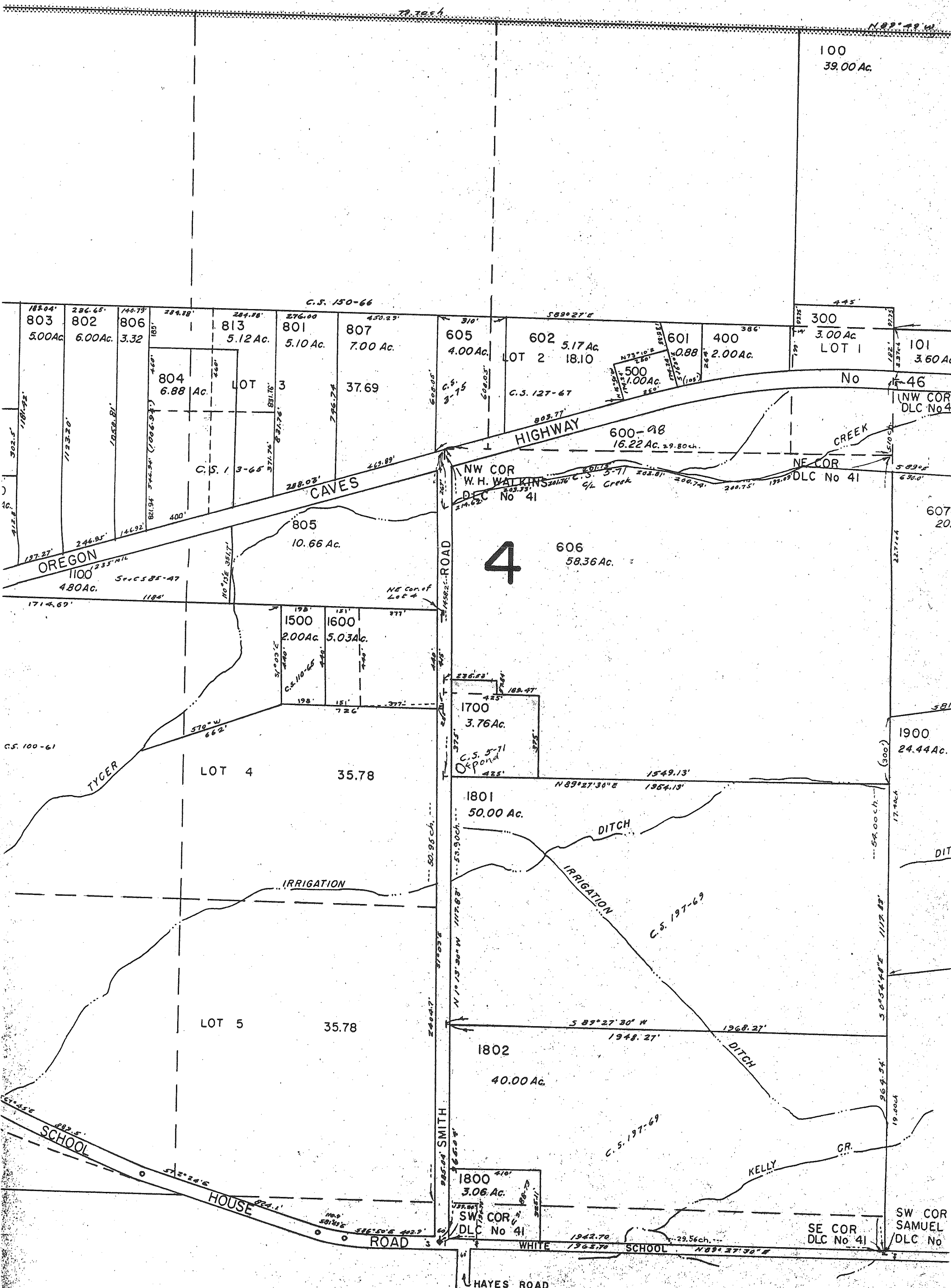
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JOSEPHINE COUNTY

1" = 400'

Application No. P-74982  
Permit No.

SEE MAP 39 8 24



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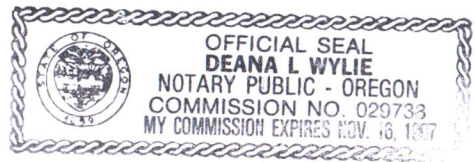
STATE OF OREGON,

County of Josephine } ss.

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before me, the undersigned, a Notary Public in and for the State of Oregon, person  
named Robert G. Smith

known to me to be the identical individual..... described in and who executed  
acknowledged to me that he.....executed the same freely and voluntarily

IN TESTIMONY WHEREOF, I have hereunto  
my official seal the day of



Deana L. Wylie  
My commission expires .....



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Notary Public for Oregon  
My commission expires Nov. 16, 1997

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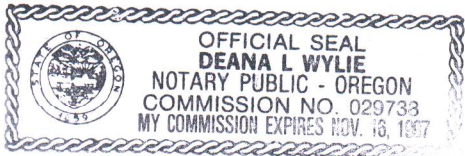
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Deana L. Wylie

Notary Public for Oregon

My commission expires Nov. 16, 1997



PRE-TR APPLICATION PROCESSING OUTLINE

Application File # P-74982

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

4/11/95 PK  
 \_\_\_\_\_ 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

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**

11/19/94 CE NOTICE OF EXEMPT RESERVOIR form (or letter  
(date & initials) 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  
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

January 19, 1995

Oregon

ROBERT G SMITH  
SMITH, HELEN H  
201 SMITH SAWYER ROAD  
CAVE JUNCTION, OR 97523

WATER  
RESOURCES  
DEPARTMENT

REFERENCE: File # P-74982;  
Notice of Exempt Reservoir (Pond)

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Sincerely,



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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

Application No. **P-74982**  
Permit No. ....

Name .....

Address .....

Assigned .....

Address .....

Beginning construction .....

Completion of construction .....

Extended to .....

Complete application of water .....

Extended to .....

FILE#: P 74982

ROBERT G SMITH  
SMITH, HELEN H  
201 SMITH SAWYER ROAD  
CAVE JUNCTION, OR 97523

FILE#: P 74982

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