

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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: JOHN W. STEARNS & ROBYN R. STEARNS

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

Address: 38530 REDWOOD HWY.  
O'BRIEN OR 97534 (503) 596-2663  
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 14, Township 41, Range 09, in Josephine County 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.) low area that naturally collects runoff
2. Source of water: runoff from hillside & Spring from underneath pond
3. Maximum height of the dam: 4 feet
4. Maximum water depth in the reservoir: 8 feet, winter may get a little higher
5. Maximum storage capacity of reservoir: 8000 Cubic feet
6. Size, description and location of any outlet pipe: 4  
4" PVC Pipes. Two low for complete drainage two high for runoff in winter.
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-79508  
Permit No.

P 79508

Josephine

**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.

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) \_\_\_\_\_

Date: \_\_\_\_\_

12-09-94

**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 received on \_\_\_\_\_, 1994 and assigned FILE NUMBER \_\_\_\_\_.

cc: Watermaster District # \_\_\_\_\_

79508





1. The reservoir is located in section 14, Township 41, Range 09 in Josephine County.
2. Source of Water: water shed - depression - Spring ground water.
3. Maximum height of the Dam: none
4. Maximum storage capacity of reservoir: 6000  
cub ft.
5. Maximum water Depth in the reservoir: approx 8-10 ft.
6. Size, description, & location of any outlet pipe:  
None

**Application No.** P. 79508  
**Permit No.**

Application No P-79508  
Permit No.

DEC 1 1994

We hereby certify that the pond/ponds existing on property 38530 Redwood Highway, section 14, township 41, range 09, in Josephine County has been in existence before January 1, 1993.

John Stearns Landowner  
Robyn Stearns Landowner  
John Stearns Robyn Stearns

Erwin Sawall Real Estate Broker  
Erwin Sawall  
Erwin Sawall Jr

STATE OF OREGON,

County of Josephine

ss.

FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 9th day of December, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Erwin Sawall, aka Erwin F. Sawall, Jr., and John Stearns and Robyn Stearns

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.

Annetta M. LeLaur  
Notary Public for Oregon.  
My Commission expires March 14, 1997



March 16, 1995

Oregon

JOHN W STEARNS  
STEARNS, ROBYN R  
38530 REDWOOD HWY  
OBRIEN, OR 97534

WATER  
RESOURCES  
DEPARTMENT

REFERENCE: File # P-79508;  
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

FILE #: P79508 RVD SALEM: RVD REGION: COUNTY: JO

NAME: ROBYN STEARNS  
ADDRESS: 38530 REDWOOD HWY ← SITE  
CITY, STATE: O'BRIEN, OR 97534  
PHONE NO. 503-596-2663

EXEMPT? ☒

TRSQQ: 41-09-14 P.O. BOX 249  
MAIN

MAP & TL: 41-09-14

TL 707

INSPECTED BY LMS  
INSPECTION DATE 9/20/95  
TALKED TO: ROBYN STEARNS

SOURCE(S) OF WATER: SPRING

USE(S) OF WATER: NONE NOW, MAY IRRIGATE SMALL (1/2 AC)  
HORSE PASTURE IN FUTURE

DESCRIBE POND: DUG WITH BACKHOE IN SPRING AREA

DESCRIBE DAM: - BERM

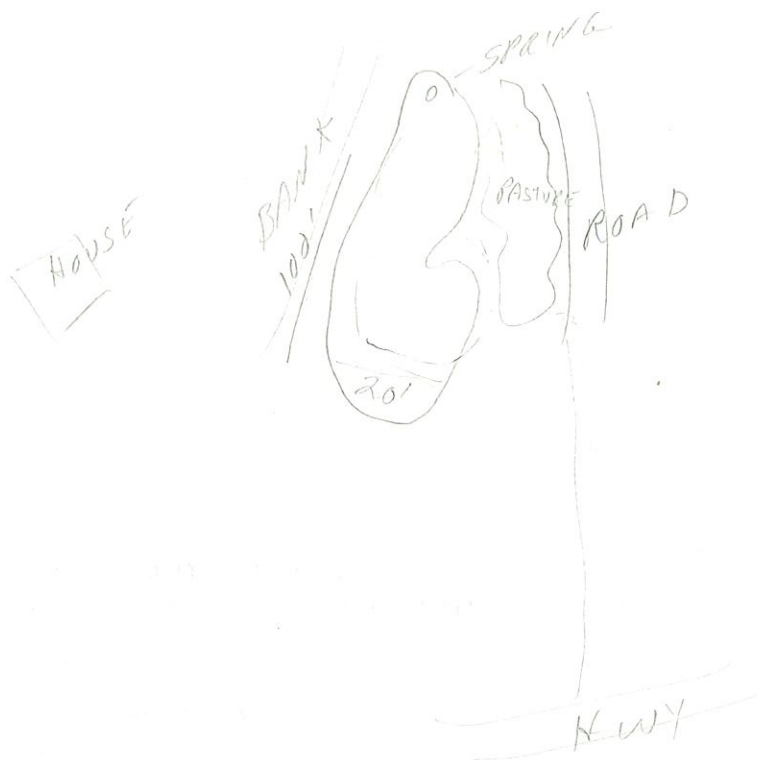
SURFACE AREA: .04+AC

ASSUMED AVERAGE DEPTH: 4'

CAPACITY = .18 AC-ft

DISCREPANCIES:

REMARKS:



WM 14

Watermaster HB-2153  
Check-List

March 16, 1995

JOHN W STEARNS  
STEARNS, ROBYN R  
38530 REDWOOD HWY  
OBRIEN, OR 97534

REFERENCE: File(s) P-79508

X Reservoir qualifies as exempt

\_\_\_ Reservoir does not qualify as exempt

Reservoir is off channel

YES NO

Height of Dam

X NA

Capacity of Reservoir

18 AC FT

Constructed before 1/1/1993

YES NO

I L. SMITH examined the information included with the file P-79508.  
My determination is based on review of the information and field visit to the site and/or  
personal knowledge.

L. Smith  
Signature

9/20/95  
Date



9/22/95

WATER  
RESOURCES  
DEPARTMENT

STEARNS, JOHN/ROBYN  
38530 REDWOOD HWY  
O'BRIEN, OR

97534

Watermaster

REFERENCE: FILE NO. P79508 Notice of Exempt Reservoir (Pond)

The department has now reviewed the exempt reservoir notice that you filed with us. We are pleased to tell you that from examining your notice and the accompanying data, we have determined that your pond qualifies as exempt under our administrative rules and you need not apply for a water right for your pond. We encourage you to keep this letter with other important property records.

If you have any questions, please contact my office at the address or telephone number below.

Sincerely,



Bruce R. Sund

Watermaster, District 14

Enclosure: Copy of accepted notice

cc: Salem file  
Region Office

