

Watermaster HB-2153
Check-List

RECEIVED

AUG 21 1995

WATER RESOURCES DEPT.
SALEM, OREGON

WM 6

RECEIVED
JUN 23 1995
WATER RESOURCES DEPT.
EASTERN REGION

February 24, 1995

DEAN L WATERS

174 ARCHER WAY
BEN LOMOND, CA 95005

REFERENCE: File(s) P-77763

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

Reservoir is off channel	YES	<u>NO</u>
Height of Dam	_____	_____
Capacity of Reservoir	_____	_____
Constructed before 1/1/1993	<u>YES</u>	<u>NO</u>

I Rick Lusk examined the information included with the file P-77763. My determination is based on review of the information and field visit to the site and/or personal knowledge.

Richard M. Lusk
Signature

8-11-95
Date

February 24, 1995

RECEIVED
AUG 21 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

DEAN L WATERS

174 ARCHER WAY
BEN LOMOND, CA 95005

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-77763;
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

Application No. P-77703
Permit No. _____

STATE OF OREGON
WATER RESOURCES DEPARTMENT

AUG 21 1995
WATER RESOURCES DEPT.
SALEM, OREGON
JAN - 8 1995
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: Dean L Waters

Authorized Agent: (if applicable) _____

Address: 174 Archer Way

Ben Lomond CA 95005 408-336-0245
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 6, Township 3S, Range 46 E, in Wallowa 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: Wallowa Valley Improvement District

3. Maximum height of the dam: 6 Ft

4. Maximum water depth in the reservoir: 4 Ft

5. Maximum storage capacity of reservoir: .2 ac feet

6. Size, description and location of any outlet pipe: 8" steel overflow pipe in dam.

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: Dean Waters

(Print Name and Title) Dean Waters

Date: 12/30/94

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 accepted on _____, 1994 and assigned FILE NUMBER _____.

cc: Watermaster District # _____
To Data Center (date) _____

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

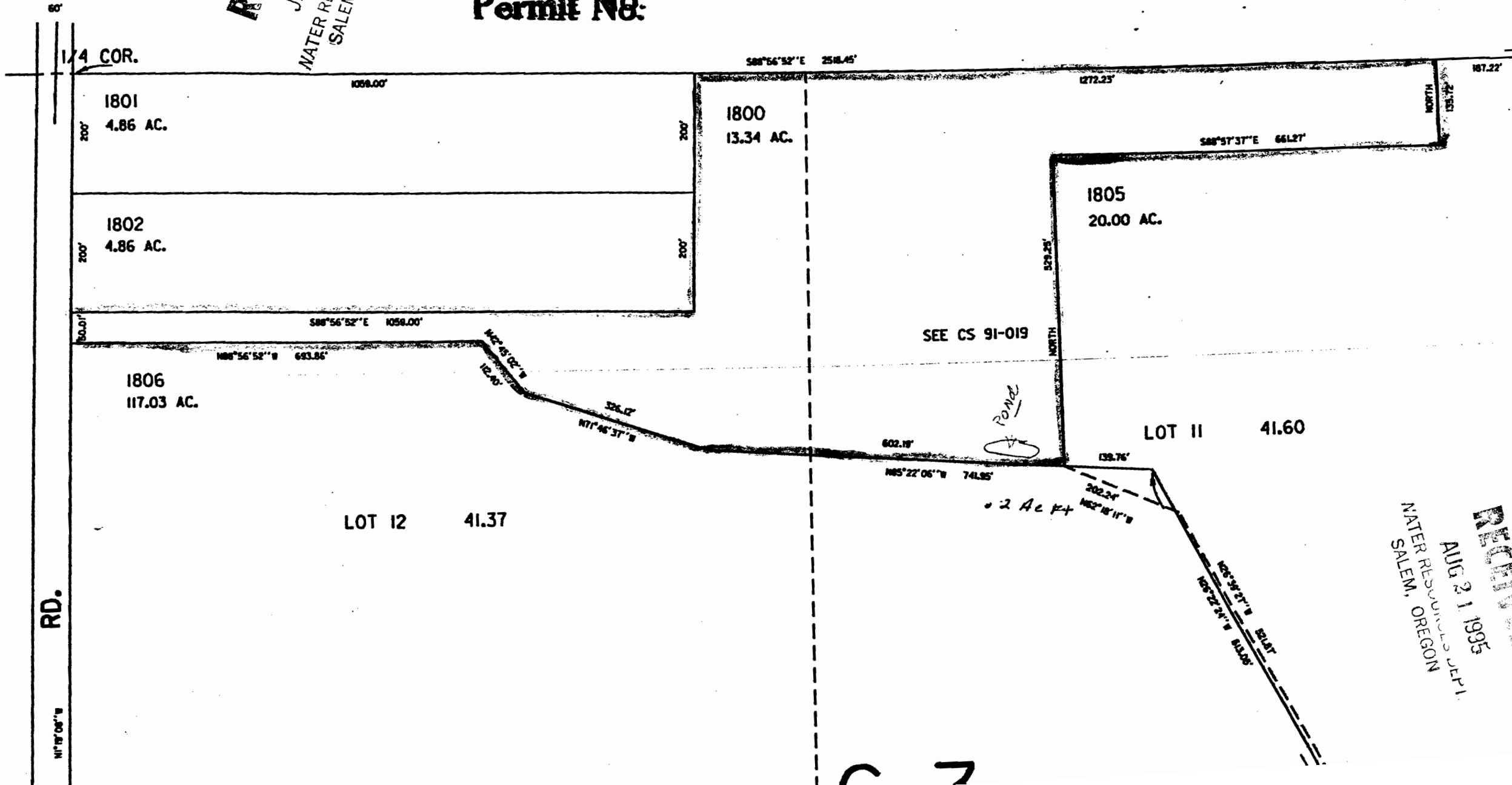
DETAIL T.3S. R.46E. W.M. ^{SEC 6} WALLOWA COUNTY

1" = 200'

RECEIVED

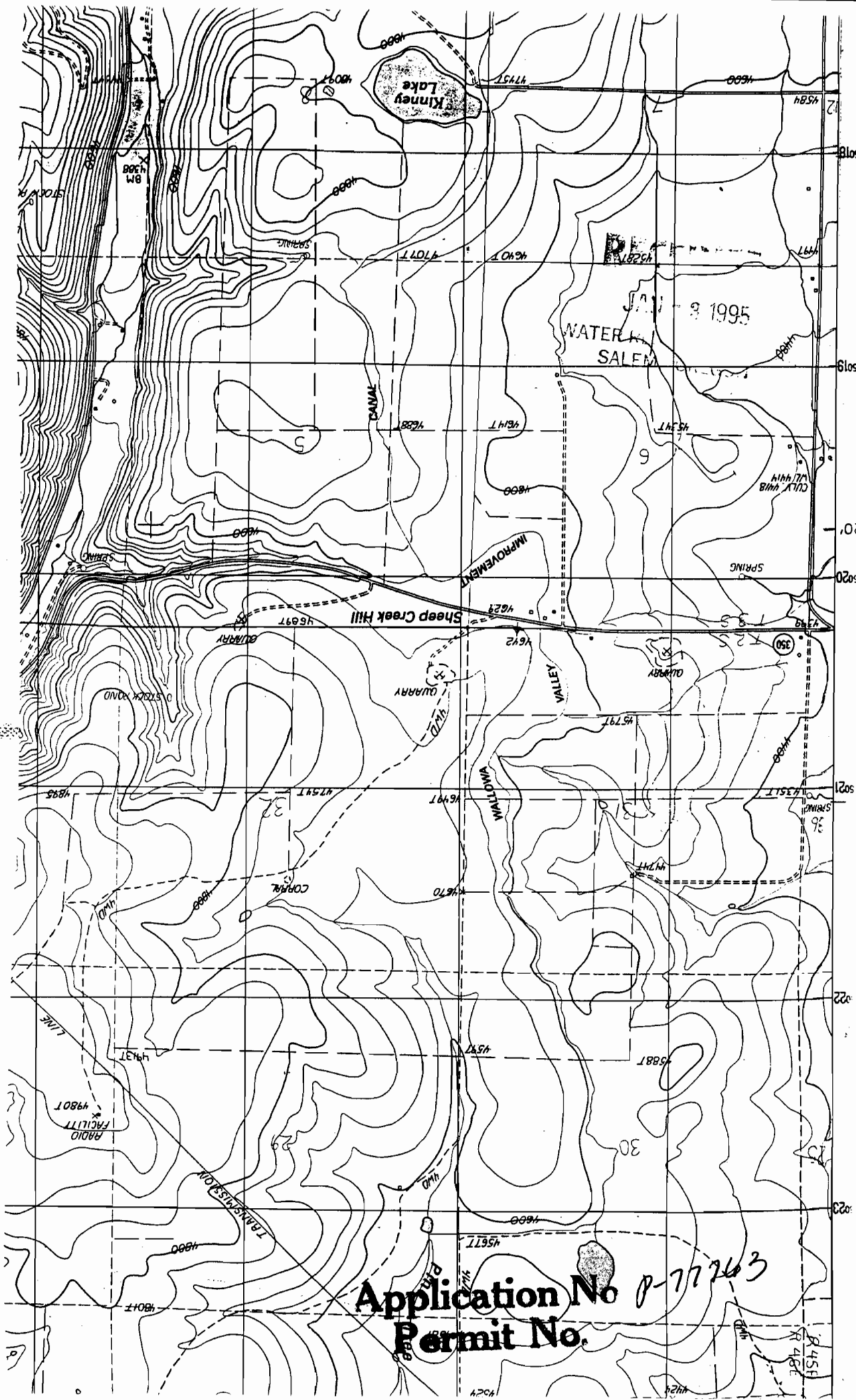
JAN - 8 1995
WATER RESOURCES
SALEM, OREGON

Application No: P-77763 Permit No:



RECEIVED
AUG 21 1995
WATER RESOURCES DEPT.
SALEM, OREGON

6 7



3 1995
WATER SALEM

Application No 0-77-23
Permit No.

RECEIVED
AUG 21 1995
WATER SALEM, OREGON

R 45F
R 46E

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES # 4551
OFFICE OF COUNTY ASSESSOR, WALLOWA COUNTY, OREGON

3S	746		1800	6-3	6	3S	46	
TWP.	RS. E.	SEC.	1/4	1/16	SECTION OR LOT	TOWNSHIP OR BLOCK	RANGE E.	
MAP NUMBER			TAX LOT NO.		ADDITION			CITY
ACCOUNT NUMBER				CODE NO.				

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOLUME	PAGE	
	Lots 11-12-13-14				165.34
	Less Rds.				1.8
	Less TL 1801 DV 79-209		FU	67 51	163.51
	Less TL 1803 DV 79-698		78 586		
			Cont L	679	153.82
			85	263	149.57
				323	
				458	
				420	
	Exc Parcel 1804	20.00 Ac Cont.	3-9-84	S 116	129.57
	Also: Formerly Parcel 1804 desc as follows:	20.00	12-18-91		149.57
	Beg at the NE Cor of sd lot 11;				
	th S 1554.76' alg th e li of sd lots 11 & 14;				
	th N 51° 03' 16" W 556.05';				
	th N 26° 39' 27" W 521.87';				
	th N 62° 18' 11" W 202.24';				
	th N 528.13';				
	th S 88° 56' 52" E 661.26';				
	th N 135.70' to the N li of sd lot 11;				
	th S 88° 56' 52" E 187.28' to the POB.				
	Exc: Parcel 1805	20.00	12-18-91	CS91-019	129.56
	Exc: 1806	117.03	12-18-91	19679	13.34
			B&S	12-29-98 93-25224	
			WD	12-29-98 93-25225	

RECEIVED
 JAN - 8 1995
 SALES

Application No. 8-77763
Permit No.

WATER RESOURCES DEPT.
 SALEM, OREGON
 AUG 21 1995
RECEIVED

PROPERTY
JAN - 8 1995

WATER RESOURCES DEPT
SALEM, OREGON
A3
A10100

12/28/94

9:10 POTENTIAL LIABILITY REAL PROPERTY

REF # 1995 R 4551

MAP# LOT# A NUM CODE PCL MCL AP VA ZONE PAR# % .xxxx REAL# PR
03S46 1800 63 550 550 4 5 EFU

OWNER WATERS, DEAN L & PATRICIA T

ET ALS

CNTRCT

Pg 1

ADDR 15034 CHARMERAN AVE

CTY/ST SAN JOSE CA 95124

SC DEF

X-NUM

ACTION CODES

YR AP 1993 APPR NC NATE CONRAD

ACRES 13.34 SFC ASM

MARKET ASSESSED
LAND 19,460 2,750

IMPROV 0 0

SUBTOT 19,460 2,750

LESS EXEMPTIONS: 0

LESS VET EXEMPT:

NET ASSESSED VALUE 2,750

COMMENTS
SEG BY SURVEY 91-019
B&S 12-29-93 25224
WD 12-29-93 25225

-IMP 3-LND 4-SPA 5-EXM 6-NX# 11-COM 12-SIT 13-LG 14-DEL 15-UND 16-AC 17-JV

RECEIVED
AUG 21 1995
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

AUG 21 1995

WATER RESOURCES DEPARTMENT
SALEM, OREGON
STATUTORY WARRANTY DEED

KEITH WATERS and NANCY WATERS, husband and wife, Grantor, conveys and warrants to DEAN L. WATERS and PATRICIA T. WATERS, husband and wife, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE ATTACHED AND INCORPORATED EXHIBIT A

This property is free of liens and encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is \$10.00.

DATED this 29 day of ^{December} ~~October~~, 1993.

Keith Waters
KEITH WATERS
Nancy Waters
NANCY WATERS

STATE OF OREGON, County of Willowa) ss.

The foregoing instrument was acknowledged before me this 29 day of ^{December} ~~October~~, 1993, by KEITH WATERS and NANCY WATERS.



Marilyn E. Preston
Notary Public for Oregon
My Commission Expires: 4-19-94

AFTER RECORDING, RETURN TO:
WALLOWA TITLE COMPANY
108 S. River Street
Enterprise, OR 97828

SEND TAX STATEMENTS TO:
Dean L. Waters et ux
15034 Charmeran Avenue
San Jose, CA 95124

STATE OF OREGON }
County of Willowa } ss

25225

I certify that the within instrument was received for record on the 29 day of December, 1993 at 2:50 o'clock P.M., and recorded in Reg./M.A. Instrument/microfilm No. 93-25225, Records of Wallowa of said County.
Witness my hand [Signature]
County Clerk/Deputy 305

WALLOWA TITLE COMPANY

25225

25x10

AUG 21 1995
WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT A

A parcel of land situated in the SW $\frac{1}{4}$, Section 6, Township 3 South, Range 46 East of the Willamette Meridian, Wallowa County, Oregon; with reference to map of Survey No. CS 91-019 as filed in the Office of the Wallowa County Surveyor:

BEGINNING at a point on the West line of Section 6, said point being South 1°19'08" West a distance of 400.00 feet from the West quarter corner of said Section 6; thence South 88°56'52" East a distance of 1089.00 feet; thence North 1°19'08" East a distance of 400.00 feet to the North line of the SW $\frac{1}{4}$, Section 6; thence South 88°56'52" East along said North line of said SW $\frac{1}{4}$ a distance of 1272.23 feet; thence South a distance of 135.72 feet; thence North 88°57'37" West a distance of 661.27 feet; thence South a distance of 529.25 feet; thence North 85°22'06" West a distance of 602.19 feet; thence North 71°'6'37" West a distance of 326.12 feet; thence North 42°45'02" West a distance of 112.40 feet; thence North 88°56'52" West a distance of 723.86 feet to the West line of Section 6; thence North 1°19'08" East along said Section line a distance of 50.01 feet to the point of beginning.

SUBJECT TO the right of way of the County Road.

ALSO SUBJECT TO easements conveyed over the existing roadway for ingress and egress as described in instrument recorded as Microfilm No. 91-19679 and Microfilm No. 93-25224.

ALSO SUBJECT TO easements for irrigation ditches and utilities as they exist over and across the subject property.

RECORDED

JAN - 3 1995

WATER RESOURCES DEPT.
SALEM, OREGON

*****END OF DOCUMENT*****

25225

25x10

SALEM, OREGON

RECEIVED

AUG 21 1995

WATER RESOURCES DEPT.
SALEM, OREGON

*I certify that all ponds on this application
were built before Jan 1, 1993.*

JAN - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Dean Waters

12/30/94

RECEIVED

JAN - 8 1995

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

STATE OF OREGON,

County of Wallowa

ss. WATER RESOURCES DEPT.
SALEM, OREGON

BE IT REMEMBERED, That on this 30 day of December, 1994,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within
named Dean L Waters

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.

Diane Witherrite

Notary Public for Oregon.

My Commission expires 3-7-97

