

Application No. P-78484
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

OFFICE 1996
WATER
SALES & SERVICE

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: Gary A. Smith and Joyce M. Smith

Authorized Agent: (if applicable) David Stanley 686-8833

Address: 90532 Hill Road

Springfield, OR	97478	342-3325
City	State	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 4, Township 175, Range 2W, in Lane 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 water, infiltration
3. Maximum height of the dam: 2'
4. Maximum water depth in the reservoir: 5'
5. Maximum storage capacity of reservoir: approximately 1/10 acre feet
6. Size, description and location of any outlet pipe: 6"
pipe with shut-off valve at center of 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.

xx

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.

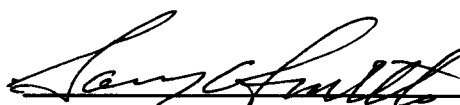
Notice to Owners/Authorized Agent:

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) _____ Gary A. Smith

Date: 12-28-94

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 P 78486.

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

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

OB 2/17/45
(date & initials)

NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).
map must show pond location

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

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STATE OF OREGON)
) ss.
County of Lane)

FILED

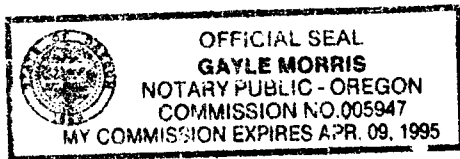
I, GARY A. SMITH, being first duly sworn on oath depose and say:

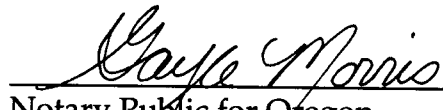
1. My wife, Joyce M. Smith, and I purchased the property at 90532 Hill Road, Springfield, OR 97478, also known as Assessor's Map #17-2-4 Tax Lot#301, by deed dated June 3, 1971.
2. The stockwatering pond described in the Notice of Exempt Reservoir dated December 20, 1994, to which this affidavit is attached, was in existence and in use at the time of our purchase of the property.
3. I believe the pond described in the attached Notice of Exempt Reservoir is exempt from registration requirements and meets the criteria set forth in ORS 537.141.
4. I make this affidavit in support of the attached Notice of Exempt Reservoir.



Gary A. Smith

Signed and sworn to before me on December 28, 1994 by Gary A. Smith.





Notary Public for Oregon
My Commission Expires: 4/9/95