

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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JAN - 4 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: Kevin K + Mardey M. Smith

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

Address: 11150 Butte Falls Hwy

Eagle Point OR 97524 503 865-3662  
City State Zip Telephone No.

Application No. P-79728  
Permit 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 36, Township 34 S, Range 1 East/E, in Jackson 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: Spring

3. Maximum height of the dam: 4 ft.

4. Maximum water depth in the reservoir: 4 ft.

5. Maximum storage capacity of reservoir: 1.3 Acre 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 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.

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: Mardell Smith

(Print Name and Title) MARDell Smith / Land owner

Date: 12/30/94

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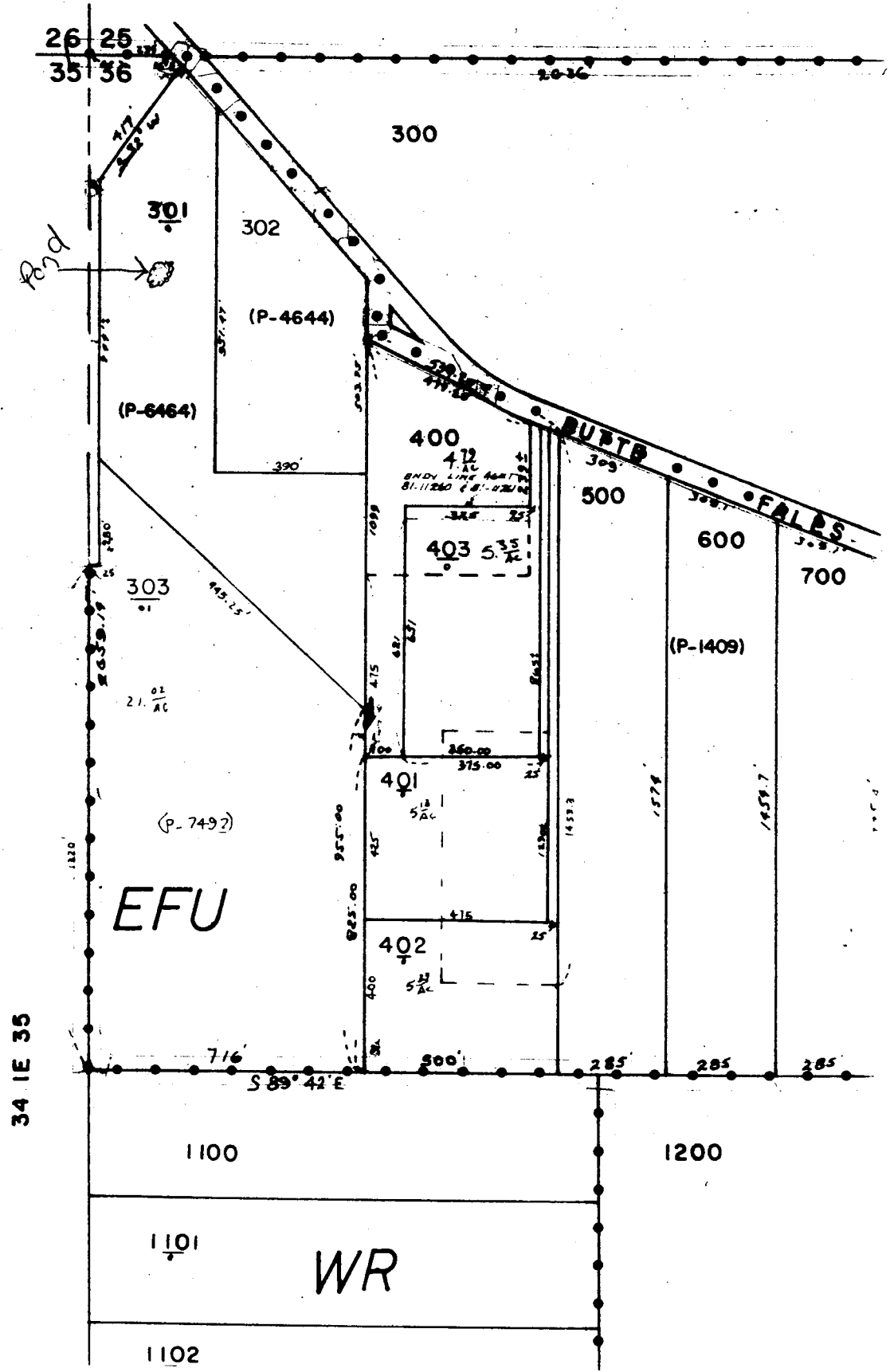
FOR WATER RESOURCES DEPARTMENT USE ONLY

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 179728.

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

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COUNTY OF JACKSON)

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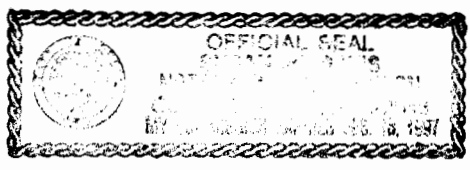
SALEM, OREGON

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 name Mardell Smith and

Kevin Smith

known to me to be the identical individuals as 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.



Susan Jo Davis

Notary Public for Oregon

My Commission expires: 2-10-97

To whom it may concern:

We purchased property in Eagle Point, Ore.  
in June of 1989. The location of the property  
is tax lot 301, Jackson County. Township 34S  
Range 1E Section 36. There was a pond  
on the property at the time of purchase,  
the pond is still on the property now.  
(11150 Butte Falls Hwy)

Thank-you

Mardell Smith

Kevin Smith

(Kevin Smith)