

Application No. P-77782
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
NOTICE OF EXEMPT RESERVOIR

RECEIVED

JAN - 3 1995

WATER RESOURCES DEP
SALEM, OREGON

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: Milton's Third Reserve; Wes Milton Trustee, Barbara Milton, Trustee

Authorized Agent: (if applicable) Wes Milton, Executive Trustee

Address: 120 Hammel Road

<u>Eagle Point</u>	<u>Oregon</u>	<u>97524</u>	<u>503/826-9336</u>
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 10, Township 35, Range 1 W, 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: Eagle Point Irrigation District

3. Maximum height of the dam: Six (6) feet

4. Maximum water depth in the reservoir: Five (5) feet

5. Maximum storage capacity of reservoir: 2-3 acre feet

6. Size, description and location of any outlet pipe: Three (3) inch pipe southeastern side of pond

7. Enclose evidence that the reservoir(s) existed before January 1, 1993, such as one or more of the following:

- X 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.

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WATER RESOURCES DEPT
SALEM, OREGON

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) Wes Milton, Executive Trustee

Date: December 30, 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 _____.

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

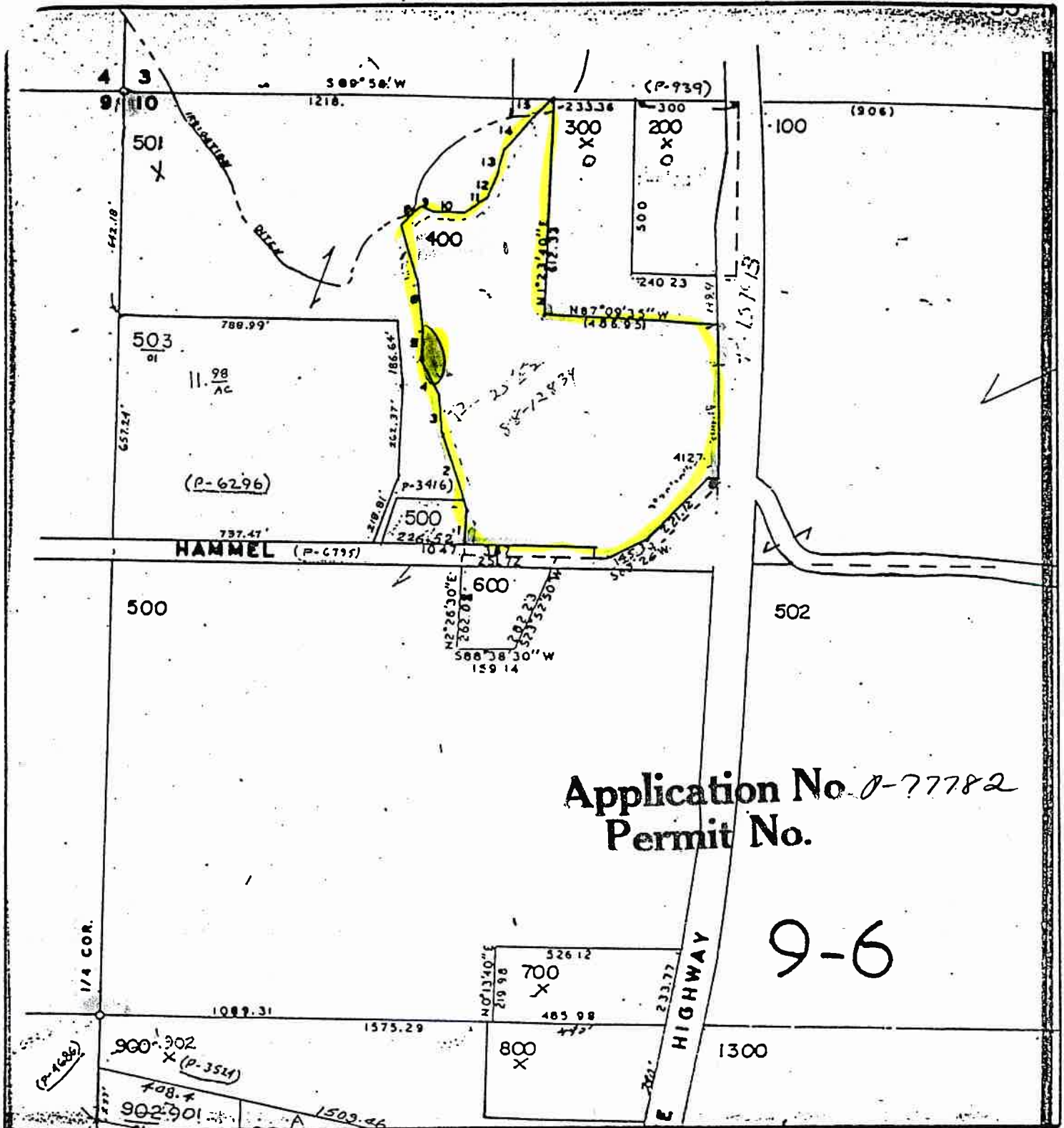
CRATER TITLE INSURANCE CO.

"Our Product is Peace of Mind"

P.O. Box 250 • Medford, Oregon 97501 • (503) 779-7250 • FAX (503) 779-4013

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WATER RESOURCES DEF
SALEM, OREGON

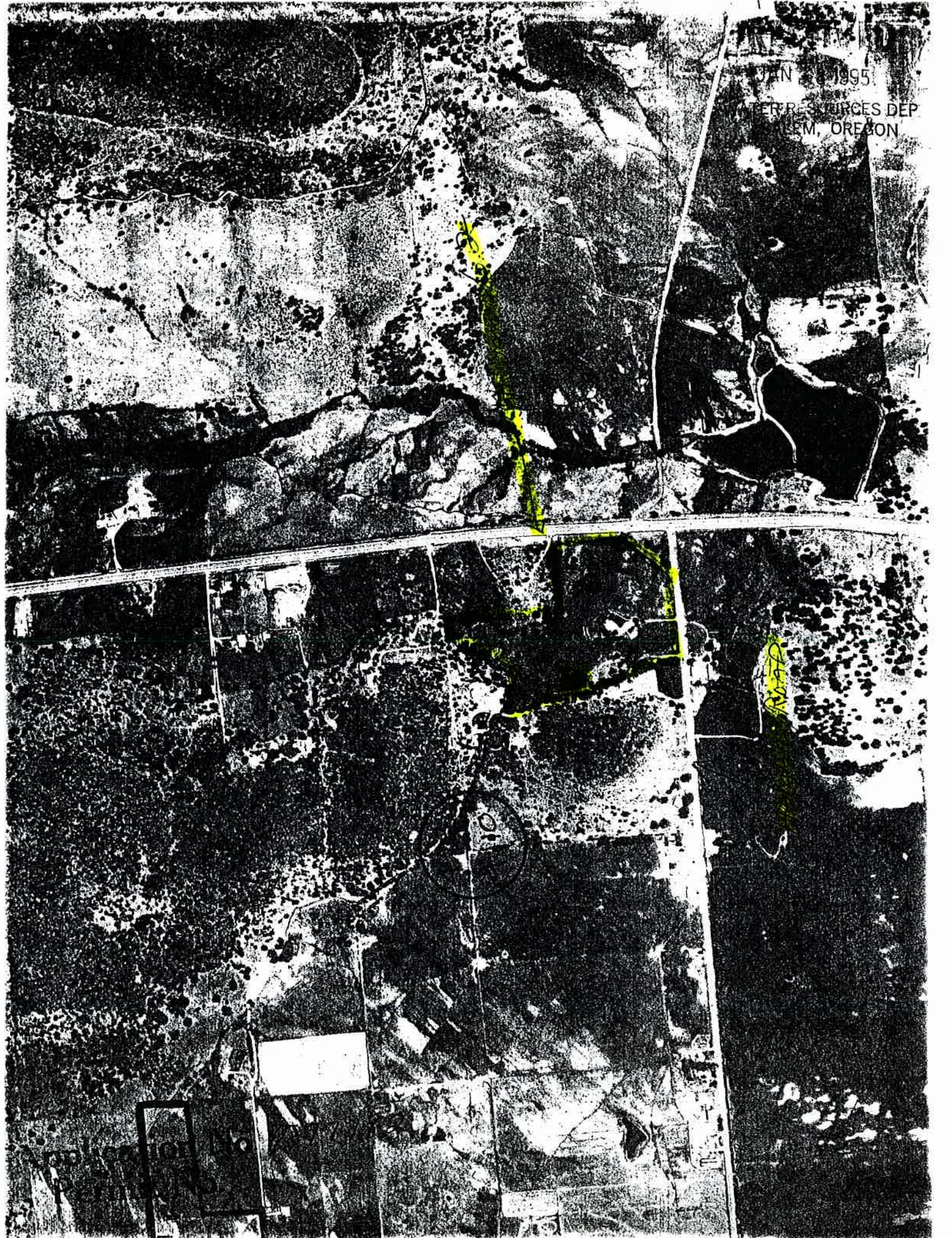


TOWNSHIP 35 RANGE 1W SECTION 10

THIS SKETCH IS FOR LOCATION PURPOSES ONLY. NUMBERS ON SKETCH ARE COMPANY NUMBERS AND NO LIABILITY IS ASSUMED FOR VARIATIONS DISCLOSED BY SURVEY OR COUNTY RECORDS.

JAN 1995

LAND RESOURCES DEPT
SEASIDE, OREGON





United States
Department of
Agriculture

FARM SERVICE
AGENCY

Jackson/Josephine Co. FSA
1109 Ellen Ave
Medford OR 97501-1103
(503) 776-4270 Fax: -4295

TO: State of Oregon
Water Resources Department

DATE: 12-30-94

SUBJECT: Aerial photography

FOR: Wes Milton

The photocopy on the reverse side is certified a true copy of an aerial photograph taken 7-9-90, which is available in this office.

Donna Finch
COF Employee Signature

12-30-94
Date

Position: program assistant



June 27, 1995

Oregon

MILTON WES
TRUSTEE; MILTON, BARBARA
120 HAMMEL RD
EAGLE POINT, OR 97524

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-77782;
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,

Ms. Anita M. Mc Loud
Water Rights Specialist
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 #: P77782 RVD SALEM: RVD REGION: COUNTY: JA

NAME: MILTON WES EXEMPT? *Y*
ADDRESS: 120 HAMMEL RD
CITY, STATE: EAGLE POINT, OR 97524
PHONE NO. 503-826-9336

TRSQQ: 35-01-10

MAP & TL: 35-01-10
TL 400

INSPECTED BY *LMS*
INSPECTION DATE *11/20/95*
TALKED TO:

SOURCE(S) OF WATER: *Mr Runoff*

USE(S) OF WATER: *stock*

DESCRIBE POND: *dug in ~~water~~ low spot*

DESCRIBE DAM: *6' dam*

SURFACE AREA:

ASSUMED AVERAGE DEPTH:

DISCREPANCIES: *as filed*

REMARKS: *in
EPTD*

2.0 A.F.

Watermaster HB-2153
Check-List

WM 14

February 24, 1995

MILTON WES
TRUSTEE; MILTON, BARBARA
120 HAMMEL RD
EAGLE POINT, OR 97524

REFERENCE: File(s) P-77782

Reservoir qualifies as exempt

Reservoir does not qualify as exempt

Reservoir is off channel	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Height of Dam	<u>6'</u>
Capacity of Reservoir	<u>2.0 A.F.</u>
Constructed before 1/1/1993	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

I L. SMITH examined the information included with the file P-77782.
My determination is based on review of the information and field visit to the site and/or
personal knowledge.

L. M. Smith
Signature

11/20/95
Date



November 30, 1995

MILTON, WES/BARBARA
120 HAMMEL RD
EAGLE POINT, OR 97524

REFERENCE: FILE NO. P77782 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