

STATE OF OREGON  
COUNTY OF JACKSON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LONNY W. & EDNA J. GALLAGHER  
2280 MILL CREEK DR  
PROSPECT, OREGON 97536

(541) 560-3329

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-70377

SOURCE OF WATER: MILL CREEK, A TRIBUTARY OF ROGUE RIVER

PURPOSE OR USE: DOMESTIC USE EXPANDED FOR ONE HOUSEHOLD BEING FURTHER LIMITED TO HUMAN CONSUMPTION DURING THE PERIOD LISTED BELOW

RATE OF USE: 0.01 CUBIC FOOT PER SECOND (CFS) FOR DOMESTIC USE EXPANDED AND 0.005 CFS FOR HUMAN CONSUMPTION

THE PERIOD OF ALLOWED USE IS DECEMBER 1 THROUGH MAY 31 OF EACH YEAR FOR DOMESTIC USE EXPANDED, AND JUNE 1 THROUGH NOVEMBER 30 OF EACH YEAR FOR HUMAN CONSUMPTION

DATE OF PRIORITY: MAY 23, 1990

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 28, T32S, R3E, W.M.; 1860 FEET NORTH & 2690 FEET EAST FROM THE SW CORNER OF SECTION 28

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED WITHIN THE SE 1/4 NW 1/4, SECTION 10, TOWNSHIP 33 SOUTH, RANGE 2 EAST, W.M.

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period.

Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall install and maintain a fish screening device as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

If this application involves a proposed or existing in-channel diversion structure, ODWF will require the applicant to provide for fish passage as required by ORS 498.268.

#### STANDARD CONDITIONS

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.


By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 8, 1996

*for*   
Martha O. Pagel, Director  
Water Resources Department