

FILE#: R 73113

Application No.

K- 73113

Permit No.

Certificate No.

Stream Index, Page No.

Stream Index, Page No. 16
16-1253-0400-0320
✓ 3 3 7000 500 000 000

FEES PAID

Date	Amount	Receipt No.
------	--------	-------------

Date	Amount	Receipt No.
12/30/92	40.00	95658
1-17-96	10.-	131601

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Date filed _____

Priority

Action suspended until 1/1/78

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water _____

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued JAN 6 1997

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

STATE OF OREGON
COUNTY OF Douglas

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

ROBERT L MUCKEY
GENNETTE, GAYLE A
2001 45 ST
SACRAMENTO, CA 95817

confirms the right to store the waters of
TWO UNNAMED RESERVOIRS AND STORE WATERS OF AN UNNAMED STREAM, A
TRIBUTARY OF TODD CREEK
for IRRIGATION AND LIVESTOCK WATER.

The right to store and use these waters was perfected under Reservoir Application R-73113.
The date of priority is January 1, 1993. The amount of water entitled to be stored and
used each year under this right is not more than 4.0 ACRE-FEET, BEING
2.0 AF IN EACH RESERVOIR

Located as follows:

NE 1/4 SE 1/4 SECTION 35, TOWNSHIP 29 SOUTH, RANGE 6 WEST WM.
NE 1/4 SE 1/4 SECTION 35, TOWNSHIP 29 SOUTH, RANGE 6 WEST WM.

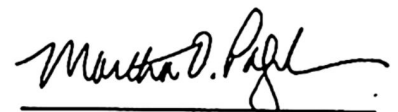
ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which
anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife
(ODFW). If the subject pond is in-channel and fish are present, the certificate holder is directed to contact the ODFW Fish Passage Program
Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish
District office for a determination.

If water is to be diverted from an in-channel pond where fish are present, the certificate holder shall install, maintain and operate fish
screening and by-pass devices as required by ORS 498.306 through ORS 498.346 and approved by ODFW. Contact the ODFW Fish
Screening Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact
the nearest ODFW Fish District office for a determination.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or
the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as
determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

WITNESS the signature of the Water Resources Director, affixed JANUARY 6, 1997.



Martha O. Pagel

This Certificate is issued to correctly describe the above reservoir(s) and supercedes Certificate 68894

Recorded in State Record of Water Right Certificates numbered 73655

STATE OF OREGON
COUNTY OF Douglas

CERTIFICATE OF WATER RIGHT (HB - 2153)

Superseded by
Cert. No. 73655

THIS CERTIFICATE ISSUED TO

ROBERT L MUCKEY
GENNETTE, GAYLE A
2001 45 ST
SACRAMENTO, CA 95817

confirms the right to store the waters of
TWO UNNAMED RESERVOIRS AND STORE WATERS OF AN UNNAMED STREAM, A
TRIBUTARY OF TODD CREEK, TO BE APPROPRIATED UNDER APPLICATION 73114
for IRRIGATION AND LIVESTOCK WATER.

The right to store and use these waters was perfected under Reservoir Application R-73113.
The date of priority is January 1, 1993. The amount of water entitled to be stored and
used each year under this right is not more than 4.0 ACRE-FEET, BEING
2.0 AF IN EACH RESERVOIR

Located as follows:

NE 1/4 SE 1/4 SECTION 35, TOWNSHIP 29 SOUTH, RANGE 6 WEST WM.
NE 1/4 SE 1/4 SECTION 35, TOWNSHIP 29 SOUTH, RANGE 6 WEST WM.

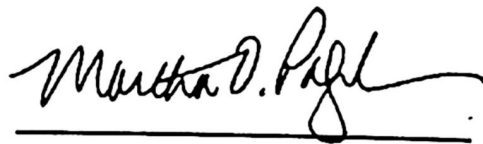
ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife (ODFW). If the subject pond is in-channel and fish are present, the certificate holder is directed to contact the ODFW Fish Passage Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

If water is to be diverted from an in-channel pond where fish are present, the certificate holder shall install, maintain and operate fish screening and by-pass devices as required by ORS 498.306 through ORS 498.346 and approved by ODFW. Contact the ODFW Fish Screening Program Coordinator, P.O. Box 59, Portland, OR. 97207. If fish presence is in question, the certificate holder should contact the nearest ODFW Fish District office for a determination.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use listed above.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 27, 1996.



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 68894

January 2, 1996

Oregon

WATER
RESOURCES
DEPARTMENT

Dear Applicant,

The 1995 Legislature passed House Bill 2376, a law which requires the Department to issue water right certificates on reservoirs applied for under House Bill 2153 (1993 Ponds Bill).

Our staff is preparing to issue your certificate(s). However, we need recording fees in the amount of \$10 before we can proceed.

In order to expedite the processing of your certificate(s), we request that you submit the recording fees by January 26, 1996. I have enclosed a stamped envelope for your use.

Should you have any questions please feel free to call the Water Rights Information Group at 1-800-624-3199, extension 499.

Sincerely,



Gerry Clark
Completeness Team



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Sherry Miller
PO Box 619
2020 Bronco Lane
Chiloquin, OR 97624
(541) 783-3523 fax 783-3517

RECEIVED

November 03, 1995

NOV 03 1995

To: Jerry Gainey
Water Resources Department

Via Fax (503) 378-6203 WA
EH RESOURCES DEPT.
SALEM OREGON

Dear Mr. Gainey,

Pursuant to my conversation with Tom Paul in the enforcement department (ext. 281) and his instructions, I am requesting that my applications for reservoir water rights be processed under House Bill # 2153.

Application #'s : R-73710, R-73711, R-73712, R-73713

According to Mr. Paul, HB #2153 in part provides entitlement to applicants to have continued access to the source of water to maintain pond water level until completion of the application process and denial or approval has been granted.

Per your instructions, I will make a courtesy call to my County Water Master, Del Parks, to inform him of the change in my application status and entitlement to access to the irrigation water pending outcome of the applications.

Thank you for your assistance in this matter.

Sincerely,



Sherry Miller

cc: Del Parks

See 73114(085)

November 30, 1993

ROBERT L MUCKEY
GAYLE A GENNETTE
2001 45 ST
SACRAMENTO, CA 95817

Reference: File R 73113

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before February 7, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

SB/lgm

Report Date: November 30, 1993

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: February 7, 1994.

1. APPLICATION FILE NUMBER R 73113
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

ROBERT L MUCKEY
GAYLE A GENNETTE
2001 45 ST
SACRAMENTO, CA 95817

Date application received for filing and/or tentative date of priority: 12/29/92

SOURCE: UNNAMED STREAM TRIBUTARY TO: TODD CREEK

Purpose and/or use:

RESERVOIR #1 - STOCKWATER AND IRRIGATION
RESERVOIR #2 - STOCKWATER

Flow: 4.0 ACRE-FEET, BEING 2 ACRE-FEET FOR EACH RESERVOIR

Point of Diversion Location:

SE 1/4 NE 1/4 RES. #1
NE 1/4 SE 1/4 RES. #1 AND #2
SECTION 35
TOWNSHIP 29 SOUTH, RANGE 6 WEST, W.M.

Place of use:

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SECTION 35
TOWNSHIP 29 SOUTH, RANGE 6 WEST, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Water in the amount of 4.0 ACRE-FEET STORAGE is likely available for 9 months of the 12 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: R-73113

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Water may be appropriated for storage during the period: NOVEMBER 1 THROUGH JULY ~~31~~¹⁵ per 690-516-001 (ve)
3. Volume of use: 2.0 ACRE-FEET STORAGE FOR RESERVOIR #1
2.0 ACRE-FEET STORAGE FOR RESERVOIR #2
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. 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. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

6. The 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.
7. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
8. RESERVOIR # 1 - The total area proposed to be submerged by the reservoir, when full is 0.50 ACRE; the proposed maximum depth of water in feet is 8; the maximum height of the dam is 9.9 FEET.

RESERVOIR # 2 - The total area proposed to be submerged by the reservoir, when full is 0.50 ACRE; the proposed maximum depth of water in feet is 8; the maximum height of the dam is 9.9 FEET.
9. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.



STATE OF OREGON

INTEROFFICE MEMO

TO: Steve Brown

DATE:

01/19/94

FROM: Gary Ball, Watermaster *gcb*

RECEIVED

JAN 24 1994

WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: File R 73113

I would urge review of water availability for this application. Appropriation of water for storage purposes is not allowed within the South Umpqua Basin from July 15 through September 30, as per the South Umpqua Basin seasonal withdrawal. It would appear, therefore, that the period of storage should be limited to November 1 to July 15.

cc: Al Cook

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 516
UMPQUA BASIN PROGRAM

Classifications

690-516-001

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Umpqua River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, temperature control, power development, industrial, mining, recreation, wildlife, fish life uses, and pollution abatement; and the waters of the Umpqua River Basin are hereby so classified with the following exceptions:

(a) Preference shall be given to human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area for all the waters of the Umpqua River Basin over any other beneficial uses.

(b) The waters of the natural lakes of the Umpqua River Basin are classified only for the utilization of water for domestic, livestock, power development not to exceed 7-1/2 theoretical horsepower, and in-lake uses for recreation, wildlife, and fish life purposes.

(c) The waters of Roberts Creek and its tributaries were withdrawn by Water Resources Commission's Order of Withdrawal on October 4, 1991.

(d) The unappropriated waters of Lookingglass Creek and tributaries are withdrawn from further appropriation except for domestic and livestock watering uses under 5,000 gallons per day per appropriation and water legally stored and released from storage from June 1 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated August 5, 1983.

(e) The unappropriated waters of the South Umpqua River and tributaries, excluding Lookingglass and Roberts Creeks, are withdrawn from further appropriation except for human consumption, livestock consumption, irrigation of up to 1/2-acre non-commercial garden and water legally released from storage from July 15 through September 30 of each year, by the Water Policy Review Board's Order of Withdrawal dated April 29, 1985. This limitation shall not affect the withdrawals previously enacted by the Board for the waters of Roberts and Lookingglass Creeks.

(2) Applications for the use of the waters of the Umpqua River Basin shall not be accepted by any state agency for any purposes contrary to the classifications herein specified, and the granting of applications for such other purposes is declared to be prejudicial to the public interest, and the granting of applications for such other use would be contrary to this water-use program.

DRAFT

STATE OF OREGON

COUNTY OF DOUGLAS

PERMIT TO CONSTRUCT A RESERVOIR AND TO
STORE FOR BENEFICIAL USE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ROBERT L. MUCKEY AND GAYLE A. GENNETTE
2001 45 STREET
SACRAMENTO, CALIFORNIA 95817

916-739-6139

to construct TWO UNNAMED RESERVOIRS and to store the waters of AN UNNAMED STREAM, a tributary of TODD CREEK, to be appropriated under Application 73114, Permit , for IRRIGATION AND LIVESTOCK WATER.

This permit is issued approving Reservoir Application R-73113. The date of priority is DECEMBER 29, 1992. The amount of water entitled to be stored each year is not more than 4.0 ACRE-FEET (AF), BEING 2.0 AF IN EACH RESERVOIR.

The dams will be located as follows:

NE 1/4 SE 1/4, SECTION 35, T 29 S, R 6 W, W.M.

The total area proposed to be submerged by each reservoir, when full, is 0.5 acre; the proposed maximum depth of water is 8.0 feet. The maximum height of the dam shall not exceed 10.0 feet.

The area to be submerged by the reservoir is located within:

SE 1/4 NE 1/4
NE 1/4 SE 1/4
SECTION 35
TOWNSHIP 29 SOUTH, RANGE 6 WEST, W.M.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8 inches.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1994. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1995.

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.

The 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 storage 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.

Issued this date,.

Water Resources Department
Martha O. Pagel
Director

Application R-73113 Water Resources Department
Basin 16 Volume 3B Judd Creek & Misc.
R-73113.dlm

PERMIT R-
District 15

Application No.

R 73113



State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) ROBERT L. MUCKEY, GAYLE A. GENNETTE

(Please print or type - use dark ink)

Mailing Address: 2501 45th

SACRAMENTO
City

CALIF.
State

95817
Zip

916 7396139
Daytime Phone No.

I (We) make application for a permit to construct 2 reservoir^s and store the following described waters of the State of Oregon:

PROPERTY

1. SOURCE OF WATER for the proposed use: UNNAMED GULCH,
a tributary of TODD CREEK.
If not in channel of a stream, state how it is to be filled: _____

2. THE DAM:⁵ The maximum height of the structure will be 9.9 RESERVOIR #1
9.9 RESERVOIR #2 feet above stream bed
or ground surface at the centerline.
The dam³ will be (check one) ☒ earthfill, _____ concrete, _____ flashboard, _____ other.
If "other" give description: _____

Give the location, description, and dimensions of the outlet conduit: _____

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: STOCK WATER & IRRIGATION
RESERVOIR #1 ; STOCK WATER RESERVOIR #2

4. THE AMOUNT OF WATER to be stored is: 2 Acre-feet EACH RESERVOIR acre-feet.
The area submerged by the reservoir, when filled, will be 0.5 EACH RESERVOIR acres,
and the maximum depth of water will be 8 EACH RESERVOIR feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. _____

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin ON OR BEFORE 10/1993

Proposed date construction work will be completed 10/1994

Proposed date water use will be completed 10/1995

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

7. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

X Applicant CWRE Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: PROPERTY LOCATION: Sec 35, T29S, R6W, WM
TAX LOT: 72006, 900

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Robert H. Mueby
Signature of Applicant

12/22/92
Date

Mark R. Bennett
Signature of Co-Applicant, if any

12/22/92
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 30th day of December, 19 92, at 8:00 o'clock, A M.

APPLICATION NO: R-73113

TECHNICAL REVIEW CHECKLIST

FORM-71393

- 1) Application: R73113.S4
- (2) Review Date: 11-5-93

S Indicates information was completed or adequately addressed.
 U Indicates information is needed, or incomplete, or inadequately addressed
 N/A Indicates Not Applicable

SUMMARY

S Completeness

S Land Use

N/A GW Interference (if potential interference with surface water, see results of water availability analysis)

S Conflicts

S Water Availability 105742

- (3) S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.
- (4) N/A No oath is required because application was filed before June 5, 1992.
- (5) S Application fees:
- | | |
|--|--------------------|
| Examination fee: | \$40 ⁰⁰ |
| Recording fee: | \$10 ⁰⁰ |
| TOTAL REQUIRED | \$50 ⁰⁰ |
| TOTAL SUBMITTED | \$50 ⁰⁰ |
| AMOUNT DUE prior to issuance of permit | \$ |
| AMOUNT OVERPAID refund due applicant | \$ |
- (6) S Proposed dates of beginning and completion of construction, and complete application of water.
- (7) S MAP: ☒ Prepared by a CWRE
☐ Exempt under OAR 690-11-150(3)
☐ A map or drawing included (non-CWRE)
☐ No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used.
- (10) N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- (13) S Livestock & Irrigation use(s) ~~is~~ are classified uses ~~(s)~~ under the Umpqua Basin Program, OAR 690 - 576-001
- (14) S. The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

- (15) As expressed by the Planning Department of Douglas County
- (16) S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 3.5.000).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- (20) N/A A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) N/A The report from groundwater section has been received.

For reservoir applications:

- (22) S Plans, specifications and supporting information for the dam and impoundment area.

Water Availability By Month for Exceedance Level 50
For Water Availability Subbasin 0105742000000000
And Its Associated Nested Subbasins

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	010000000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	010500000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	010570000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4	010574000000000000	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES
5	010574200000000000	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES

Detailed Report for Water Availability Subbasin 0105742000000000

Water Availability By Month for Exceedance Level 50

MO	Gross Water Available	Consumptive Use		Storage Rights		Instream Water Rights		Net Water Available
		Applic	Permit	Applic	Permit	Applic	Permit	
1	3880	0	0	0	0	0	350	3530
2	4020	0	0	0	0	0	350	3670
3	4240	0	0	0	0	0	350	3890
4	2960	0	0	0	0	0	350	2610
5	1770	0	0	0	0	0	275	1490
6	625	0	0	0	0	0	225	400
7	171	0	0	0	0	0	120	51
8	75	0	0	0	0	0	70	5
9	83	0	0	0	0	0	70	13
10	185	0	0	0	0	0	250	-65
11	869	0	0	0	0	0	400	469
12	3690	0	0	0	0	0	350	3340
Stor	1000000	4	0	2	0	0	108000	892000

~ .. - Detailed Report for Water Availability Subbasin 0105740000000000

Water Availability By Month for Exceedance Level 50

MO	Gross Water Available	Consumptive Use		Storage Rights		Instream Water Rights		Net Water Available
		Applic	Permit	Applic	Permit	Applic	Permit	
1	4220	0	0	0	0	0	350	3870
2	4370	0	0	0	0	0	350	4020
3	4540	0	0	0	0	0	350	4190
4	3120	0	0	0	0	0	350	2770
5	1830	0	0	0	0	0	275	1550
6	663	0	0	0	0	0	225	438
7	179	0	0	0	0	0	150	29
8	78	0	0	0	0	0	122	-45
9	87	0	0	0	0	0	122	-35
10	197	0	0	0	0	0	300	-103
11	924	0	0	0	0	0	400	524
12	4020	0	0	0	0	0	350	3670
Stor	1080000	41	0	2	0	0	108000	975000

RECEIVED

FEB - 2 1994

**WATER RESOURCES DEPT.
SALEM, OREGON**



DEPARTMENT OF
FISH AND
WILDLIFE

January 27, 1994

Water Rights Section
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

RE: Water Right Application #R-73113; Report of Technical
Review

Because there are no fish in the immediate area of the
subject appropriation, no fish screening or passage
facilities are to be required.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Mirati Jr.".

Albert H. Mirati, Jr.
Water Right Review Coordinator

c. WaterWatch of Oregon (public information request)
Loomis, Roseburg

FILE: R-73113.TEC



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-5400
TDD (503) 229-5459

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

✓ CC: FILE # R73113.S4

✓ WATERWATCH

✓ ODF&W

✓ WATERMASTER # 15✓ REGIONAL MANAGER - SW✓ CWRE - William J. Ruppert

✓ KEN STAHR

✓ 259
OTHER ADDRESSES:CASEWORKER LSW 11-5-83

ORIGINAL TO APPLICANT 10/12/93

and JWR 2/3/94

SECTION 35[illegible]

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JAN 21 1993

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

WATER RESOURCES DEPT.

SALEM, OREGON

Name of Applicant Robert Muckey & Gayle Gennette Application Number R-73113

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes _____ No X

If yes, please explain.

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JAN 13 1993

WM. DIST. 14
GRANTS PASS, ORE.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes X No _____

If yes, please explain.

The entirety of the South Umpqua basin is regulated for the seasonal withdrawal every year and for the 1983 and 1974 minimum flows nearly annually.

3. Do you observe this stream system during regular field work?

Yes _____ No X

If yes, what are your observations for the stream.

I am not acquainted with this source, but in all likelihood, sufficient water will be available to fill these reservoirs every year.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes X No _____ Don't Know _____

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make?

Signature

Garyl Ball

WM District #

15

Date

1/11/93

WaterWatch

O F O R E G O N

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JAN 12 1993

WATER RESOURCES DEPT.
SALEM, OREGON

January 10, 1992

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #R73113, 73114, R. Muckey
Todd Cr. Basin, Douglas Co., Irr. & Livestock Water

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 80% exceedence level?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

bc:

Jim Myron

WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

January 4, 1993

ROBERT L MUCKEY
GENNETTE, GAYLE A
2001 45 ST
SACRAMENTO, CA 95817

REFERENCE: File(s) R-73113, S-73114

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



DATE	INITIALS
12-30-92	JW

MINIMUM REQUIREMENTS TO FILE

Name and mailing address
Source of water
Quantity of water
Location of project
Use of water
Signature of applicant
Allowable use by policy
State Engineer withdrawal
Legislative withdrawal
Land use approved yes pending _____

FIELD OPERATIONS

		Application date stamped per money receipt date
		Stream Indexed
		Stream Code _____
		Scenic Waterway _____
		Findings:
		1) Concluded - Scenic-Reg Ack letter
		2) Under Study - Scenic-Ack letter
		3) Basin 2 - Willamette-Ack letter
		Plat Carded and copy made <u>YES</u> <u>NO</u>
		Conflicts (well _____ surface _____)
		Prior ISWR # _____
		Within Irrigation District _____ (name)
		Notified
		District excerpt received
		Entered in Paradox
		Prepare six copies of Draft Permit
		Send one copy to Data Center

SUPPORT SERVICES

1/6	CW	Stamp contents with application number
		Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER
		Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
		Place label on file and card
		If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section
		Notify Irrigation District

FIELD OPERATIONS

	YES	NO
Ownership Statement		
Name and address of all owners		
Other landowners notified		
Legal Description		
Need Commission review		
Requests greater than 5.0 cfs		
Dam height greater than 20 feet		
Storage greater than 100 acre-feet		
Out of Basin diversion		
Groundwater recharge project		
Other substantial public interest		
GW comments received		resolved
ODFW comments received		resolved
DEQ comments received		resolved
Interest Groups		
Water availability received		
Objections received		resolved
Protest received		resolved
Management Codes		

EXAMINATION FEE: _____
RECORDING FEE: _____

TOTAL: _____
REFUND: _____
DEFICIENT: _____

REMARKS: _____

89335

NUMBER _____

Check 280⁰⁰ NO _____ Cash _____

☒ Surface Application

☒ Reservoir Application

☐ Ground Water Application

☐ Transfer Application

☐ Power Claim

☐ Hydroelectric Examination

☐ Hydroelectric License

☐ Copying

☐ Assignment

☐ Extension of Time

☐ Other

☐ P-6

☐ Quadrangle

☐ Basin

☐ Protest

☐ Constructors Examination

☐ Constructors License

☐ Adjudication

200.⁰⁰
exam
40
recording

\$40.⁰⁰
exam fee

8634855

SOURCE:	CFS:	USE:	PLACE OF USE:
Spring #1	0.01	Stock	Sec 35, T29S, R6W, WM
Spring #1	0.13	{ Irrigation	SE1/4 NE1/4,
		{ Irrigation	3 ac, SE1/4 NE1/4
			7 ac, NE1/4 SE1/4
Spring #2	0.01	Stock	NE1/4 SE1/4
Spring #3	0.01	Stock	NE1/4 SE1/4
Spring #3	0.01	{ Domestic, 1/2 ac	NE1/4 SE1/4
		{ lawn and garden	
Spring #4&5	0.01	Stock	SE1/4 SE1/4
Spring #4&5	0.13	{ Irrigation (primary)	3 ac, SE1/4 NE1/4
		{ Irrigation (primary)	7 ac, NE1/4 SE1/4
Reservoir# 1	0.13	{ Irrigation	3 ac, SE1/4 NE1/4
		{ Irrigation	7 ac, NE1/4 SE1/4
Reservoir# 1	0.01	Stock	NE1/4 SE1/4
Reservoir# 1	2 ac ft	Storage	SE1/4 NE1/4, NE1/4 SE1/4
Reservoir #2	0.01	Stock	NE1/4 SE1/4
Reservoir #2	2 ac ft	Storage	NE1/4 SE1/4

* DENOTES STOCK WATER FACILITIES

SECTION SUBDIVISION
BASED ON SKYLINE
RANCHES SUBDIVISION

THIS MAP TO BE USED
FOR WATER RIGHT
PURPOSES ONLY

DATE OCTOBER 31, 1992

BY: WILLIAM J. RUPPERT
P.O. BOX 1564
MYRTLE CREEK, OR 97457



UNNAMED GULCH

SE 1/4 NE 1/4

SPRING #1

RES. #1

RES. #2

HOUSE SITE

SPRING #2

BARN SITE

SPRING #3

FND BC
S 1/16 CORNER
SEC 35/SEC 36

NW 1/4 SE 1/4

NE 1/4 SE 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

T 29 S, R 6 W WM
SECTION 35

0 400 800
SCALE

SPRING #4
STORAGE TANK

SPRING #5

1/4 CORNER
SEC 35/SEC 36
FND BC

S 07°02'51" E
1365.83

PROPOSED
PIPELINE

UNNAMED
GULCH

SPRING #4
STORAGE TANK

SPRING #5