







STATE OF OREGON  
COUNTY OF Douglas

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

MICHAEL LANDER  
LANDER, SHERRIE  
7406 ROBERTS CREEK RD  
ROSEBURG, OR 97470

confirms the right to store the waters of  
AN UNNAMED STREAM, A TRIBUTARY OF ROBERTS CREEK IN THREE RESERVOIRS  
for LIVESTOCK.

The right to store and use these waters was perfected under Reservoir Application R-76311.  
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 0.8473 ACRE-FOOT, BEING  
IN THREE RESERVOIRS

Located as follows:

1/4 1/4 SECTION 15, TOWNSHIP 28 SOUTH, RANGE 5 WEST WM.  
1/4 1/4 SECTION 15, TOWNSHIP 28 SOUTH, RANGE 5 WEST WM.  
1/4 1/4 SECTION 15, TOWNSHIP 28 SOUTH, RANGE 5 WEST WM.

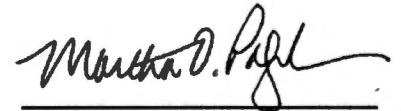
ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which  
anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife  
(ODFW). If the subject pond 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 70266

Page 3

File: R76271  
Source: unnamed stream off Slimwater Creek  
Flow: 3.62 AF  
Use: livestock

File: R76311  
Source: unnamed stream off Roberts Creek  
Flow: .84 AF  
Use: livestock

File: R76393  
Source: intermittant stream off Cow Creek  
Flow: .10 AF  
Use: livestock

File: R76581  
Source: spring and runoff  
Flow: .02 AF  
Use: livestock

File: R76583  
Source: Doerner Creek  
Flow: 1.2 AF  
Use: wildlife

File: R76599  
Source: springs and runoff  
Flow: .64 AF  
Use: livestock

File: R76600  
Source: springs off Beals Creek  
Flow: .476 AF  
Use: livestock

File: R76697  
Source: unnamed intermittent stream  
Flow: .24 AF  
Use: livestock

Dear Mr. French:

The Department has completed its review of the above referenced Technical Reviews of water rights applications. The drainage basin in which these applications are located has been identified



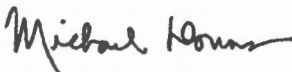
as water quality limited by the Department. The estimated low flow normally occurs during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exist.

These applications propose additional out of stream use of water which if granted would reduce available instream flows during the seasonal low flow period, thus increasing the likelihood of already identified water quality problems in this drainage basin. The Department recommends limiting the pond or reservoir water rights to high flow if it is available, and request that this be verified with a meter when 2.0 acre feet or more are impounded. Large reservoirs covering 5 or more acres will need a DEQ stormwater permit to control runoff.

The Department requests that for pollution prevention a farm management plan be developed to address water quality issues, including: 1) possible herbicide and pesticide use in the vicinity of the pond or reservoir; 2) an erosion (sediment) plan with buffer strips; 3) a nutrient plan to prevent nitrate runoff into surface and groundwater; 4) potential flooding of the pond or reservoir if located in the 100 year floodplain with subsequent contaminant release; and 5) if the pond use is for stock watering, then a way to keep stock out of the stream needs to be developed and the riparian area restored.

If you have questions or wish to discuss this issue further, please feel free to contact Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs  
Administrator  
Water Quality Division

MD:bjp:crw  
SA\WC13\WC13285.5  
cc; Denise Troxel, NRCS

PRE-TR APPLICATION PROCESSING OUTLINE R-76311

Application File # \_\_\_\_\_

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE      INITIAL

1/16/95      CE  
\_\_\_\_\_  
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Name and mailing address of applicant  
Source of water  
Quantity of water  
Map showing location of POD & POU  
Use of water  
Names and addresses of legal owners  
Signature of applicant  
Oath  
Application date stamped per money receipt date  
Land use approved  pending \_\_\_\_\_  
  
If reservoir < 5 AF \$ 80, if > 5 AF \$ \_\_\_\_\_  
  
HB 2153/HB 2107 APPLICATION -- SEE REVERSE  
  
Route to Data Center (Unless 2153/2107)

DATA CENTER

\_\_\_\_\_  
\_\_\_\_\_ Stream Code \_\_\_\_\_  
Entered into WRIS

SUPPORT SERVICES

3/10/95      KX  
\_\_\_\_\_  
3/31/95      GO  
\_\_\_\_\_

Stamp contents with application number  
Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file  
Place label on file and calender card

APPLICATION SECTION

\_\_\_\_\_  
\_\_\_\_\_ Stream Indexed      Basin # \_\_\_\_\_  
Plat Carded and copy made      YES NO  
If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section

TR CASEWORKER

\_\_\_\_\_  
\_\_\_\_\_ TR Checklist complete      YES NO  
Within Irrigation District \_\_\_\_\_  
District Notified      \_\_\_\_\_  
District excerpt received      \_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_ TR Mailed DATE \_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_ Public Interest Checklist complete \_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_ Management Codes \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**MINIMUM APPLICATION REQUIREMENTS TO FILE:**

**HB 2153 - existing, small, EXEMPT ponds**

\_\_\_\_\_  
(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

\_\_\_\_\_  
Appropriate map (see item 1 on form).

\_\_\_\_\_  
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:

1/10/95 CB  
\_\_\_\_\_  
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

January 26, 1995

MICHAEL LANDER  
LANDER, SHERRIE  
7406 ROBERTS CREEK RD  
ROSEBURG, OR 97470

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WATER  
RESOURCES  
DEPARTMENT

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REFERENCE: File # R-76311;

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Your application will be considered under House Bill 2153 enacted by the 1993 Oregon Legislature. You may continue the storage of water while a decision is pending on your application.

After an application has been accepted for filing, public notification of the application is made, followed by a mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, the Department works through Oregon's 18 river basins on a rotating schedule, processing applications in the order in which they have been received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

Technical Reviews are processed in accordance with Oregon Administrative Rules. The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



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



REFERENCE: File(s) - R-76311

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Mr. Cory C. Engel  
Water Rights Research Assistant  
Water Rights/Adjudication Division

cc: CWRE



RECEIVED

JAN - 3 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. R-76311

State of Oregon  
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) MICHAEL & SHERRIE LANDER

(Please print or type - use dark ink)

Mailing Address: 2406 ROBERTS CREEK ROAD  
ROSEBURG OREGON 97470 (503) 679-4565  
City State Zip Daytime Phone No.

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

1. SOURCE OF WATER for the proposed use: UN-NAMED STREAM,  
a tributary of ROBERTS CREEK.  
If not in channel of a stream, state how it is to be filled: \_\_\_\_\_

2. THE DAM: The maximum height of the structure will be 7' feet above stream bed or ground surface at the centerline.  
The dam will be (check one)  earthfill, \_\_\_\_\_ concrete, \_\_\_\_\_ flashboard, \_\_\_\_\_ other.  
If "other" give description: \_\_\_\_\_

Give the location, description, and dimensions of the outlet conduit: None - Built sometime in the 1950's.

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: LIVESTOCK



4. THE AMOUNT OF WATER to be stored is: .8473 acre-feet.  
The area submerged by the reservoir, when filled, will be .33856 acres,  
and the maximum depth of water will be 7 feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. Around side of dam against rocky bank - four feet wide times two feet deep.

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin \_\_\_\_\_  
Proposed date construction work will be completed \_\_\_\_\_  
Proposed date water use will be completed \_\_\_\_\_

NOTE: Prior to issuance of a permit, it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. 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      \_\_\_\_\_ 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):

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.

JAN - 3 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

REMARKS: There are three small ponds on our property.  
Built sometime in the 1950's. They are circled in  
red on attached map.  
Under # 4 Amount of Water to be stored; I listed the  
Combined maximum holding capacity of the three ponds.  
They were all built the same way, two dry up in  
early summer; one is year round.

Legal Description 28 05 15 00700

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:

Michael Lander  
Signature  
Hevin Lander  
Signature

Dec. 30, 1994  
Date  
Dec. 30, 1994  
Date



RECEIVED  
WATER RESOURCES  
SALMON DIVISION

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 3 day of Jan, 1995, at 8 o'clock, A M.

1/1/93

APPLICATION NO: R-76311



**Land Use Information Form: Permits, Hydroelectric Licenses,  
Water Uses in Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: MICHAEL LANDER - SHERRIE LANDER  
 Address: 2406 ROBERTS CREEK ROAD  
 City: ROSEBURG State: OR Zip: 97470 Day Phone: (503) 679-4565

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
1010700	AGG, FFT/FG, FF			✓

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

DOUGLAS

The following section must be completed by a planning official from each county and city listed **unless your project will be located entirely within the city limits.** In this case, only the city planning agency must complete this form. Please request additional forms as needed.

Application No. K-70311

For Local Government Use Only

**Permit No.**

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.  
Cite applicable ordinance section(s); 3-3-020 + 3-5-020 Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)**

=====

Receipt for Request for Land Use Information

WRD Applicant Name: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application **IF** the local government cannot provide the above requested land use information while the applicant waits.

City or County: \_\_\_\_\_  
 Staff Contact: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_







### Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: MICHAEL & SHERRIE LANDER  
Address: 7406 ROBERTS CREEK ROAD  
ROSEBURG, OREGON 97470  
Phone: (503) 679-4565

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_
- Livestock (type of livestock, feedlot, slaughterhouse): COW-CALF operation family farm
- Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- Institutional (i.e., school, library, etc.): \_\_\_\_\_
- Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____	_____ Cubic feet per second. _____ Gallons per minute. <u>.84</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	



## NOTE TO LOCAL GOVERNMENTS

Application No. R-76311  
 Permit No.

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WATER RESOURCES DEPT.  
 SALEM, OREGON

WATER  
 RESOURCES  
 DEPARTMENT

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

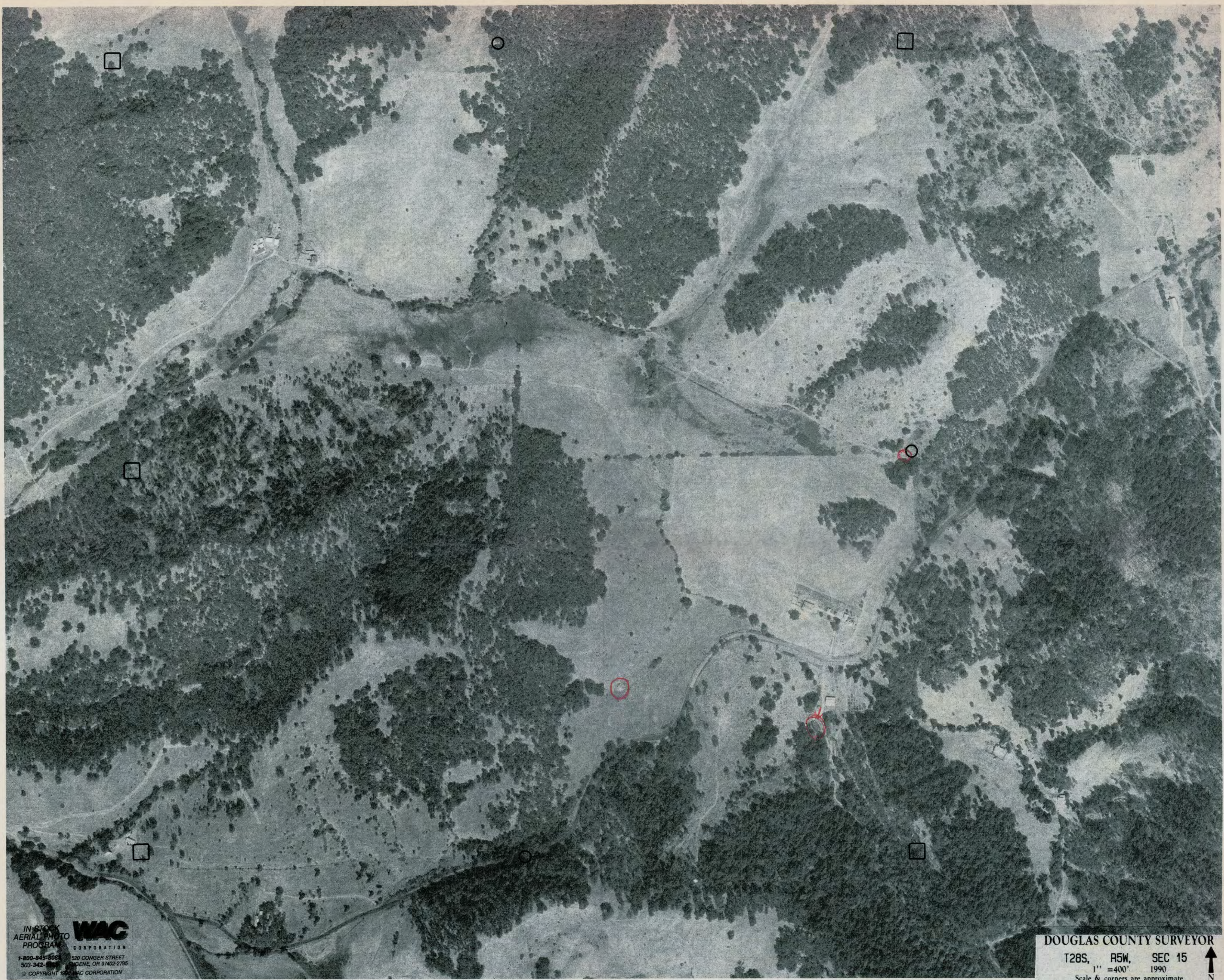
You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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





IN STOCK  
AERIAL PHOTO  
PROGRAM  
**WAC**  
CORPORATION  
1-800-245-5061 530 CONGER STREET  
503-342-5061 EUGENE, OR 97402-2755  
© COPYRIGHT 1990 WAC CORPORATION

DOUGLAS COUNTY SURVEYOR  
T28S, R5W, SEC 15  
1" = 400' 1990  
Scale & corners are approximate



"CERTIFICATE NO. 70266 "

Application No. *R-76311*  
Permit No.

**RECEIVED**

JAN - 3 1995

WATER RESOURCES DEPT.  
SALEM, OREGON





**WAC**  
WATER AND CATCHMENT  
Aerial photography and mapping services  
www.wac.com.au

DOUGLAS COUNTY SURVEYOR

T28S. R5W. SEC 15  
1" = 400' 1990

Scale & corners are approximate



40266

Application No. *K-70311*  
Permit No.

**RECEIVED**

JAN - 3 1995

WATER DIVISION  
SALFORD, CALIFORNIA











Application No. R-76311  
Permit No. ....

MICHAEL LANDER  
LANDER, SHERRIE  
7406 ROBERTS CREEK RD  
ROSEBURG, OR 97470

Assigned .....  
Address .....  
Beginning construction .....  
Completion of construction .....  
Extended to .....  
Complete application of water .....  
Extended to .....



FILE#: R 76311

MICHAEL LANDER  
LANDER, SHERRIE  
7406 ROBERTS CREEK RD  
ROSEBURG, OR 97470

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