

III

Application No. P-81179 HB 2376

FILE#: P 81179

Permit No. _____

Certificate No. _____

Stream Index, Page No. _____

CHARLES T WHITE
BEAR CREEK ORCHARDS INC.; WHITE, RAYM
PO BOX 9000
MEDFORD, OR 97501

Date filed _____

Priority _____

Action suspended until _____

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 _____

FEE PAID

Date _____

Amount

Receipt No.

Cert. Fee

FEES REFUNDED

Date _____

Amount

Check No.

ASSIGNMENTS

Date _____

To Whom

Address

Volume

Page

REMARKS

Copy to both files if not done already

Oregon

December 2, 1997

Scott Cully
Bear Creek Orchards
PO Box 9000
Medford OR 97501

WATER
RESOURCES
DEPARTMENT

RE: Application S73078; Exempt Pond Application P81179

Dear Mr. Cully:

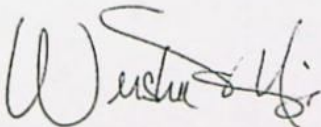
Enclosed please find documentation that your request for exemption P81179 has been granted. The exemption allows you to store water and to continue historical uses from this pond. Historical uses from this exempt pond, as listed in your application, are irrigation and temperature control on the lands for which irrigation use was also requested in surface water application S73078.

Because the exemption has been approved, you will want to withdraw your surface water application S73078 which the Department previously proposed to deny. Approval of the exemption makes this application unnecessary.

You should formally withdraw your application in writing and address that withdrawal to the attention of Dwight French, manager of the Department's Water Rights Section. I do not know if any refund is due Bear Creek Orchards but in the event that it is, you should ask for any refund due to be sent to you. Please send a copy of your letter of withdrawal to me. On receipt of the withdrawal, I will dismiss the contested case on application S73078 and that will be the end of the matter.

Thank you for your continued patience as we have worked through these questions.

Sincerely,



Weisha Mize, ALJ

cc: Adam Sussman
Dwight French



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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 1, 1997

Scott Cully
Bear Creek Orchards
PO Box 9000
Medford OR 97501

RE: Exempt Pond Application P81179

Dear Mr. Cully:

Thank you for your letter of October 2, 1997. Mr. Clark has been assigned to other duties in the Department.

This is to inform you that the above-referenced exempt pond application filed by Bear Creek Orchards is considered "exempt" by the Department. Water may be stored and used according to the exempt notice you provided the Department on May 13, 1996. Historic uses applied for, irrigation and temperature control, may be made of water stored in this exempt pond only on the lands shown in the application.

I have enclosed a copy of the exempt notice from our file for your convenience.

If you have any questions, please do not hesitate to give me a call. I can be reached toll free within Oregon at 1-800-624-3199 ext. 268.

Sincerely,

Dwight French
Water Right Section Manager

Enclosures: Notice of Exempt Reservoir

cc: Weisha Mize, WRD
Bruce Sund, Watermaster



Oregon Water Resources Department Notice of Exempt Reservoir

For reservoirs built before January 1, 1995, that:

- Store less than 9.2 acre-feet of water, or
- Have a dam less than 10 feet high.

The deadline for submitting a Notice of Exempt Reservoir is January 31, 1997.

RECEIVED

MAY 13 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Landowner: Charles Thompson White and Raymond B. White

Last name

First name

MI

Authorized Agent: Bear Creek Orchards, Inc.

Last name

First name

MI

Address: P. O. Box 9000

Medford

OR

97501

City

State

Zip

Phone: 776-2121 ext. 3527

(Same)

Home

Work

FAX: 776-2180

E-Mail Address: N/A

A. County of use: Jackson B. River basin (see reverse): Rogue River

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
T-36S	R.2W W.M.	16	SE1/4 SW1/4 + SW1/4 SW1/4	TL-500

D. Name, if any, of reservoir: Kendall Slough E. Reservoir in existence since: / / 1972
(pond) Rogue River MM DD YY

F. Source of water: Hydraulic connection from which flows into Reservoir (pond)
Name of river or creek Name of river or creek

G. Maximum height of dam: 9 feet. Note: No constructed dam exists only piles of tailings from past mining operation.

H. Quantity of water stored in reservoir at maximum capacity (see reverse): 320 acre-feet.

I. Water stored in reservoir is used for (see reverse): irrigation and temp. control

J. Rate and area of use—Refer to chart on the back of this form. For each type of water use listed in Item I., show the quantity of water used and, if applicable, the number of acres on which water is used.

BEFORE YOU SIGN AND SUBMIT THIS APPLICATION... HAVE YOU:

- ☐ Answered each question on this form as completely as possible?
- ☐ Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.

Charles T. White
(Signature of Landowner/Agent)

Raymond B. White owner
(Printed name and title)

5/6/96
(Date)

Charles T. White owner

5/8/96

For Department Use

File #

Date received

10-95

Application No. P81179

Permit No.

Oregon's major river basins:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



One acre-foot is the volume of water that would cover one acre with one foot of water. To find out how much water your pond stores, multiply the surface area by the average depth. This will give you a rough estimate of cubic feet. One acre-foot equals 43,560 cubic feet. You can submit a Notice of Exempt Reservoir if your pond stores less than 400,752 cubic feet—43,560 X 9.2.

Rate and Area of Use

cfs—cubic feet per second

gpm—gallons per minute

Agriculture, Land Management

Gen. Agriculture	cfs/gpm	# acres	Cranberry	cfs/gpm	# acres
Irrigation	cfs/gpm	# acres	Nursery Operatn.	cfs/gpm	# acres
Stockwater	cfs/gpm	# acres	Temp. Control	cfs/gpm	# acres
Aquatic Life	cfs/gpm	# acres	Forest/Range Mgt	cfs/gpm	# acres
Other:	cfs/gpm	# acres	Other:	cfs/gpm	# acres

Industrial/Commercial Uses

Industrial	cfs/gpm	_____	Commercial	cfs/gpm	_____
Fire Protection	cfs/gpm	_____	Mining	cfs/gpm	_____
Power Dev.	cfs/gpm	_____	Other:	cfs/gpm	_____

Drinking Water Supply

Human Consumption	cfs/gpm	_____	Domestic	cfs/gpm	_____
Domestic	cfs/gpm	_____	Other:	cfs/gpm	_____
Expanded	cfs/gpm	_____			

Community Water Supply

Municipal	cfs/gpm	_____	Quasi-Municipal	cfs/gpm	_____
Group Domestic	cfs/gpm	_____	Storm Water Mgt	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

Environmental Benefits

Pollution Abatement	cfs/gpm	_____	Recreation	cfs/gpm	_____
Wetland Enhancement	cfs/gpm	_____	Wildlife	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____



October 2, 1997

RECEIVED

OCT - 6 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Jerry Clark
Oregon Water Resources Department
158 12th St., N.E.
Salem, OR 97310

Dear Jerry,

Great speaking with you concerning the Exempt Reservoir status of the pond adjacent to our Kirtland Orchard location, your file #P-81179.

Thank you for searching your comment database for me. We now understand that due to the fact that no comments were logged prior to the cut off date of August 1, 1997, the reservoir meets all the criteria to be considered exempt. We also understand that OWRD does not send out notification confirming this.

We will proceed with the diligent water conservation practices already in place here at Bear Creek Orchards, Inc., and with the knowledge that the OWRD considers this reservoir exempt from the requirement to obtain a permit.

Thanks again for your efforts.

Sincerely,

Scott Cully
Orchard Production Manager

cc: Ron Henri
Charles T. White
Raymond B. White
file copy



October 2, 1997

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Orchard Production Manager

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RECEIVED

MAY 13 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Landowner: Charles Thompson White and Raymond B. White
Last name First name MI
Authorized Agent: Bear Creek Orchards, Inc.
Last name First name MI
Address: P. O. Box 9000
Medford OR 97501
City State Zip
Phone: 776-2121 ext. 3527 (Same)
Home Work
FAX: 776-2180 E-Mail Address: N/A

A. County of use: Jackson B. River basin (see reverse): Rogue River

C. Legal description of reservoir location:

Township	Range	Section	Quarter/Quarter	Tax Lot #
T-36S	R.2W W.M.	16	SE1/4 SW1/4 + SW1/4 SW1/4	TL-500

D. Name, if any, of reservoir: Kendall Slough E. Reservoir in existence since: / / 1972
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- ☐ Attached a legible map showing township, section, range, quarter-quarter & tax lot number?

By my signature below, I swear that all statements made and information provided in this application are true to the best of my knowledge.

(Signature of Landowner/Agent)

Charles T. White

(Printed name and title)

Raymond B. White owner
Charles T. White owner

(Date)

5/6/96
5/8/96

For Department Use

File #

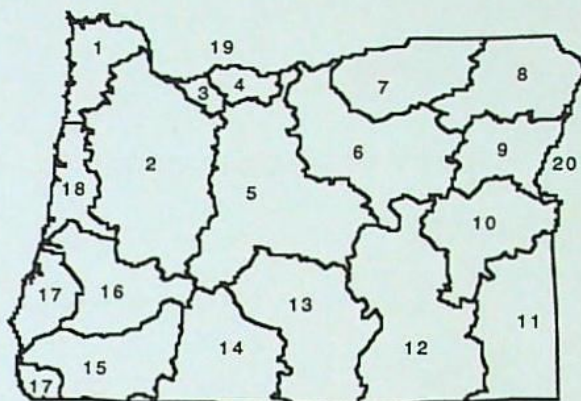
Date received

10-95

Application No. P81179
Permit No.

Oregon's major river basins:

- | | | |
|---------------|-----------------|--------------|
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Industrial/Commercial Uses

Industrial	cfs/gpm	_____	Commercial	cfs/gpm	_____
Fire Protection	cfs/gpm	_____	Mining	cfs/gpm	_____
Power Dev.	cfs/gpm	_____	Other:	cfs/gpm	_____

Drinking Water Supply

Human Consumption	cfs/gpm	_____	Domestic	cfs/gpm	_____
Domestic	cfs/gpm	_____	Other:	cfs/gpm	_____
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Environmental Benefits

Pollution Abatement	cfs/gpm	_____	Recreation	cfs/gpm	_____
Wetland Enhancement	cfs/gpm	_____	Wildlife	cfs/gpm	_____
Other:	cfs/gpm	_____	Other:	cfs/gpm	_____

June 7, 1996

Oregon

CHARLES T WHITE
BEAR CREEK ORCHARDS INC.; WHITE, RAYMOND B
PO BOX 9000
MEDFORD, OR 97501

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # P-81179;

Notice of Exempt Reservoir (Pond)

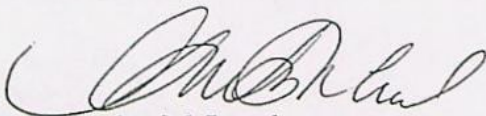
This is to let you know that we have received your Notice of Exempt Reservoir and assigned it the number listed above. Please refer to this number if you need to contact us about the notice. As required by law, your Notice of Exempt Reservoir filing will appear in our weekly public notice within 90 days from the time it was filed.

We have determined that your reservoir appears to meet the general criteria for exemption from the requirement to obtain a permit. However, we feel it is important to tell you that the Department must accept comments until August 1, 1997 on whether the reservoir poses a threat to fishery resources or existing water right holders. After the August 1, 1997 deadline, the Department has 180 days to assess comments. Any such comments will be reviewed and you will be notified only if any action on your part is necessary.

If no comments are received or the Department's assessment shows your pond does not cause injury, your pond will be considered exempt. You are advised that this exemption is limited to the amount of water that had been stored prior to January 1, 1995. Any increase in the storage or use of the stored water after that date must be authorized under a permit issued by this Department.

If you have any questions, please write to use at the address below, or call the Water Rights Information Group at (503)378-8455 ext. 499 or toll free in Oregon, 1-800-624-3199 ext. 499.

Sincerely,



Anita McLoud
Water Rights Specialist
Water Rights Division

cc: Watermaster District _____

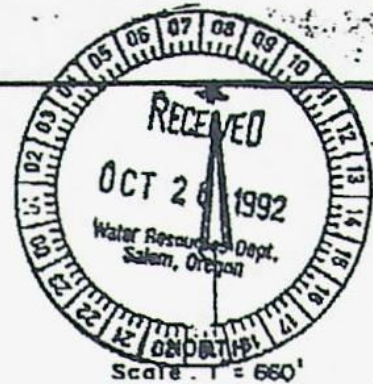


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Application No.

Permit No.

T. 36S., R.2.W., W.M.



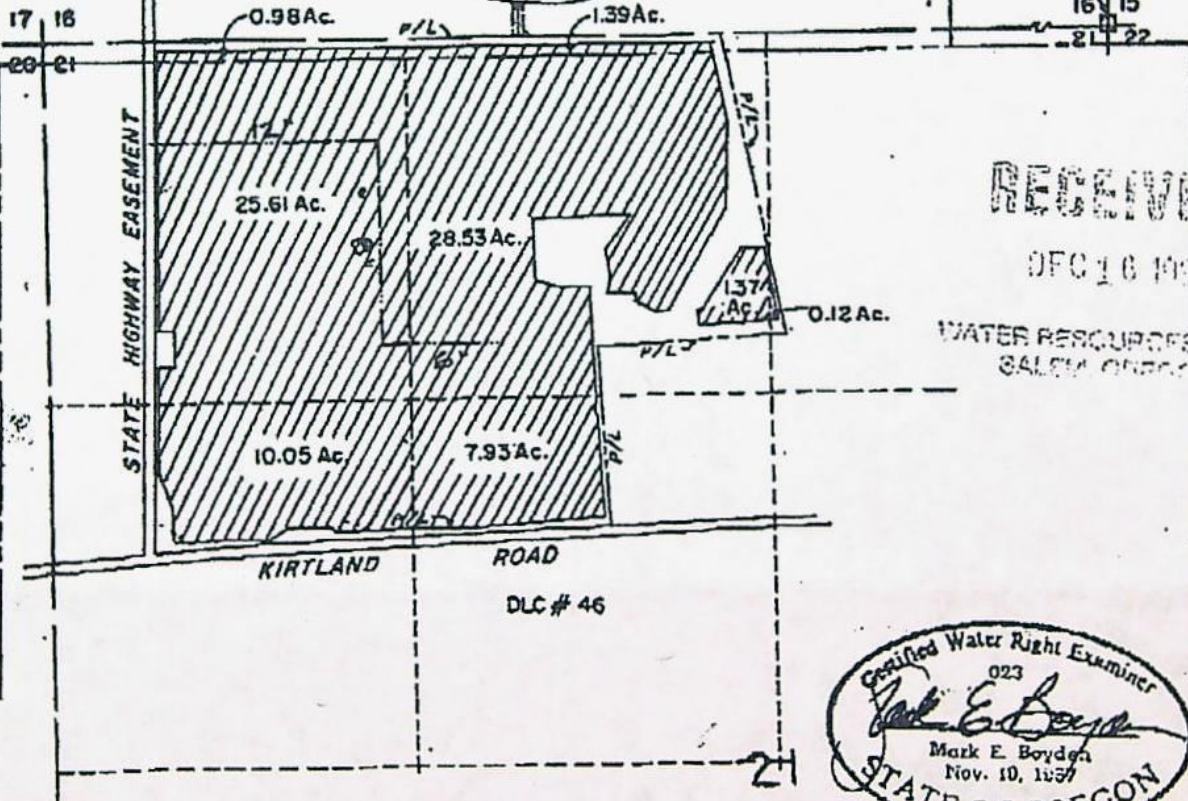
ROGUE RIVER

STATE OF OREGON
STATE HIGHWAY COMMISSION
SUMPOLD POINTS
OF DIVERSION FROM
KENDALL SLOUGH

KENDALL SUMP

NEW POINT OF DIVERSION
IS NORTH 83°4' WEST 3564' FROM
SE. COR. SEC. 16E. 40' EASEMENT
FOR PIPELINE and PUMPSPipe
Orchard

DLC # 45

LEAD PLUG IN
CONC.

RECEIVED

DEC 16 1992

WATER RESOURCES DEPT.
SALEM, OREGON

HARRY and DAVID an Oregon Corporation

RECEIVED

MAP PREPARED AUGUST 10, 1992 BY MARK E. BOYDEN

MAY 13 1993

Application No. P81179
Permit No.WATER RESOURCES DEPT.
SALEM, OREGON

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # P 81179

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

HB 2376

DATE

INITIAL

5/30/96

mm

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 NA pending _____

If reservoir < 5 AF \$ A, 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

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:

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

FILE#: P 81179

CHARLES T WHITE
BEAR CREEK ORCHARDS INC.; WHITE, RAYMOND
PO BOX 9000
MEDFORD, OR 97501

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BEAR CREEK ORCHARDS INC.; WHITE, RAYMOND
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