

Name Tam Horn

By _____

Address _____

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 _____

Application No. R-76087
Permit No. _____
Certificate No. 70074

Stream Index, Page No. _____

FEEES PAID		
Date	Amount	Receipt No.
12/30/94	\$90	19283
Cert. Fee		
FEEES REFUNDED		
Date	Amount	Check No.

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

[illegible]

STATE OF OREGON
COUNTY OF Josephine

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

THOMAS K HORN
HORN, GRETCHEN
589 KING MTN TRAIL
SUNNY VALLEY, OR 97497

confirms the right to store the waters of
BENJAMIN GULCH, A TRIBUTARY OF GRAVES CREEK IN BACK, LOWER, BABY,
TRAILER, AND UPPER RESERVOIRS
for IRRIGATION, RECREATION, FISH, WILDLIFE, AND FIRE
PROTECTION.

The right to store and use these waters was perfected under Reservoir Application R-76087.
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 1.005 ACRE-FEET, BEING
0.05 AF IN BACK RES, 0.75 AF IN LOWER RES, 0.005 AF IN BABY RES,
0.1 AF IN TRAILER RES, 0.1 AF IN UPPER RES

Located as follows:

NW 1/4 SE 1/4 SECTION 6, TOWNSHIP 34 SOUTH, RANGE 5 WEST WM.
NW 1/4 SE 1/4 SECTION 6, TOWNSHIP 34 SOUTH, RANGE 5 WEST WM.
NW 1/4 SE 1/4 SECTION 6, TOWNSHIP 34 SOUTH, RANGE 5 WEST WM.
SW 1/4 SE 1/4 SECTION 6, TOWNSHIP 34 SOUTH, RANGE 5 WEST WM.
NW 1/4 SE 1/4 SECTION 6, TOWNSHIP 34 SOUTH, RANGE 5 WEST WM.

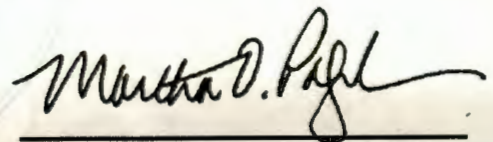
ORS 498.351 and ORS 509.605 through 509.625 provides that no person shall construct an artificial obstruction across a waterway in which
anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife
(ODFW). If the subject pond 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 70074

February 9, 1995

THOMAS K HORN
HORN, GRETCHEN
589 KING MTN TRAIL
SUNNY VALLEY, OR 97497

WATER
RESOURCES
DEPARTMENT

REFERENCE: File # R-76087;

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.



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

REFERENCE: File(s) - R-76087

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 the Water Rights Information Group (WRIG) 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

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 are no margins, text, or other markings on the paper.

RECEIVED

HB 2153

Application No.

R-76087

DEC 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Thomas K. Horn and Gretchen Horn

(Please print or type - use dark ink)

Mailing Address: 559 Kung Mountain Trail
Sunny Valley OR 97447 479-6900
City State Zip Daytime Phone No.

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

1. SOURCE OF WATER for the proposed use: west fork of Benjamin Gulch, a tributary of Crow Creek

If not in channel of a stream, state how it is to be filled: ground water
pipe from mining ditch reference abstract of permit 2877

2. THE DAM: The maximum height of the structure will be 1 (one) 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: _____

ditch at left front corner about four
inches deep

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: IRRIGATION
Recreation
Fish and Wildlife
Fire Protection

NWSE 6

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DEC 29 1994

WATER,
SALEM, OREGON

4. THE AMOUNT OF WATER to be stored is: 1/200 acre-feet.
The area submerged by the reservoir, when filled, will be 1/200 acres,
and the maximum depth of water will be 1 feet.

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

excess water exits out of small
ditch into larger pond

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin _____

Proposed date construction work will be completed Spring

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):

X 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):

X Applicant _____ CWRE _____ Other (Identify in REMARKS section)

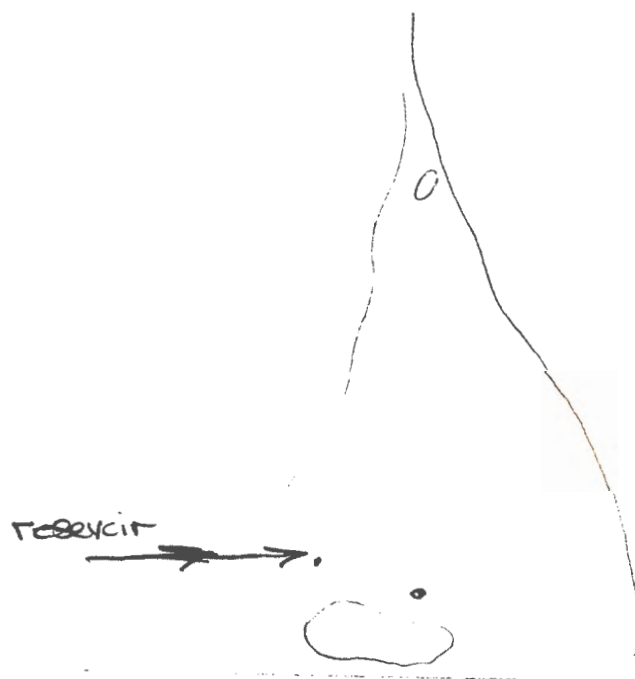
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DEC 29 1994

WATER RESOURCES
SALEM, OREGON

TH 1500

TH 1300



1" = 400'

Application No. R-74087
Permit No.

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DEC 29 1994
SALMON
JURCE
OREGON

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:

water right from certificate # 33603 dated 1908
and abstract of permit # 22717 dated January 25, 1929

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:

Signature

Thomas How

Date

December 26, 1994

Signature

Patricia How

Date

December 26, 1994



large front pond

Application No. R-76057
Permit No.

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DEC 23 1994

SALEM, OREGON

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 _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

Priority Date 1/1/93

APPLICATION NO: R-76087

RECEIVED

DEC 29 1994

WATER RES.
SALEM, OREGON

TL 1500

Abstract of Permit No. 8877

Application No. 12528

Certificate No. 8663

Name K. M. Ludewig
 Address Grants Pass, Oregon
 Source of water supply Benjamin Gulch, tributary of Grave Creek
 Use Mining
 Point of diversion Being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, Tp. 34 S.,
 R. 5 W., M. 1 in Josephine County.
 Number of acres

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
34 S	5 W	6													X	X	X	

Priority date January 25, 1929

Amount of water 2.0 c.s.f.

Time limit to begin construction

Time limit to complete construction

extended to

extended to

Time limit to completely apply water

extended to

extended to

Remarks:

Application ' JC 76087
Permit No.

Per. 8877

K.M. Ladewig

Scale 4"=1 Mile

Jan 1929

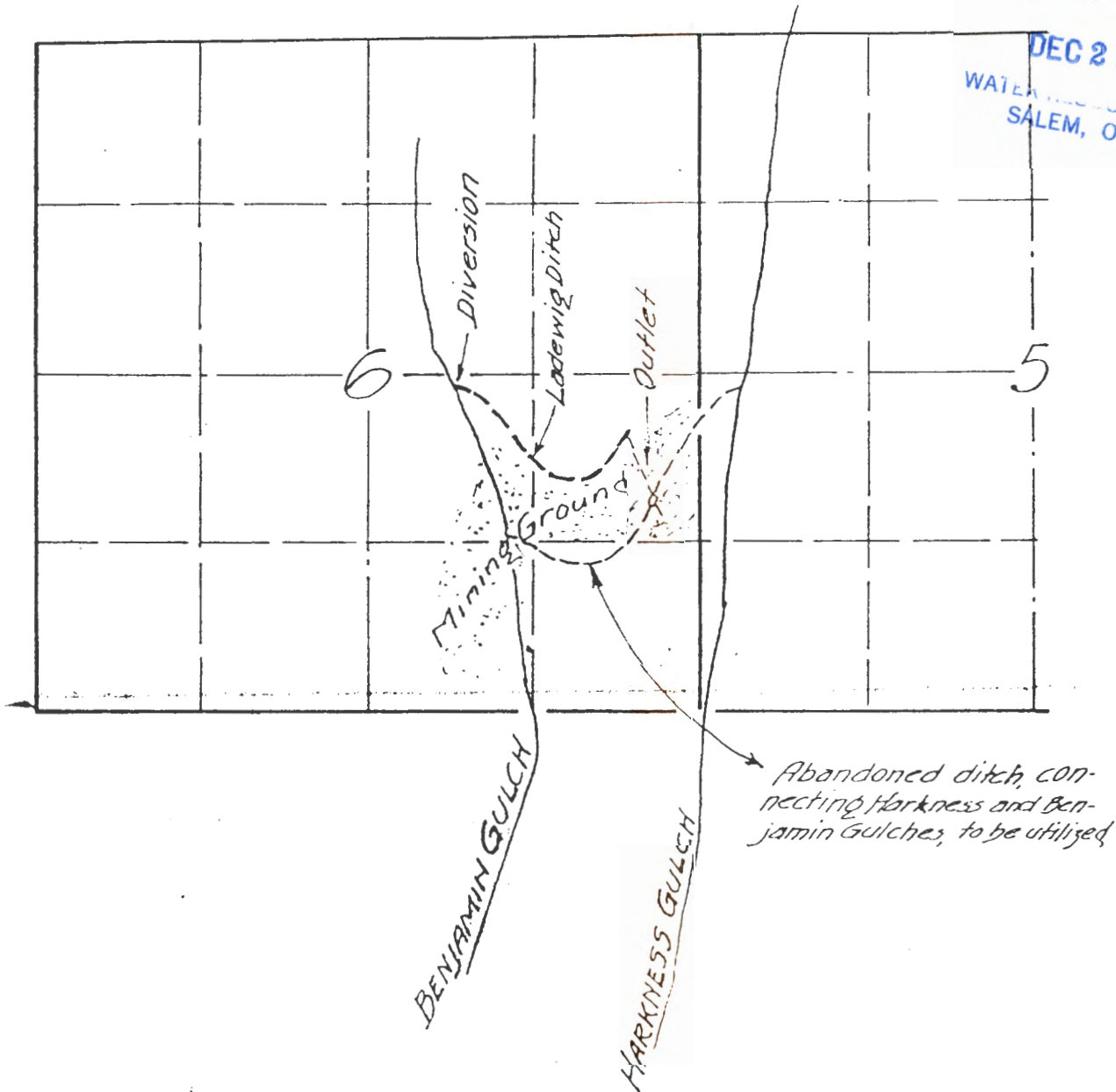
34-5-6

T34S, R5W, WM.

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DEC 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON



12528

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
---	---------------------------	------------------------------	--------------	-----	---------------	--------	-------------------------------------

MILL CREEK, A TRIBUTARY OF DOG CREEK, A TRIBUTARY OF GRAVE CREEK

Estate of Thomas B. 1908 0.07 4.0 Irrigation Criteser Mill 4.0 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9,
Criteser Ditch Creek
c/o Mrs. Loraine S. Tp. 34 S., R. 6 W.W.M.,
Criteser Josephine County, Oreg.
West 8th Apts.
Apt. 26
Eugene, Oregon
(See Findings, Paragraph 328)

Cert # 33002

BURGESS CREEK, BENJAMIN GULCH OR SLAGLE CREEK

Haddaway, Roland 1908 0.017 1.0 Irrigation Benjamin Burgess 1.0 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6,
845 North West- Ditch Creek, Benjamin
mount Drive, Gulch or Benjamin
West Hollywood, California Slagle
(See Findings, Paragraph 329) Creek
Tp. 34 S., R. 5 W.W.M.,
Josephine County, Oreg.

Cert # 33003

TL 1500

Robinson, John H. 1908 1.19 71.6 Irrigation Bean Burgess 21.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
and Ditch Creek, 7.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Robinson, Sarah J. Benjamin 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
Grave Creek, Gulch or 18.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Oregon Slagle 0.8 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$
(See Findings, Paragraph 330) Creek 16.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 7,
Tp. 34 S., R. 5 W.W.M.,
Josephine County, Oreg.

Cert # 33004

COYOTE CREEK

Taylor, S. J.
and
Lawton, R. R.
Grants Pass,
Oregon
(See Findings, Paragraph 331)

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DEC 29 1994

**WATER RESOURCES
SALEM, OREGON**

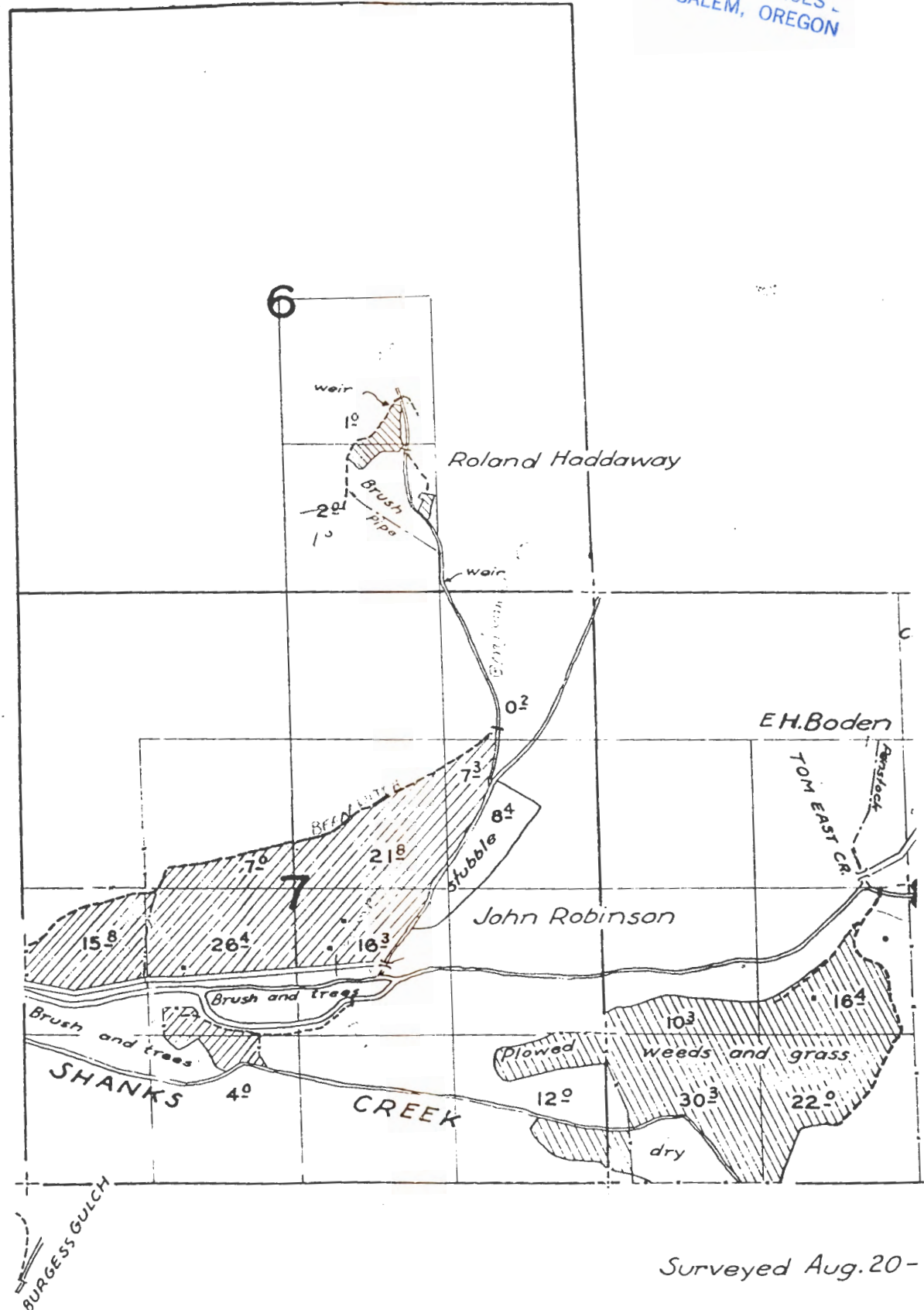
STATE OF OREGON

County of Josephine

I, the undersigned, do hereby certify that the above is a true and correct copy of the original and that it is a true and correct copy of the original and that it appears of record in my office as the same.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this office, this 10th day of January, 1995.

RECEIVED
DEC 29 1994
WATER RESOURCES -
SALEM, OREGON



Include map.

Application No. K-76087
Permit No.

Surveyed Aug. 20 -

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DEC 29 1994

WATER RECORDS
SALEM, OREGON

EXHIBIT "A"

PARCEL I: The Southeast Quarter of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. TOGETHER WITH: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; thence West along the South line of said Section, 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter, 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

PARCEL II: The Northeast Quarter³ of the Southwest Quarter and the West Half of the Southeast Quarter of Section 6 Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon: LESS AND EXCEPTING: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; thence West along the South line of said Section 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

TOGETHER WITH an appurtenant easement right for ingress and egress, over adjacent lands, as created by instrument

Recorded: November 23, 1981, Document No: 81-19234, Volume 19, Page 1712,
Records of Josephine County, Oregon.

MAP NO: 34-05-00	TAX LOT: 1300	ACCOUNT NO: 30007004
MAP NO: 34-05-00	TAX LOT: 1500	ACCOUNT NO: 30007035

SUBJECT TO:

1. Electrical utility easement, as created by instrument

Recorded: November 19, 1990, Document No: 90-19854, Volume 127, Page 1994,
Records of Josephine County, Oregon

91-02621

State of Oregon,)
County of Josephine,)
I, County Clerk and ex officio Recorder of
Conveyances, in and for said County, do hereby
certify that the within instrument was
received for record and recorded

At Page 511-1112 of Vol 130
Book of Records, Josephine County, Oregon
JACQUELINE BRIDGES, COUNTY CLERK
of Josephine County
Fees \$20.00
Hand Returned ☒ Mailed ☐

RECEIVED

DEC 29 1994

WATER RESOURCES
SALEM, OREGON

Oregon

WATER

RESOURCES

DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

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

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: Thomas K and Gretchen Heen
 Address: 529 King Mountain Trail
Sunny Valley CR 97467
 Phone: 479-6200

RECEIVED
 DEC 29 1994

WA
 SALEM, OREGON

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): ORCHARD
Vegetables (various)
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ 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): Fire Protection

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>West Fork of Benjamin Gulch</u> _____ _____	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

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

REC

DEC 2 1994

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: Thomas K and Gretchen Horn
Address: 529 Pine Mountain Trail
City: Sunnyvale State: OR Zip: 97147 Day Phone: 479-6900

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 Rural Residential/RR-5)	(e.g.)	WATER DIVERTED	WATER CONVEYED	WATER USE
34-05-00 THISCO	Forest / FC		✓	✓	✓

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

Josephine County
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.

For Local Government Use Only

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); 65.020. 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: _____

Application No. R 76087
Permit No.

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

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES).

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

REC

DEC 29 1994

WATER RESOURCES
SALEM, ORE.

b) Please provide printed name and written signature.

Name: Terri L. Dickerson Date: 12.27.94

Title: Planner I Phone: 474-5421

Signature: *Terri L. Dickerson*

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

The ponds on this property is listed as an outcrop permitted use under agricultural in the Code. Private recreational use of the property is allowed. The commercial use of the property is allowed.

Jeff

Application No.

R-76087

RECEIVED

HB2153

DEC 29 1994

WATER RESOURCES
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s)

Thomas K. and Gretchen HERN

(Please print or type - use dark ink)

Mailing Address:

589 King Mountain Trail

Sunny Valley

City

OR

State

97497

Zip

479-6900

Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: west fork of Benjamin Gulch, a tributary of Ciraxes Creek

If not in channel of a stream, state how it is to be filled: runoff
Piped from west fork of Benjamin Gulch

2. **THE DAM:** The maximum height of the structure will be 8 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: _____

4 inch metal pipe with inlet at bottom of pond

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: Irrigation
Recreation
Fish + Wildlife
Fire Prevention

NWSE-6

REC-111

DEC 29 1994

WATER IN
SALEM, ORE.

4. THE AMOUNT OF WATER to be stored is: 3/4 acre-feet.
The area submerged by the reservoir, when filled, will be 1/8 acres,
and the maximum depth of water will be 6 feet.

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

concrete spillway approximately three
feet wide notched about four feet below
level of dam

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin _____

Proposed date construction work will be completed existing

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)

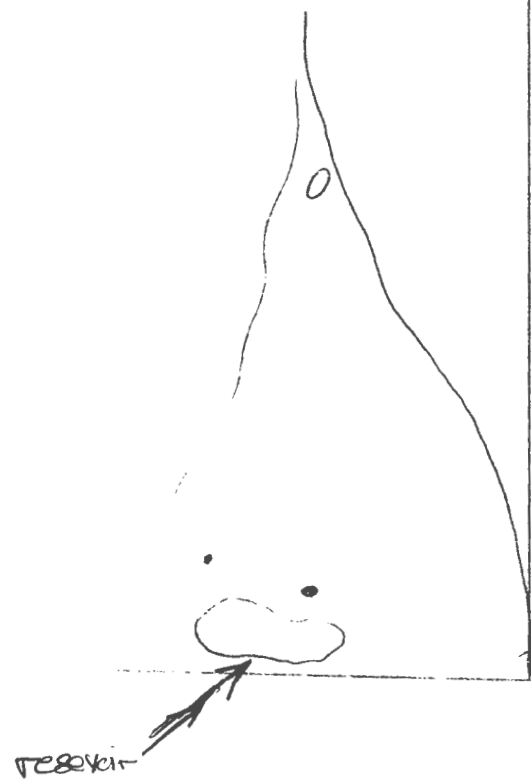
RECEIVED

DEC 29 1994

WATER RESOURCES
SALEM, OREGON

TH 1500

TH 1300



1" = 400'

Application No. L-76087
Permit No.

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.

RECEIVED

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WATER DIVISION
SALEM, OREGON

REMARKS: water right certificate # 33cc3

and abstract of Permit # 2877

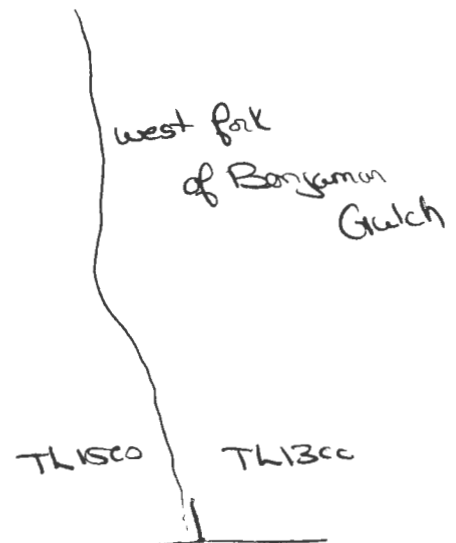
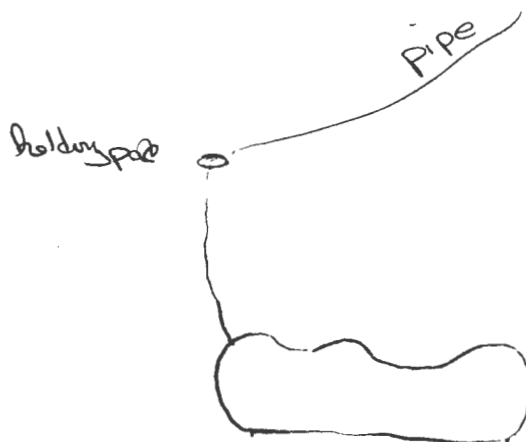
I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

James K Horn
Signature

Gretchen Horn
Signature

December 26, 1994
Date

December 26, 1994
Date



Application No. 10-76887
Permit No.

RECEIVED

DEC 29 1994

WATER RESOURCES
SALEM, OREGON

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 _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

Priority Date 1/1/93

APPLICATION NO: R-76087

Name and Postoffice Address Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
---	---------------------------------	------------------------------------	-----------------	-----	---------------	--------	--

MILL CREEK, A TRIBUTARY OF DOG CREEK, A TRIBUTARY OF GRAVE CREEK

Estate of Thomas B. 1908 0.07 4.0 Irrigation Crittiser Mill 4.0 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9,
Crittiser Ditch Creek Tp. 34 S., R. 6 W.W.M.,
c/o Mrs. Loraine S. Josephine County, Ore.
Crittiser
West 8th Apts.
Apt. 26
Eugene, Oregon
(See Findings,
Paragraph 328)

Cert. # 33002

BURGESS CREEK, BENJAMIN GULCH OR SLAGLE CREEK

Haddaway, Roland 1908 0.017 1.0 Irrigation Benjamin Burgess 1.0 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6,
845 North West- Ditch Creek, Benjamin Tp. 34 S., R. 5 W.W.M.,
mount Drive, West Hollywood, California Gulch or Slagle Josephine County, Ore.
(See Findings,
Paragraph 329)

Cert. # 33003

TL 1500

Robinson, John H. 1908 1.19 71.6 Irrigation Bean Burgess 21.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
and Ditch Creek, 7.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Robinson, Sarah J. Benjamin 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
Grave Creek, Gulch or 18.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Oregon Slagle 0.8 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$
(See Findings, Paragraph 330) Creek 16.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 7,
Tp. 34 S., R. 5 W.W.M.,
Josephine County, Ore.

Cert. # 33004

COYOTE CREEK

Taylor, S. J.
and
Linton, R. R.
Grants Pass,
Oregon
(See Findings,
Paragraph 331)

RECEIVED

DEC 29 1994

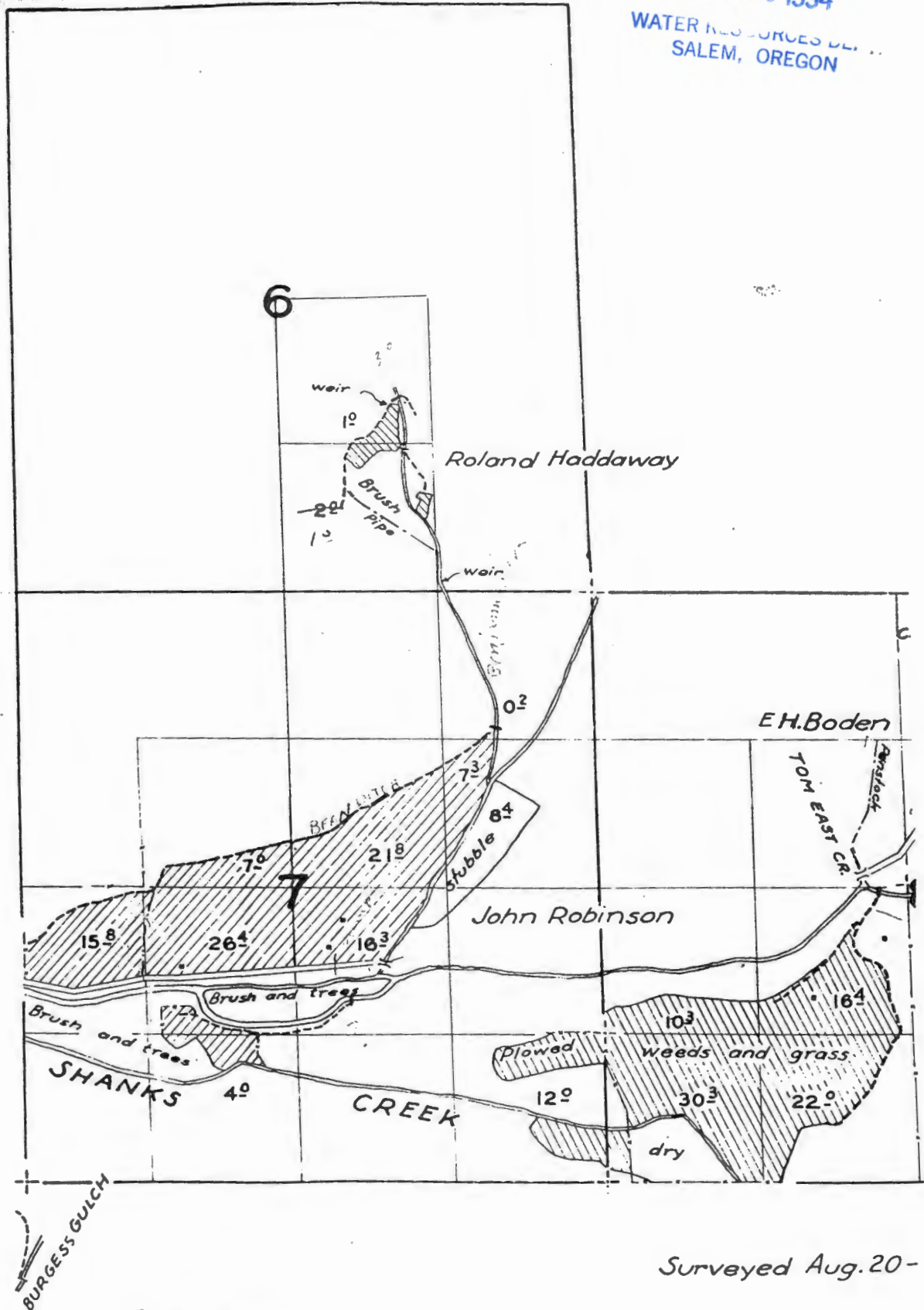
**WATER
SALEM, OREGON**

Application No. R-740871
Permit No.

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DEC 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON



Surveyed Aug. 20-

Inchoate map.

Remarks:

RECEIVED

DEC 29 1994

WATER RESOURCES DIVISION
SALEM, OREGON

Per. 8877

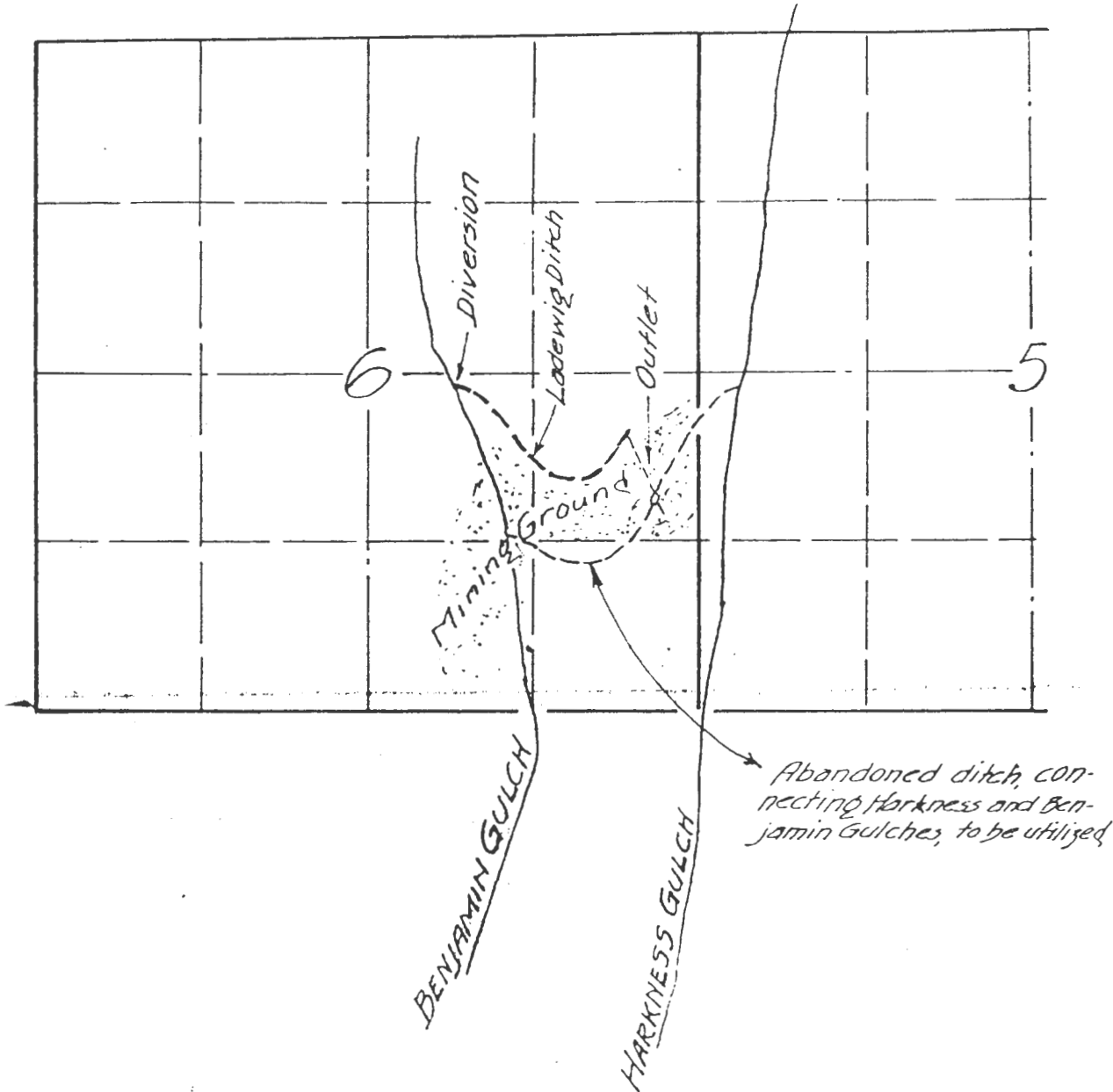
K.M. Ladewig

Scale 4"=1 Mile

Jan 1929

34-5-6

T34S, R5W, WM.



12528

Application No. R-76087
Permit No.

REC-1111

DEC 29 1994

WATER RECORDS
SALEM, OREGON

EXHIBIT "A"

PARCEL I: The Southeast Quarter of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. TOGETHER WITH: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; thence West along the South line of said Section, 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter, 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

PARCEL II: The Northeast Quarter³ of the Southwest Quarter and the West Half of the Southeast Quarter of Section 6 Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; LESS AND EXCEPTING: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; thence West along the South line of said Section 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

TOGETHER WITH an appurtenant easement right for ingress and egress, over adjacent lands, as created by instrument

Recorded: November 23, 1981, Document No: 81-19234, Volume 19, Page 1712, Records of Josephine County, Oregon.

MAP NO: 34-05-00	TAX LOT: 1300	ACCOUNT NO: 30007004
MAP NO: 34-05-00	TAX LOT: 1500	ACCOUNT NO: 30007035

SUBJECT TO:

1. Electrical utility easement, as created by instrument

Recorded: November 19, 1990, Document No: 90-19854, Volume 127, Page 1994, Records of Josephine County, Oregon

91-02621

State of Oregon, 1st No.
County of Josephine, 1
County Clerk and ex officio Recorder of
Conveyances, in and for said County, do hereby
certify that the within instrument was
received for record and recorded
At Page: 511-1117 of Vol. 130
Book of Records, Josephine County, Oregon
GEORGETTE BRIDGES, COUNTY CLERK
By: [Signature] Deputy
Fees: \$30.00
Hand Returned ☒ Mailed ☐ Note ☐

RECEIVED

DEC 29 1994

WATER
SALEM, OREGON

Oregon

WATER

RESOURCES

DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

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

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: James K Horn and Gradden Horn
 Address: 584 Line Mountain Trail
Sunny Valley OR 97147
 Phone: 503-690-6900

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 DEC 29 1994
 WATER RESOURCES
 SALEM, OREGON

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): orchard
vegetables (various)
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ 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.): pond
- ☒ Fish and Wildlife (pond, hatchery, etc.): pond
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☒ Other (Name and list key characteristics): Fire Protection

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>west fork of</u> <u>Benjamin Gulch</u>	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☒ Reservoir or pond	
☐ Ground Water	

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DEC 29 1994

WATER RESOURCES
SALEM, OREGON

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: Thomas and Gretchen HERN
Address: 559 Kany Mountain Trail
City: Sunny Valley State: OR Zip: 97147 Day Phone: 579-6900

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 Rural Residential/RR-5)	(e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
35-050 TH150	Forest / FC		✓	✓	✓

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

Josephine County

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.

=====

For Local Government Use Only

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); 65.020. 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: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES).

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: Terri L. Dickerson Date: 12-27-94

Title: Planner I Phone: 474-5421

Signature: *Terri Dickerson*

DEC 29 1994
WATER
SALEM, OREGON

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

The ponds on this property is listed as an agricultural permitted use under agricultural use of the Code. Private recreational use of the property is allowed. The commercial use of the property is allowed.

Jaf

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HB2153

Application No. R-76087

DEC 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Thomas K. and Gretchen H. Lee
(Please print or type - use dark ink)

Mailing Address: 551 King Mountain Trail
Sunny Valley CR 97417 471-6900
City State Zip Daytime Phone No.

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

1. SOURCE OF WATER for the proposed use: west Fork of Benjamin Creek
a tributary of Graves Creek

If not in channel of a stream, state how it is to be filled: ground water runoff
and water escaping from mining ditch referred abstract 9877
plus water channel in cert # 33003

2. THE DAM: The maximum height of the structure will be 3 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: 2 20 feet 18"
metal pipes located at left front portion of dam

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: Irrigation
Recreation
Fish + Wildlife
Fire Protection

NWSE-6

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DEC 29 1994

WATER RESOURCES DIVISION
SALEM, OREGON

4. THE AMOUNT OF WATER to be stored is: 1/10 acre feet.
The area submerged by the reservoir, when filled, will be 1/40 acres,
and the maximum depth of water will be 4 feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. no spillway

excess water exits out 2 2 feet 12"
metal pipes and is channelled back to
the west fork of Benjamin Gulch

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin _____

Proposed date construction work will be completed existing

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)

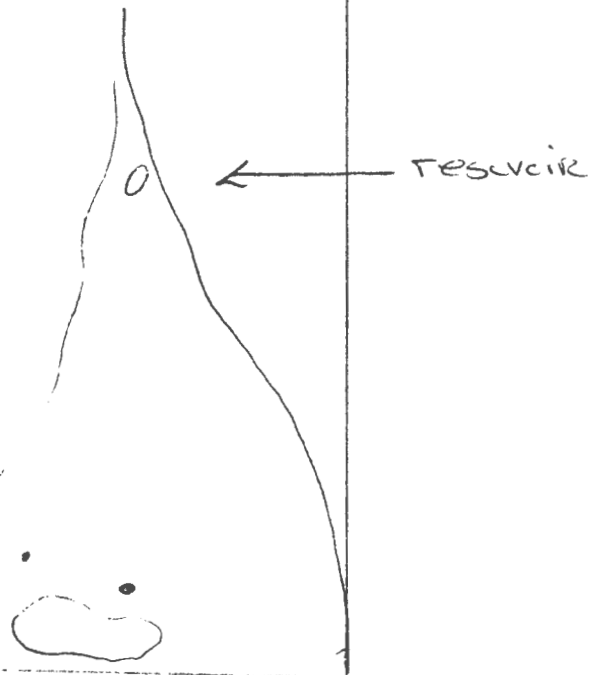
RECEIVED

DEC 29 1994

SALEM, OREGON

TH 1500

TH 1300



1" = 400'

Application No. R-76087
Permit No.

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.

RECEIVED

DEC 29 1994

WATER RESOURCES
SALEM, OREGON

REMARKS: water right from abstract of permit
number 8877 dated January 25, 1929
and certificate 33003 dated 1908

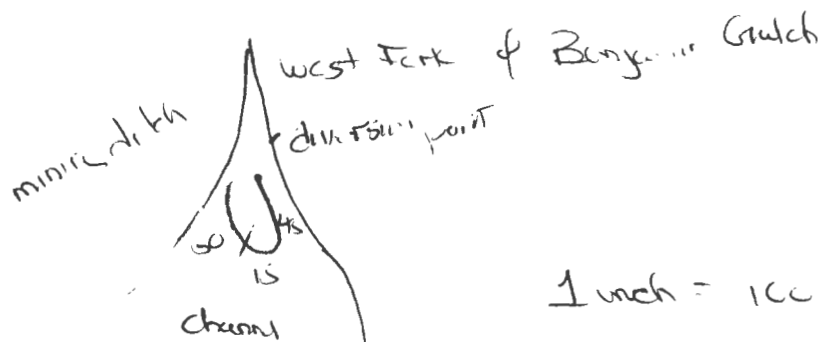
I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Thomas Kilham
Signature

December 26, 1994
Date

Jonathan Horn
Signature

December 26, 1994
Date



Application No. K-76087
Permit No.

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DEC 29 1994

WATER RESOURCES
SALEM, OREGON

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 _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

Priority Date 11/1/93

APPLICATION NO: R-76087

RECEIVED

DEC 29 1994

WATER RES.
SALEM, OREGON

FL 1500

Abstract of Permit No. 8877

Name *K. M. Ludewig*
 Address *Grants Pass, Oregon*
 Source of water supply *Benjamin Gulch, tributary of Grave Creek*
 Use *Mining*
 Point of diversion *Being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, Tp. 34 S.,
R. 5 W., M., in Josephine County.*
 Number of acres

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
34 S	5 W	6													X	X	X	

Priority date *January 25, 1929*

Amount of water *2.0 c.z.f.*

Time limit to begin construction

Time limit to complete construction

extended to

extended to

Time limit to completely apply water

extended to

extended to

Remarks:

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DEC 29 1994 Per. 8877

WATER RESOURCES DEPT.
SALEM, OREGON

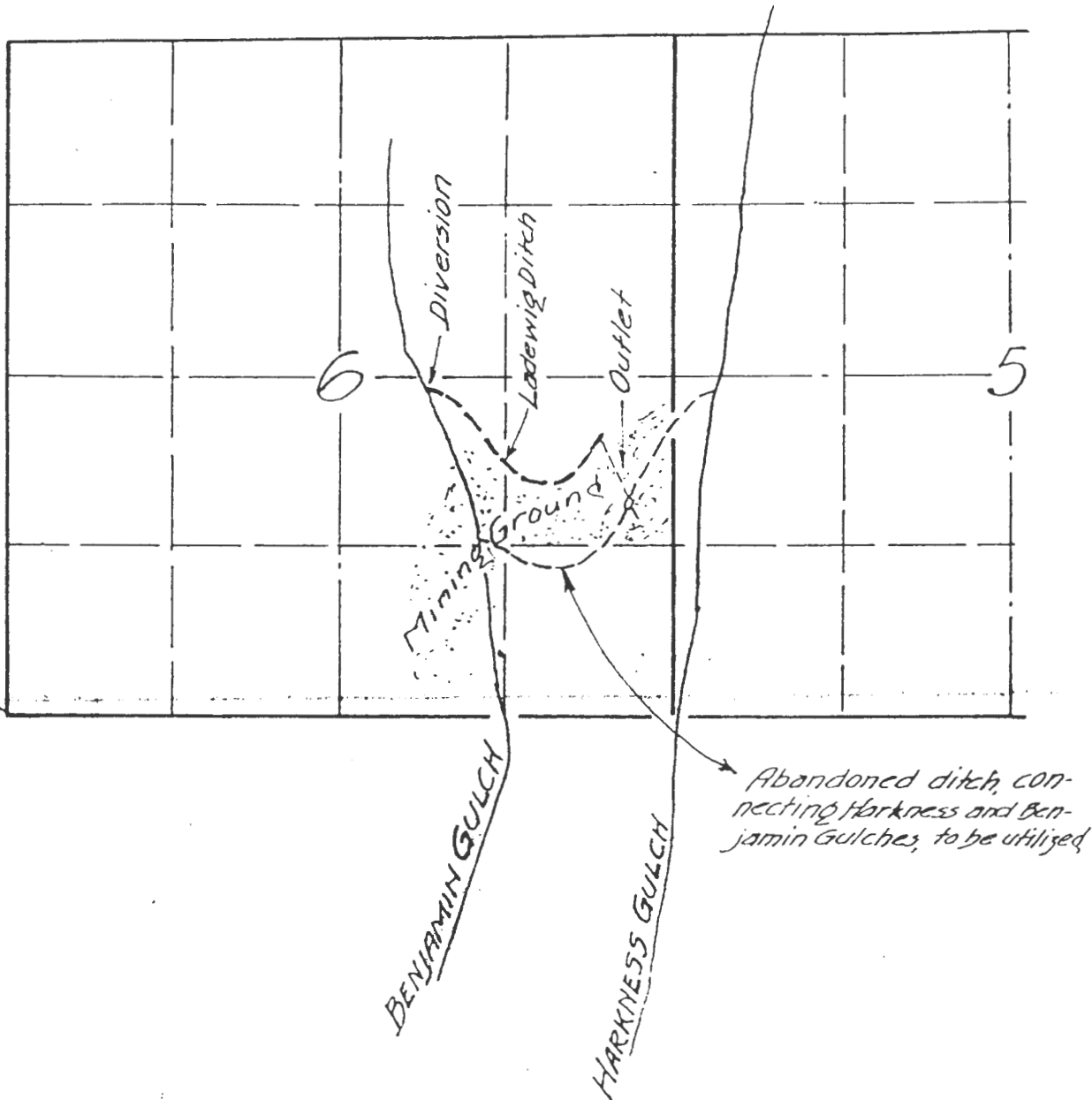
K.M. Ladewig

Scale 4"=1 Mile

Jan 1929

34-5-6

T34S, R5W, WM.



12528

Application No. R-76087
Permit No.

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
---	---------------------------	------------------------------	--------------	-----	---------------	--------	-------------------------------------

MILL CREEK, A TRIBUTARY OF DOG CREEK, A TRIBUTARY OF GRAVE CREEK

Estate of Thomas B. 1908 0.07 4.0 Irrigation Criteser Mill Creek 4.0 acres in S $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$ Sec. 9, Tp. 34 S., R. 6 W.W.M., Josephine County, Ore.
 Criteser
 c/o Mrs. Loraine S. Criteser
 West 8th Apts.
 Apt. 26
 Eugene, Oregon
 (See Findings, Paragraph 328)

Cert. # 33002

BURGESS CREEK, BENJAMIN GULCH OR SLAGLE CREEK

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 845 North Westmount Drive,
 West Hollywood, California
 (See Findings, Paragraph 329)

Cert. # 33003

TL 1500

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 and
 Robinson, Sarah J. 7.3 acres in SE $\frac{1}{2}$ NE $\frac{1}{2}$
 Grave Creek, Oregon 7.0 acres in SE $\frac{1}{2}$ NW $\frac{1}{2}$
 (See Findings, Paragraph 330) 18.4 acres in NE $\frac{1}{2}$ SW $\frac{1}{2}$
 0.8 acre in NW $\frac{1}{2}$ SW $\frac{1}{2}$
 16.3 acres in NW $\frac{1}{2}$ SE $\frac{1}{2}$

Cert. # 33004

COYOTE CREEK

Taylor, S. J.
 and
 Lawton, B. R.
 Grants Pass,
 Oregon
 (See Findings, Paragraph 331)

RECEIVED

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WATER RESOURCES
 SALEM, OREGON

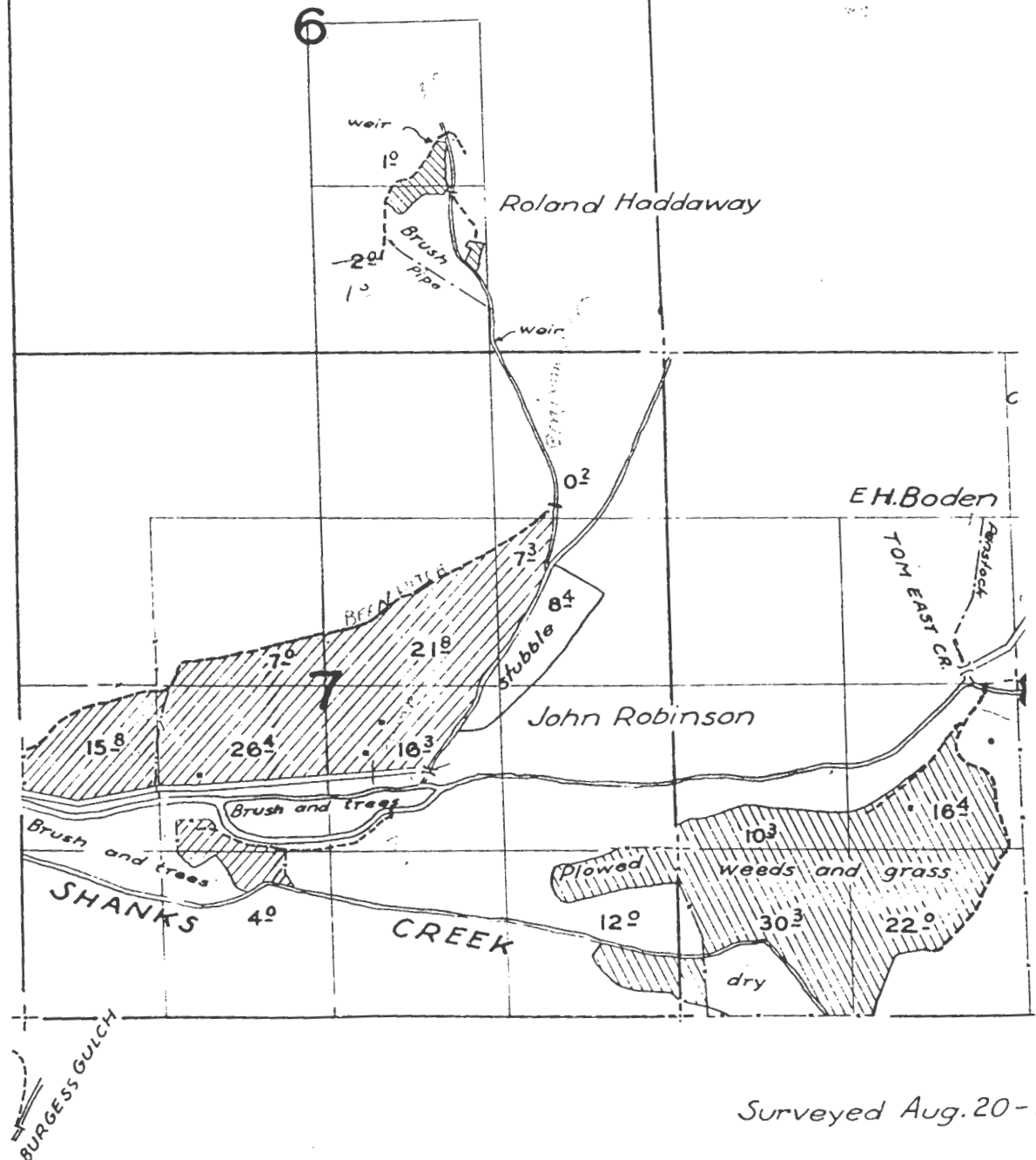
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Oregon, this 29th day of December, 1994.

RECEIVED

DEC 29 1994

WATER RES
SALEM, OREGON

Application No R-76087
Permit No.



Include map.

Surveyed Aug. 20-

RECEIVED

DEC 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON

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MAP NO: 34-05-00

TAX LOT: 1300
TAX LOT: 1500

ACCOUNT NO: 30007004
ACCOUNT NO: 30007035

SUBJECT TO:

1. Electrical utility easement, as created by instrument

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91-02621

State of Oregon,)
County of Josephine,)
I, County Clerk and ex officio Recorder of)
Conveyances in and for said County, do hereby)
certify that the within instrument was)
received for record and recorded

At Page 511 of Vol. 130
Book of Records, Josephine County, Oregon

GEORGETTE BROOKS, COUNTY CLERK
of the County of Josephine, Oregon

Fees: \$30.00
Hand Returned ☒ Mailed ☐ Held ☐

RECEIVED

DEC 29 1994

WATER RESOURCES
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

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FAX (503) 378-8130

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: Thomas and Gretchen Allen
 Address: 529 Kuy Mountain Trail
Sunny Valley, OR 97147
 Phone: 479-6900

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): ORchard
Vegetables (various)
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ 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): River Protection

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Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>West Fork of</u> <u>Beggs Creek</u>	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

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

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DEPARTMENT
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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: Thomas K. and Catherine Horn
Address: 529 King Mountain Trail
City: Sunny Valley State: OR Zip: 97447 Day Phone: 479-6960

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 Rural Residential/RR-5)	(e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
<u>34-05-00TH 1500</u>	<u>Forest / FC</u>		☒	☒	☒

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

Josephine County
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.

=====

For Local Government Use Only

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); 65.020. 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: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES).

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: Terri L. Dickerson

Date: 12-27-94

Title: Planner I

Phone: 474-5421

Signature: Terri L. Dickerson

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Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

The ponds on this property is listed as an outcrop permitted use under agricultural in the Code. Private recreational use of the property is allowed. The commercial use of the property is allowed.

Jef

CK 24-7038

19283

app

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE
R 76087		12 30-94
NAME Thomas K. Horn		
ADDRESS		
CITY, STATE, ZIP		

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT
---------	------	--------	--------	----------	--------------	----------

QUAN.	DESCRIPTION	PRICE	AMOUNT
1			
2			
3			
4	# B 9153		\$90 -
5			
6			
7			
8	\$ 40. - ext		
9	50. - record		
10			
11			
12	D. Bushnell		
13			
14			
15			
16			
17			
18			
19			
20			

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KEEP THIS SLIP FOR REFERENCE

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # R 76087

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

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 \$_____, 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

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WATER RESOURCES DEPT.
SALEM, OREGON

HB 2153

Application No. R-76087

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Thomas K. and Gretchen Horn

(Please print or type - use dark ink)

Mailing Address: 589 King Mountain Trail
Sunny Valley OR 97147 479-6900
City State Zip Daytime Phone No.

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

1. SOURCE OF WATER for the proposed use: west fork of Benjamin Gulch
a tributary of Graves Creek

If not in channel of a stream, state how it is to be filled: runoff
pipd from storage pond

2. THE DAM: The maximum height of the structure will be 1 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: _____

4 inch diameter plastic pipe at east
west side of reservoir

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: Irrigation
Recreation
Fish + Wildlife
Fire Prevention

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4. THE AMOUNT OF WATER to be stored is: 1/20 acre-feet.
The area submerged by the reservoir, when filled, will be 780 acres,
and the maximum depth of water will be 4 feet.

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

inflow controlled

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin _____

Proposed date construction work will be completed existing

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):

X 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):

X Applicant _____ CWRE _____ Other (Identify in REMARKS section)

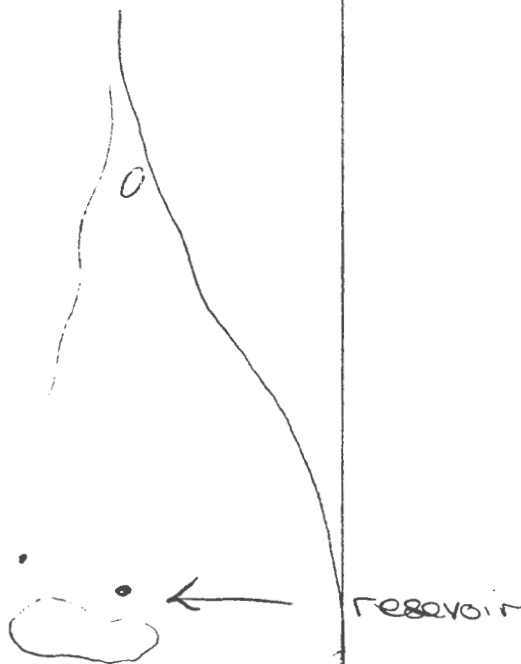
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SALEM, OREGON

TH 1500

TH 1300



1" = 400'

Application No. 2-76087
Permit No.

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.

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SALEM, OREGON

REMARKS: water right certificate # 33003

and abstract of permit # 2877

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:

Thomas K. Herr

Signature

December 26, 1994

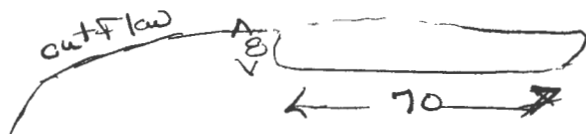
Date

Grethen Herr

Signature

December 26, 1994

Date



1 inch = 50 feet

Application No. R-76087
Permit No.

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DEC 29 1994

WATER RESOURCES
SALEM, OREGON

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 _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

Priority Date 11/1/93

APPLICATION NO: R-76087

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
--	---------------------------------	------------------------------------	-----------------	-----	---------------	--------	--

MILL CREEK, A TRIBUTARY OF DOG CREEK, A TRIBUTARY OF GRAVE CREEK

Estate of Thomas B. 1908 0.07 4.0 Irrigation Criteser Mill 4.0 acres in S $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$
Criteser Ditch Creek Sec. 9,
c/o Mrs. Loraine S. Tp. 34 S., R. 6 W.W.M.,
Criteser Josephine County, Ore.
West 8th Apts.
Apt. 26
Eugene, Oregon
(See Findings,
Paragraph 328)

Cert. # 33002

BURGESS CREEK, BENJAMIN GULCH OR SLAGLE CREEK

Haddaway, Roland 1908 0.017 1.0 Irrigation Benjamin Burgess 1.0 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$
845 North West- Ditch Creek, Sec. 6,
mount Drive, Benjamin
West Hollywood, Gulch or Tp. 34 S., R. 5 W.W.M.,
California Slagle Josephine County, Ore.
(See Findings,
Paragraph 329)

Cert. # 33003

TL 1500

Robinson, John H. 1908 1.19 71.6 Irrigation Bean Burgess 21.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
and Ditch Creek, 7.3 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Robinson, Sarah J. Benjamin 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
Grave Creek, Gulch or 18.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Oregon Slagle 0.8 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$
(See Findings, Creek 16.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
Paragraph 330) Sec. 7,
Tp. 34 S., R. 5 W.W.M.,
Josephine County, Ore.

Cert. # 33004

COYOTE CREEK

Taylor, S. J.
and
Lawton, R. R.
Grants Pass,
Oregon
(See Findings,
Paragraph 331)

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the
Department of Water Resources, at Salem, Oregon, this 29th day of
January, 1934.

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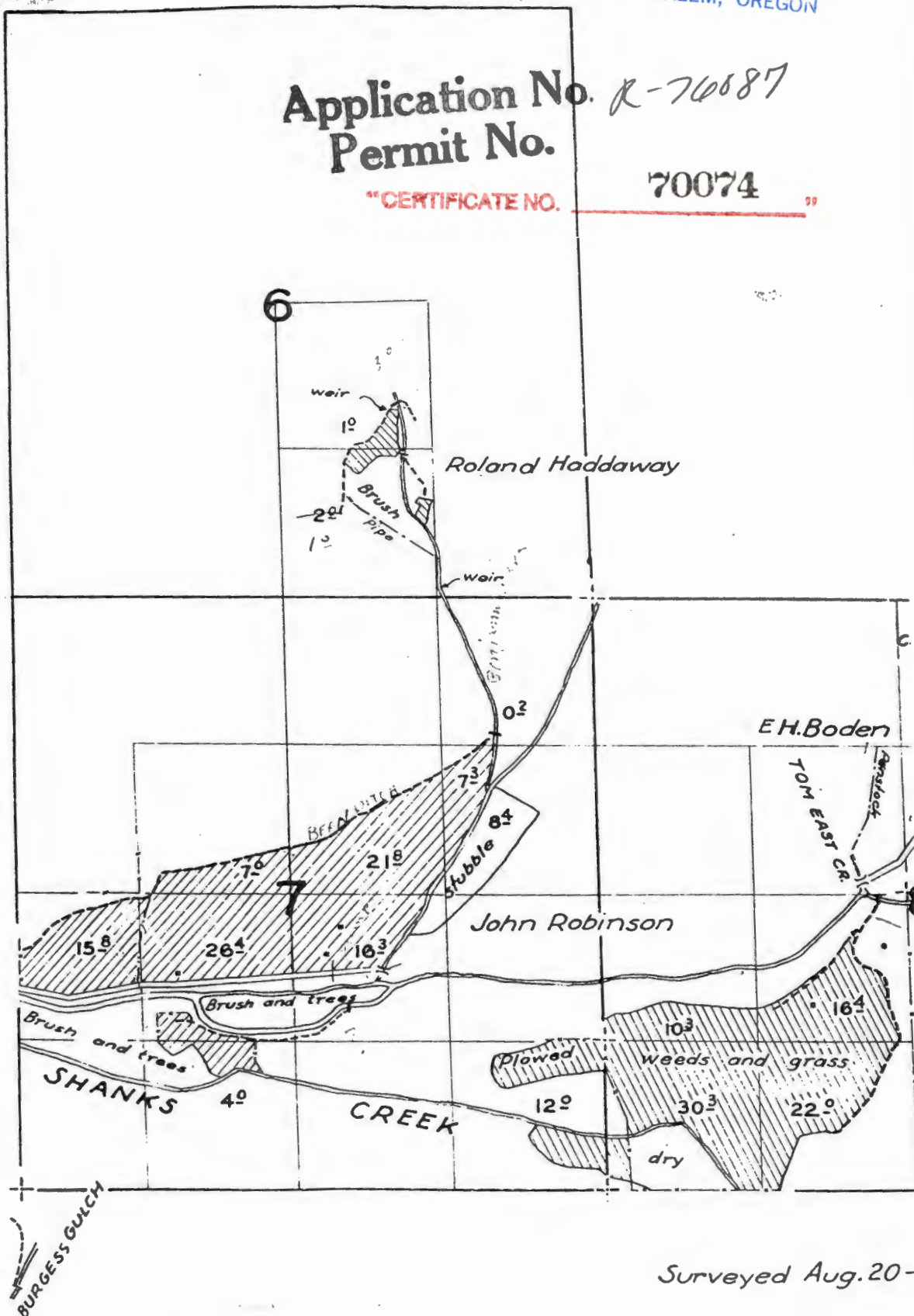
DEC 29 1933

**WATER RESOURCES
SALEM, OREGON**

WATER RESOURCES
SALEM, OREGON

"CERTIFICATE NO.

70074



Inchoate map.

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TL 1550

WATER RESOURCES
SALEM, OREGON

Abstract of Permit No. 8877

Application No. 12528

Certificate No. 8653

Name K. M. Ludewig

Address Grants Pass, Oregon

Source of water supply Benjamin Gulch, tributary of Grave Creek

Use	Mining
-----	--------

Point of diversion Being within the N¹/₄ SE¹/₄ of Sec. 6, Tp. 34 S., R. 5 W.W.M.; in Josephine County.

Number of acres

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

[illegible]

Priority date January 25, 1929

Amount of water 2.0 c.c.f.

Time limit to begin construction

<i>Time limit to complete construction</i>	<i>extended to</i>	<i>extended to</i>
12 months	18 months	24 months

<i>Time limit to completely apply water</i>	<i>extended to</i>	<i>extended to</i>
10 min	15 min	15 min
15 min	20 min	20 min
20 min	25 min	25 min
25 min	30 min	30 min
30 min	35 min	35 min
35 min	40 min	40 min
40 min	45 min	45 min
45 min	50 min	50 min
50 min	55 min	55 min
55 min	60 min	60 min
60 min	65 min	65 min
65 min	70 min	70 min
70 min	75 min	75 min
75 min	80 min	80 min
80 min	85 min	85 min
85 min	90 min	90 min
90 min	95 min	95 min
95 min	100 min	100 min
100 min	105 min	105 min
105 min	110 min	110 min
110 min	115 min	115 min
115 min	120 min	120 min
120 min	125 min	125 min
125 min	130 min	130 min
130 min	135 min	135 min
135 min	140 min	140 min
140 min	145 min	145 min
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175 min	180 min	180 min
180 min	185 min	185 min
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190 min	195 min	195 min
195 min	200 min	200 min
200 min	205 min	205 min
205 min	210 min	210 min
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255 min	260 min	260 min
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265 min	270 min	270 min
270 min	275 min	275 min
275 min	280 min	280 min
280 min	285 min	285 min
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295 min	300 min	300 min
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305 min	310 min	310 min
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315 min	320 min	320 min
320 min	325 min	325 min
325 min	330 min	330 min
330 min	335 min	335 min
335 min	340 min	340 min
340 min	345 min	345 min
345 min	350 min	350 min
350 min	355 min	355 min
355 min	360 min	360 min
360 min	365 min	365 min
365 min	370 min	370 min
370 min	375 min	375 min
375 min	380 min	380 min
380 min	385 min	385 min
385 min	390 min	390 min
390 min	395 min	395 min
395 min	400 min	400 min
400 min	405 min	405 min
405 min	410 min	410 min
410 min	415 min	415 min
415 min	420 min	420 min
420 min	425 min	425 min
425 min	430 min	430 min
430 min	435 min	435 min
435 min	440 min	440 min
440 min	445 min	445 min
445 min	450 min	450 min
450 min	455 min	455 min
455 min	460 min	460 min
460 min	465 min	465 min
465 min	470 min	470 min
470 min	475 min	475 min
475 min	480 min	480 min
480 min	485 min	485 min
485 min	490 min	490 min
490 min	495 min	495 min
495 min	500 min	500 min
500 min	505 min	505 min
505 min	510 min	510 min
510 min	515 min	515 min
515 min	520 min	520 min
520 min	525 min	525 min
525 min	530 min	530 min
530 min	535 min	535 min
535 min	540 min	540 min
540 min	545 min	545 min
545 min	550 min	550 min
550 min	555 min	555 min
555 min	560 min	560 min
560 min		

Remarks:

Application No. *2-76887*
Permit No.

Per. 8877

K.M. Ladewig

Scale 4"=1 Mile

Jan 1929

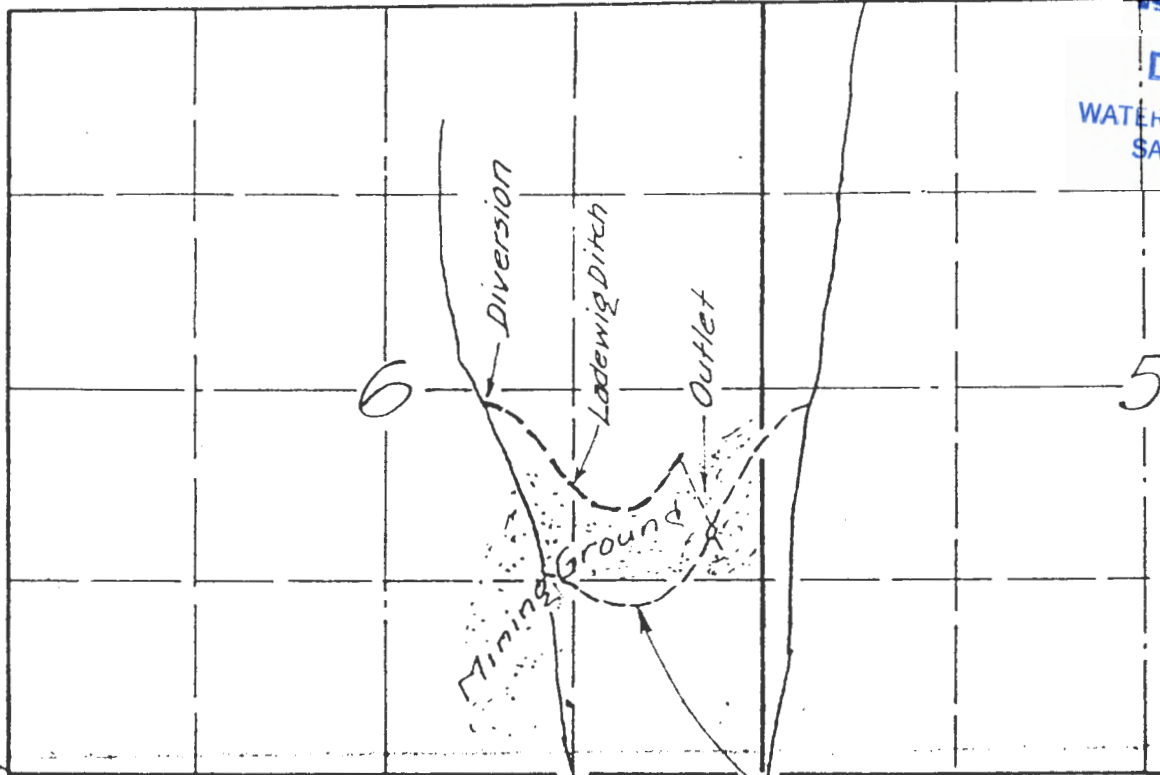
34-5-6

T34S, R5W, WM.

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WATER RESOURCES DIV.
SALEM, OREGON



12528

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WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "A"

PARCEL I: The Southeast Quarter of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. TOGETHER WITH: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon: thence West along the South line of said Section, 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter, 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

PARCEL II: The Northeast Quarter of the Southwest Quarter and the West Half of the Southeast Quarter of Section 6 Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon: LESS AND EXCEPTING: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; thence West along the South line of said Section 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

TOGETHER WITH an appurtenant easement right for ingress and egress, over adjacent lands, as created by instrument
Recorded: November 23, 1981, Document No: 81-19234, Volume 19, Page 1712,
Records of Josephine County, Oregon.

MAP NO: 34-05-00	TAX LOT: 1300	ACCOUNT NO: 30007004
MAP NO: 34-05-00	TAX LOT: 1500	ACCOUNT NO: 30007035

SUBJECT TO:

1. Electrical utility easement, as created by instrument
Recorded: November 19, 1990, Document No: 90-19854, Volume 127, Page 1994,
Records of Josephine County, Oregon

91-02621

State of Oregon, 1st No.
County of Josephine, 1
County Clerk and ex-officio Recorder of
Conveyances, in and for said County, do hereby
certify that the within instrument was
received for record and recorded

At Page 111 of Vol. 130
Book of Records, Josephine County, Oregon
GEORGETTE BRIDGES, COUNTY CLERK
of 11/17/94
Fee \$ 30.00
Hand Returned ☒ Mailed ☐ None

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WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

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) 378-5130

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

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WATER RESOURCES DEPT
SALEM, OREGON

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: Thomas K. and Gretchen Hearn
Address: 589 Kung Mountain Trail
City: Sunny Valley State: OR Zip: 97407 Day Phone: 479-6900

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 Rural Residential/RR-5)	(e.g.)	WATER DIVERTED	WATER CONVEYED	WATER USE
<u>35-05-007L1500</u>	<u>Forest FC</u>		☒	☒	☒

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

Josephine County

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.

For Local Government Use Only

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); 65-020. 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: _____

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: James K and Gretchen Heron
 Address: 589 King Mountain Trail
Sunny Valley OR 97497
 Phone: 479-6966

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 DEC 29 1994
 WATER RES
 SALEM, OREGON

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): _____
- ☐ 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): Fire prevention

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>west fork of Benjamin Creek</u>	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☒ Reservoir or pond	
☐ Ground Water	

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES).

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

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WATER RESOURCES DEPARTMENT
SALEM, OREGON

b) Please provide printed name and written signature.

Name: Terri L. Dickerson Date: 12-27-94

Title: Planner I Phone: 474-5421

Signature: *Terri L. Dickerson*

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

The ponds on this property is listed as
an outlying parcel that under agricultural
in the Code. Private recreational use of
the property is allowed. The commercial
use of the property is allowed.

Jef

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HB 2133

Application No.

R-76087

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Thomas K. and Gretchen Horn

(Please print or type - use dark ink)

Mailing Address: 589 King Mountain Trail

Sunny Valley Oregon 97447 479-6900

City

State

Zip

Daytime Phone No.

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

1. SOURCE OF WATER for the proposed use: West Fork of Benjamin Gulch
a tributary of Caraves Creek

If not in channel of a stream, state how it is to be filled: diverted by pipe

2. THE DAM: The maximum height of the structure will be 5 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

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: Recreation

Fish and wildlife

Fire protection

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WATER RIGHT
SALEM, OREGON

4. THE AMOUNT OF WATER to be stored is: 1/10 acre-feet.
The area submerged by the reservoir, when filled, will be 1/50 acres,
and the maximum depth of water will be 5 feet.

5. SPILLWAY DESCRIPTION (location and dimensions). State whether over or around the dam. no spillway inflow can be controlled

6. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin _____

Proposed date construction work will be completed existing

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.

REMARKS: Reservoir stores water obtained through
usage of water right dating from 1961.

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WATER RESOURCES
SALEM, OREGON

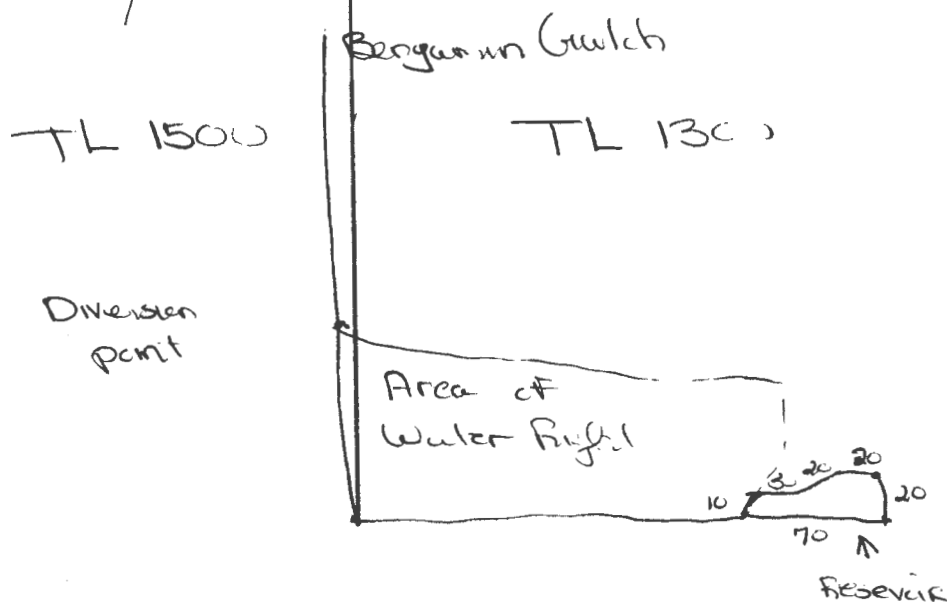
I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Thomas Horn
Signature

December 26, 1994
Date

Orlando Horn
Signature

December 26, 1994
Date



Application No. R-74087
Permit No.

1 inch = 100 feet

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WATER RESOURCES
SALEM, OREGON

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 _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

Priority Date 1/1/93

APPLICATION NO: R-76087

STATE OF OREGON

COUNTY OF JOSEPHINE

CERTIFICATE OF WATER RIGHT

TL 1300

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WATER RESOURCES
SALEM, OREGON

This Is to Certify, That LLOYD L. & PHYLLIS E. HACKER

of Box 589, King Mountain Trail, Sunny Valley, State of Oregon, 97478, has a right to the use of the waters of Burgess Creek or Benjamin Gulch or Slagle Creek a tributary of Grave Creek for the purpose of irrigation of 4.0 acres and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Jackson County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 4, at page 1; that the priority of the right thereby confirmed dates from 1901

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.10 cubic foot per second

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T. 34 S., R. ⁵~~6~~ W., W. M., 330 feet North and 10 feet West from SW $\frac{1}{4}$ Corner, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

4.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 6
T. 34 S., R. 5 W., W. M.

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the State Engineer entered July 7, 1969, and supersedes certificate of water right heretofore issued to William O. Benjamin and recorded at page 16574, Volume 13, State Record of Water Right Certificates.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date February 4, 19 75

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41609

Willie C. C. 11/15/94

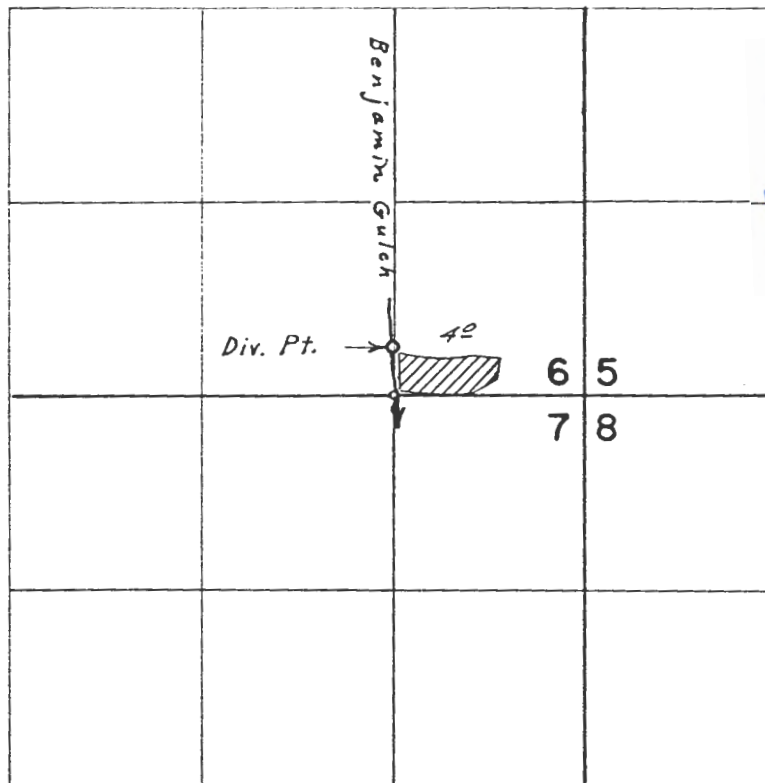
15 12/1/94

5
T.34S. R.6W. W.M.

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NOV 24 1976

WM. DIST. 14
GRANTS PASS, ORE.



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WATER RESOURCES DIV.
SALEM, OREGON

Div. Pt. located 330' N. & 10' W. from S.W. Cor. S.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 6

"CERTIFICATE NO. 70074"

Application No. L & 76087

Permit No.

FINAL PROOF SURVEY

UNDER

Application No. Transfer No. H-187
Permit No.

IN NAME OF

LLOYD L. & PHYLLIS E. HACKER

Surveyed April 20, 1974, by L. E. Gould

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WATER RECORDS
SALEM, OREGON

EXHIBIT "A"

PARCEL I: The Southeast Quarter of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon. TOGETHER WITH: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; thence West along the South line of said Section, 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter, 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

PARCEL II: The Northeast Quarter² of the Southwest Quarter and the West Half of the Southeast Quarter of Section 6 Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; LESS AND EXCEPTING: Beginning at the Southeast corner of the West Half of the Southeast Quarter of Section 6, Township 34 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon; thence West along the South line of said Section 100 feet; thence North, parallel with the East line of said West Half of the Southeast Quarter 425 feet; thence East, parallel with the South line of said Section, 100 feet to the East line of said West Half of the Southeast Quarter; thence South along said line, 425 feet to the point of beginning.

TOGETHER WITH an appurtenant easement right for ingress and egress, over adjacent lands, as created by instrument

Recorded: November 23, 1981, Document No: 81-19234, Volume 19, Page 1712.
Records of Josephine County, Oregon.

MAP NO: 34-05-00	TAX LOT: 1300	ACCOUNT NO: 30007004
MAP NO: 34-05-00	TAX LOT: 1500	ACCOUNT NO: 30007035

SUBJECT TO:

1. Electrical utility easement, as created by instrument

Recorded: November 19, 1990, Document No: 90-19854, Volume 127, Page 1994.
Records of Josephine County, Oregon

91-02621

State of Oregon,)
County of Josephine,)
I, County Clerk and ex officio Recorder of
Conveyances, in and for said County, do hereby
certify that the within instrument was
received for record and recorded

At Page 511 of Vol 130
Book of Records, Josephine County, Oregon
GEORGETTE BRADY, COUNTY CLERK
of 27 12/29/94 Deputy
Fees 30.00
Hand Returned ☒ Mailed ☐ Held ☐

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WATER RESOURCES
SALEM, OREGON

Oregon

WATER

RESOURCES

DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

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) 378-8739

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: Thomas K. and Gretchen Horn

Address: 584 Kang Mountain Trail

Phone: Sunny Valley OR 971417
479-6902

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SALEM, OREGON

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): _____

☐ 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.) pond

☒ Fish and Wildlife (pond, hatchery, etc.) pond

☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____

☒ Other (Name and list key characteristics): Fire Protection (pond)

Indicate sources for the proposed water use below:

☒ Surface Water
Name sources:
West Fork of
Benjamin Creek

☐ Reservoir or pond

☐ Ground Water

Indicate the estimated quantity of water the use will require.

.1 ~~100~~ ~~1000~~
Cubic feet per second.
or less
Gallons per minute.
Acre-Feet

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: Thomas K. and Gretchen HCRD
Address: 589 King Mountain Trail
City: Sunnyvale State: OR Zip: 97149 Day Phone: 479-6900

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WATER RESOURCES
SALEM, OREGO

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 Rural Residential/RR-5)	(e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
34-05-00 TL 130	Forest / FC			✓	✓
TL 1500	Forest / FC		✓	✓	

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

Josephine County

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.

=====

For Local Government Use Only

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); 65.020. 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: _____

(CHECK THE BOX THAT APPLIES).

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: Terri L. Dickerson Date: 12.27.94

Title: Planner I Phone: 474-5421

Signature: *Terri L. Dickerson*

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WATER RESOURCES DEPT.

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

The ponds on this property is listed as an outcrop permitted use under agricultural in the Code. Private recreational use of the property is allowed. The commercial use of the property is allowed.

Jaf