

FEB 24 1996

WATER RESOURCES DIVISION
SALEM, OREGON

Winchester Dam Area/Capacity Curve - SWR 398

Elevation	Difference	Acres	Average	Difference	Acre/feet
424.00	0.00	0.00			
			5.60	8.00	44.80
432.00	8.00	11.20	22.65	2.00	45.30
434.00	10.00	34.10	40.25	2.00	80.50
436.00	12.00	46.40	55.05	2.00	110.10
438.00	14.00	63.70			280.70

The area capacity curve was developed using data contained in the U. S. Geological Survey publication titled "Flood Profiles in the Umpqua River Basin, Oregon - part II" . Ten river cross sections within the reservoir were available for analysis.

Edward N. Wood, P.E.

Wood Engineering, Inc.
CIVIL - MECHANICAL - PLANNING
311 Smethwick Drive
Umpqua, Oregon 97486
(503) 459-2994

Feb. 18, 1994

FEB 21 1994

WATER RESOURCES DIVISION
SALEM, OREGON

Don Knauer, Adjudication Specialist
Oregon Water Resources Department
3850 Portland Road, NE
Salem, Oregon 97310

Reference: File No. SWR - 398
Winchester Water Control District

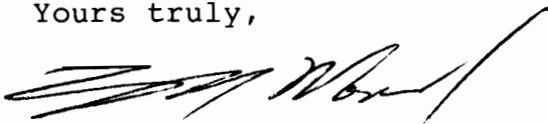
Dear Mr. Knauer:

Please find enclosed the original adjudication map, superseding map and an area/capacity curve for the Winchester Dam as requested in your letter of November 10, 1993.

The current capacity of the Winchester Dam is 281 Acre Feet. This includes the river channel capacity as well as the storage created by the reservoir.

If you have any questions, please contact me.

Yours truly,



Edward N. Wood, CWRE

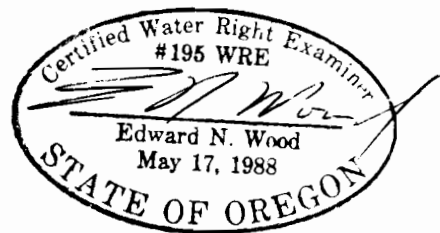
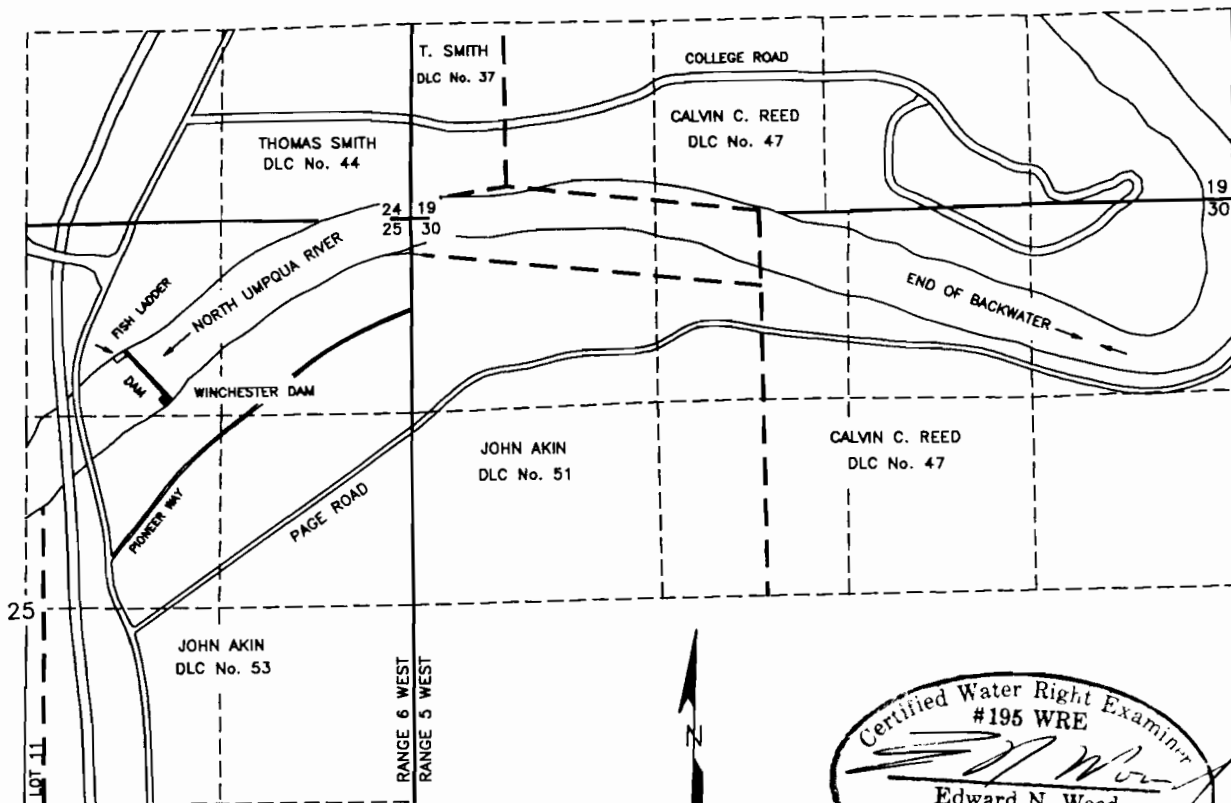
Enclosure
c/Winchester Water Cont. Dist.

REGISTRATION STATEMENT MAP
PRE-1909 VESTED WATER RIGHT CLAIM

IN THE NAME OF THE WINCHESTER WATER CONTROL DISTRICT

SECTIONS 24 & 25, T 26 S, R 6 W, W.M.
and
SECTIONS 19 & 30, T 26 S, R 5 W, W.M.

SWR - 398



WINCHESTER DAM IS LOCATED IN THE NW¼ NE¼ OF SECTION 25, TOWNSHIP 26 SOUTH, RANGE 6 WEST, W.M., DOUGLAS COUNTY.

RECREATION ON THE LAKE OCCURS BETWEEN THE DAM AND THE END OF THE RESERVOIR'S BACKWATER LOCATED IN THE NE¼ NE¼ OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 5 WEST, W.M.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT.
IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF
PROPERTY OWNERSHIP BOUNDARY LINES.

Edward N. Wood, P.E.

Wood Engineering, Inc.
CIVIL - MECHANICAL - PLANNING
311 Smethwick Drive
Umpqua, Oregon 97486
(503) 459-2994

RECEIVED

AUG - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON

August 6, 1993

Mr. Dwight French
Oregon Water Resources Dept.
3850 Portland Road, N.E.
Salem, OR 97310

Re: SWR-398, Winchester Water Control District

Dear Mr. French:

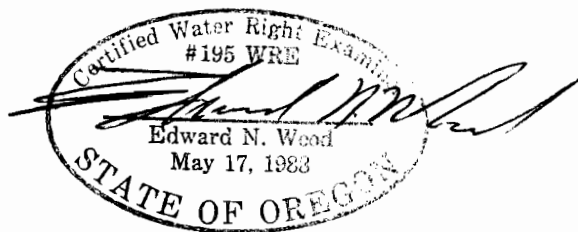
Enclosed you will find a map of the Winchester Water Control District's Pre 1909 Vested Water Right Claim. The submittal of this map should complete the District's initial filing for their Right.

The District will submit additional proof of continuous use at a later date.

If you require additional data, or have any questions please call me.

Yours truly,

Edward N. Wood, P.E.,
Water Right Examiner #195



WOOD ENGINEERING, INC.
CONSULTING ENGINEERS
311 Smethwick Drive
Umpqua, Oregon 97486
(503) 459-2994

RECEIVED
JUN - 8 1993
WATER RESOURCES DEPT
SALEM, OREGON

June 7, 1993

Mr. Don Knauer, Adjudication Specialist
Oregon Water Resources Department
3850 Portland Road, N.E.
Salem, OR 97310


Re: OWRD file # SWR-398

Dear Mr. Knauer:

This letter will confirm that I have been retained to prepare the necessary maps and reports for the WINCHESTER WATER CONTROL DISTRICT relevant to their claim on the North Umpqua River at Winchester, Oregon.

I apologize for not responding promptly to your request for a response schedule for the map submission for the Winchester Water Control District's claim of beneficial use. It is my intention to submit the map for the claim of beneficial use early in July.

Sincerely,


Edward N. Wood, P.E., C.W.R.E.

c: Juan Yraguen, President
Winchester Water Control District

Winchester Water Control District

A BODY CORPORATE
P. O. Box 661
WINCHESTER, OREGON 97495


MAY 19, 1993

WATER RESOURCES DEPARTMENT
3850 PORTLAND RD NE
SALEM, OR 97310

DEAR MR. KNAUER

IN REGARD TO YOUR LETTER DATED MARCH 26, 1993,
WE HAVE CONTRACTED WITH ED WOOD, CWRE #195, TO
SUBMIT TO YOU A MAP IN ACCORDANCE WITH ORS 539.240.
IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE
CALL ME AT 459-9318.

SINCERELY,


JUAN VRAGUEN
WOOD - PRESIDENT



STATE OF OREGON

INTEROFFICE MEMO

TO: Al Cook, SW Region Manager

DATE: 04/18/94

FROM: Gary Ball, Watermaster *gcb*

RECEIVED

APR 20 1994

SUBJECT: SWR-398 : Winchester Dam

WATER RESOURCES DEPT.
SALEM, OREGON

We may have a serious problem here which needs to be thought out carefully at the highest levels. Attached you will find an article from Sunday's paper where the ONRC has targeted Winchester Dam for removal.

According to our existing data and many reports, 700 acre feet is listed as the capacity for the reservoir. In its surface water registration, the Winchester Water Control District has claimed only 300 acre feet of storage, 100 acre feet with a priority of 1890 and 200 acre feet with a priority of 1908.

On the surface, it would appear that we've got about 400 acre feet of illegal storage to deal with. I have contacted John Falk, who will be reviewing the file to determine how firm the 700 acre feet capacity is. Should that review indicate that substantially more than 300 acre feet is stored, some action will need to be taken.

What that action should be is the problem. Because of our policy of not condoning illegal use, it would appear that we should require that the reservoir be lowered to an elevation at which 300 acre feet would be stored. However, if we were to require that, it could be done, but in all likelihood, the fish ladder would cease to function, and the velocities in the gated section would be too great to provide passage. I will be working with ODFW this week to determine the minimum pool elevation at which the ladder will function. John Falk will be in the area this Thursday at which time we intend to review the capacity issue.

I will keep you informed as things progress.

cc: John Falk
Steve Applegate
Don Knauer

near the Gibsons' former home on Azalea Glen Road. "I feel relief that something's finally being done and I think the communi-
 Gibson was expected to be arraigned Monday. Sheriff's Maj. Harry Mullins said Gibson would be on testimony from Gibson's daughter, Karen. Gibson told Lee that police played a tape for him while in jail that indicated

ONRC targets Winchester Dam

Group says it's unsafe, harms area fish runs

By JEFF MIZE
 Of The News-Review

WINCHESTER - For most of his 74 years, Phil Beckley has lived on a river, first in Elkton and then here. "He wouldn't have it any other way. For Beckley, a river represents life itself. "Hell, that's civilization," he said from his back yard overlooking the North Umpqua's tranquil waters. "What are you without it?" Beckley purchased his home upstream from the Winchester Dam in 1955 for \$16,500. It's proved to be a wise investment. Today, about 200 homes on both sides of the dam's reservoir are some of the most valuable residential properties in Douglas County. "If there's a better place to live in the country, I've never been there," Beckley said. "And we've been pretty much around the world.

"The river is the jewel, and the backwater right here is the diamond in the middle of the jewel." Not everyone sees that backwater as a precious stone. Andy Kerr, conservation director for the Oregon Natural Resources Council, said the Winchester Dam serves no useful purpose - except providing residents with a reservoir for recreation.

"Talk about a worthless hole," Kerr said. "It produces no power. It impairs fish passage. And it's unsafe."

ONRC is developing a report titled "Damnable Dams" to make its case for removing Winchester and 10 other dams. The report also argues against completing or building four other dams, including Milltown Hill near Yoncalla.

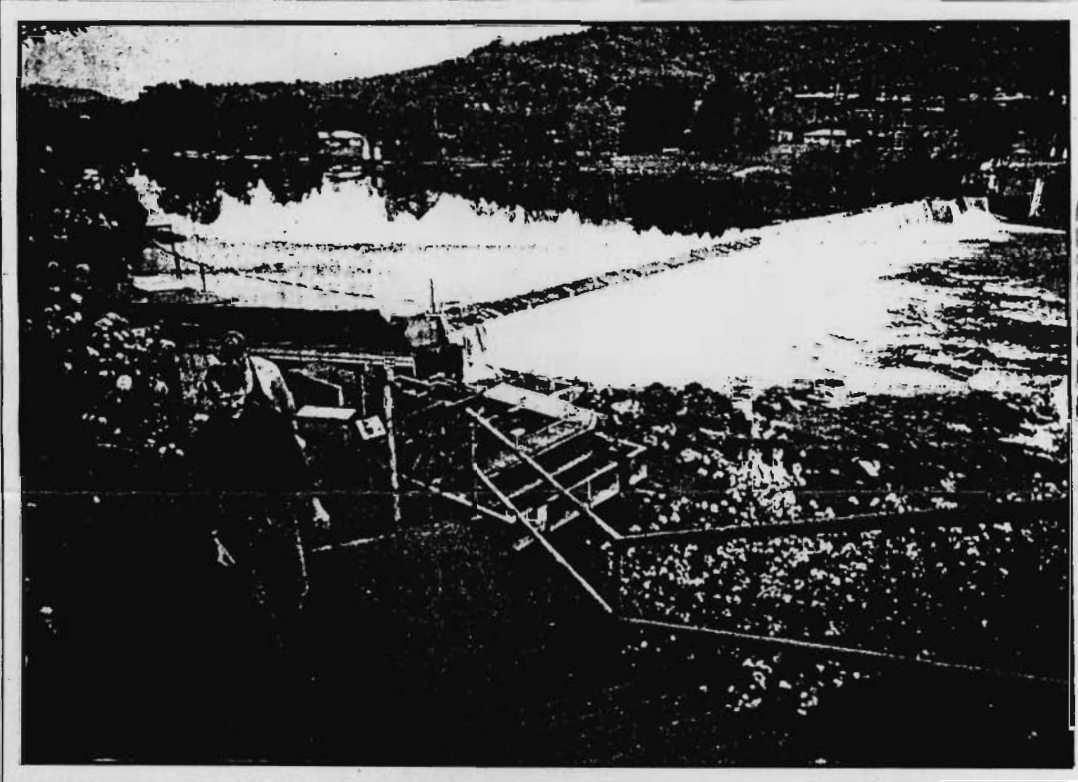
ONRC is best known for its efforts to preserve the Northwest's old-growth forests, but the group is expanding into new areas.

"The main point of this is to raise general knowledge about the impact dams have on the environment," said Jim Middaugh, the group's communications director. "I think it's going to be increasingly a new focus. We're learning more about the damage dams cause."

The Winchester Water Control District owns the 100-year-old wood, rock and concrete dam. Juan Yraguen, the district's board president, said area residents are ready to fight ONRC.

"The dam's removal will not come easy," he said. "We, the Winchester Water Control District, will vigorously defend ourselves against this assault."

Yraguen, who owns Basco Logging Inc. in Sutherlin, doesn't brush off the group's new focus on dam removal. "I'm a logger, and I take what they say and their agenda as a seri-



Will Hope, 23, of Riddle, front, and Gary Beebe, 23, of Roseburg return from the fish ladder at the Winchester Dam Friday afternoon.

The dam is one of many the Oregon Natural Resources Council says should be removed.

CHRISTIAN MURDOCK/News-Review



Phil Beckley relaxes in his back yard along the North Umpqua River, just upstream from the Winchester Dam. He says the reservoir behind the dam is 'the diamond in the middle of the jewel'.

ous threat," he said. "Anyone who doesn't is a fool."

ONRC's primary argument for tearing out the dam is it's a major impediment to salmon and other fish migrating upstream, a charge that Yraguen disputes.

The dam, he said, is a relatively minor obstacle for fish that have survived poor ocean conditions, diseases, predation by marine mammals and a "ganlet of fishermen."

The Winchester Dam actually helps salmon and other ocean-going fish by blocking predators from working their way up the North Umpqua, Yraguen said.

"It's a major impediment to large-mouth and small-mouth bass going beyond the Winchester Dam," he said. "That's where they stop."

Yraguen said the dam's fish ladder gives the Oregon Department of Fish and Wildlife and the Umpqua National Forest an opportunity to record the number and species of migrating fish. It also is an attraction and educational opportunity for 80,000 tourists a year, he said.

But Kerr said you don't need a dam to count fish.

And what about Milltown Hill?

The Oregon Natural Resources Council has urged environmentalists to oppose the proposed Milltown Hill Dam, but one local Milltown opponent says he would just as soon not have the group involved.

Milltown Hill is one of 15 "damnable dams" the group wants removed or, in Milltown's case, prevent from being built in the first place.

"The main problem with Milltown Hill is mercury," an ONRC report says. "Given the presence of the metal in the area, short of abandoning the dam, there is likely little that can be done to prevent some contamination from occurring."

Phil Gale, a persistent opponent of Douglas County's proposed 186-foot-high dam on Elk Creek near Yoncalla, said ONRC was "way off the mark" in its initial criticism of the project.

"They didn't get their facts straight and no one in ONRC has discussed Milltown Hill in any detail with me," he said.

An earlier draft of the report talked about the "potential to poison downstream communities with mercury," but ONRC has removed such volatile statements from their subsequent drafts.

Gale said the group's involvement "muddies the waters" of the dam debate.

"The opposition to Milltown Hill, meaning local opposition, feels there are some real concerns," he said.

"Having an ONRC jump in like this with inflammatory remarks casts shadows of doubt on our position."

Douglas County plans to hire an environmental consultant to do extensive studies this summer to gauge the potential for mercury building up in fish and wildlife.

The Oregon Department of Environmental Quality has told the county it won't issue a permit under Section 401 of the Clean Water Act without additional information.

Kent Smith, chairman of the North County Economic Development Group, is coordinating efforts by dam supporters to find out more information about the potential for mercury contamination.

"Mercury is definitely an issue; there's no denying that," Smith said. "The question is do you just abandon something because mercury is an issue."

"We think the more responsible thing to do is do the study and make a good decision."

See DAM, page A7

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APR 20 1994



REW KNUTSON/News-Review

from the family's rural

t Cohen, owner of Stuff and Glendale, said many people looked that Gibson was ar-

le couldn't believe that he eing in the position he was," aid. "It really shocked me." ie Dimmick, Blackton's sis- Gibson wasn't well-liked as ty. Dimmick said Gibson udges and "picked on" the ouths.

sn't surprised about the ar- e said. "They suspected him , but they just needed more. ust have found something." cton said he hopes Gibson clean about his actions and 's body is found.

t hope if he did do it, he tells : did with the body," Black- l. "Let's give him a decent He was a cute little fellow ld smile at everyone."

CONTINUED from page A1 WATER RESOURCES DEPT SALEM, OREGON

"Winchester Dam isn't helping fish," he said. "It's documenting the decline and making it easier for bureaucrats to count fish."

ONRC officials admit they don't have any solid legal basis to force removal of the Winchester Dam. Instead, they are hoping to gradually build public pressure for the dam's removal.

"I think public opinion, public education, pressure will be a lot of it," Kerr said.

"Salmon are in trouble on the North Umpqua. Sea-run cutthroat trout are in trouble. They're in trouble for several reasons and Winchester doesn't help."

Yraguen said he doesn't think environmental groups can force the dam's removal.

"But I'm not a lawyer," he said. "The preservationists

are continually making inroads against private property rights and the Constitution."

Land values for the 200 homes behind the dam are 27 percent higher than values for similar properties above and below the reservoir, Yraguen said.

"This is the most desirable spot in Douglas County to live," he said.

The Winchester Water Control District has no intention of being forced to foot the bill for dam removal, Yraguen said.

If that situation should arise, the district would file bankruptcy, he said.

"That dam does not and has not cost the taxpayers one single cent," he said.

"It would cost the taxpayers millions to remove it, let alone all the environmental damage caused by turbidity in the water."

Official: Winchester dam is safe

WINCHESTER - The image of the Winchester Dam suddenly giving way to the forces of nature is a frightening picture.

"There is a very real possibility that the entire structure could separate from its bedrock base and crash down the North Umpqua River," the Oregon Natural Resources Council says in a draft report titled "Damnable Dams."

"If the dam fails when a large number of fish are downstream of the dam, catastrophic mortality could occur - not to mention the potential human consequences."

Juan Yraguen, president of the Winchester Water Control District's board of directors, said ONRC's portrayal of the dam as dilapidated and unsafe is "totally unfounded."

"It's a bogus complaint," he said. "It's the preservationists doing what they do best: sensationalism."

The dam needs to be monitored and repaired on a regular basis,

Yraguen said.

Work crews are expected to spend two to three days this summer making some minor repairs, he said.

"There are some very old logs and timbers in the dam," he said. "They are in good condition. They aren't rotting."

"The dam has been there for a hundred years already," Yraguen added.

"I'll make my bet and place my money that dam will be there in a hundred years."

The Oregon Department of Water Resources, which has regulatory control over dam safety, takes a rel-

atively neutral position on Winchester.

"We've had some discussions with the owners about repairs," said John Falk, a dam safety engineer for the department.

"As far as calling it unsafe, we haven't made that determination."

Falk said the state has safety concerns about every dam.

Because of Winchester's age and construction type, regular maintenance is needed, he said.

"It has been on our list of dams to keep our eye on," Falk said.

"It is an older structure. And like everything that gets old, it requires a lot more effort to keep it going."

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 Roseburg, Oregon 97470
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 Myrtle Creek, OR 97457



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We've been nationally recognized for the way we do business with numerous awards. The Western Federal Lands Highway Division recently presented us

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP OK NAME Umpqua # 16 UNADJUDICATED AREA ? yes
RECEIPT # 95738 S W R NUMBER 398
CHECK ENCLOSURES OK PRELIMINARY DATA BASE ENTRY DWF
ACKNOWLEDGEMENT LETTER OK ENTER ON STREAM INDEX _____
CHECK QUADRANGLE MAP _____ CHECK GLO PLATS _____
WATERMASTER CHECKLIST _____ PUBLIC NOTICE PUBLICATION ACB

FORM REVIEW

_____ blanks filled in
_____ signed
_____ date received stamped

MAP REVIEW

#2 ✓ source and trib — WEARS ϕ OF DAM
_____ diversion point location
_____ conveyances (pipes, ditch, etc.)
✓ place of use
✓ scale
✓ township, range, section
✓ north arrow
✓ CWRE stamp
✓ disclaimer
_____ date survey was performed
#12 ✓ P.O.B. of survey
_____ dimensions and capacity of diversion system
✓ "beneficial use" type title
✓ "permanent-quality" paper

WATER RIGHT RECORD CHECK _____ FIELD INSPECTION _____

FINAL FILE REVIEW _____ FINAL DATA BASE ENTRY _____

ENTER ON PLAT CARDS _____

February 25, 1994

EDWARD N. WOODS
311 SMETHWICK DRIVE
UMPQUA OR 97486

RE: SWR-398

Dear Mr Woods,

This will acknowledge the receipt of map to support the pre-1909 vested water right claim in the name of WINCHESTER WATER CONTROL DISTRICT you returned with corrections and completions. I have added the map to the file. Thank you for your attention to this matter. If you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WIS\13\SWR-0398.005



SWR-398

1-10-94

JOHN YOUNGQUIST
CALLED TO SAY J. GOSSEN
WILL HAVE THE INFO
TO US IN THE NEXT
FEW WEEKS.

D. Sawyer

November 10, 1993

EDWARD N. WOODS
311 SMETHWICK DRIVE
UMPQUA OR 97486

RE: File# SWR-398

DEAR EDWARD N. WOODS,

The Water Resources Department (WRD) received a little over 500 surface water registration statements in December, 1992. All of the files have been set up and receipts for the fees have been sent. The next step is to insure the maps received in support of the claims are acceptable based on Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

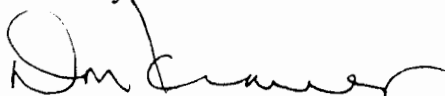
I am returning the map you prepared for Winchester Water Control District. You will find the item which requires completion or correction shown below. I have the description followed by the ORS or OAR site and paraphrased statute or rule.

- U* diversion point location ORS 539.240 (2) (d) (A) "...in reference to an established corner of the US public lands survey or recorded subdivision..."
You must locate the center of the dam.
- U* diversion point size OAR 690-28-025-(4)-(c) "The dimensions and capacity of any existing diversion systems." You must provide capacity information on the reservoir.

You must return the map before the claim can be processed. If you cannot have the map to the WRD within 60 days, please inform me as to when it can be expected. Please mark all correspondence with the file number.

As always, if you have any questions, please give me a call.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosures
J:\WP51\SWR\CLAIMANT\3\SWR-0398.00M



August 9, 1993

WATER
RESOURCES
DEPARTMENT

EDWARD N WOOD
311 SMETHWICK DR
UMPQUA OR 97486

RE: SWR-398

Dear Mr Wood,

This will acknowledge the receipt of the map you prepared in support of the pre-1909 vested water right claim by Winchester Water Control District. The map will be added to the file for review in the future.

Sincerely,



Don Knauer
Adjudication Specialist

J:\W\S\C\3\SWR-0398.004



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

May 24, 1993

EDWARD N WOOD
311 SMETHWICK DR
UMPQUA OR 97486

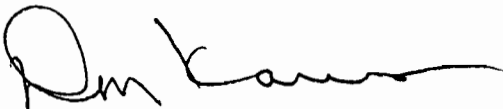
RE: Surface Water Registration Map

Dear MR WOOD,

WINCHESTER WATER CONTROL DISTRICT has indicated to the Oregon Water Resources Department (WRD) that you have been hired to prepare the claim of beneficial use map for their Surface Water Registration Statement. Would you please inform me of your anticipated schedule of map preparation and submission to the WRD.

Please mark all correspondence related to this claim with the file number SWR-398.

Sincerely,



Don Knauer
Adjudication Specialist

J:\WP51\SWR\CLAIMANT\3\SWR-0398.003



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

March 26, 1993

EDWARD N WOOD
311 SMETHWICK DR
UMPQUA OR 97486

RE: Surface Water Registration Map

Dear MR WOOD,

WINCHESTER WATER CONTROL DISTRICT has indicated to the Oregon Water Resources Department (WRD) that you have been hired to prepare the claim of beneficial use map for their Surface Water Registration Statement. Would you please inform me of your anticipated schedule of map preparation and submission to the WRD.

Please mark all correspondence related to this claim with the file number SWR-398.

Sincerely,



Don Knauer
Adjudication Specialist

C:\WP51\SWR\CLAIMANT\SWR-0398.002



March 26, 1993

WATER
RESOURCES
DEPARTMENT

WINCHESTER WATER CONTROL DISTRICT
PO BOX 661
WINCHESTER OR 97495

Dear MR SMITH,

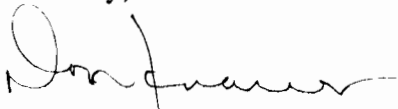
This will acknowledge that your Surface Water Registration Statement in the name of WINCHESTER WATER CONTROL DISTRICT has been received by our office. The fees in the amount of \$200.00 have been received and our receipt #95738 was written. Your registration statement has been numbered SWR-398.

You failed to submit a map prepared by a Certified Water Right Examiner (CWRE). ORS 539.240 (2) (d) requires the map be prepared by a CWRE. Within 60 days of this letter you must send a letter to this address indicating you have contracted with a CWRE to prepare your map. You should send your letter to my attention. In your letter you must identify the name of the CWRE who will prepare your registration statement map. We will contact the CWRE to arrange a map submittal deadline.

We will not be able to process your claim until we have received your map. If you have any questions regarding this process, please do not hesitate to give me a call.

Please feel free to contact this office if you have any questions.

Sincerely,



Don Knauer
Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0398.001



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **95738**

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

RECEIVED FROM: Melvin E. Smith
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 200.00

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS
831.087 PUBLICATIONS/MAPS
830.650 PARKING FEES Name/month
____ OTHER: (IDENTIFY) _____

\$ <u>200.00</u>
\$
\$
\$

REDUCTION OF EXPENSE

**RECEIVED
OVER THE COUNTER**

CASH ACCT. _____

COST CENTER AND OBJECT CLASS _____

VOUCHER # _____

\$ _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES
850.200 RESEARCH FEES
880.109 MISC REVENUE: (IDENTIFY) _____
520.000 OTHER (P-6): (IDENTIFY) _____

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WATER RIGHTS:

842.001 SURFACE WATER
842.003 GROUND WATER
842.005 TRANSFER

EXAM FEE	
\$	842.002
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EXAM FEE	
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\$	842.019
	842.024

RECORD FEE	
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LICENSE FEE	
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WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR
842.016 WELL DRILL OPERATOR
LANDOWNER'S PERMIT

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE
MONITORING WELLS

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CARD #	
CARD #	

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$ _____

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE(FW/WRD)
842.115 HYDRO LICENSE FEE(FW/WRD)

\$
\$

____ HYDRO APPLICATION

\$ _____

RECEIPT # **95738**

DATED: 12-31-92 BY: P. Bussnell