

Application No. K76052

K76052

Nar

1

Adc

Permit No. _____

ificate No. _____

Stream Index, Page No. _____

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 _____

Date _____

To Whom

ASSIGNMENTS

Address

Volume

Page

REMARKS

WR & ADJ

Oregon

Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

CERTIFIED MAIL™



7004 1350 0000 7662 6948

UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004377899 JUN 27 2005
\$ 04.42⁰
MAILED FROM ZIP CODE 97301

NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
RETURN TO SENDER

R-76052
BARBARA and CHARLES HILKEY
P. O. BOX 803
GOLD HILL OR 97525

1st Notice 6/29
2nd Notice
Return 7/13

RECEIVED

JUL 05 2005
WATER RESOURCES DEPT
SALEM, OREGON

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

R-76052
BARBARA and CHARLES HILKEY
P. O. BOX 803
GOLD HILL OR 97525

2. Article Number
(Transfer from service label)

7004 1350 0000 7662 6948

PS Form 3811, February 2004

Domestic Return Receipt

WR

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 27, 2005

Barbara and Charles Hilkey
P.O. Box 803
Gold Hill, OR 97525

REFERENCE: APPLICATION R-76052

On December 28, 1994, we received your application for an existing reservoir under HB-2153 (1993). The application was not complete. On March 29, 2000, we sent you a letter requesting as-built drawings, in accordance with ORS 540.350 to 540.390 (Copy attached). To date we have not received the required as-built drawings.

Please submit the required as-built drawings, prepared by a licensed Engineer, within 180 days of this letter. If we do not receive the required as-built drawings within 180 days, we will reject the application.

If you have any questions, you may contact Gerry Clark, Certificate Section, at (503) 986-0811. If you have questions about the as-built drawings, you may contact John Falk, Dam Safety Program, at (503) 986-0840.

Sincerely,

DWIGHT W. FRENCH
Acting Administrator
Water Rights Adjudication Division

Barbara and Charles Hilkey

Page 2

REFERENCE: APPLICATION R-76052

cc: Richard A. Miller and Jana Hogan
PO Box 3279
Ashland, OR 97520

Barbara Hilkey
14618 Tyler Foot Road, Space 155
Nevada City, CA 95959

John Falk, Dam Safety Program

CERTIFIED — RETURN RECEIPT REQUESTED



Oregon

John A. Kitzhaber, M.D., Governor

March 29, 2000

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

Barbara Hilkey
14618 Tyler foot Road, Space 155
Nevada City, CA 95959

Re: Existing Dam & Reservoir
Application R-76052

Dear Ms. Hilkey:

I just received notice of your reservoir application per the provisions of House Bill 2376 and its predecessor, House Bill 2153. The water rights section of this agency has indicated that it is now prepared to issue a Certificate of Water Right for the referenced application as soon as you submit a set of drawings for the dam, as described below.

The size of the existing dam and reservoir located in **Section 25, T35S, R3W, Jackson County,** appears to exceed the statutory limits for height and storage capacity. Two basic requirements for construction of hydraulic structures in Oregon is that all dams and reservoirs greater than, or equal to, the statutory size limits of 10 feet height and 9.2 acre-feet storage a). must be designed by an Oregon licensed professional engineer and b). the plans and specifications must be approved by the Water Resources Department Dam Safety program prior to storage of water.

However, because this structure already exists a set of asbuilt drawings prepared and sealed by a licensed professional engineer will be an acceptable substitute for design plans and specifications. Please be advised that a Certificate will not be issued until a set of asbuilt drawings have been prepared for the existing structure and subsequently reviewed and approved by Dam Safety.

The asbuilt drawings should be drafted on quality reproducible stock such as mylar, vellum, or suitable equivalent and should be no smaller than 11x17 inches. The reproducible drawings and two sets of blue-line prints should be sent to the dam safety engineer at the address listed on this letterhead. One set of signed and approved blue-lines will be returned to you; the other drawings will remain here for public record. The drawings should contain at a minimum the following information:

- Vicinity map showing the dam and reservoir in relation to township, range and quarter-quarter section, plus a survey tie from the dam to a known government land corner.
- Watershed map that delineates the drainage area above the dam listing its calculated areal extent in acres or square miles. This map may be prepared from an existing USGS 7.5' quadrangle maps and may be combined with the vicinity map (above). If the reservoir is off-channel and filled via a canal or ditch (i.e. there is no contributing watershed), please indicate all the particulars on the drawing.



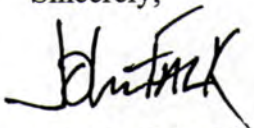
- Plan view of the dam accurately showing locations and dimensions of outlet works, emergency spillway, property lines, buildings, etc. The plan view should be drawn to scale (1"=200' or less) and superimposed on a topographic survey with contour intervals not to exceed two (2) feet.
- Area-capacity diagram illustrating the surface area of the reservoir and its storage capacity plotted against the height of the dam. A table representing area/capacity versus the height of dam would also be acceptable.
- Typical cross-section through the dam accurately showing the top of dam and water surface elevations, embankment crest and base widths, grades for upstream and downstream slopes, and the outlet conduit and spillway dimensions.
- Detailed cut-away view of the outlet conduit and valveworks, with description as to how they were constructed, types of materials used, dimensions, etc.
- Sectional view of the emergency spillway to include hydraulic flow calculations for the spillway. If the structure is off-channel, hydraulic flow calculations are not required.
- A brief description of existing downstream hazards, such as habitable buildings, public roads or bridges, utilities or other man-made structures together with a cursory assessment of the potential threat to life and property in the event of a sudden dam failure.

You may wish to lower the dam to a height that is less than 10.0 feet, if possible, thereby avoiding the requirements for asbuilt drawings listed above. If this is your decision, it will be necessary for you to physically lower the top of your dam until its height is less than 10 feet. After this has been accomplished, please amend the application (Item #2 of the application form) to reflect the lower dam height. Issuance of the Certificate can proceed after we have either:

- a) reviewed and approved the final set of asbuilt drawings,
- or -
- b) received the amendment(s) to your application which then will exempt you from certain dam safety requirements.

Thank you for your cooperation and patience. Should you have any questions, please do not hesitate to let me know, or you may contact your Watermaster @ (541) 776-7056.

Sincerely,



John A. Falk, PE
Dam Safety

- c: Larry Mentee - Watermaster Dist. #13
Water Rights Section

Date: Mon, 10 Jan 2000 14:00:38 -0800
From: "Jerry Vogt" <Jerry.F.Vogt@STATE.OR.US>
To: KLASSEN Russell W <Russell.W.KLASSEN@STATE.OR.US>
Cc: MENTEER Larry P <Larry.P.MENTEER@STATE.OR.US>
Subject: Reservoir Application R-76052
Content-Disposition: inline
X-MIME-Autoconverted: from quoted-printable to 8bit by
powder.wrd.state.or.us id OAA05924

I wasn't able to contact the applicant by phone, so I drove out to the address listed on the application. The applicant still owns the property, but now lives in California and rents the property. I spoke with the renter. He indicated that a person named Stan Clark (541-855-1435) manages the property for the Hilkeys.

I reviewed the application and have visited the site and recommend the following conditions for this water right:

1. The use of water from the listed PODs should be restricted to periods when streamflows in Sams Creek exceed ODFW's instream water right amounts (see Certificate 59823).

2. Sams Creek is listed as one of the sources of water for this reservoir application. Because one or more species of game fish are present at the described POD, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests WRD add the following condition to those already proposed:

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

Please include the following fish screen criteria with these permit conditions:

All Screen Types

1. Screen material must provide a minimum of 27% open area.
2. For gravity ditch screens: screen surface area must be at least 2.5 ft² of wetted screen material per 1 cfs water diverted (e.g. a ditch with a capacity of 3 cfs must have 7.5 ft² of wetted screen material)
3. For pump screens: screen surface area must be at least 2.5 ft² of wetted screen material per 449 gpm of water pumped (e.g. a pump with a capacity of 1000 gpm must have 5.6 ft² of wetted screen material)

Perforated Plate Screens

1. Openings shall not exceed 3/32 inch (2.38 mm)

Mesh/Woven Wire Screens

1. Openings shall not exceed 3/32 (0.0938) inch (2.38 mm) in the narrow direction (e.g. a 1/4 X 3/32 inch mesh is OK)

Profile Bar Screens/Wedge Wire Screens

1. Openings shall not exceed 0.0689 inches (1.75 mm) in the narrow direction

3. The presence of fish at the point of diversion on Cardwell Creek is likely but has not been confirmed. Although ODFW will not require screening of the diversion on this stream at this time, we do wish to notify the applicant that we hold this option open for the future. Therefore, ODFW requests that WRD add the following as a condition to the proposed permit.

The permittee may be required in the future to install, maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

4. ORS 498.268 and ORS 509.605 provide 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 proposed diversion or reservoir has the potential to hinder the free movement of fish in the subject streams, we request that the applicant be directed by permit condition to contact the ODFW Fish Passage Program coordinator, PO Box 59, Portland, Oregon, 97207, before beginning construction.

Thanks for the opportunity to review this application.

Jerry Vogt

Application No.

R-76052

21-53



State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) Barbara J. Hilkey + Charles M. Hilkey

(Please print or type - use dark ink)

Mailing Address: P.O. Box 803 (776 Holcomb Springs Road)
Gold Hill OR 97525 (503-855-1172)
City State Zip Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: A ditch leads from Caldwell
a tributary of Creek to fill the reservoir + water can be pumped
If not in channel of a stream, state how it is to be filled: through a 6 ft. pipe from
Middle Creek on which we have existing water rights, + also from
Sanis Creek into the reservoir.
2. **THE DAM:** The maximum height of the structure will be 16 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: _____

The DAM DOES NOT CROSS A STREAM AND
NO outlet conduit IS REQUIRED. There
is a 4 inch pvc outlet. (Conduit)

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

3. **THE USE(s)** of the impounded water will be: to irrigate crops.

RECEIVED

DEC 27 1994

WATER RESOURCES DEPT.
SALEM, OREGON

4. **THE AMOUNT OF WATER** to be stored is: 50 acre-feet.
The area submerged by the reservoir, when filled, will be 6 acres,
and the maximum depth of water will be 18 feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. The spillway is located in natural Earth on the south end of the dam and goes around the dam and away from it. The spillway is twenty feet wide and four feet deep.

6. **PROJECT SCHEDULE:** (List month and year)
Proposed date construction work will begin 7/84
Proposed date construction work will be completed 9/90
Proposed date water use will be completed we have used the water since 5/85.

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

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

cess for conveying
ection below, or on

- REMARKS:

Date Dec 20/94

RECEIVED

DEC 27 1994

WATER RESOURCES DEPT.
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.

APPLICATION NO: _____

Priority 1/1/93
R-76052

21-53

Application No. _____

State of Oregon
WATER RESOURCES DEPARTMENT

RECEIVED

DEC 28 1994

Application for a Permit to Appropriate Surface Water

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) Barbara J. Hilkey and Charles M. Hilkey
(Please print or type - use dark ink)

Mailing Address: P.O. Box 803 [776 Holcomb Springs Road]
Gold Hill, OR 97525 (503-855-1172)
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Sams Creek & Caldwell Creek,
a tributary of the Rogue River.
2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: .20 cubic feet per second, **OR** _____ gallons per minute. If water is to be used from more than one source, give the quantity of water from each: 50 acre ft. of water is stored in a reservoir from winter run-off. Each year, we irrigate with this stored water. There is 20 cfs. of stream water in addition. Half of the water is from Caldwell Creek + 1/2 from Sams Creek.
3. **INTENDED USE(s) OF WATER:** Irrigation

If for more than one use, give the quantity of water from each source for each use; N/A

If for **DOMESTIC** use, state the number of households to be supplied; N/A

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)
N/A

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; N/A

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation 50 acres

Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

The system for filling the stream reservoir is a 1200 ft. ditch diverting water from Caldwell Creek to the reservoir during winter run-off. 2000 ft. of 6 inch mainline lead to the fields being irrigated. The mainline crosses Middle Creek and reaches Sams Creek. We pump water from Sams Creek and Middle Creek through the mainline and into the reservoir during winter run-off season to assist in filling the reservoir. During the Irrigation Season, the reservoir and mainline feed two 1100 ft. wheel-lines and one 1100 ft. handline.

5. **PROJECT SCHEDULE:** (List month and year) We have used the water + the system since 5/85.
- Proposed date construction work will begin 7/84
- Proposed date construction work will be completed 9/90
- Proposed date water use will be completed 5/86

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

6. 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)
7. 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.

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.

APPLICATION NO: _____

PERMIT NO: _____

REMARKS: _____

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:

Barbara J. Hilkey
Signature
Charles M. Hilkey
Signature

12-20-94
Date
12/20/94
Date

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

Barbara J. Hilkey
Signature of Applicant
Charles M. Hilkey
Signature of Co-Applicant, if any

12-20-94
Date
12/20/94
Date

RECEIVED

DEC 27 1994

WATER RESOURCES DEPT.
SALEM, OREGON

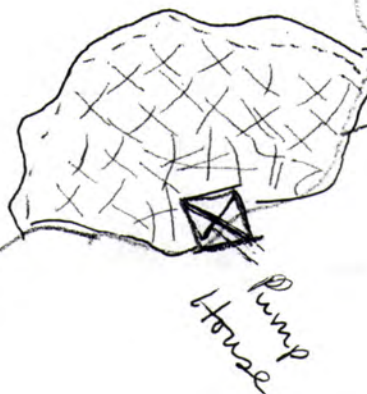
Barbara J. Hickey
Charles M. Hickey
776 Holcomb Sp. Rd
Gold Hill, OR

97525

Divine Mothers Farms:



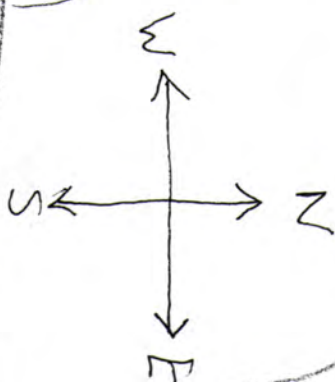
Caldwell Creek



Middle Creek

Sams Creek

Holcomb Sp. Rd.



Legal Township 35-S, Range 3-W
Description: Section 25. Tax lot 1



Oregon

John A. Kitzhaber, M.D., Governor

March 29, 2000

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

Barbara Hilkey
14618 Tyler foot Road, Space 155
Nevada City, CA 95959

Re: Existing Dam & Reservoir
Application R-76052

Dear Ms. Hilkey:

I just received notice of your reservoir application per the provisions of House Bill 2376 and its predecessor, House Bill 2153. The water rights section of this agency has indicated that it is now prepared to issue a Certificate of Water Right for the referenced application as soon as you submit a set of drawings for the dam, as described below.

The size of the existing dam and reservoir located in **Section 25, T35S, R3W, Jackson County**, appears to exceed the statutory limits for height and storage capacity. Two basic requirements for construction of hydraulic structures in Oregon is that all dams and reservoirs greater than, or equal to, the statutory size limits of 10 feet height and 9.2 acre-feet storage a). must be designed by an Oregon licensed professional engineer and b). the plans and specifications must be approved by the Water Resources Department Dam Safety program prior to storage of water.

However, because this structure already exists a set of asbuilt drawings prepared and sealed by a licensed professional engineer will be an acceptable substitute for design plans and specifications. Please be advised that a Certificate will not be issued until a set of asbuilt drawings have been prepared for the existing structure and subsequently reviewed and approved by Dam Safety.

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- Watershed map that delineates the drainage area above the dam listing its calculated areal extent in acres or square miles. This map may be prepared from an existing USGS 7.5' quadrangle maps and may be combined with the vicinity map (above). If the reservoir is off-channel and filled via a canal or ditch (i.e. there is no contributing watershed), please indicate all the particulars on the drawing.



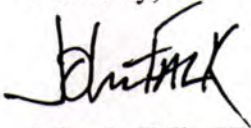
- Plan view of the dam accurately showing locations and dimensions of outlet works, emergency spillway, property lines, buildings, etc. The plan view should be drawn to scale (1"=200' or less) and superimposed on a topographic survey with contour intervals not to exceed two (2) feet.
- Area-capacity diagram illustrating the surface area of the reservoir and its storage capacity plotted against the height of the dam. A table representing area/capacity versus the height of dam would also be acceptable.
- Typical cross-section through the dam accurately showing the top of dam and water surface elevations, embankment crest and base widths, grades for upstream and downstream slopes, and the outlet conduit and spillway dimensions.
- Detailed cut-away view of the outlet conduit and valveworks, with description as to how they were constructed, types of materials used, dimensions, etc.
- Sectional view of the emergency spillway to include hydraulic flow calculations for the spillway. If the structure is off-channel, hydraulic flow calculations are not required.
- A brief description of existing downstream hazards, such as habitable buildings, public roads or bridges, utilities or other man-made structures together with a cursory assessment of the potential threat to life and property in the event of a sudden dam failure.

You may wish to lower the dam to a height that is less than 10.0 feet, if possible, thereby avoiding the requirements for asbuilt drawings listed above. If this is your decision, it will be necessary for you to physically lower the top of your dam until its height is less than 10 feet. After this has been accomplished, please amend the application (Item #2 of the application form) to reflect the lower dam height. Issuance of the Certificate can proceed after we have either:

- a) reviewed and approved the final set of asbuilt drawings,
- or -
- b) received the amendment(s) to your application which then will exempt you from certain dam safety requirements.

Thank you for your cooperation and patience. Should you have any questions, please do not hesitate to let me know, or you may contact your Watermaster @ (541) 776-7056.

Sincerely,



John A. Falk, PE
Dam Safety

c: Larry Menteer - Watermaster Dist. #13
Water Rights Section

to valuable, serviceable and dependent property of the holder of the certificate, not taken over, as may be caused by the severance therefrom of the property taken.

(2) The fair value of the property taken and the severance damages, if any, shall be determined by agreement between the holder of the certificate and the state or municipality, or, in case they cannot agree, by proceedings in equity instituted by the state or municipality in the circuit court of the county in which the largest portion of the property is located.

(3) The right of the state or any municipality to take over, maintain and operate any property which has devoted to beneficial use water rights specified in the certificate, by condemnation proceedings upon payment of just compensation, is expressly reserved.

(4) The provision for the recapture of any rights other than for power purposes, as provided in this section, contained in any certificate issued before June 14, 1939, shall be of no force and effect and may be canceled from the records wherever recorded and a new certificate issued with the recapture clause eliminated.

(5) The owner of any certificate issued before June 14, 1939, for such rights may, upon surrendering the certificate, receive a new certificate therefor issued under and subject to the provisions of this section. [Formerly 537.290; and then 537.340]

PONDS AND RESERVOIRS

537.400 Reservoir permits. (1) All applications for reservoir permits shall be subject to the provisions of ORS 537.130, 537.140, 537.142 and 537.145 to 537.240, except that an enumeration of any lands proposed to be irrigated under the Water Rights Act shall not be required in the primary permit. But the party proposing to apply to a beneficial use the water stored in any such reservoir shall file an application for permit, to be known as the secondary permit, in compliance with the provisions of ORS 537.130, 537.140, 537.142 and 537.145 to 537.240. The application shall refer to the reservoir for a supply of water and shall show by documentary evidence that an agreement has been entered into with the owners of the reservoir for a sufficient interest in the reservoir to impound enough water for the purposes set forth in the application. When beneficial use has been completed and perfected under the secondary permit, the Water Resources Department shall take the proof of the water user under the permit. The final certificate of appropriation shall refer to both the ditch described

in the secondary permit and the reservoir described in the primary permit.

(2) Whenever application is made for permit to store water in a reservoir or pond for any beneficial use which does not contemplate future diversion of the stored water except by livestock drinking from stock water ponds, the extent of utilization thereof may be included in the reservoir permit and no secondary permit shall be required. However, in cases where water from a stream is required to maintain a reservoir or pond by replacing evaporation and seepage losses, or is required to maintain suitable fresh water conditions for the proposed use and to prevent stagnation, the applicant for permit to store water in such reservoir or pond shall also file an application for permit to appropriate the waters of the stream.

(3) An application submitted to construct a reservoir storing less than 9.2 acre-feet of water or with a dam less than 10 feet in height need not be accompanied by a map prepared by a water right examiner certified under ORS 537.798 as required by ORS 537.140 (4). The map submitted with the application shall comply with standards established by the Water Resources Commission. The survey required under ORS 537.230 shall be prepared by a water right examiner certified under ORS 537.798 and shall be submitted to the department before the department issues the water right certificate.

(4) If a dam safety review is required under ORS 540.350, the department may issue a final order approving an application on the basis of preliminary plans, specifications and supporting information if the approval includes a condition requiring the commission's approval of final plans, specifications and supporting information under ORS 540.350 before the permit is issued.

(5) Notwithstanding the provisions of ORS 537.211 (2), the department may approve an application for a reservoir permit for which a dam safety review is required under ORS 540.350 and issue a permit, subject to the condition that before the reservoir may be filled, the permittee shall submit to the department evidence that the permittee owns, or has written authorization or an easement permitting access to, all lands to be inundated by the reservoir. [Formerly 537.300; and then 537.345; 1993 c.557 §3; 1993 c.595 §9; 1995 c.365 §6]

(Water Storage Permits for Reservoirs in Existence on or before January 1, 1993)

Note: Sections 4 to 8, chapter 595, Oregon Laws 1993, provide:

Sec. 4. (1) Before January 1, 1995, any person, public agency, rural fire protection district formed pur-

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suant to ORS 478.010 or forest protection district formed pursuant to ORS 477.225 may request the Water Resources Department to issue a water storage permit under ORS 537.211 for any reservoir in existence on or before January 1, 1993, but not exempt under ORS 537.141 (1)(d) (1993 Edition). The person requesting a permit under this section shall:

(a) Submit a completed application for a permit for the water use;

(b) Pay fees equivalent to the fees required under ORS 536.050 for a permit to appropriate water;

(c) Provide a map indicating the location of the water use;

(d) Provide evidence that the water use meets the requirements of section 5, chapter 595, Oregon Laws 1993; and

(e) Provide any other information the Water Resources Commission may require by rule.

(2) Except as provided in subsection (3) of this section:

(a) Up to 10 reservoirs may be included in a single water storage permit request under subsection (1) of this section if all of the reservoirs are within the same ownership on contiguous property and within the same drainage basin as defined by the commission; or

(b) For a rural fire protection district formed pursuant to ORS 478.010 or a forest protection district formed pursuant to ORS 477.225, up to 10 reservoirs may be included in a single water storage permit request if all of the reservoirs are:

(A) Within the boundaries of the rural fire protection district or forest protection district;

(B) Within the same drainage basin as defined by the commission; and

(C) An element of the district's fire protection system.

(3) A person, rural fire protection district formed pursuant to ORS 478.010 or forest protection district formed pursuant to ORS 477.225 applying for a permit for a reservoir that stores 9.2 acre-feet or more of water or that has a dam 10 feet or more in height shall:

(a) Submit a separate completed request for a permit for each reservoir;

(b) For each request, pay fees equivalent to the fees required under ORS 536.050 for a permit to appropriate water;

(c) Provide a map prepared by a water right examiner certified under ORS 537.798;

(d) Comply with the provisions of ORS 540.350 to 540.390;

(e) Provide evidence that the water use meets the requirements of section 5, chapter 595, Oregon Laws 1993; and

(f) Provide any other information the commission may require by rule.

(4) All fees received under this section shall be deposited in the Water Resources Department Operating Account as described in ORS 536.050 (4). [1993 c.595 §4; 1995 c.416 §45]

Sec. 5. (1) A permit for a water use may be issued pursuant to a request under section 4 of this 1993 Act only if the use is for a reservoir in existence on January 1, 1993, and otherwise meets permit requirements.

(2) Applications for a permit under section 4 of this 1993 Act must be received by January 1, 1995. The tentative priority date for an application received by January 1, 1995, shall be January 1, 1993.

(3) The commission shall adopt by rule the standard for the map required under section 4 (1) of this 1993 Act. Except as provided in section 4 (3) of this 1993

Act, the map need not be prepared by a water right examiner certified under ORS 537.798.

(4) Notwithstanding the requirement for a survey set forth in ORS 537.230, no survey of the appropriation is required for a reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet in height.

(5) A water right certificate under ORS 537.250 may be issued in lieu of a permit if:

(a) The reservoir existed before January 1, 1993;

(b) The records of the Water Resources Department provide satisfactory documentation to describe the location and volume of storage;

(c) Modifications or alterations to the impoundment structure are not required; and

(d) The commission determines under subsection (1) of this section that a reservoir would qualify for issuance of a permit. [1993 c.595 §5]

Sec. 6. Upon receipt of a request for a permit under section 4 of this 1993 Act, the Water Resources Commission shall determine whether the use meets the requirements of sections 4 and 5 of this 1993 Act. A reservoir included in a request submitted under section 4 of this 1993 Act may continue to store water while the application is reviewed by the commission. [1993 c.595 §6]

Sec. 7. (1) If the Water Resources Commission determines a use meets the requirements of sections 4 and 5 of this 1993 Act, the request shall be approved and a permit of the same character as that described in ORS 537.211 shall be issued to the applicant. The permit shall carry the same protections and restrictions as any other water right issued by the commission.

(2) A reservoir described in an application submitted under section 4 of this 1993 Act shall be subject to regulation by the commission if injury occurs to another water right with a priority date earlier than January 1, 1993, as a result of a use described in the application.

(3) A certificate described under ORS 537.250 issued to a fire protection district formed pursuant to ORS 478.010 or a forest protection district formed pursuant to ORS 477.225 for the use of maintaining a fire protection system shall be subject to loss of right as provided in ORS 540.610 if, for five consecutive years:

(a) The district does not have access to the reservoir; or

(b) Water is not stored in the reservoir.

(4) If the commission determines that the use does not meet the requirements of sections 4 and 5 of this 1993 Act, the commission shall deny the request for a permit under section 4 of this 1993 Act. [1993 c.595 §7]

Sec. 8. (1) Except as provided in subsection (2) of this section, upon submission of an application under section 4 of this 1993 Act, the Water Resources Commission shall not take any enforcement action relating to the unlawful storage of water in a reservoir included in the application.

(2) The commission may take enforcement action for:

(a) Any violation of dam safety requirements; and

(b) Any violation of the regulatory requirements of the commission under section 7 (2) of this 1993 Act. [1993 c.595 §8]

(Exempt Reservoirs)

537.405 Exempt reservoirs; written notification to department; injury to other users. (1) Reservoirs in existence on or before January 1, 1995, that store less than 9.2 acre-feet of water or with a dam or

impoundment structure less than 10 feet in height, are found to be a beneficial use of the water resources of this state. Except as provided in subsection (4) of this section, such reservoirs are exempt from regulation by the Water Resources Commission and the Water Resources Department and are not required to obtain a permit or certificate under ORS 537.140 to 537.252.

(2)(a) On or before January 31, 1997, an owner of a reservoir constructed before January 1, 1995, shall provide written notification to the department of the existence of the exempt reservoir. The written notification shall include the quantity of water stored by the reservoir, the source of the water used to fill the reservoir and a map or drawing of sufficient quality and scale to establish the general location of the reservoir by tax lot, township, range and section and to the nearest quarter-quarter section.

(b) Any person who submitted a notice of exemption for a reservoir under ORS 537.141 and qualified for the exemption shall be allowed an exemption.

(3) Within 90 days after receiving written notification under subsection (2) of this section, the department shall provide notice of the exemption in the manner the department determines to be the most appropriate.

(4) Detailed, legally obtained information demonstrating that a specific reservoir exempt under subsection (1) of this section should not be exempt shall be submitted in writing to the department on or before August 1, 1997:

(a) By the State Department of Fish and Wildlife if the reservoir should not be exempt because the existing reservoir, including any impoundment structure, poses a significant detrimental impact to existing fishery resources; or

(b) By any person if the existing reservoir should not be exempt because the existing reservoir, including the storage or use of the water, results in injury to an existing water right.

(5) Within 180 days after the department receives information under subsection (4) of this section, the Water Resources Director shall determine whether the reservoir results in injury to an existing water right or poses a significant detrimental impact to existing fishery resources. The determination of injury to an existing water right or impact to existing fishery resources shall be based on verifiable evidence.

(6) If the director determines that an existing reservoir does not injure an existing water right or pose a significant detrimental impact to existing fishery resources, the res-

ervoir shall be exempt under subsection (1) of this section.

(7) If the director determines that an existing reservoir results in injury to an existing water right or poses a significant detrimental impact to existing fishery resources, the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resources.

(8) If the director fails to act under subsection (6) or (7) of this section within 180 days after receiving the information under subsection (4) of this section, the reservoir shall be considered exempt.

(9) Nothing in this section shall be construed to allow any owner of a reservoir exempt under this section to increase the quantity of water stored in or diverted from such reservoir on or before January 1, 1995. [1995 c.752 §2]

537.407 Water right certificate for reservoirs existing before January 1, 1993; injury to other users; conversion of prior application to notice of exemption. (1) The Water Resources Department shall issue a water right certificate to any person who submitted an application for a reservoir under section 4, chapter 595, Oregon Laws 1993 (1993 Edition).

(2) Within 90 days after issuing a certificate under subsection (1) of this section, the department shall provide notice of the certificate in the manner the department determines to be the most appropriate.

(3) Detailed, legally obtained information demonstrating that a specific reservoir granted a certificate under subsection (1) of this section should not be certificated shall be submitted in writing to the department on or before August 1, 1997:

(a) By the State Department of Fish and Wildlife if the reservoir should not be exempt because the existing reservoir, including any impoundment structure, poses a significant detrimental impact to existing fishery resources; or

(b) By any person if the existing reservoir should not be exempt because the existing reservoir, including the storage or use of the water, results in injury to an existing water right.

(4) Within 180 days after the department receives information under subsection (3) of this section, the Water Resources Director shall determine whether the reservoir results in injury to an existing water right or poses a significant detrimental impact to existing fishery resources. The determination of injury to an existing water right or impact to

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I THINK THE ONLY WAY TO INTERPRET THIS IS "COMPLETE APPLICATION"

WE HAVE DETAILED LEGALLY OBTAINED INFO - NO CLUE MAP NO PLANS & SPECS

(b) Describe alternative methods and the associated costs for protecting potential storage sites, including issuance of preliminary permits and modification of the reservoir permitting process.

(2) In preparing the report under subsection (1) of this section, the department shall consult with individuals and groups interested in reservations of water. [1995 c.473 §4]

537.358 Rules for reservation for future economic development. The Water Resources Commission shall adopt rules to carry out the provisions of ORS 537.356. The rules shall include a provision for a review under ORS 537.170 to be conducted:

(1) At the time a reservation for future economic development is made; and

(2) At the time the reserved water is applied to consumptive use or out-of-stream use. [1987 c.859 §14]

537.360 Relationship between application for in-stream water right and application for certain hydroelectric permits. If an application is pending under ORS chapter 537 for a water right permit to use water for hydroelectric purposes or under ORS 543.010 to 543.610 for a hydroelectric permit or license at the time the Water Resources Commission receives an application for an in-stream water right under ORS 537.336 for the same stream or reach of the stream, the commission shall not take any action on the application for an in-stream water right until the commission issues a final order approving or denying the pending hydroelectric application. [1987 c.859 §15]

MISCELLANEOUS

537.385 Extension of irrigation season; limitations. (1) Notwithstanding any condition or limitation of a water right permit issued under ORS 537.211 or 537.625 or a water right certificate issued under ORS 537.250, 537.630 or 539.140, upon receipt of a request by the State Department of Agriculture, the Water Resources Commission may, by order, extend the irrigation season of a subbasin beyond the period established by adjudication, administrative rule or by condition imposed on a permit or certificate, if the commission finds:

(a) Water is available during the period of the extended irrigation season;

(b) Water use during the extended season would not impair in-stream flows that are necessary to protect aquatic resources; and

(c) Water diversion and use during the period of the extended season would not impair the achievement or maintenance of water quality standards as established for the water source by the Department of Environmental Quality.

(2) If the source of water identified in the request is stored water and water is available from the storage source during the period of the extended irrigation season, the commission may extend the irrigation season as requested without making the findings required by subsection (1) of this section. However, use of water during the extended period shall be limited to the stored water.

(3) In order to ensure that use of water during an extended irrigation season does not injure existing and future water rights, use of water during the extended period of the irrigation season shall be subordinated to all existing and future water rights.

(4) Use of water during the extended irrigation season shall comply with all conditions and limitations of the permit or certificate, including the rate, duty and place of use of the right.

(5) Use of water shall be regulated among irrigators for whom the season has been extended during the extended irrigation season according to the priority date of the permit or certificate. [1995 c.356 §1]

Note: 537.385 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 537 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

537.390 Valuation of water rights. In any valuation for rate-making purposes, or in any proceeding for the acquisition of rights to the use of water and the property used in connection therewith, under any license or statute of the United States or under the laws of Oregon, no value shall be recognized or allowed for such rights in excess of the actual cost to the owner of perfecting them in accordance with the provisions of the Water Rights Act. [Formerly 537.280; and then 537.335]

537.395 Public recapture of water power rights and properties; no recapture of other rights. (1) Any certificate issued for power purposes to a person other than the United States, or the State of Oregon or any municipality thereof, shall provide that after the expiration of 50 years from the granting of the certificate or at the expiration of any federal power license, and after not less than two years' notice in writing to the holder of the certificate, the State of Oregon, or any municipality thereof, may take over the dams, plants and other structures, and all appurtenances thereto, which have been constructed for the purpose of devoting to beneficial use the water rights specified in the certificate. The taking over shall be upon condition that before taking possession the state or municipality shall pay not to exceed the fair value of the property taken, plus such reasonable damages, if any,

existing fishery resources shall be based on verifiable evidence.

(5) If the director determines that an existing reservoir does not injure an existing water right or pose a significant detrimental impact to existing fishery resources, the certificate for the reservoir shall continue with the same terms and conditions included with the certificate under subsection (1) of this section.

(6) If the director determines that an existing reservoir results in injury to an existing water right or poses a significant detrimental impact to existing fishery resources, the director shall require the owner of the reservoir to take appropriate action to mitigate injury to existing water rights or impact to the existing fishery resources.

(7) If the director fails to act under subsection (5) or (6) of this section within 180 days after receiving the information under subsection (3) of this section, the certificate shall continue with the same terms and conditions included with the certificate.

(8) Nothing in this section shall be construed to allow any owner of a reservoir certificated under this section to increase the quantity of water stored in or diverted from such reservoir on or before January 1, 1995.

(9) Any person who submitted an application for a reservoir under section 4, chapter 595, Oregon Laws 1993 (1993 Edition), may submit a written request to the department to convert the application to a notice of exemption under ORS 537.405. Upon receipt of a request under this subsection, the department shall refund all fees and convert the application to a notice of exemption. [1995 c.752 §3]

537.409 Alternate permit application process for qualifying reservoirs; injury to existing users or fishery resources; public interest review. (1) In lieu of the process set forth in ORS 537.140 to 537.211 for applying for a water right permit, an owner of a reservoir may submit an application to the Water Resources Department to issue a water right permit under ORS 537.211 or a certificate under ORS 537.250 according to the process set forth in this section if the reservoir:

(a) Has a storage capacity of less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height;

(b) Does not injure any existing water right;

(c) Does not pose a significant detrimental impact to existing fishery resources as determined on the basis of information

submitted by the State Department of Fish and Wildlife; and

(d) Is not prohibited under ORS 390.835.

(2) An application for a water right permit for a reservoir under subsection (1) of this section shall provide sufficient information to demonstrate compliance with the criteria set forth in subsection (1) of this section. The application shall:

(a) Include the quantity of water to be stored by the reservoir, a map indicating the location of the reservoir and the source of the water used to fill the reservoir; and

(b) Be accompanied by the fee established in ORS 536.050 (1)(s).

(3) Within 60 days after receiving an application under subsection (1) of this section, the Water Resources Department shall provide public notice of the application in the manner the department determines to be the most appropriate.

(4) Within 60 days after the department provides public notice under subsection (3) of this section, any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir:

(a) Would result in injury to an existing water right; or

(b) Would pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife.

(5) In accordance with rules established by the Water Resources Commission for an expedited public interest review process for applications submitted under this section or in response to a request under subsection (4) of this section, the department shall conduct a public interest review of the reservoir application. The review shall be limited to issues pertaining to:

(a) Water availability;

(b) Potential detrimental impact to existing fishery resources; and

(c) Potential injury to existing water rights.

(6) Within 180 days after the department receives an application for a permit under subsection (1) of this section, the department shall issue a final order granting or denying the permit or granting the permit with conditions.

(7) If the department issues an order under subsection (6) of this section denying the permit, the applicant may request a contested case hearing, which shall be con-

ducted in accordance with applicable provisions of ORS 183.310 to 183.550.

(8) If the department does not find injury or impact under subsection (5) of this section and the department issues a final order under subsection (6) of this section allowing the issuance of a permit, the order shall be subject to judicial review of orders in other than contested cases as provided in ORS 183.310 to 183.550. [1995 c.752 §4]

CANCELLATION OF PERMIT FOR APPROPRIATION

537.410 Failure to commence or complete work, or to properly apply water, as grounds for cancellation of permit; irrigation districts, municipalities and public utilities excepted. (1) Whenever the owner of a permit to appropriate the public waters of Oregon fails to commence actual construction work within the time required by law, or having commenced construction work as required by law, fails or neglects to prosecute the construction work with reasonable diligence, or fails to complete the construction work within the time required by law, or as fixed in the permit, or within such further time as may be allowed under ORS 537.230, or having completed construction work, fails or neglects to apply the water to beneficial use within the time fixed in the permit, the Water Resources Commission may cancel the permit on the records in the Water Resources Department as provided in ORS 537.410 to 537.450.

(2) However, permits issued by the commission to irrigation districts for reclamation purposes under the irrigation district laws of this state, to municipal corporations for municipal uses or purposes or to public utilities complying with subsection (3) of this section for an energy facility granted a site certificate by the Energy Facility Siting Council, are not subject to cancellation under the provisions of ORS 537.410 to 537.450.

(3) For a public utility to qualify under subsection (2) of this section:

(a) The energy facility of the public utility must not be a facility required to be licensed under ORS chapter 543; and

(b) The public utility must supply information every two years that demonstrates to the satisfaction of the commission that the conditions in the site certificate issued by the Energy Facility Siting Council contemplate the future use of the remaining portion of the water applied for in the original permit application. [Amended by 1985 c.673 §41; 1995 c.372 §1]

537.420 Notice of hearing. Whenever a permit holder fails to comply with the laws of the state and the requirements of the per-

mit as to the commencement of work with due diligence, completion of the work of construction or the application of the water for a beneficial use, and the permit is subject to cancellation as provided in ORS 537.410 to 537.450, the commission shall, not less than 30 nor more than 60 days prior to the hearing provided for in ORS 537.445, notify each person who, according to department records, is the holder of a water right permit or certificate whose right may be injured by the proposed cancellation. The notice shall require the holder of the permit to appear before the commission at the time and place designated in the notice, and show cause why the permit described in the notice should not be canceled for the reasons therein specified. The notice shall contain a brief statement of the grounds for cancellation and shall be served in accordance with ORS 183.415. [Amended by 1983 c.740 §212; 1985 c.673 §42; 1991 c.103 §1]

537.430 [Repealed by 1971 c.734 §21]

537.440 Cancellation of permit; priorities of other permits. If the decision of the Water Resources Commission requires the cancellation of a permit, then the commission shall at once cancel, or have canceled, the permit. Thereafter the permit shall be of no further force or effect, and shall not be recognized or admitted as evidence of any right or interest in or to the waters covered by it in any proceeding in the courts or before other tribunals of the state. Permits having subsequent priority shall upon such cancellation have priority in the order of the filing of the applications upon which subsequent permits are based, as if the canceled permit, or the application upon which it was based, had never existed. [Amended by 1985 c.673 §43]

537.445 Hearing upon proposal to cancel permit or appropriation; cancellation suspended pending review. (1) If the Water Resources Commission proposes to cancel a permit or appropriation under ORS 537.410 to 537.450, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) If a petition for review of an order canceling a permit or appropriation is filed under ORS 536.075, the commission shall not cancel the permit or appropriation under ORS 537.440 until the petitioner's right of review is exhausted and the order is finally approved. [1971 c.734 §82; 1985 c.673 §44]

537.450 Rules for proof as to work and use of water under permits; noncompliance as evidence in cancellation proceedings. The Water Resources Commission may by rule provide that the owners of permits shall submit or furnish proofs of commencement of work, prosecution of work

SECTION 6. Upon receipt of a request for a permit under section 4 of this 1993 Act, the Water Resources Commission shall determine whether the use meets the requirements of sections 4 and 5 of this 1993 Act. A reservoir included in a request submitted under section 4 of this 1993 Act may continue to store water while the application is reviewed by the commission.

SECTION 7. (1) If the Water Resources Commission determines a use meets the requirements of sections 4 and 5 of this 1993 Act, the request shall be approved and a permit of the same character as that described in ORS 537.211 shall be issued to the applicant. The permit shall carry the same protections and restrictions as any other water right issued by the commission.

(2) A reservoir described in an application submitted under section 4 of this 1993 Act shall be subject to regulation by the commission if injury occurs to another water right with a priority date earlier than January 1, 1993, as a result of a use described in the application.

(3) A certificate described under ORS 537.250 issued to a fire protection district formed pursuant to ORS 478.010 or a forest protection district formed pursuant to ORS 477.225 for the use of maintaining a fire protection system shall be subject to loss of right as provided in ORS 540.610 if, for five consecutive years:

(a) The district does not have access to the reservoir; or

(b) Water is not stored in the reservoir.

(4) If the commission determines that the use does not meet the requirements of sections 4 and 5 of this 1993 Act, the commission shall deny the request for a permit under section 4 of this 1993 Act.

SECTION 8. (1) Except as provided in subsection (2) of this section, upon submission of an application under section 4 of this 1993 Act, the Water Resources Commission shall not take any enforcement action relating to the unlawful storage of water in a reservoir included in the application.

(2) The commission may take enforcement action for:

(a) Any violation of dam safety requirements; and

(b) Any violation of the regulatory requirements of the commission under section 7 (2) of this 1993 Act.

SECTION 9. ORS 537.400 is amended to read:

537.400. (1) All applications for reservoir permits shall be subject to the provisions of ORS 537.130, 537.140, 537.142 and 537.145 to 537.240, except that an enumeration of any lands proposed to be irrigated under the Water Rights Act shall not be required in the primary permit. But the party proposing to apply

to a beneficial use the water stored in any such reservoir shall file an application for permit, to be known as the secondary permit, in compliance with the provisions of ORS 537.130, 537.140, 537.142 and 537.145 to 537.240. The application shall refer to the reservoir for a supply of water and shall show by documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in the reservoir to impound enough water for the purposes set forth in the application. When beneficial use has been completed and perfected under the secondary permit, the Water Resources Commission shall take the proof of the water user under the permit. The final certificate of appropriation shall refer to both the ditch described in the secondary permit and the reservoir described in the primary permit.

(2) Whenever application is made for permit to store water in a reservoir or pond for any beneficial use which does not contemplate future diversion of the stored water except by livestock drinking from stock water ponds, the extent of utilization thereof may be included in the reservoir permit and no secondary permit shall be required. However, in cases where water from a stream is required to maintain a reservoir or pond by replacing evaporation and seepage losses, or is required to maintain suitable fresh water conditions for the proposed use and to prevent stagnation, the applicant for permit to store water in such reservoir or pond shall also file an application for permit to appropriate the waters of the stream.

(3) An application submitted to construct a reservoir storing less than 9.2 acre-feet of water or with a dam less than 10 feet in height need not be accompanied by a map prepared by a water right examiner certified under ORS 537.798 as required by ORS 537.140 (4). The map submitted with the application shall comply with standards established by the commission. The survey required under ORS 537.230 shall be prepared by a water right examiner certified under ORS 537.798 and shall be submitted to the commission before the commission issues the water right certificate.

Approved by the Governor August 4, 1993

Filed in the office of Secretary of State August 4, 1993
Effective date November 4, 1993

CHAPTER 596

AN ACT

HB 2286

Relating to children; creating new provisions; and amending ORS 25.020, 25.050, 25.130, 25.170, 25.180, 25.190, 25.287, 25.310, 25.450, 25.460, 25.480, 25.610, 25.620, 25.650, 25.670, 108.110, 109.015, 109.100, 109.125, 110.172, 110.182, 110.185, 110.226, 110.232, 110.281, 416.415, 416.425, 416.427, 416.429, 416.430, 416.445, 742.504 and 742.520.

Be It Enacted by the People of the State of Oregon:

tice of the use to the Water Resources Department on or before January 1, 1995. The notice shall be verified by the owner of the reservoir and shall include a map indicating the location of the reservoir, the amount of water stored and the source of the water used to fill the reservoir.

(3) By rule, the commission may require any person or public agency diverting water as described in subsection (1) of this section to furnish information with regard to such water and the use thereof.

(4) As used in this section, "off-channel" means outside a natural waterway of perceptible extent which, during average water years, seasonally or continuously contains moving water that flows off the property owned by the applicant and has a definite bed and banks which serve to confine the water. "Off-channel" may include the collection of storm water run-off, snow melt or seepage which, during average water years, does not flow through a defined channel and does not flow off the property owned by the applicant.

SECTION 4. (1) Before January 1, 1995, any person, public agency, rural fire protection district formed pursuant to ORS 478.010 or forest protection district formed pursuant to ORS 477.225 may request the Water Resources Commission to issue a water storage permit under ORS 537.211 for any reservoir in existence on or before January 1, 1993, but not exempt under section 3 (1)(d) of this 1993 Act. The person requesting a permit under this section shall:

(a) Submit a completed application for a permit for the water use;

(b) Pay fees equivalent to the fees required under ORS 536.050 for a permit to appropriate water;

(c) Provide a map indicating the location of the water use;

(d) Provide evidence that the water use meets the requirements of section 5 of this 1993 Act; and

(e) Provide any other information the commission may require by rule.

(2) Except as provided in subsection (3) of this section:

(a) Up to 10 reservoirs may be included in a single water storage permit request under subsection (1) of this section if all of the reservoirs are within the same ownership on contiguous property and within the same drainage basin as defined by the Water Resources Commission; or

(b) For a rural fire protection district formed pursuant to ORS 478.010 or a forest protection district formed pursuant to ORS 477.225, up to 10 reservoirs may be included in a single water storage permit request if all of the reservoirs are:

(A) Within the boundaries of the rural fire protection district or forest protection district;

(B) Within the same drainage basin as defined by the Water Resources Commission; and

(C) An element of the district's fire protection system.

(3) A person, rural fire protection district formed pursuant to ORS 478.010 or forest protection district formed pursuant to ORS 477.225 applying for a permit for a reservoir that stores 9.2 acre-feet or more of water or that has a dam 10 feet or more in height shall:

(a) Submit a separate completed request for a permit for each reservoir;

(b) For each request, pay fees equivalent to the fees required under ORS 536.050 for a permit to appropriate water;

(c) Provide a map prepared by a water right examiner certified under ORS 537.798;

(d) Comply with the provisions of ORS 540.350 to 540.390;

(e) Provide evidence that the water use meets the requirements of section 5 of this 1993 Act; and

(f) Provide any other information the commission may require by rule.

(4) All fees received under this section shall be deposited in the Water Resources Department Operating Account as described in ORS 536.050 (3).

SECTION 5. (1) A permit for a water use may be issued pursuant to a request under section 4 of this 1993 Act only if the use is for a reservoir in existence on January 1, 1993, and otherwise meets permit requirements.

(2) Applications for a permit under section 4 of this 1993 Act must be received by January 1, 1995. The tentative priority date for an application received by January 1, 1995, shall be January 1, 1993.

(3) The commission shall adopt by rule the standard for the map required under section 4 (1) of this 1993 Act. Except as provided in section 4 (3) of this 1993 Act, the map need not be prepared by a water right examiner certified under ORS 537.798.

(4) Notwithstanding the requirement for a survey set forth in ORS 537.230, no survey of the appropriation is required for a reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet in height.

(5) A water right certificate under ORS 537.250 may be issued in lieu of a permit if:

(a) The reservoir existed before January 1, 1993;

(b) The records of the Water Resources Department provide satisfactory documentation to describe the location and volume of storage;

(c) Modifications or alterations to the impoundment structure are not required; and

(d) The commission determines under subsection (1) of this section that a reservoir would qualify for issuance of a permit.

SECTION 1. ORS 25.020 is amended to read:

25.020. (1)(a) After October 1, 1981, when any court decrees, orders or modifies any preexisting order for support of any person under ORS chapter 107, 108, 109, 110, 416 or 419, or when any such order exists, the obligor shall make payment thereof to the Department of Human Resources when the obligee is receiving general or public assistance, as defined by ORS 411.010, or care, support or services pursuant to ORS 418.015, and for a period of three months from the month following the month in which the obligee ceased to receive assistance or care, support or services, and for any period of time following for which there remains unpaid support assigned to the State of Oregon, and for any case referred by the district attorney or the Support Enforcement Division of the Department of Justice, whichever is appropriate. The Department of Human Resources shall, except for amounts required by federal law or regulation to be paid to the obligee, retain either all of the support money or the amount equal to the general or public assistance or care, support or services paid, whichever is less.

(b) The department may immediately transmit payments received from any obligor who has not previously tendered any payment by a check or instrument which was not paid or was dishonored, to the obligee, without waiting for payment or clearance of the check or instrument received.

(c) The Department of Human Resources shall notify each obligor **and obligee** by mail when support payments shall be made to the department and when the obligation to make payments in this manner shall cease.

(2) The decree or order shall contain the home address and Social Security number of the obligee and the home, business address and Social Security number of the obligor. Each person shall inform the court and the Department of Human Resources in writing of any change in home or business address within 10 days after such change. The Department of Human Resources may also require of the parties any additional information which is authorized by law and is necessary for the operation of support enforcement and collection activities.

(3) When a support payment which is due the Department of Human Resources or the clerk of the court, whichever is appropriate, is delinquent, the department or clerk shall promptly send notice to **both the [defaulting party] obligor and the obligee** of the amount due. If payment is not made to the department or clerk within 10 days after the notice is sent, the department or clerk shall send to the Support Enforcement Division of the Department of Justice or to the district attorney, whichever is appropriate, a copy of the statement of the delinquent amount.

(4) Whether or not any payments by an obligor are delinquent, payment of any money by an obligor direct to an obligee or on behalf of an obligee to a person other than the Department of Human Resources or the clerk of the court out of which the order is issued, whichever is appropriate, shall not

be credited against the support obligation of the obligor during the period payments are required to be made to the department or clerk.

(5) Subject to ORS 25.030, this section, to the extent it imposes any duty or function upon the Department of Human Resources, shall be deemed to supersede any provisions of ORS chapters 107, 108, 109, 110, 416 and 419 which would otherwise impose the same duties or functions upon the county clerk.

SECTION 2. ORS 25.050 is amended to read:

25.050. (1) In addition to any other remedy provided in law for the enforcement of support, the court, upon notice that support payments under orders entered under ORS chapters 24, 107 and 110 and ORS 108.110, 109.100, 109.155 and 419.513, or any fees provided for in ORS 23.185, 25.010 to 25.050, 25.070 to 25.090, 25.130 to 25.160, 25.350, 108.110, 109.100, 109.125, 409.120 and 418.042, are delinquent and application by the obligee or by the district attorney or Support Enforcement Division of the Department of Justice, shall issue an order directing any employer or trustee, including but not limited to a conservator, of the obligor to withhold and pay over to the Department of Human Resources or the clerk of the court out of which the order is issued, or to the obligee, by deposit into the obligee's bank account whichever is appropriate, from the obligor's disposable earnings, as defined in ORS 23.175, or unemployment compensation under ORS 657.780, workers' compensation benefits under ORS 656.234 or any other federal or state benefit otherwise subject to such withholding for the collection of child support, the amount stated in the order, subject to the following:

(a) For as long as arrearages are owed, the amount to be withheld shall not be less than 25 percent of the obligor's disposable earnings plus any employer fee which the department may establish or the amount of the monthly support obligation plus \$1 plus an employer fee, whichever is greater.

(b) When arrearages are paid in full, the amount to be withheld shall equal the monthly support obligation plus an employer fee.

(c) Notwithstanding paragraph (a) or (b) of this subsection, the amount of earnings to be withheld shall not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. §1673(b)) as of January 3, 1985.

(d) Notwithstanding paragraph (a), (b) or (c) of this subsection, the maximum amount of unemployment compensation to be withheld under ORS 657.780 shall not exceed:

(A) One-fourth of the benefits paid or the amount of current support, whichever is less; or

(B) If the current child support has terminated, one-fourth of the benefits paid or the amount of the last ordered monthly support, whichever is less.

(2)(a) An order entered pursuant to this section shall recite the amount of delinquent support amounts due, as shown on the records of the Department of Human Resources and the amount required to be paid as continuing support, if any.

of the Oregon State Police to assist the bordering state's police officers under identically prescribed criteria in the neighboring state in areas near the Oregon border with the neighboring state.

(5) The Superintendent of State Police is authorized to enter into reciprocal agreements with bordering state law enforcement agencies for the purpose of providing assistance to the Oregon State Police and the bordering state law enforcement agency in carrying out major operations and responding to emergencies in areas near the Oregon border and the border of the adjacent state.

SECTION 6. ORS 236.350 is amended to read: 236.350. As used in ORS 236.350 to 236.370:

(1) "Police officer" [has the meaning given that term in ORS 181.610 (7)] **means an officer or member of a law enforcement unit who is employed full-time as a peace officer commissioned by a city, port, school district, mass transit district, county, Indian reservation, the Criminal Justice Division of the Department of Justice, the Oregon State Lottery Commission or the Governor and who is responsible for enforcing the criminal laws of this state or laws or ordinances relating to airport security.**

(2) "Disciplinary action" means any action taken against a police officer by a public employer for the purpose of punishing the officer, including dismissal, demotion, suspension without pay, reduction in salary, written reprimand or transfer.

(3) "Just cause" means a cause reasonably related to the employee's ability to perform required work. The term includes any willful violation of reasonable work rules, regulations or written policies.

Approved by the Governor August 4, 1993
Filed in the office of Secretary of State August 4, 1993
Effective date November 4, 1993

CHAPTER 595

AN ACT

HB 2153

Relating to use of surface water; creating new provisions; and amending ORS 537.143 and 537.400.
Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 537.143 is amended to read:

537.143. (1) Notwithstanding the provisions of ORS 537.130, the Water Resources Commission may establish by rule a procedure to allow a person to obtain a limited license to use **ground water not otherwise exempt under ORS 537.545, stored water or surface water** for the following purposes after the person complies with the notice provisions set forth in ORS 537.144:

- (a) Fire-fighting storage ponds under five acre-feet and less than 10 feet high;
- (b) Trucking water to be used for stock watering;
- (c) Road construction and maintenance;

- (d) General construction;
- (e) Initial filling of or testing of waste water lagoons for leakage; [or]
- (f) Stock ponds under five acre-feet and less than 10 feet high; [.]
- (g) **Forestland and rangeland management; or**
- (h) **Increasing flows to assist in fish migration and passage.**

(2) The use of water under a limited license under subsection (1) of this section shall not have priority over any water right exercised according to a permit or certificate and shall be subordinate to all other permitted uses. The commission may revoke the right to use of water acquired under a limited license pursuant to subsection (1) of this section at any time if the use may harm:

- (a) Any other water user;
- (b) A minimum perennial streamflow; or
- (c) An in-stream water right.

(3) [The commission shall not issue a limited license to use surface water for a period in excess of 90 days. The commission may allow an extension of the limited license not to exceed 90 days.] **The commission may issue a limited license for a period of up to one year. However, the limited license shall not authorize the use of water for more than 180 days during a one-year period. The licensee shall give notice to the department at least 15 days in advance of using the water under the limited license and shall maintain a record of use. During the period of the limited license, the record of use shall be available for review by the department upon request.**

(4) Nothing in this section is intended to prohibit any person from obtaining a water right certificate under ORS 537.250 or 537.630 for any use set forth in subsection (1) of this section.

SECTION 2. Sections 3 to 8 of this Act are added to and made a part of ORS chapter 537.

SECTION 3. (1) The following water uses do not require a water right permit under ORS 537.211 or a water right certificate under ORS 537.250:

- (a) Emergency fire-fighting uses;
- (b) Water uses that divert water to water tanks or troughs from a reservoir for a use allowed under an existing water right permit or certificate for the reservoir;
- (c) Fish screens, fishways and fish by-pass structures, as exempted by rule of the commission; and
- (d) Reservoirs that store less than 9.2 acre-feet of water or with dams less than 10 feet in height, that are located off-channel and outside the immediate riparian areas, that do not divert water from a natural stream, lake or other on-channel source and that were constructed before January 1, 1993.

(2) To qualify as an exempt water use under this section, the user shall provide written no-

To: Jerry.F.Vogt@STATE.OR.US, Larry Menteer
From: Russ Klassen <Russell.W.KLASSEN@wrд.state.or.us>
Subject: request for comments on R-76052
Cc:
Bcc:
X-Attachments:

ALSO FAXED APP

Reservoir file R-76052

This request to store 50 acre feet of water was "lost in the shuffle" and is overdue. I will fax you a copy of the map. I wanted to touch base with you prior to proceeding to see if mitigation conditions are required to prevent:

- 1) the reservoir from causing significant detrimental impact to existing fishery resources or,
- 2) the reservoir or use from resulting in injury to an existing water right.

Please respond with any concerns that you may have. I will be proceeding by January 11, 2000. If that is too quick for you to investigate the matter call me and we will figure something out.

Russ

THE WATERMASTER
HAD NO COMMENTS,
PER PHONE
RWK

JOHN,
THE RESERVOIR APPLICATION IN THIS FILE WAS FILED UNDER THE
HC 2153 RULES. HB 2376 INSTRUCTS THE DEPARTMENT TO
ISSUE CERTIFICATES FOR APPLICATIONS FILED UNDER 2153. HOWEVER,
THE DEPARTMENT STILL HAD THE AUTHORITY TO REQUIRE PLANS
& SPECS. THESE FOLKS HAVE NOT SUBMITTED PLANS & SPECS.
THE FILE HAS BEEN LOST IN THE SHUFFLE FOR QUITE SOME TIME,
& IS A BIG MESS. I HAVE LOCATED THE APPLICANT'S ADDRESS FROM
THE COUNTY RECORDS:
IF YOU HAVE QUESTIONS, FEEL
FREE TO ASK.
RWK 3/23/00

BARBARA GENE HILKEY
14618 TILER FOOT RD, SPACE 155
NEVADA CITY, CA 95959

PS. RETURN
THE FILE TO
ME WHEN
THROUGH

IR CHECKLIST

Application # R-76052 Priority Date: 12-29-94
 Basin: 15-Rogue County: Jackson
 Township 35 south Range 3 west Section 25 1/4 1/4
 WAB #: 274 POU WAB #: 274

- Priority 1-1-9
 See Appl.
 ?

- Paid \$300.00 on 12-28-94. (\$200 - Exam)
 100 - Record

1. Complete by Minimum Requirements checklist? Yes No Map -

Items still required:

Middle Rogue River Basin Caldwell Cr trib to Sams Cr trib
 2. Basin Maps have been checked? Yes No Sources: Caldwell Cr, Sams Cr & Middle Cr.
trib to Rogue R (R mile 123)

3. Within or above a Scenic Waterway? Yes No Rogue Scenic Waterway
 Conditions/Restrictions? Yes No

N/A 4. Groundwater Review: A B C D River/Stream Name _____
 Conditions? _____ Water Availability: A B C

N/A 5. Is the well located in a groundwater limited area? Yes No No Name _____

N/A 6. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes No (If Yes, call, E-mail and send cc of IR to DEQ)

7. Requested Use & Rate: Irrigation - Store 50.0 AF

8. Season requested by applicant: None stated

9. Allowed under Basin Program? Yes No Yes 690-515-005 (1)(a)(c)(v)
 Limitations? Yes No Water may be stored between Nov. 1 & Mar. 31 of ea year.

10. Withdrawn? Yes No Storage Season Allowed: Nov. 1 - March 31

11. Water Availability: 80% _____ 50% No Water June 1 - Nov. 30 N/A

12. For Irrigation: Rate _____ Duty _____ Storage Season: Nov. 1 - March 31

N/A 13. For Nursery or Cranberry: Rate _____ Duty _____ Season _____

✓ 14. Conflict? Yes No ? Permit 44166 (Appl 58134) - Hard to tell from this Appl Map.

✓ 15. BOR project? Yes No Contract # and Duty: _____

16. Conditions (BOR, GW, other)? Yes "Coastal Warning", _____

✓ 17. Land use approval: OK'd ¹²⁻¹⁹⁻⁹⁴ Needs Approval County Notified N/A

✓ 18. Proposed Allowed Use & Rate: Storage of 50 AF for Irrigation Purposes
Proposed Allowed Period of Use: December 1 thru March 31.

✓ 19. Measuring condition: Small Medium Large

✓ 20. Subject to Division 33: Yes No N/A
Above Bonneville _____ TES? Yes No
Below Bonneville _____ TES? Yes No
TES only? Yes No

✓ 21. On DEQ 303d list? Yes No N/A

N/A ✓ 22. Within Dept. Of Agriculture Water Quality Management Area? Yes No N/A
TUALATIN _____ BEAR CREEK(ROGUE) _____

✓ 23. Watermaster Dist: NWR (1 2 16 18 20) NCR (3 4 5) ER (6 8 9 10)
SCR (11 12 17) SWR (13 14 15 19)

✓ 24. ODFW Biologist Jerry Vogt, Central Point

25. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

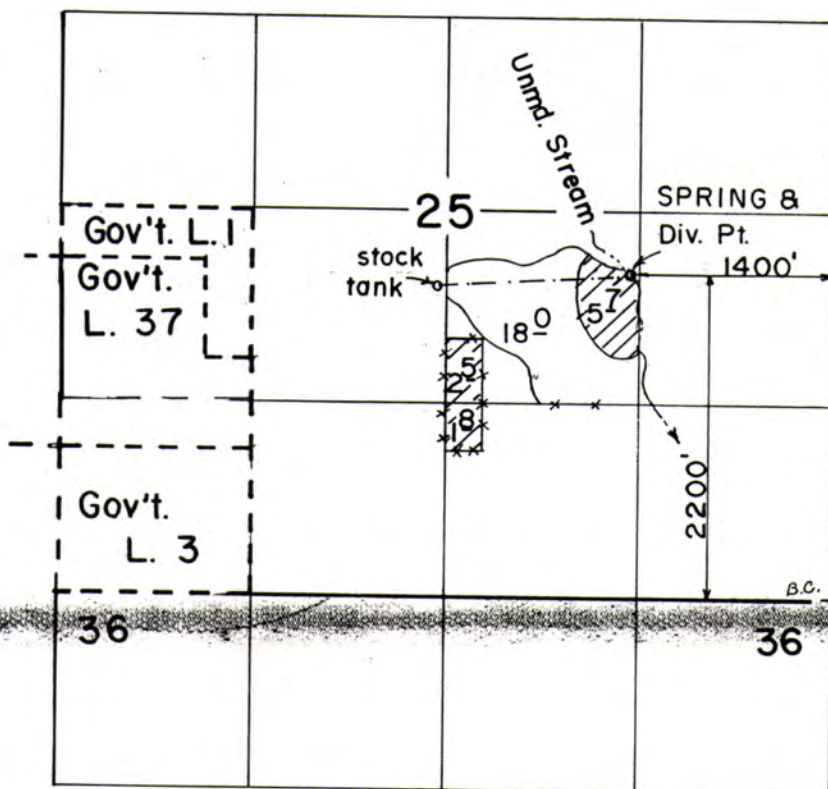
Name: [Signature]

Date: 12-2-99

COPY

- Possible Conflict

T. 35 S., R. 3 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY
UNDER

From: Application No. 58134 Permit No. 44166
IN NAME OF

DANIEL L. &/or MAE H. HILKEY

Surveyed JUN. 18. 19.87., by B. S. JAMES...

DAQ3

(b) (A) To support aquatic life and minimize pollution in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of Williams Creek and Thompson Creek and tributaries for flows below the specified levels in Table 3, Section B. This limitation shall not apply to:

(i) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(ii) Water legally stored or released from storage, subject to paragraph (1)(a)(C).

(B) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(4) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with recreational, fish life, or other beneficial uses of water.

(5) Existing Rights

Water rights and permits issued prior to the effective date of this program shall not be affected.

Middle Rogue Basin

690-515-005

(1) Classifications

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

(A) The maximum economic development of this state, the attainment of the highest and best use of waters within the Rogue River Scenic Waterway from the confluence with the Applegate River near river mile 95 to Lobster Creek Bridge near river mile 11 and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, and irrigation of one-half acre noncommercial garden, and instream use for recreation, wildlife and fish life, and the aforementioned waters of the Rogue River Scenic Waterway are hereby so classified.

(B) Those waters on which further development is restricted by ORS 538.270 and 542.210.

(C) The waters of the following streams and tributaries are classified only for domestic use, livestock consumption and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a). Domestic use does not include irrigation of lawns and gardens.

- (i) Galls Creek
- (ii) Foots Creek
- (iii) Birdseye Creek
- (iv) Sardine Creek
- (v) Sams Creek
- (vi) Kane Creek
- (vii) Fruitdale Creek
- (viii) Ward Creek
- (ix) Gilbert Creek
- (x) Jones Creek
- (xi) Savage Creek

(D) The waters of the following streams and tributaries, are classified only for domestic, livestock and irrigation of one-half acre noncommercial garden and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a).

- (i) Pickett Creek
- (ii) Limpy Creek
- (iii) Snider Creek
- (iv) Shan Creek

(E) The waters of the following streams and tributaries, are classified only for domestic, livestock, irrigation of one-half acre noncommercial garden, mining during the period November 1 to May 1, power development and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a).

- (i) Grave Creek
- (ii) Evans Creek

(F) The waters of Jumpoff Joe Creek and tributaries are classified only for domestic, livestock, irrigation of one-half acre noncommercial garden, industrial, mining during the period November 1 to May 1, power development and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a).

(G) To protect, maintain and perpetuate anadromous fish habitat and propagation within the Middle Rogue Basin, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes:

(i) Galice Creek from the intersection with the south line of Section 10, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(ii) North Fork Galice Creek from the intersection with the west line of Section 5, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(iii) Taylor Creek from the intersection with the east line of Section 34, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(iv) South Fork Taylor Creek from the intersection with the south line of Section 28, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(v) Lone Tree Creek from the intersection with the north line of Section 32, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(vi) Minnow Creek from the intersection with the south line of Section 34, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(b) Applications for the use of the waters of the Middle Rogue River Basin shall not be accepted by any state agency for any other purpose than those specified in section (a) and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications, are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Storage

(a) All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution. Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged.

(b) Potential reservoir sites should be identified in the comprehensive land use planning process for possible future development or until alternative methods of meeting water needs have been developed. Immediate consideration should be given to the following sites:

(A) Grave Creek, SE 1/4, Section 6, Township 34 South, Range 4 West, Willamette Meridian.

(B) Jumpoff Joe Creek, NE 1/4, Section 36, Township 34 South, Range 6 West, Willamette Meridian.

(C) Evans Creek, SE 1/4, Section 19, Township 34 South, Range 2 West, Willamette Meridian.

(D) West Fork Evans Creek, SE 1/4, Section 32, Township 33 South, Range 3 West, Willamette Meridian.

(3) Minimum Perennial Streamflows

(a) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Rogue River or tributaries above Raygold for flows of the Rogue River below 1200 cubic feet per second, except that this limitation shall not apply to:

(A) Waters legally stored or legally released from storage.

(B) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(b) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Rogue River or tributaries above Savage Rapids Dam for flows of the Rogue River below 1,200 cubic feet per second, except that this limitation shall not apply to:

(A) Water legally stored or legally released from storage.

(B) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(c) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water except for domestic or livestock use shall be made or granted by any state agency or public corporation of the state, except that this limitation shall not apply to water legally stored or legally released from storage, for the waters of the Rogue River tributaries listed in Table 4, Section B when flows are below the specified levels. Domestic use does not include irrigation of lawns and gardens.

(d) (A) To support aquatic life and minimize pollution in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Rogue River tributaries listed in Table 4, Section C when flows are below the levels specified. This limitation shall not apply to:

(i) Domestic and livestock uses. Domestic use does not include the irrigation of lawns and gardens.

(ii) Water legally stored or released from storage subject to the provisions of subsection (2)(a).

(B) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(4) Water Quality

Rights to use of water for industrial, power development, or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life or other beneficial uses of water.

(5) Existing Rights

This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.

Illinois Basin

690-515-006

(1) Classifications

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

(A) The maximum economic development of this state, the attainment of the highest and best use of waters within the Illinois River Scenic Waterway from the confluence with Deer Creek near river mile 47 to the confluence with the Rogue River and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic and livestock uses and instream use for recreation, wildlife and fish life, and the waters of the Illinois River Scenic Waterway are hereby so classified.

(B) The waters of the following streams and all tributaries are classified only for domestic, livestock, agricultural use, municipal, industrial, power development except for those streams listed in paragraph (C) of this subsection, mining use during the period November 1 to May 1, fish propagation, irrigation use for noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. Water stored between November 1 and March 31 may be used at any time for purposes specified in subsection (a).

(i) Deer Creek.

(ii) East Fork Illinois River, except Althouse and Sucker Creeks and their tributaries.

(iii) West Fork Illinois River.

(C) The waters of Althouse and Sucker Creeks and tributaries are classified only for domestic, livestock and nonconsumptive instream uses for fish life, wildlife and recreation between May 1 and November 30 of each year. Althouse and Sucker Creeks and tributaries are classified for domestic, livestock, mining (subject to Division 51 restrictions and except for those streams listed in paragraph (D) of this subsection), storage, and instream uses for fish life, wildlife and recreation between December 1 and April 30 of each year. Water stored between December 1 and April 30 may be used for any beneficial purpose. Permits shall be conditioned to prevent obstacles to fish migration and degradation of rearing or spawning habitat.

(D) To protect, maintain and perpetuate anadromous fish habitat and propagation, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes. All preliminary permit applications on file with the Water Resources Department prior to October 14, 1983, will not be affected by this provision.

(i) West Fork Illinois River Subbasin

(I) West Fork Illinois River from the confluence with Whiskey Creek downstream to the mouth.

(II) Whiskey Creek from the intersection with the west line of Section 8, Township 41 South, Range 9 West, Willamette Meridian, to the mouth.

(III) Elk Creek from the Oregon-California border downstream to the mouth.

Plat Card Report for 35S 3W 25

12/2/1999

Page 1 of 2

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt Lot	DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
S 13348	S 9577	8766	Cncl	38.000 IR cncl	38.000 IR cncl	40.000 IR cncl	36.000 IR cncl														
3/15/1930																					
S 13348	S 9577	26503		1.300 IR	0.500 IR																
3/15/1930																					
S 27409	S 21585	28323	Cncl						0.100 IR cncl	1.200 IR cncl											
7/1/1952																					
S 27409	S 21585	37376	Cncl						0.100 IR cncl	1.200 IR cncl											
7/1/1952																					
S 27409	S 21585	48913							0.100 IR	1.200 IR											
7/1/1952																					
S 52795	S 39850		Cncl													5.000 IR cncl					
2/20/1975																					
S 53297	S 39547		Cncl													4.000 IR cncl					
6/24/1975																					
S 54758	S 41075		Cncl													5.000 IR cncl					
9/9/1976																					
S 54890	S 41167	55877														5.000 IR					
10/18/1976																					
S 58134	S 44166	61592										0 LV					8.200 IR	1.800 IR			
4/2/1979																					

2-Conflict

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres	
Status	

< Supplemental indicator

 = Reservoir

 = Irrigation

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt Lot		DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
S 63841	S 47005	60927														5.000						
8/12/1982																IR						

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres

Status

< Supplemental indicator

WATER AVAILABILITY TABLE

Basin: ROGUE

Exceedance Level: 50

Watershed ID Number: 274 (and Nested Subbasins)

Time: 13:08

Date: 12/02/1999

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	YES	YES	YES
2	14372300	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES
3	31531001	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
4	31531002	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
5	31530801	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
6	268	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
7	274	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Basin: ROGUE

Watershed ID Number: 274 (and Nested Subbasins)

Time: 13:08

Date: 12/02/1999

Watershed ID #	Stream Name
266	ROGUE R @ mouth
14372300	ROGUE R @ 14372300
31531001	ROGUE R ab MEADOW CR
31531002	ROGUE R ab GRAVE CR
31530801	ROGUE R ab APPLEGATE R
268	ROGUE R ab FALL CR
274	SAMS CR @ mouth

LIMITING WATERSHEDS

Watershed ID Number: 274

Basin: ROGUE

Time: 13:08

Exceedance Level: 50

Date: 12/02/1999

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	274	SAMS CR @ mouth	YES	14.5
2	274	SAMS CR @ mouth	YES	19.7
3	274	SAMS CR @ mouth	YES	16.4
4	274	SAMS CR @ mouth	YES	6.7
5	274	SAMS CR @ mouth	YES	.7
6	31531002	ROGUE R ab GRAVE CR	NO	-221.0
7	31531002	ROGUE R ab GRAVE CR	NO	-801.0
8	31531002	ROGUE R ab GRAVE CR	NO	-1532.0
9	31531002	ROGUE R ab GRAVE CR	NO	-1424.0
10	31531002	ROGUE R ab GRAVE CR	NO	-280.0
11	31531002	ROGUE R ab GRAVE CR	NO	-1600.0
12	274	SAMS CR @ mouth	YES	10.0
Stor	274	SAMS CR @ mouth	YES	4070.0

No Water
June 1 - Nov 30

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 50

Stream: ROGUE R @ mouth

Watershed ID Number: 266

Time: 13:08

Date: 12/02/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available	
1	13100.00	810.00	12300.00	1.77	12300.00	3500.00	8800.00	1
2	16900.00	2130.00	14800.00	5.64	14800.00	3500.00	11300.00	2
3	13900.00	1850.00	12000.00	4.83	12000.00	3500.00	8500.00	3
4	11700.00	1170.00	10500.00	6.15	10490.00	3500.00	6990.00	4
5	8190.00	220.00	7970.00	3.82	7970.00	3000.00	4970.00	5
6	4890.00	429.00	4460.00	4.42	4460.00	2700.00	1760.00	6
7	2690.00	507.00	2180.00	5.10	2175.00	2000.00	175.00	7
8	1980.00	453.00	1530.00	4.08	1526.00	2400.00	-874.00	8
9	1930.00	365.00	1570.00	2.68	1567.00	2400.00	-833.00	9
10	2420.00	119.00	2300.00	.80	2299.00	1600.00	699.00	10
11	5040.00	170.00	4870.00	.32	4870.00	3500.00	1370.00	11
12	12300.00	309.00	12000.00	.98	12000.00	3500.00	8500.00	12
Stor	5690000	511000	5180000	2430	5180000	2100000	3180000	

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R @ mouth

Watershed ID Number: 266

Time: 13:08

Date: 12/02/1999

-----ISWRs-----							
APP #	-91503A	266A	0	0	0	RESULTANT	
STATUS	Scenic WW	Cert.					
1	3500.00	935.00	.00	.00	.00	3500.00X	
2	3500.00	935.00	.00	.00	.00	3500.00X	
3	3500.00	935.00	.00	.00	.00	3500.00X	
4	3500.00	935.00	.00	.00	.00	3500.00X	
5	3000.00	935.00	.00	.00	.00	3000.00X	
6	2700.00	935.00	.00	.00	.00	2700.00X	
7	2000.00	935.00	.00	.00	.00	2000.00X	
8	2400.00	935.00	.00	.00	.00	2400.00X	
9	2400.00	935.00	.00	.00	.00	2400.00X	
10	1600.00	935.00	.00	.00	.00	1600.00X	
11	3500.00	935.00	.00	.00	.00	3500.00X	
12	3500.00	935.00	.00	.00	.00	3500.00X	

No Water: August 1 - Sept. 30

(Due to SWW & Fish Flows.)

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 50

Stream: ROGUE R @ 14372300

Watershed ID Number: 14372300

Time: 13:08

Date: 12/02/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available	
1	6780.00	690.00	6090.00	1.33	6090.00	3500.00	2590.00	1
2	9190.00	2030.00	7160.00	5.05	7150.00	3500.00	3650.00	2
3	7520.00	1760.00	5760.00	4.19	5760.00	3500.00	2260.00	3
4	6680.00	1160.00	5520.00	5.54	5510.00	3500.00	2010.00	4
5	5320.00	200.00	5120.00	2.62	5120.00	3000.00	2120.00	5
6	3350.00	420.00	2930.00	1.57	2928.00	2700.00	228.00	6
7	1920.00	500.00	1420.00	2.03	1418.00	2000.00	-582.00	7
8	1460.00	440.00	1020.00	1.69	1018.00	2400.00	-1382.00	8
9	1490.00	360.00	1130.00	1.14	1129.00	2400.00	-1271.00	9
10	1700.00	110.00	1590.00	.44	1589.60	1600.00	-10.40	10
11	2660.00	130.00	2530.00	.12	2530.00	3500.00	-970.00	11
12	6450.00	180.00	6270.00	.76	6270.00	3500.00	2770.00	12
Stor	3270000	478000	2790000	1590	2790000	2100000	936000	

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R @ 14372300

Watershed ID Number: 14372300

Time: 13:08

Date: 12/02/1999

ISWRs							
APP #	-91503B	0	0	0	0	RESULTANT	
STATUS	Scenic WW						
1	3500.00	.00	.00	.00	.00	3500.00X	
2	3500.00	.00	.00	.00	.00	3500.00X	
3	3500.00	.00	.00	.00	.00	3500.00X	
4	3500.00	.00	.00	.00	.00	3500.00X	
5	3000.00	.00	.00	.00	.00	3000.00X	
6	2700.00	.00	.00	.00	.00	2700.00X	
7	2000.00	.00	.00	.00	.00	2000.00X	
8	2400.00	.00	.00	.00	.00	2400.00X	
9	2400.00	.00	.00	.00	.00	2400.00X	
10	1600.00	.00	.00	.00	.00	1600.00X	
11	3500.00	.00	.00	.00	.00	3500.00X	
12	3500.00	.00	.00	.00	.00	3500.00X	

No Water: July 1 - Nov. 30
(Due to SWW Flows)

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 50

Stream: ROGUE R ab MEADOW CR

Watershed ID Number: 31531001

Time: 13:08

Date: 12/02/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available	
1	6060.00	801.00	5260.00	1.31	5260.00	3500.00	1760.00	1
2	8240.00	2130.00	6110.00	5.02	6100.00	3500.00	2600.00	2
3	6750.00	1850.00	4900.00	4.14	4900.00	3500.00	1400.00	3
4	6040.00	1160.00	4880.00	5.25	4870.00	3500.00	1370.00	4
5	4870.00	211.00	4660.00	2.15	4660.00	3000.00	1660.00	5
6	3060.00	416.00	2640.00	.90	2639.10	2700.00	-60.90	6
7	1770.00	491.00	1280.00	1.17	1279.00	2000.00	-721.00	7
8	1360.00	439.00	921.00	.98	920.00	2400.00	-1480.00	8
9	1400.00	355.00	1050.00	.67	1049.00	2400.00	-1351.00	9
10	1550.00	114.00	1440.00	.28	1440.00	1600.00	-160.00	10
11	2300.00	164.00	2140.00	.10	2140.00	3500.00	-1360.00	11
12	5730.00	302.00	5430.00	.74	5430.00	3500.00	1930.00	12
Stor	2940000	506000	2440000	1360	2440000	2100000	642000	

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab MEADOW CR

Watershed ID Number: 31531001

Time: 13:08

Date: 12/02/1999

ISWRs							
APP #	-91503C	0	0	0	0	RESULTANT	
STATUS	Scenic WW						
1	3500.00	.00	.00	.00	.00	3500.00X	
2	3500.00	.00	.00	.00	.00	3500.00X	
3	3500.00	.00	.00	.00	.00	3500.00X	
4	3500.00	.00	.00	.00	.00	3500.00X	
5	3000.00	.00	.00	.00	.00	3000.00X	
6	2700.00	.00	.00	.00	.00	2700.00X	
7	2000.00	.00	.00	.00	.00	2000.00X	
8	2400.00	.00	.00	.00	.00	2400.00X	
9	2400.00	.00	.00	.00	.00	2400.00X	
10	1600.00	.00	.00	.00	.00	1600.00X	
11	3500.00	.00	.00	.00	.00	3500.00X	
12	3500.00	.00	.00	.00	.00	3500.00X	

No Water: June 1 - Nov. 30
(Due to SWW Flows)

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 50

Stream: ROGUE R ab GRAVE CR

Watershed ID Number: 31531002

Time: 13:08

Date: 12/02/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available	
1	5480.00	800.00	4680.00	1.11	4680.00	3500.00	1180.00	1
2	7460.00	2130.00	5330.00	4.69	5330.00	3500.00	1830.00	2
3	6130.00	1850.00	4280.00	3.96	4276.00	3500.00	776.00	3
4	5540.00	1160.00	4380.00	5.24	4375.00	3500.00	875.00	4
5	4520.00	199.00	4320.00	2.14	4320.00	3000.00	1320.00	5
6	2880.00	400.00	2480.00	.90	2479.00	2700.00	-221.00	6
7	1670.00	470.00	1200.00	1.17	1199.00	2000.00	-801.00	7
8	1290.00	421.00	869.00	.98	868.00	2400.00	-1532.00	8
9	1320.00	343.00	977.00	.67	976.00	2400.00	-1424.00	9
10	1430.00	110.00	1320.00	.28	1320.00	1600.00	-280.00	10
11	2060.00	162.00	1900.00	.10	1900.00	3500.00	-1600.00	11
12	5150.00	300.00	4850.00	.63	4850.00	3500.00	1350.00	12
Stor	2690000	500000	2190000	1310	2190000	2100000	439000	

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab GRAVE CR

Watershed ID Number: 31531002

Time: 13:08

Date: 12/02/1999

ISWRs							
APP #	-91503D	0	0	0	0	RESULTANT	
STATUS	Scenic WW						
1	3500.00	.00	.00	.00	.00	3500.00X	
2	3500.00	.00	.00	.00	.00	3500.00X	
3	3500.00	.00	.00	.00	.00	3500.00X	
4	3500.00	.00	.00	.00	.00	3500.00X	
5	3000.00	.00	.00	.00	.00	3000.00X	
6	2700.00	.00	.00	.00	.00	2700.00X	
7	2000.00	.00	.00	.00	.00	2000.00X	
8	2400.00	.00	.00	.00	.00	2400.00X	
9	2400.00	.00	.00	.00	.00	2400.00X	
10	1600.00	.00	.00	.00	.00	1600.00X	
11	3500.00	.00	.00	.00	.00	3500.00X	
12	3500.00	.00	.00	.00	.00	3500.00X	

No Water: June 1 - Nov. 30
(Due to SWW Flows)

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 50

Stream: ROGUE R ab APPLEGATE R

Watershed ID Number: 31530801

Time: 13:08

Date: 12/02/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	4340.00	818.00	3520.00	.58	3520.00	.00	3520.00
2	4810.00	1660.00	3150.00	3.70	3150.00	.00	3150.00
3	4180.00	1400.00	2780.00	3.40	2780.00	.00	2780.00
4	4460.00	700.00	3760.00	4.68	3760.00	.00	3760.00
5	4100.00	164.00	3940.00	1.16	3940.00	.00	3940.00
6	2550.00	352.00	2200.00	.24	2200.00	.00	2200.00
7	1580.00	407.00	1170.00	.30	1170.00	.00	1170.00
8	1300.00	369.00	931.00	.26	931.00	.00	931.00
9	1290.00	307.00	983.00	.19	983.00	.00	983.00
10	1360.00	95.70	1260.00	.10	1260.00	.00	1260.00
11	2030.00	191.00	1840.00	.06	1840.00	.00	1840.00
12	3520.00	283.00	3240.00	.24	3240.00	.00	3240.00
Stor	2130000	404000	1720000	893	1720000	0	1720000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab APPLEGATE R

Watershed ID Number: 31530801

Time: 13:08

Date: 12/02/1999

ISWRs							RESULTANT
APP #	0	0	0	0	0	0	
STATUS							
1	.00	.00	.00	.00	.00	.00	.00
2	.00	.00	.00	.00	.00	.00	.00
3	.00	.00	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00	.00	.00

Water Available Year Round

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 50

Stream: ROGUE R ab FALL CR

Watershed ID Number: 268

Time: 13:08

Date: 12/02/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available	
1	4230.00	806.00	3420.00	.54	3420.00	1200.00	2220.00	1
2	4690.00	1650.00	3040.00	3.64	3040.00	1200.00	1840.00	2
3	4090.00	1390.00	2700.00	3.36	2700.00	1200.00	1500.00	3
4	4410.00	687.00	3720.00	4.65	3720.00	1200.00	2520.00	4
5	4110.00	150.00	3960.00	1.11	3960.00	1200.00	2760.00	5
6	2530.00	301.00	2230.00	.23	2230.00	1200.00	1030.00	6
7	1560.00	355.00	1210.00	.29	1209.71	1200.00	9.71	7
8	1290.00	317.00	973.00	.25	973.00	1200.00	-227.00	8
9	1290.00	257.00	1030.00	.18	1030.00	1200.00	-170.00	9
10	1370.00	83.30	1290.00	.09	1289.90	1200.00	89.90	10
11	2010.00	181.00	1830.00	.05	1830.00	1200.00	630.00	11
12	3440.00	271.00	3170.00	.19	3170.00	1200.00	1970.00	12
Stor	2100000	386000	1710000	872	1710000	862000	872000	

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab FALL CR

Watershed ID Number: 268

Time: 13:08

Date: 12/02/1999

ISWRs							
APP #	268A	0	0	0	0	0	RESULTANT
STATUS	Cert.						
1	1200.00	.00	.00	.00	.00	.00	1200.00C
2	1200.00	.00	.00	.00	.00	.00	1200.00C
3	1200.00	.00	.00	.00	.00	.00	1200.00C
4	1200.00	.00	.00	.00	.00	.00	1200.00C
5	1200.00	.00	.00	.00	.00	.00	1200.00C
6	1200.00	.00	.00	.00	.00	.00	1200.00C
7	1200.00	.00	.00	.00	.00	.00	1200.00C
8	1200.00	.00	.00	.00	.00	.00	1200.00C
9	1200.00	.00	.00	.00	.00	.00	1200.00C
10	1200.00	.00	.00	.00	.00	.00	1200.00C
11	1200.00	.00	.00	.00	.00	.00	1200.00C
12	1200.00	.00	.00	.00	.00	.00	1200.00C

No Water Aug. 1 - Sept 30
(Due to Fish Flows)

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 50

Stream: SAMS CR @ mouth

Watershed ID Number: 274

Time: 13:08

Date: 12/02/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	24.70	5.24	19.50	.05	19.50	5.00	14.50
2	31.50	6.66	24.80	.07	24.70	5.00	19.70
3	27.30	5.78	21.50	.05	21.40	5.00	16.40
4	12.60	.90	11.70	.00	11.70	5.00	6.70
5	4.14	1.41	2.73	.00	2.73	2.00	.73
6	2.74	1.97	.77	.00	.77	1.00	-.23
7	1.03	2.62	-1.59	.00	-1.59	1.00	-2.59
8	.65	2.17	-1.52	.00	-1.52	1.00	-2.52
9	.39	1.43	-1.04	.00	-1.04	2.00	-3.04
10	.50	.49	.01	.00	.01	5.00	-4.99
11	2.12	.51	1.61	.00	1.61	5.00	-3.39
12	19.10	4.07	15.00	.03	14.97	5.00	9.97
Stor	7590	1990	5850	12	5830	2520	4070

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: SAMS CR @ mouth

Watershed ID Number: 274

Time: 13:08

Date: 12/02/1999

ISWRs							
APP #	274A	0	0	0	0	0	RESULTANT
STATUS	Cert.						
1	5.00	.00	.00	.00	.00	.00	5.00C
2	5.00	.00	.00	.00	.00	.00	5.00C
3	5.00	.00	.00	.00	.00	.00	5.00C
4	5.00	.00	.00	.00	.00	.00	5.00C
5	2.00	.00	.00	.00	.00	.00	2.00C
6	1.00	.00	.00	.00	.00	.00	1.00C
7	1.00	.00	.00	.00	.00	.00	1.00C
8	1.00	.00	.00	.00	.00	.00	1.00C
9	2.00	.00	.00	.00	.00	.00	2.00C
10	5.00	.00	.00	.00	.00	.00	5.00C
11	5.00	.00	.00	.00	.00	.00	5.00C
12	5.00	.00	.00	.00	.00	.00	5.00C

No Water : July 1 - Sept.
(Negative Flows)

No Water : June 1 - Nov. 30
(Fish Flows)

IR CHECKLIST

Application # _____ Priority Date: _____
 Basin: 15 - Rogue County: Jackson
 Township 35 south Range 3 west Section 25 1/4 1/4
 WAB #: 274 POU WAB #: 274

- ✓ 1. Complete by Minimum Requirements checklist? Yes ☒ No ☐ Map - POD Location Coordinates, Items still required: Appl. Q from ea Source, Location & # of IR lands by 1/4 1/4, Sams Cr & Caldwell Cr. Scale of Map
- ✓ 2. Basin Maps have been checked? ☒ Yes ☐ No Middle Rogue River Basin
Caldwell Cr > Sams Cr > Rogue R (R miles 12)
- ✓ 3. Within or above a Scenic Waterway? ☒ Yes ☐ No Rogue Scenic Waterway
 Conditions/Restrictions? Yes ☐ No ☐
- N/A 4. Groundwater Review: A B C D River/Stream Name _____
 Conditions? _____ Water Availability: A B C
- N/A 5. Is the well located in a groundwater limited area? Yes ☐ No ☒ Name _____
- N/A 6. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes ☐ No ☒ (If Yes, call, E-mail and send cc of IR to DEQ)
- ✓ 7. Requested Use & Rate: 0.20 cfs live flow from Sams Cr & Caldwell Cr. for Irrigation
\$ 50 AF of water stored in Res. (See Res Appl.) of 50.0 Ac
- ✓ 8. Season requested by applicant: No Season specified by Applicant
- ✓ 9. Allowed under Basin Program? ☒ Yes ☐ No 9AR 190-515-005 (1)(a)(C)(v)
 Limitations? ☒ Yes ☐ No No "live flow" for IR for Sams Cr & tribs.
Stored Water - IR classified use of Stored Water... water stored between Nov. 1 & March 31.
- ✓ 10. Withdrawn? Yes ☐ No ☒ Season Allowed: _____
- ✓ 11. Water Availability: ☒ 80% No Water Jan. 1 - Dec. 31 (Due to SWD flows)
No Water May 1 - Jan. 31 (Due to ISWR fish flows) ☒ 50% N/A
- ✓ 12. For Irrigation: Rate 1/40 Duty 4 1/2 Season April 1 to Nov. 1
WRD → 50.0 Ac ÷ 40 = 1.25 cfs / 50.0 Ac ÷ 80 = 0.625 cfs Applicant Requested
0.2 cfs live flow for 50.0 Ac IR.
- N/A 13. For Nursery or Cranberry: Rate _____ Duty _____ Season _____

✓ 14. Conflict? Yes No

? Permit 44166
(Cert 58134) - Hard to tell from Appl. Map
- Where is IR of 50.2 ac

✓ 15. BOR project? Yes (No) Contract # and Duty: _____

16. Conditions (BOR, GW, other)? Yes No _____

✓ 17. Land use approval: (OK'd) Needs Approval County Notified N/A

18. Proposed Allowed Use & Rate: No "Live Flow." for IR

Proposed Allowed Period of Use: Use of 50 AF stored under Reservoir
for IR of 50.2 ac - April 1 to Nov. 1

✓ 19. Measuring condition: Small (Medium) Large

✓ 20. Subject to Division 33: (Yes) No N/A

Above Bonneville _____ TES? Yes (No)

Below Bonneville _____ TES? Yes (No)

TES only? (Yes) No

✓ 21. On DEQ 303d list? Yes (No) N/A

✓ 22. Within Dept. Of Agriculture Water Quality Management Area? Yes No (N/A)

TUALATIN _____ BEAR CREEK(ROGUE) _____

✓ 23. Watermaster Dist: NWR (1 2 16 18 20) NCR (3 4 5) ER (6 8 9 10)

SCR (11 12 17) (SWR) (13 14 15 19)

✓ 24. ODFW Biologist Jerry Vogt, Central Point

25. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

Name:

[Signature]

Date:

12-3-99

(b) (A) To support aquatic life and minimize pollution in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of Williams Creek and Thompson Creek and tributaries for flows below the specified levels in Table 3, Section B. This limitation shall not apply to:

(i) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(ii) Water legally stored or released from storage, subject to paragraph (1)(a)(C).

(B) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(4) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with recreational, fish life, or other beneficial uses of water.

(5) Existing Rights

Water rights and permits issued prior to the effective date of this program shall not be affected.

Middle Rogue Basin

690-515-005

(1) Classifications

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

(A) The maximum economic development of this state, the attainment of the highest and best use of waters within the Rogue River Scenic Waterway from the confluence with the Applegate River near river mile 95 to Lobster Creek Bridge near river mile 11 and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, and irrigation of one-half acre noncommercial garden, and instream use for recreation, wildlife and fish life, and the aforementioned waters of the Rogue River Scenic Waterway are hereby so classified.

(B) Those waters on which further development is restricted by ORS 538.270 and 542.210.

690-515-005(1)(a)(C)
Live Flow
IR - Not Classified
Stored Water
IR - classified for
use of water stored
between Nov. 1
& March 31.

(C) The waters of the following streams and tributaries are classified only for domestic use, livestock consumption and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a). Domestic use does not include irrigation of lawns and gardens.

- (i) Galls Creek
- (ii) Foots Creek
- (iii) Birdseye Creek
- (iv) Sardine Creek
- (v) Sams Creek
- (vi) Kane Creek
- (vii) Fruitdale Creek
- (viii) Ward Creek
- (ix) Gilbert Creek
- (x) Jones Creek
- (xi) Savage Creek

(D) The waters of the following streams and tributaries, are classified only for domestic, livestock and irrigation of one-half acre noncommercial garden and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a).

- (i) Pickett Creek
- (ii) Limpy Creek
- (iii) Snider Creek
- (iv) Shan Creek

(E) The waters of the following streams and tributaries, are classified only for domestic, livestock, irrigation of one-half acre noncommercial garden, mining during the period November 1 to May 1, power development and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a).

- (i) Grave Creek
- (ii) Evans Creek

(F) The waters of Jumpoff Joe Creek and tributaries are classified only for domestic, livestock, irrigation of one-half acre noncommercial garden, industrial, mining during the period November 1 to May 1, power development and instream use for recreation, fish life and wildlife except for the use of stored water. Water stored between November 1 and March 31 of any year may be used for any purpose specified in subsection (a).

(G) To protect, maintain and perpetuate anadromous fish habitat and propagation within the Middle Rogue Basin, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes:

(i) Galice Creek from the intersection with the south line of Section 10, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(ii) North Fork Galice Creek from the intersection with the west line of Section 5, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(iii) Taylor Creek from the intersection with the east line of Section 34, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(iv) South Fork Taylor Creek from the intersection with the south line of Section 28, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(v) Lone Tree Creek from the intersection with the north line of Section 32, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(vi) Minnow Creek from the intersection with the south line of Section 34, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

(b) Applications for the use of the waters of the Middle Rogue River Basin shall not be accepted by any state agency for any other purpose than those specified in section (a) and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications, are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Storage

(a) All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution. Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged.

(b) Potential reservoir sites should be identified in the comprehensive land use planning process for possible future development or until alternative methods of meeting water needs have been developed. Immediate consideration should be given to the following sites:

(A) Grave Creek, SE 1/4, Section 6, Township 34 South, Range 4 West, Willamette Meridian.

(B) Jumpoff Joe Creek, NE 1/4, Section 36, Township 34 South, Range 6 West, Willamette Meridian.

(C) Evans Creek, SE 1/4, Section 19, Township 34 South, Range 2 West, Willamette Meridian.

(D) West Fork Evans Creek, SE 1/4, Section 32, Township 33 South, Range 3 West, Willamette Meridian.

(3) Minimum Perennial Streamflows

(a) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Rogue River or tributaries above Raygold for flows of the Rogue River below 1200 cubic feet per second, except that this limitation shall not apply to:

(A) Waters legally stored or legally released from storage.

(B) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(b) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Rogue River or tributaries above Savage Rapids Dam for flows of the Rogue River below 1,200 cubic feet per second, except that this limitation shall not apply to:

(A) Water legally stored or legally released from storage.

(B) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(c) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water except for domestic or livestock use shall be made or granted by any state agency or public corporation of the state, except that this limitation shall not apply to water legally stored or legally released from storage, for the waters of the Rogue River tributaries listed in Table 4, Section B when flows are below the specified levels. Domestic use does not include irrigation of lawns and gardens.

(d) (A) To support aquatic life and minimize pollution in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Rogue River tributaries listed in Table 4, Section C when flows are below the levels specified. This limitation shall not apply to:

(i) Domestic and livestock uses. Domestic use does not include the irrigation of lawns and gardens.

(ii) Water legally stored or released from storage subject to the provisions of subsection (2)(a).

(B) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(4) Water Quality

Rights to use of water for industrial, power development, or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life or other beneficial uses of water.

(5) Existing Rights

This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.

Illinois Basin

690-515-006

(1) Classifications

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

(A) The maximum economic development of this state, the attainment of the highest and best use of waters within the Illinois River Scenic Waterway from the confluence with Deer Creek near river mile 47 to the confluence with the Rogue River and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic and livestock uses and instream use for recreation, wildlife and fish life, and the waters of the Illinois River Scenic Waterway are hereby so classified.

(B) The waters of the following streams and all tributaries are classified only for domestic, livestock, agricultural use, municipal, industrial, power development except for those streams listed in paragraph (C) of this subsection, mining use during the period November 1 to May 1, fish propagation, irrigation use for noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife. Water stored between November 1 and March 31 may be used at any time for purposes specified in subsection (a).

(i) Deer Creek.

(ii) East Fork Illinois River, except Althouse and Sucker Creeks and their tributaries.

(iii) West Fork Illinois River.

(C) The waters of Althouse and Sucker Creeks and tributaries are classified only for domestic, livestock and nonconsumptive instream uses for fish life, wildlife and recreation between May 1 and November 30 of each year. Althouse and Sucker Creeks and tributaries are classified for domestic, livestock, mining (subject to Division 51 restrictions and except for those streams listed in paragraph (D) of this subsection), storage, and instream uses for fish life, wildlife and recreation between December 1 and April 30 of each year. Water stored between December 1 and April 30 may be used for any beneficial purpose. Permits shall be conditioned to prevent obstacles to fish migration and degradation of rearing or spawning habitat.

(D) To protect, maintain and perpetuate anadromous fish habitat and propagation, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes. All preliminary permit applications on file with the Water Resources Department prior to October 14, 1983, will not be affected by this provision.

(i) West Fork Illinois River Subbasin

(I) West Fork Illinois River from the confluence with Whiskey Creek downstream to the mouth.

(II) Whiskey Creek from the intersection with the west line of Section 8, Township 41 South, Range 9 West, Willamette Meridian, to the mouth.

(III) Elk Creek from the Oregon-California border downstream to the mouth.

WATER AVAILABILITY TABLE

Basin: ROGUE

Exceedance Level: 80

Watershed ID Number: 274 (and Nested Subbasins)

Time: 15:26

Date: 12/06/1999

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	266	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES
2	14372300	NO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
3	31531001	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
4	31531002	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
5	31530801	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
6	268	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	YES
7	274	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Basin: ROGUE

Watershed ID Number: 274 (and Nested Subbasins)

Time: 15:26

Date: 12/06/1999

Watershed ID #	Stream Name
266	ROGUE R @ mouth
14372300	ROGUE R @ 14372300
31531001	ROGUE R ab MEADOW CR
31531002	ROGUE R ab GRAVE CR
31530801	ROGUE R ab APPLGATE R
268	ROGUE R ab FALL CR
274	SAMS CR @ mouth

LIMITING WATERSHEDS

Watershed ID Number: 274

Basin: ROGUE

Exceedance Level: 80

Time: 15:26

Date: 12/06/1999

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	31531002	ROGUE R ab GRAVE CR	NO	-1011.0
2	31531002	ROGUE R ab GRAVE CR	NO	-685.0
3	31531002	ROGUE R ab GRAVE CR	NO	-584.0
4	31531002	ROGUE R ab GRAVE CR	NO	-645.0
5	274	SAMS CR @ mouth	NO	-.6
6	31531002	ROGUE R ab GRAVE CR	NO	-1091.0
7	31531002	ROGUE R ab GRAVE CR	NO	-1151.0
8	31531002	ROGUE R ab GRAVE CR	NO	-1662.0
9	31531002	ROGUE R ab GRAVE CR	NO	-1614.0
10	31531002	ROGUE R ab GRAVE CR	NO	-470.0
11	31531002	ROGUE R ab GRAVE CR	NO	-2270.0
12	31531002	ROGUE R ab GRAVE CR	NO	-1251.0
Stor	274	SAMS CR @ mouth	YES	4070.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 80

Stream: ROGUE R @ mouth

Watershed ID Number: 266

Time: 15:26

Date: 12/06/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	6870.00	730.00	6140.00	1.77	6140.00	3500.00	2640.00
2	10300.00	1910.00	8390.00	5.64	8380.00	3500.00	4880.00
3	9300.00	1470.00	7830.00	4.83	7830.00	3500.00	4330.00
4	7670.00	985.00	6680.00	6.15	6670.00	3500.00	3170.00
5	6060.00	220.00	5840.00	3.82	5840.00	3000.00	2840.00
6	3420.00	429.00	2990.00	4.42	2986.00	2700.00	286.00
7	2080.00	507.00	1570.00	5.10	1565.00	2000.00	-435.00
8	1650.00	453.00	1200.00	4.08	1196.00	2400.00	-1204.00
9	1580.00	365.00	1220.00	2.68	1217.00	2400.00	-1183.00
10	1920.00	119.00	1800.00	.80	1799.00	1600.00	199.00
11	2740.00	202.00	2540.00	.32	2540.00	3500.00	-960.00
12	5750.00	385.00	5360.00	.98	5360.00	3500.00	1860.00
Stor	5690000	511000	5180000	2430	5180000	2100000	3180000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R @ mouth

Watershed ID Number: 266

Time: 15:26

Date: 12/06/1999

APP #	-91503A	266A	ISWRs	0	0	0	RESULTANT
STATUS	Scenic WW	Cert.	- wouldn't cause negative flows				
1	3500.00	935.00	.00	.00	.00	.00	3500.00X
2	3500.00	935.00	.00	.00	.00	.00	3500.00X
3	3500.00	935.00	.00	.00	.00	.00	3500.00X
4	3500.00	935.00	.00	.00	.00	.00	3500.00X
5	3000.00	935.00	.00	.00	.00	.00	3000.00X
6	2700.00	935.00	.00	.00	.00	.00	2700.00X
7	2000.00	935.00	.00	.00	.00	.00	2000.00X
8	2400.00	935.00	.00	.00	.00	.00	2400.00X
9	2400.00	935.00	.00	.00	.00	.00	2400.00X
10	1600.00	935.00	.00	.00	.00	.00	1600.00X
11	3500.00	935.00	.00	.00	.00	.00	3500.00X
12	3500.00	935.00	.00	.00	.00	.00	3500.00X

No Water Available: July 1 thru September 30
 & Nov. 1 thru Nov. 30

Due to Scenic WW flows.

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 80

Stream: ROGUE R @ 14372300

Watershed ID Number: 14372300

Time: 15:26

Date: 12/06/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3950.00	530.00	3420.00	1.33	3418.70	3500.00	-81.30
2	5800.00	1710.00	4090.00	5.05	4085.00	3500.00	585.00
3	5360.00	1300.00	4060.00	4.19	4056.00	3500.00	556.00
4	4630.00	970.00	3660.00	5.54	3654.00	3500.00	154.00
5	3980.00	200.00	3780.00	2.62	3777.00	3000.00	777.00
6	2350.00	430.00	1920.00	1.57	1918.00	2700.00	-782.00
7	1500.00	500.00	1000.00	2.03	998.00	2000.00	-1002.00
8	1280.00	443.00	837.00	1.69	835.00	2400.00	-1565.00
9	1250.00	358.00	892.00	1.14	891.00	2400.00	-1509.00
10	1420.00	110.00	1310.00	.44	1310.00	1600.00	-290.00
11	1770.00	130.00	1640.00	.12	1640.00	3500.00	-1860.00
12	3290.00	180.00	3110.00	.76	3109.00	3500.00	-391.00
Stor	3270000	478000	2790000	1590	2790000	2100000	936000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R @ 14372300

Watershed ID Number: 14372300

Time: 15:26

Date: 12/06/1999

ISWRs							
APP #	-91503B	0	0	0	0	0	RESULTANT
STATUS	Scenic WW						
1	3500.00	.00	.00	.00	.00	.00	3500.00X
2	3500.00	.00	.00	.00	.00	.00	3500.00X
3	3500.00	.00	.00	.00	.00	.00	3500.00X
4	3500.00	.00	.00	.00	.00	.00	3500.00X
5	3000.00	.00	.00	.00	.00	.00	3000.00X
6	2700.00	.00	.00	.00	.00	.00	2700.00X
7	2000.00	.00	.00	.00	.00	.00	2000.00X
8	2400.00	.00	.00	.00	.00	.00	2400.00X
9	2400.00	.00	.00	.00	.00	.00	2400.00X
10	1600.00	.00	.00	.00	.00	.00	1600.00X
11	3500.00	.00	.00	.00	.00	.00	3500.00X
12	3500.00	.00	.00	.00	.00	.00	3500.00X

No Water Available: June 1 thru January 31

Due to Scenic Waterway flows

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 80

Stream: ROGUE R ab MEADOW CR

Watershed ID Number: 31531001

Time: 15:26

Date: 12/06/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3550.00	718.00	2830.00	1.31	2829.00	3500.00	-671.00
2	5220.00	1920.00	3300.00	5.02	3295.00	3500.00	-205.00
3	4820.00	1470.00	3350.00	4.14	3346.00	3500.00	-154.00
4	4180.00	978.00	3200.00	5.25	3195.00	3500.00	-305.00
5	3630.00	211.00	3420.00	2.15	3418.00	3000.00	418.00
6	2160.00	416.00	1740.00	.90	1739.00	2700.00	-961.00
7	1400.00	491.00	909.00	1.17	908.00	2000.00	-1092.00
8	1220.00	439.00	781.00	.98	780.00	2400.00	-1620.00
9	1190.00	355.00	835.00	.67	834.00	2400.00	-1566.00
10	1320.00	114.00	1210.00	.28	1210.00	1600.00	-390.00
11	1560.00	194.00	1370.00	.10	1370.00	3500.00	-2130.00
12	2900.00	376.00	2520.00	.74	2519.00	3500.00	-981.00
Stor	2940000	506000	2440000	1360	2440000	2100000	642000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab MEADOW CR

Watershed ID Number: 31531001

Time: 15:26

Date: 12/06/1999

ISWRs							
APP #	-91503C	0	0	0	0	RESULTANT	
STATUS	Scenic WW						
1	3500.00	.00	.00	.00	.00	3500.00X	
2	3500.00	.00	.00	.00	.00	3500.00X	
3	3500.00	.00	.00	.00	.00	3500.00X	
4	3500.00	.00	.00	.00	.00	3500.00X	
5	3000.00	.00	.00	.00	.00	3000.00X	
6	2700.00	.00	.00	.00	.00	2700.00X	
7	2000.00	.00	.00	.00	.00	2000.00X	
8	2400.00	.00	.00	.00	.00	2400.00X	
9	2400.00	.00	.00	.00	.00	2400.00X	
10	1600.00	.00	.00	.00	.00	1600.00X	
11	3500.00	.00	.00	.00	.00	3500.00X	
12	3500.00	.00	.00	.00	.00	3500.00X	

No Water Available: June 1 thru April 30
 Due to Scenic Waterway flows

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 80

Stream: ROGUE R ab GRAVE CR

Watershed ID Number: 31531002

Time: 15:26

Date: 12/06/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3210.00	718.00	2490.00	1.11	2489.00	3500.00	-1011.00
2	4740.00	1920.00	2820.00	4.69	2815.00	3500.00	-685.00
3	4390.00	1470.00	2920.00	3.96	2916.00	3500.00	-584.00
4	3830.00	971.00	2860.00	5.24	2855.00	3500.00	-645.00
5	3370.00	199.00	3170.00	2.14	3168.00	3000.00	168.00
6	2010.00	400.00	1610.00	.90	1609.00	2700.00	-1091.00
7	1320.00	470.00	850.00	1.17	849.00	2000.00	-1151.00
8	1160.00	421.00	739.00	.98	738.00	2400.00	-1662.00
9	1130.00	343.00	787.00	.67	786.00	2400.00	-1614.00
10	1240.00	110.00	1130.00	.28	1130.00	1600.00	-470.00
11	1420.00	192.00	1230.00	.10	1230.00	3500.00	-2270.00
12	2620.00	374.00	2250.00	.63	2249.00	3500.00	-1251.00
Stor	2690000	500000	2190000	1310	2190000	2100000	439000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab GRAVE CR

Watershed ID Number: 31531002

Time: 15:26

Date: 12/06/1999

ISWRs							
APP #	-91503D	0	0	0	0	RESULTANT	
STATUS	Scenic WW						
1	3500.00	.00	.00	.00	.00	3500.00X	
2	3500.00	.00	.00	.00	.00	3500.00X	
3	3500.00	.00	.00	.00	.00	3500.00X	
4	3500.00	.00	.00	.00	.00	3500.00X	
5	3000.00	.00	.00	.00	.00	3000.00X	
6	2700.00	.00	.00	.00	.00	2700.00X	
7	2000.00	.00	.00	.00	.00	2000.00X	
8	2400.00	.00	.00	.00	.00	2400.00X	
9	2400.00	.00	.00	.00	.00	2400.00X	
10	1600.00	.00	.00	.00	.00	1600.00X	
11	3500.00	.00	.00	.00	.00	3500.00X	
12	3500.00	.00	.00	.00	.00	3500.00X	

No water Available: June 1 thru April 30
 Due to Scenic Waterway flows

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 80

Stream: ROGUE R ab APPLEGATE R

Watershed ID Number: 31530801

Time: 15:26

Date: 12/06/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	2590.00	658.00	1930.00	.58	1930.00	.00	1930.00
2	3220.00	1470.00	1750.00	3.70	1750.00	.00	1750.00
3	3220.00	1030.00	2190.00	3.40	2190.00	.00	2190.00
4	3150.00	602.00	2550.00	4.68	2550.00	.00	2550.00
5	2920.00	164.00	2760.00	1.16	2760.00	.00	2760.00
6	1810.00	352.00	1460.00	.24	1460.00	.00	1460.00
7	1350.00	407.00	943.00	.30	943.00	.00	943.00
8	1170.00	369.00	801.00	.26	801.00	.00	801.00
9	1140.00	307.00	833.00	.19	833.00	.00	833.00
10	1170.00	95.70	1070.00	.10	1070.00	.00	1070.00
11	1460.00	191.00	1270.00	.06	1270.00	.00	1270.00
12	2080.00	283.00	1800.00	.24	1800.00	.00	1800.00
Stor	2130000	404000	1720000	893	1720000	0	1720000

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: ROGUE R ab APPLEGATE R

Watershed ID Number: 31530801

Time: 15:26

Date: 12/06/1999

-----ISWRs-----							
APP #	0	0	0	0	0	0	RESULTANT
STATUS							
1	.00	.00	.00	.00	.00	.00	.00
2	.00	.00	.00	.00	.00	.00	.00
3	.00	.00	.00	.00	.00	.00	.00
4	.00	.00	.00	.00	.00	.00	.00
5	.00	.00	.00	.00	.00	.00	.00
6	.00	.00	.00	.00	.00	.00	.00
7	.00	.00	.00	.00	.00	.00	.00
8	.00	.00	.00	.00	.00	.00	.00
9	.00	.00	.00	.00	.00	.00	.00
10	.00	.00	.00	.00	.00	.00	.00
11	.00	.00	.00	.00	.00	.00	.00
12	.00	.00	.00	.00	.00	.00	.00

Water Avail Jan. 1 - Dec. 31

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE
Stream: ROGUE R ab FALL CR
Watershed ID Number: 268
Time: 15:26

Exceedance Level: 80

Date: 12/06/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	2540.00	645.00	1900.00	.54	1899.00	1200.00	699.00
2	3150.00	1460.00	1690.00	3.64	1686.00	1200.00	486.00
3	3160.00	1020.00	2140.00	3.36	2137.00	1200.00	937.00
4	3110.00	589.00	2520.00	4.65	2520.00	1200.00	1320.00
5	2900.00	150.00	2750.00	1.11	2750.00	1200.00	1550.00
6	1810.00	301.00	1510.00	.23	1510.00	1200.00	310.00
7	1350.00	355.00	995.00	.29	995.00	1200.00	-205.00
8	1170.00	317.00	853.00	.25	853.00	1200.00	-347.00
9	1130.00	257.00	873.00	.18	873.00	1200.00	-327.00
10	1170.00	83.30	1090.00	.09	1090.00	1200.00	-110.00
11	1460.00	181.00	1280.00	.05	1280.00	1200.00	80.00
12	2050.00	271.00	1780.00	.19	1780.00	1200.00	580.00
Stor	2100000	386000	1710000	872	1710000	862000	872000

DETAILED REPORT OF ISWRS

Basin: ROGUE
Stream: ROGUE R ab FALL CR
Watershed ID Number: 268
Time: 15:26

Date: 12/06/1999

APP #	268A	0	0	0	0	RESULTANT
STATUS	Cert.					
1	1200.00	.00	.00	.00	1200.00C	
2	1200.00	.00	.00	.00	1200.00C	
3	1200.00	.00	.00	.00	1200.00C	
4	1200.00	.00	.00	.00	1200.00C	
5	1200.00	.00	.00	.00	1200.00C	
6	1200.00	.00	.00	.00	1200.00C	
7	1200.00	.00	.00	.00	1200.00C	
8	1200.00	.00	.00	.00	1200.00C	
9	1200.00	.00	.00	.00	1200.00C	
10	1200.00	.00	.00	.00	1200.00C	
11	1200.00	.00	.00	.00	1200.00C	
12	1200.00	.00	.00	.00	1200.00C	

No Water Available: July 1 thru Oct. 31
Due to Instream fish flows.

DETAILED REPORT ON WATER AVAILABILITY

Basin: ROGUE

Exceedance Level: 80

Stream: SAMS CR @ mouth

Watershed ID Number:

274

Time: 15:26

Date: 12/06/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	8.17	5.24	2.93	.05	2.88	5.00	-2.12
2	14.70	6.66	8.04	.07	7.97	5.00	2.97
3	12.80	5.78	7.02	.05	6.97	5.00	1.97
4	6.14	.90	5.24	.00	5.24	5.00	.24
5	2.83	1.41	1.42	.00	1.42	2.00	-.58
6	1.11	1.97	-.86	.00	-.86	1.00	-1.86
7	.56	2.62	-2.06	.00	-2.06	1.00	-3.06
8	.46	2.17	-1.71	.00	-1.71	1.00	-2.71
9	.32	1.43	-1.11	.00	-1.11	2.00	-3.11
10	.36	.49	-.13	.00	-.13	5.00	-5.13
11	.76	.51	.25	.00	.25	5.00	-4.75
12	3.55	4.07	-.51	.03	-.54	5.00	-5.54
Stor	7590	1990	5850	12	5830	2520	4070

DETAILED REPORT OF ISWRs

Basin: ROGUE

Stream: SAMS CR @ mouth

Watershed ID Number:

274

Time: 15:26

Date: 12/06/1999

ISWRs							
APP #	274A	0	0	0	0	0	RESULTANT
STATUS	Cert.						
1	5.00	.00	.00	.00	.00	.00	5.00C
2	5.00	.00	.00	.00	.00	.00	5.00C
3	5.00	.00	.00	.00	.00	.00	5.00C
4	5.00	.00	.00	.00	.00	.00	5.00C
5	2.00	.00	.00	.00	.00	.00	2.00C
6	1.00	.00	.00	.00	.00	.00	1.00C
7	1.00	.00	.00	.00	.00	.00	1.00C
8	1.00	.00	.00	.00	.00	.00	1.00C
9	2.00	.00	.00	.00	.00	.00	2.00C
10	5.00	.00	.00	.00	.00	.00	5.00C
11	5.00	.00	.00	.00	.00	.00	5.00C
12	5.00	.00	.00	.00	.00	.00	5.00C

No Water Available May 1 thru January 31
Due to Instream fish flows.

Plat Card Report for 35S 3W 25

12/6/1999

Page 1 of 2

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt Lot	DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
S 13348	S 9577	8766	Cncl'd	38.000 IR cncl'd	38.000 IR cncl'd	40.000 IR cncl'd	36.000 IR cncl'd														
3/15/1930																					
S 13348	S 9577	26503		1.300 IR	0.500 IR																
3/15/1930																					
S 27409	S 21585	28323	Cncl'd						0.100 IR cncl'd	1.200 IR cncl'd											
7/1/1952																					
S 27409	S 21585	37376	Cncl'd						0.100 IR cncl'd	1.200 IR cncl'd											
7/1/1952																					
S 27409	S 21585	48913							0.100 IR	1.200 IR											
7/1/1952																					
S 52795	S 39850		Cncl'd													5.000 IR cncl'd					
2/20/1975																					
S 53297	S 39547		Cncl'd													4.000 IR cncl'd					
6/24/1975																					
S 54758	S 41075		Cncl'd													5.000 IR cncl'd					
9/9/1976																					
S 54890	S 41167	55877														5.000 IR					
10/18/1976																					
S 58134	S 44166	61592										0 LV					8.200 IR	1.800 IR			
4/2/1979																					

? - Conflict ?

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
Status

 < Supplemental indicator

Plat Card Report for 35S 3W 25

12/6/1999

Page 2 of 2

Application	Permit	Certificate	Status	NE				NW				SW				SE				Govt Lot		DLC
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
S 63841	S 47005	60927														5.000						
8/12/1982																IR						

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres
Status

 < Supplemental indicator

WORK COPY
12-3-99 [Signature]

SECTION 25 T35S R3W WM

SCALE 1"=400

JACKSON

THIS MAP FOR ASSESSMENT
& TAXATION PURPOSES
ONLY

35 3W 25

SCALE 1:9600

35 2W 30

35 3w 25

Subject Property
located in 35s 3w
Sec. 25 - SE 1/4
per Tax Statement

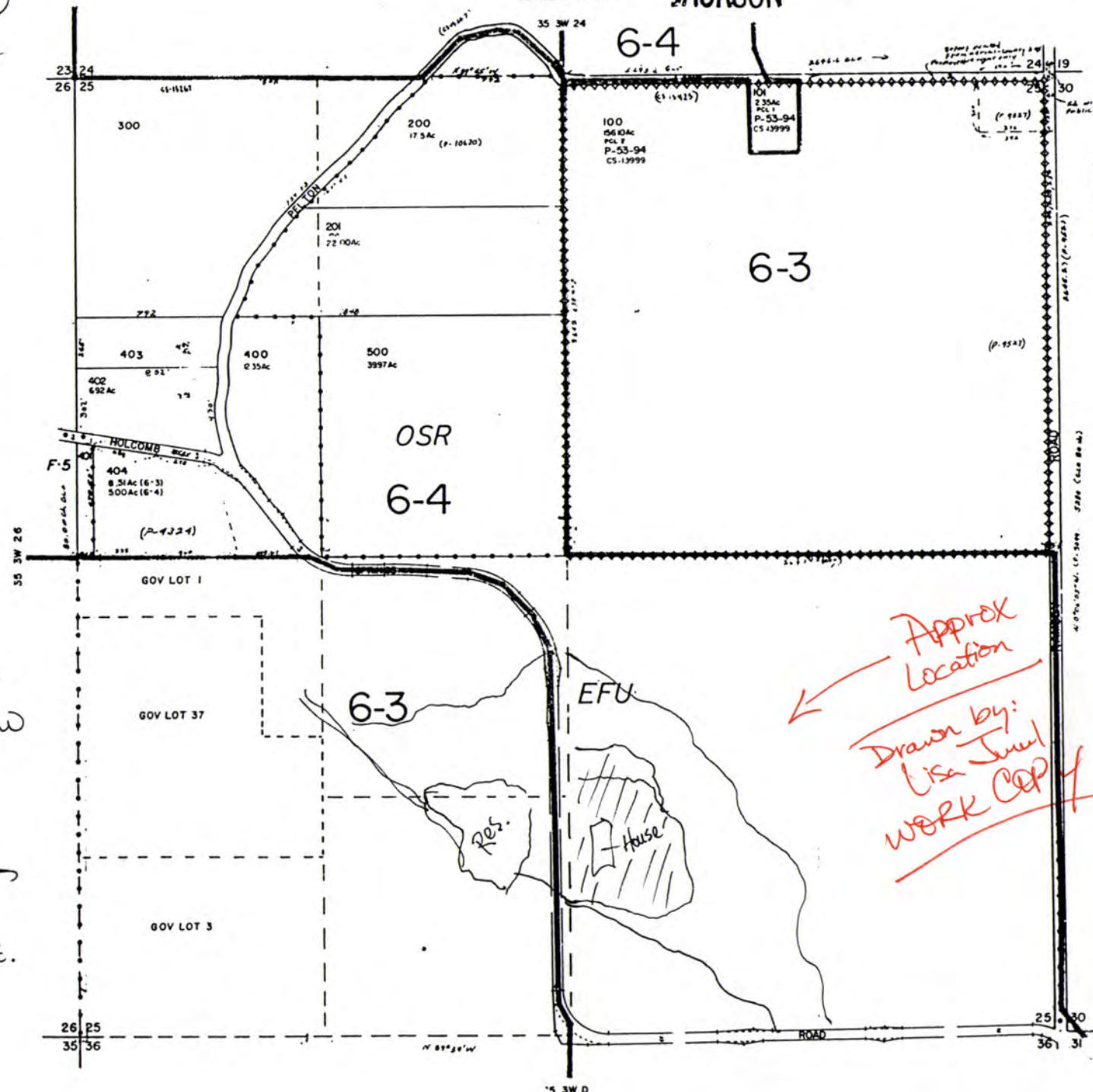
Reservoir - Approx.
in NESW & SESW
of Sec. 25

House - Approx.
in ~~SWSW~~ &
NWSE & SWSE.

RECEIVED
AUG 11 1948
DEPT. OF REVENUE
STATE OF OREGON

Approx
Location

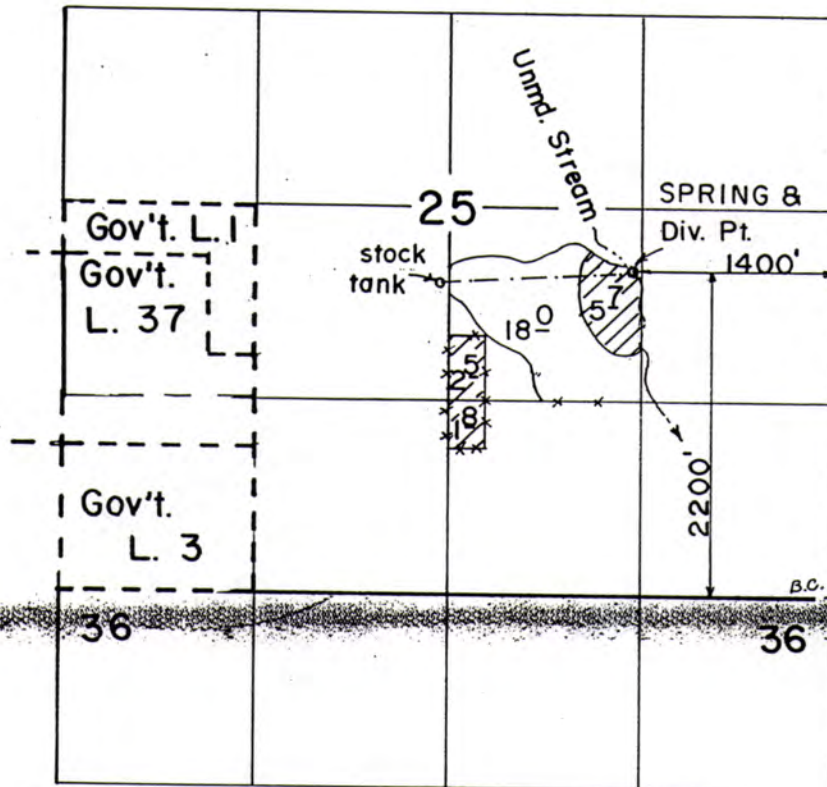
Drawn by:
Lisa Jewel
WORK CAP 1



COPY

- Possible Conflict

T. 35 S., R. 3 W., W. M.



Scale: 1" = 1320'

FINAL PROOF SURVEY

UNDER

From: Application No. 58134 Permit No. 44166
IN NAME OF

DANIEL L. &/or MAE H. HILKEY

Surveyed JUN. 18. 1987, by B. S. JAMES.

T 35 S., R 3 W., Sec. 25

- Possible Conflict

RECEIVED

JUN 01 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

APR 2 1979

WATER RESOURCES DEPT.
SALEM, OREGON

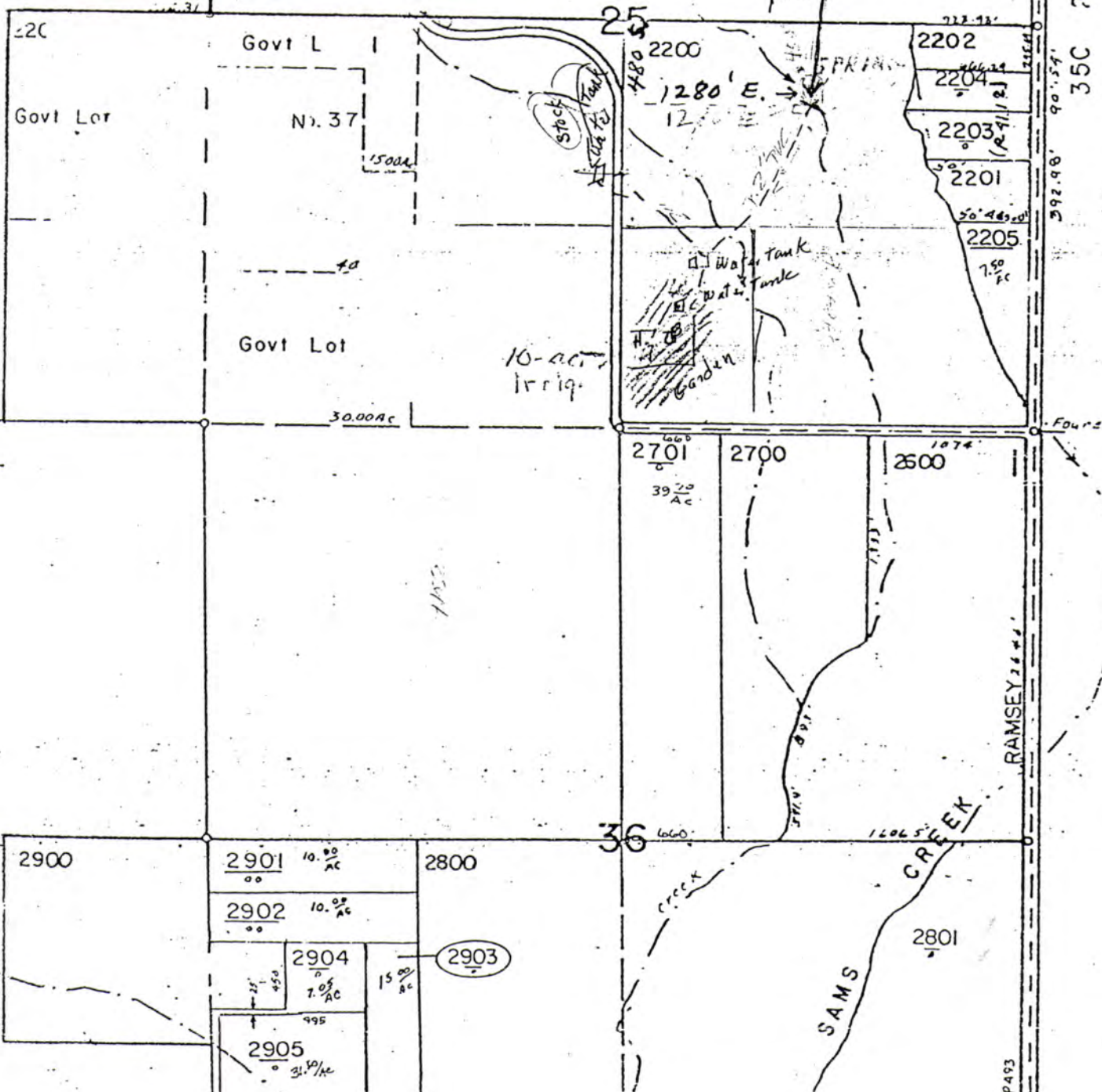
From:

Application No. 58134

Permit No. 44166

SEE MAP
25

UNNAMED STREAM
& Spring
Pump House



RECEIVED

JAN 30 1995

WATER RESOURCES DEP.
SALEM, OREGON

January 29, 1995

WaterWatch of Oregon, Inc.
921 S. W. Morrison #438
Portland, OR 97205

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

RE: Application for Permit #R76052, Barbara Hilkey
Caldwell Cr., Jackson Co., Irrigation

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

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

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

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

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

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

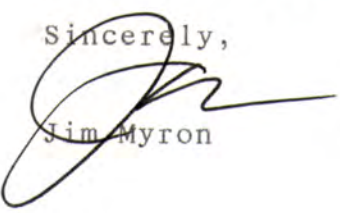
Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

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

This is apparently an existing illegal use. Will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the department's technical review of this application.

Sincerely,



Jim Myron

VALUE CHANGE NOTICE and PROPERTY TAX STATEMENT

VALUE CHANGE NOTICE

Real Market Value (RMV)	Last Year	This Year
RMV LAND	19160	175960
RMV IMPROVEMENTS	64820	74540
TOTAL REAL MARKET VALUE	83980	250500
ASSESSED VALUE (AV)		
TOTAL ASSESSED VALUE	83980	102380
NET ASSESSED VALUE	83980	102380
Property Taxes	1212.74	1120.79

PROPERTY TAX PAYMENT OPTIONS (See back of statement for instructions and your appeal rights)			
Pay	By	Discount Allowed	Net Amount
In Full	11/15/94	33.62	1087.17
2/3	11/15/94	14.94	732.26
1/3	11/15/94	NONE	373.61

DELINQUENT TAXES		
Interest included through: NOVEMBER 15, 1994	Tax Year 1993	Amount 851.67
Real property accounts with an unpaid balance for any tax year marked with an asterisk (*) are subject to foreclosure if not paid on or before May 15. Any payments received on this account MUST be applied to delinquent taxes first.	Total Delinquent Amount	851.67
TOTAL TAXES OWED ON THIS ACCOUNT IF PAID BY NOVEMBER 15		1,938.84

Code Area 6-03	Account Number 1-016052-1 *DELQ					
Oregon Property Tax Year 7/01/94 TO 6/30/95						
County JACKSON REAL						
Property Description (Map Number)						
Township 35	Range 3W	Section D	1/4 2200	1/16	Tax Lot	Special Interest
Acres 314.79		Property Class 551		Pull Number		

776 HOLCOMB SPRINGS RD

HILKEY BARBARA JEAN
HILKEY CHARLES M JR
776 HOLCOMB SPRINGS RD
GOLD HILL, OR 97525

POTENTIAL TAX LIAB.- FARMLAND

PLEASE MAKE PAYMENT TO:

JACKSON COUNTY PAYMENT CENTER
P. O. BOX 1569
MEDFORD, OR 97501

Tear Here PLEASE RETURN THIS PART WITH YOUR PAYMENT Tear Here

Oregon Property Tax Year 7/01/94 TO 6/30/95	Code Area 6-03	Property Tax Payment Options	Account Number 1-016052-1 *DELQ	
County JACKSON REAL	Pay In Full	By 11/15/94	Discount Allowed 33.62	Net Amount 1087.17
Disc./Int.	2/3	11/15/94	14.94	732.26
Cash	1/3	11/15/94	NONE	373.61
Total	Enter Amount Paid This Statement			

HILKEY BARBARA JEAN
HILKEY CHARLES M JR
776 HOLCOMB SPRINGS RD
GOLD HILL, OR 97525

DELINQUENT TAXES
1993 851.67

TOTAL: 1,938.84

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # R-76052

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:

within 1/4 mile Name/address of adjacent property owner

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

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.



Description of Water Use

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

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

Applicant Name: CHARLES HILKEY
 Address: 776 HOLCOMB SPRING RD PABOX 803
GOLD HILL OR 97525
 Phone: 855-1172

RECEIVED
DEC 27 1994

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): ROW CROP VEGETABLE & FIELD CROPS
- ☐ 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): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>CALDWELL CREEK</u> <u>SAMS CREEK</u> <u>MIDDLE CREEK</u>	_____ Cubic feet per second. _____ Gallons per minute. <u>50</u> Acre-Feet
☒ Reservoir or pond	
☐ Ground Water	

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: Charles Hilkey
Address: 776 HOLCOMB SPRINGS RD GOLD HILL OR 97530 P.O. Box 803
City: GOLD HILL State: OR Zip: 97525 Day Phone: 855-1172

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

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
352WD 2200		X	X	X

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

JACKSON 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); 212.020(3). 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: Charles Hilkey

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: _____ Phone: _____
Staff Contact: _____
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
N/A				

b) Please provide printed name and written signature.

Name: Nancy Kincaid Date: 12-19-94
Title: Planner II Phone: (503) 776-7554
Signature: Nancy Kincaid

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:

Farm uses are permitted outright in the Woodland
Resource zoning district.

WORK COPY
12-3-99

SECTION 25 T35S R3W WM

THIS MAP FOR ASSESSMENT
& TAXATION PURPOSES
ONLY

35 3W 25

SCALE 1"=400

JACKSON

6-4

6-3

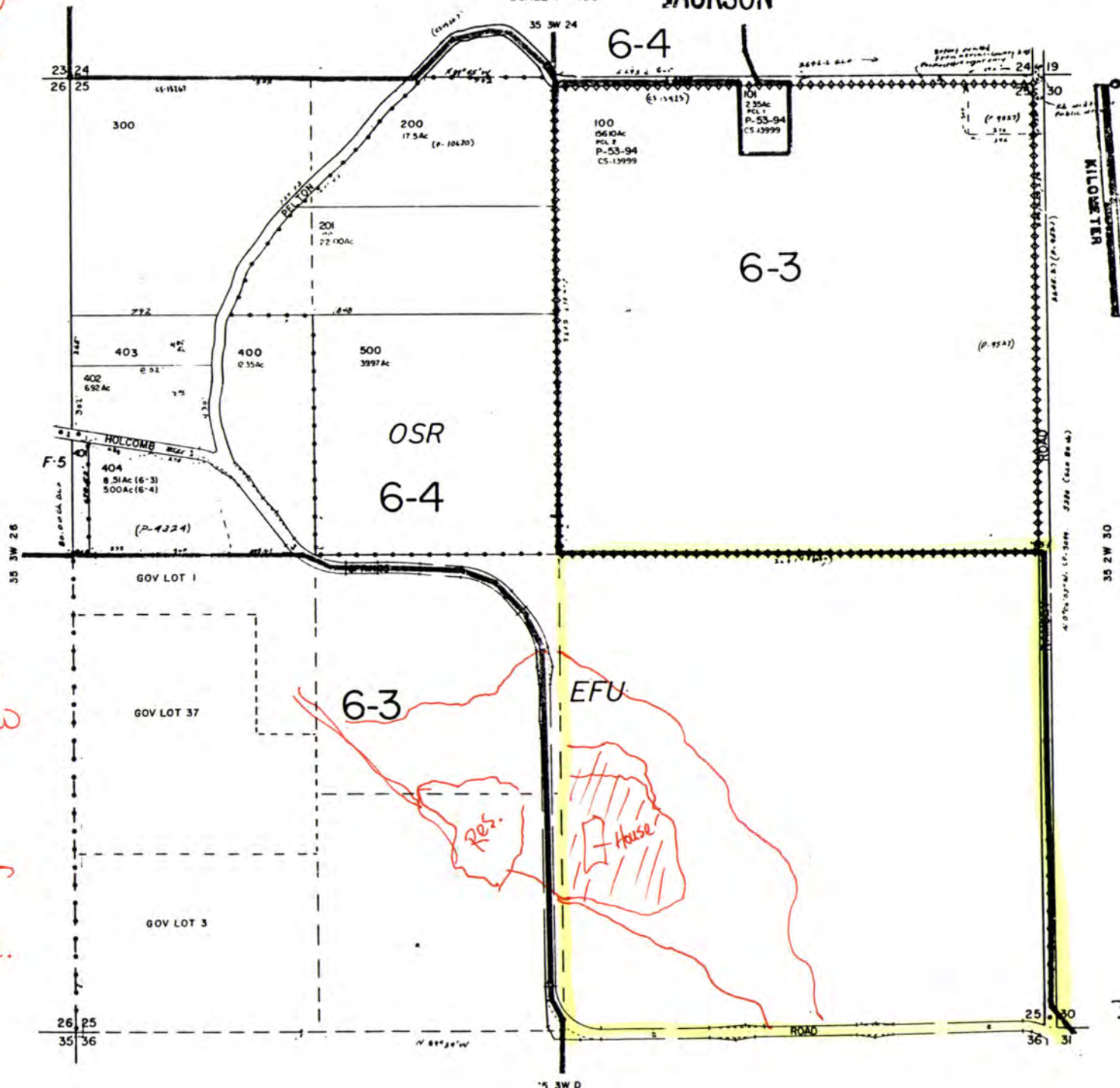
SCALE 1"=6000

400
0
400
800
FEET
KILOMETER

Subject Property
located in 35S 3W
Sec. 25 - SE 1/4
per Tax Statement

Reservoir - Approx.
in NESW & SESW
of Sec. 25

House - Approx
in ~~SWSE~~
NWSE & SWSE.



RECEIVED
AUG 11 1948
DEPT. OF REVENUE
STATE OF OREGON

35 3W 25

$$1'' = 1320'$$

T 355 R3W

SECTION 25

12/20/99
LWK



VALUE CHANGE NOTICE AND PROPERTY TAX STATEMENT

VALUE CHANGE NOTICE

Real Market Value (RMV)	Last Year	This Year
RMV LAND	19160	175960
RMV IMPROVEMENTS	64820	74540
TOTAL REAL MARKET VALUE	83980	250500
ASSESSED VALUE (AV)		
TOTAL ASSESSED VALUE	83980	102380
NET ASSESSED VALUE	83980	102380
Property Taxes	1212.74	1120.79

PROPERTY TAX PAYMENT OPTIONS
(See back of statement for instructions and your appeal rights)

Pay	By	Discount Allowed	Net Amount
In Full	11/15/94	33.62	1087.17
2/3	11/15/94	14.94	732.26
1/3	11/15/94	NONE	373.61

DELINQUENT TAXES

Interest included through:	Tax Year	Amount
NOVEMBER 15, 1994	1993	851.67
Real property accounts with an unpaid balance for any tax year marked with an asterisk (*) are subject to foreclosure if not paid on or before May 15. Any payments received on this account MUST be applied to delinquent taxes first.	Total Delinquent Amount	851.67

TOTAL TAXES OWED ON THIS ACCOUNT IF PAID BY NOVEMBER 15 1,938.84

Code Area		Account Number				
6-03		1-016052-1		*DELQ		
Oregon Property Tax Year						
7/01/94 TO 6/30/95						
County						
JACKSON			REAL			
Property Description (Map Number)						
Township	Range	Section	1/4	1/16	Tax Lot	Special Interest
35	3W	D			2200	
Acres		Property Class		Pull Number		
314.79		551				

776 HOLCOMB SPRINGS RD

HILKEY BARBARA JEAN
HILKEY CHARLES M JR
776 HOLCOMB SPRINGS RD
GOLD HILL, OR 97525

RECEIVED
DEC 28 1994

WATER RESOURCES DEPT.
SALEM, OREGON

POTENTIAL TAX LIAB.- FARMLAND

PLEASE MAKE PAYMENT TO:

JACKSON COUNTY PAYMENT CENTER
P. O. BOX 1569
MEDFORD, OR 97501

Tear Here

PLEASE RETURN THIS PART WITH YOUR PAYMENT

Tear Here

Oregon Property Tax Year	Code Area	Property Tax Payment Options	Account Number
7/01/94 TO 6/30/95	6-03		1-016052-1 *DELQ
County	JACKSON REAL	Pay By Discount Allowed	Net Amount
EX	Disc./Int.	Total	
check	Cash	Change	
In Full	11/15/94	33.62	1087.17
2/3	11/15/94	14.94	732.26
1/3	11/15/94	NONE	373.61
Enter Amount Paid This Statement			

HILKEY BARBARA JEAN
HILKEY CHARLES M JR
776 HOLCOMB SPRINGS RD
GOLD HILL, OR 97525

DELINQUENT TAXES
1993 851.67

TOTAL: 1,938.84

RECEIVED

DEC 28 1994

WATER RESOURCES DEPT.
SALEM, OREGON

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

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

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

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

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



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

Description of Water Use

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

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

Applicant Name: CHARLES Hilker
 Address: 776 Holcomb Spring Rd BOX 803
GOLD HILL OR 97525
 Phone: 855-1172

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): ROW CROP vegetable field crops
- ☐ 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): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>CAIDWELD CREEK</u> <u>SAMS CREEK</u> <u>MIDDLE CREEK</u>	_____ Cubic feet per second. _____ Gallons per minute. <u>50</u> Acre-Feet
☒ Reservoir or pond	
☐ Ground Water	

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: Charles Hilkey
Address: 776 HOLCOMB SPRINGS RD GOLD HILL OR 97530 P.O. Box 803
City: GOLD HILL State: OR Zip: 97525 Day Phone: 855-1172

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

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
352WD 2200		X	X	X

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

JACKSON COUNTY

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For Local Government Use Only

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WRD Applicant Name: Charles Hilkey

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Staff Contact: _____ Date of Information Request: _____
Signature: _____

(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
N/A				

b) Please provide printed name and written signature.

Name: Nancy Kincaid Date: 12-19-94

Title: Planner II Phone: (503) 776-7554

Signature: Nancy Kincaid

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:

Farm uses are permitted outright in the Woodland
Resource zoning district.

Plans & Specs

HB 2153

STATE OF OREGON
COUNTY OF JACKSON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BARBARA J. & CHARLES M. HILKEY
PO BOX 803
GOLD HILL, OREGON 97525

REALLY
IS THIS FILED
UNDER 2153
OR WAS IT NOT
ALLOWED BECAUSE
OF SIZE?

JAKE
THIS IS THAT LOST-IN-THE-
SHUFFLE 2153 APP. PLEASE
REVIEW THE CERT. AFTER
CERT IS ISSUED WE WILL TAKE
SURFACE APP & LISA WILL
DO AN IR. RWK

confirms the right to store the waters of CARDWELL CREEK, SAMS CREEK, AND MIDDLE CREEK, tributaries of ROGUE RIVER in DIVINE MOTHERS FARM RESERVOIR, for IRRIGATION.

The right to store and use these waters was perfected under Reservoir Application R-76052. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right in not more than 50.0 ACRE-FEET

Water may be appropriated for storage DECEMBER 1 THROUGH MAY 31.

The reservoir is located within:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 25

TOWNSHIP 35 SOUTH, RANGE 3 WEST, W.M.

For the storage of water from Sams Creek: The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

For the storage of water from Cardwell Creek: The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices, as required by the Oregon Department of Fish and Wildlife, to prevent fish from entering the proposed diversion.

If the diversions or reservoir obstruct a waterway in which anadromous, game, or food fish exist, and hinder the free movement of fish in the subject streams, a fishway, deemed adequate by the Oregon Department of Fish and Wildlife, must be provided.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

WITNESS the signature of the Water Resources Director, affixed MARCH __, 2000.

WM Letter with conditions
Martha O. Pagel

Recorded in State Record of Water Right Certificate numbered XXXXX.

