

December 13, 1995

R

DEC 20 1995

Gerry Gainey
Oregon Water Resource Dept.
Commerce Building
158 12th Street NE
Salem Oregon, 97310-0210

WATER
SALEM, OREGON

Dear Mr. Gainey,

In the past my response to your letters have been slow. In the future in dealing with water rights, G-13981, R-73845, Please contact Dan and Charles Warren, There address is 15630 NW Oakhill Drive, Beaverton OR, 97006 Dan and Charles are joint owners with me on these water rights. Dans home Phone Number is 503-645-8744. My number is 503-998-3184. The reason that I gave you the numbers is so that if you have any questions, give us a call. Best time to get me is during the noon hour. Dan should be able to give you a faster response to your letters.

Sincerely



Bart Edwards

RECEIVED

MAR 07 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Dept.
158 12 St. NE
Salem Or. 97301

Dear Sirs,

In January 1994, I filled out a application for a water right on the property jointly owned by some friend and my self. The property has four ponds under 9.2 acrefeet and the dikes are about 4 feet high. The ponds to my best knowledge were built in the late 50's or the early 60's. We use the runn off from the fields to the west to fill the ponds. We supplement the ponds on dry year from a slough on the east side. This slough drys up in the late spring and summer. We relaese the water in spring that is held in our pond. Plesae look and see if we qualify for HB2153. The water right application number is 73845. Please advise me on how thing work out.

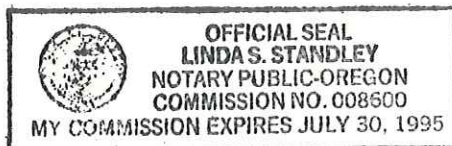
Bart Edwards

Bart Edwards
93298 River Road
Junction City OR 97448

STATE OF OREGON

COUNTY OF MARION

Subsribed and sworn t o(or affirmed) before me this 7th day of March,
1995, by BART Edwards.



Linda S. Standley
NOTARY PUBLIC
My commission expires 7-30-95

WaterWatch

RECEIVED

AUG 25 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Hand Delivered

August 25, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, OR 97310

Re: Objection to Technical Report for:
R-73845, Bart Edwards, Recreation and Wildlife
Benton County, Muddy Creek (Willamette)

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability Analysis in the Technical Reports is Defective**

The analysis is defective for the following reasons:

- There is no water availability for the slough which is a tributary to muddy creek.
- The water availability analysis failed to differentiate between natural flows and regulated flows (water released from upstream storage) in the Willamette River mainstem. There are several storage facilities in the system. These facilities release stored water into the Willamette mainstem. Failure to differentiate between natural flows and regulated flows in the analyses overestimates the amount of natural flow available for use downstream and may result in the over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a policy matter the Department should be differentiating between stored water and natural flow in its water availability analysis for new permits and in its regulation activities on existing permits.
- The analysis failed to take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analysis takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to give adequate consideration to rights-of-record.

Failure to account for future increases in water use pursuant to rights of record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

●The water availability analysis for application R-73845 used a 50% exceedence flow rather than an 80% exceedence flow. The Water Allocation Policy requires that water be available at least 80% of the time before a permit can be issued. OAR 690-400-010(2)(a). Subsection (c) does give the agency the discretion to allow new storage facilities even if water is not available under this standard. It **does not**, however, automatically exempt storage facilities from this standard.

The initial water availability analysis must use the same standard for storage and other proposed uses of water. If, after the initial calculations are made, it is determined that a different standard will be used, the Department must justify the use of a different standard. This justification should be stated in the technical report. It is not good public policy to use two different water availability standards in the initial analysis.

◆ **The Use as Proposed is Not in the Public Interest**

The proposed use fails to pass the public interest considerations in ORS 537.170. *See also* OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed uses are not in the public interest because it will likely interfere with habitat needed to support public instream uses of water.**

The proposed uses of water may deplete flows needed for numerous public instream uses of the Willamette River. The Mary's River supports cutthroat, steelhead, and coho. The Willamette River system supports a variety of fish life including chinook and coho salmon, steelhead and cutthroat trout and warm water game fish. Moreover, there are two pending instream water rights on the Mary's River which are senior to this application. The use as proposed will affect these public interest values in the river system and thus are not in the public interest.

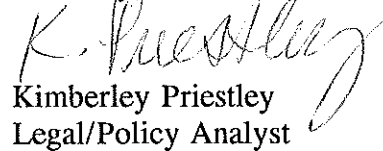
2. **Measuring and Reporting**

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both rate and duty of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

3. Conservation Conditions are Inadequate

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. To adequately protect the resource it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place **prior to** any approval of this proposed used.

Sincerely,



Kimberley Priestley
Legal/Policy Analyst

To: Water Resources Department
From: Steve Mamoyac (ODFW - District Fish Biologist)
Subject: Water right application reviews
Date: 8-25-94

I have received the following applications and offer these comments:

- Permit # R 73845 (Edwards / Muddy Creek).

Muddy Creek and tributaries are used by native cutthroat trout. If the applicant is proposing to install the proposed dam in the actual waterway we must object due to fish passage concerns. The application is unclear as to the precise location of the dam/reservoir relative to the Muddy Creek tributary. Should the proposed reservoir(s) be off-channel then screening per ODFW standards would need to be provided. The applicant is advised to contact Steve Mamoyac (757-4186) so that arrangements can be made to fully assess specific needs relative to this proposal and explore alternative approaches that would not negatively impact the fish resources of Muddy Creek.

- # G 13433 (Miller / Thomas Creek basin).

Since no fish are present at the point of diversion no fish passage or screening is required.

- # R73757 (Doyle / Long Tom basin)
73840

The presence of fish at the described P.O.B. is uncertain. Fish are present in the Long Tom River and tributaries. If water is being diverted from these sources then screening per ODFW standards must be provided. The application is unclear as to the precise location of the proposed reservoir and dam. We would object to the placement of any in-channel obstructions which might impact fish passage. The applicant is advised to contact Steve Mamoyac (757-4116) so that arrangements can be made to fully assess the specific needs relative to this project.

- # 12 72917 (Dehamer / Rickreall Creek)
72918

Since fish are not present at the proposed P.O.D. and reservoir ODFW will not request fish passage and screening provisions.

- # 73758 (Stroda / Long Tom River)

Since fish are present at the proposed P.O.D. ODFW requests that appropriate screening be provided.

Thankyou for the opportunity to comment.



August 8, 1994

BART EDWARDS
93298~~2~~RIVER ROAD
JUNCTION CITY OR 97448

Reference: File R-73845

WATER
RESOURCES
DEPARTMENT

Dear Mr. Edwards,

Enclosed is your receipt for recording fees paid. Note that while it is not necessary for you to submit the additional materials we requested on June 16, 1994 immediately, delaying their submittal will delay further processing of your water right application.

If you have any questions, please feel free to contact us.

Sincerely,



Mr. Cory C. Engel
Water Rights Research Assistant

enclosure



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

Dear Sirs,

Here is the \$100 dollars I owe for the water right App
application number R-73845. I still owe you folks a right to
trespass, and a survey. How long do I have to do these. Right
now it is harvest season. I hope to put it off till this fall
when I have the time.


Bart Edwards

RECEIVED

AUG - 2 1994

WATER RESOURCES DEPT.
SALEM, OREGON

June 16, 1994

BART EDWARDS
93292 RIVERS RD
JUNCTION CITY, OR 97448

Reference: File R-73845

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$300.00; being an examination fee of \$200.00 and a permit recording fee for storage of \$100.00. Since you have previously submitted \$200.00, an additional amount of \$100.00 is required.

In addition, please send the following:

a map prepared by a Certified Water Rights Examiner;

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

a copy of written authorization or easement permitting access to land not owned by you, the applicant;

documentation of ownership, including names and mailing addresses of all legal owners of all property involved in the proposed development;

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

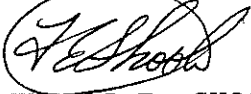


Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

A secondary application for a permit to appropriate water for recreation and wildlife must be submitted to support your reservoir application. This is required to help maintain freshwater conditions in the ponds. An application is enclosed.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Shook", enclosed within a circular scribble.

THOMAS E. SHOOK
WATER RIGHT SPECIALIST

June 16, 1994

BART EDWARDS
93292 RIVERS RD
JUNCTION CITY, OR 97448

Reference: File R-73845

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



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

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

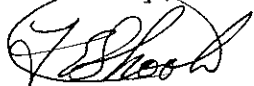
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before AUGUST 25, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



THOMAS E. SHOOK
WATER RIGHT SPECIALIST

Enclosures

Report Date: June 16, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: AUGUST 25, 1994.

1. APPLICATION FILE NUMBER - R-73845

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

BART EDWARDS
93292 RIVERS RD
JUNCTION CITY, OR 97448
BENTON COUNTY 503-998-2841

Date application received for filing and/or tentative date of priority: 1/7/94

SOURCE: SLOUGH TRIBUTARY TO: MUDDY CREEK

Purpose and/or use: RECREATION AND WILDLIFE

Storage: 15.5 ACRE-FEET (AC-FT)

Point of Diversion Location:

T 14 S, R 5 W, W.M.; SECTION 4, SWSW

Place of use:

SWSW
SECTION 4
T 14 S, R 5 W, W.M.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, stored water in the amount of 15.5 AC-FT is likely available.

The evaluation of your application takes into consideration water quality concerns that have been identified by the Oregon Department of Environmental Quality (DEQ).

The Willamette Basin Program defines the storage season as November 1 through June 30.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: R-73845

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Water may be appropriated for storage during the period: NOVEMBER 1 THROUGH JUNE 30.
3. Storage: 15.5 AC-FT, BEING 2.75 AC-FT IN POND 1, 2.9 AC-FT IN POND 2, 7.25 AC-FT IN POND 3, 2.6 AC-FT IN POND 4.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement recording and reporting conditions:
 - A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
 7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
 8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
 9. The total area proposed to be submerged by the reservoirs, when full is 12.4 acres; the proposed maximum depth of water in feet is 1 1/4; the maximum height of the dam is 4 feet.
 10. The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.
 11. Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

WaterWatch

O F O R E G O N

RECEIVED

JAN 21 1994

**WATER RESOURCES DEPT.
SALEM, OREGON**

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

January 19, 1994

RE: Application for Permit #R73845, Bart Edwards
Muddy Cr., Benton Co., Recreation & Wildlife

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?

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and report water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

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?

Is this an existing illegal use of water? If so, 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,

WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039
bc: Jim Myron

January 10, 1994

BART EDWARDS

93292 RIVER RD
JUNCTION CITY, OR 97448

REFERENCE: File(s) R-73845

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

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

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

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - R-73845

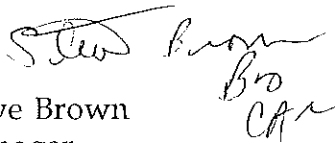
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application.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

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

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

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Steve Brown". To the right of the signature, the initials "Bro" and "CA" are written in a similar cursive style.

Steve Brown
Manager
Water Rights Division

cc:CWRE

Application No. R-73845

RECEIVED

JAN 07 1994

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Construct a Reservoir

Applicant(s) BART Edwards

Mailing Address: 93292 River Road Junction City Or. 97448

City State Zip 998-2841
Daytime Phone No.

I (We) make application for a permit to construct 4 Ponds ~~reservoir~~ and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: a side slough of muddy creek and runoff
a tributary of Muddy Creek
If not in channel of a stream, state how it is to be filled: run off from the fields to the west

2. THE DAM: The maximum height of the structure will be 4 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: There are three pipes in the dike for drainage.
The dike is on the east side of the property. The dike dose not block the slough.

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: The water is to be used for both recreation and for wild life. The pond will be hunted over during water fowl season. The rest of the time the pond has water in it, the water fowl can feed and rest in it.

Pond #	Acres	Feet
1	2.75	"
2	2.9	"
3	7.25	"
4	2.6	"

four ponds being

4. **THE AMOUNT OF WATER** to be stored is: 15.5 acre-feet.
 The area submerged by the reservoir, when filled, will be 12.4 acres,
 and the maximum depth of water will be 15 inches feet.

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. The north east corner of the property is where the side creek of muddy creek meets Mcfarland road meet. our dike runs about 15 to 60 feet to the west of the side creek. I should say that the dike parallels the side creek at the distances. The dike runs on a somewhat north south line. From the conner, go throu the brush and on top of the dike and go south about 90 feet. there is a 5 inch drain pipe thru the dike. going south about 90 more feet, there is another 5 inch drain pipe thru the dike. Still going south on the dike, a about 80 feet from the south property line there is a 10 inch drain pipe thru the dike. from the north east corner of the property, drive west on McFarland road about 1/8 of a mile. There is a gravel road going south off Mcfarland. The private road turns east after crossing the county ditch. There is a 8 inch drain pipe for the west pond under the road near the gate. These ponds are to be flooded durning the winter and early spring. The main use isfor water foul hunting and after teh season water foul habitat.

6. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin The ponds were built in the
 Proposed date construction work will be completed late 1960's. completed
 Proposed date water use will be completed completed

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):

Applicant CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant CWRE Other (Identify in REMARKS section)

8. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: The land is held jointly by four partys.
Bartley and Curt Edwards 93298 River Road Junction City Or 97448
Jerry Patopatea 27964 Ferguson Road Junction City Or 97448
Charles Warren PO Box 8054 Black Butte Ranch 97759
Carl Bond 2931 NW Elmwood Dr. Corvallis Or. 97330

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:

Bart Edwards
Signature

JAN 7 1993
Date

Signature

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.

Bart Edwards
Signature of Applicant

JAN 7 1993
Date

Signature of Co-Applicant, if any

Date

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____.

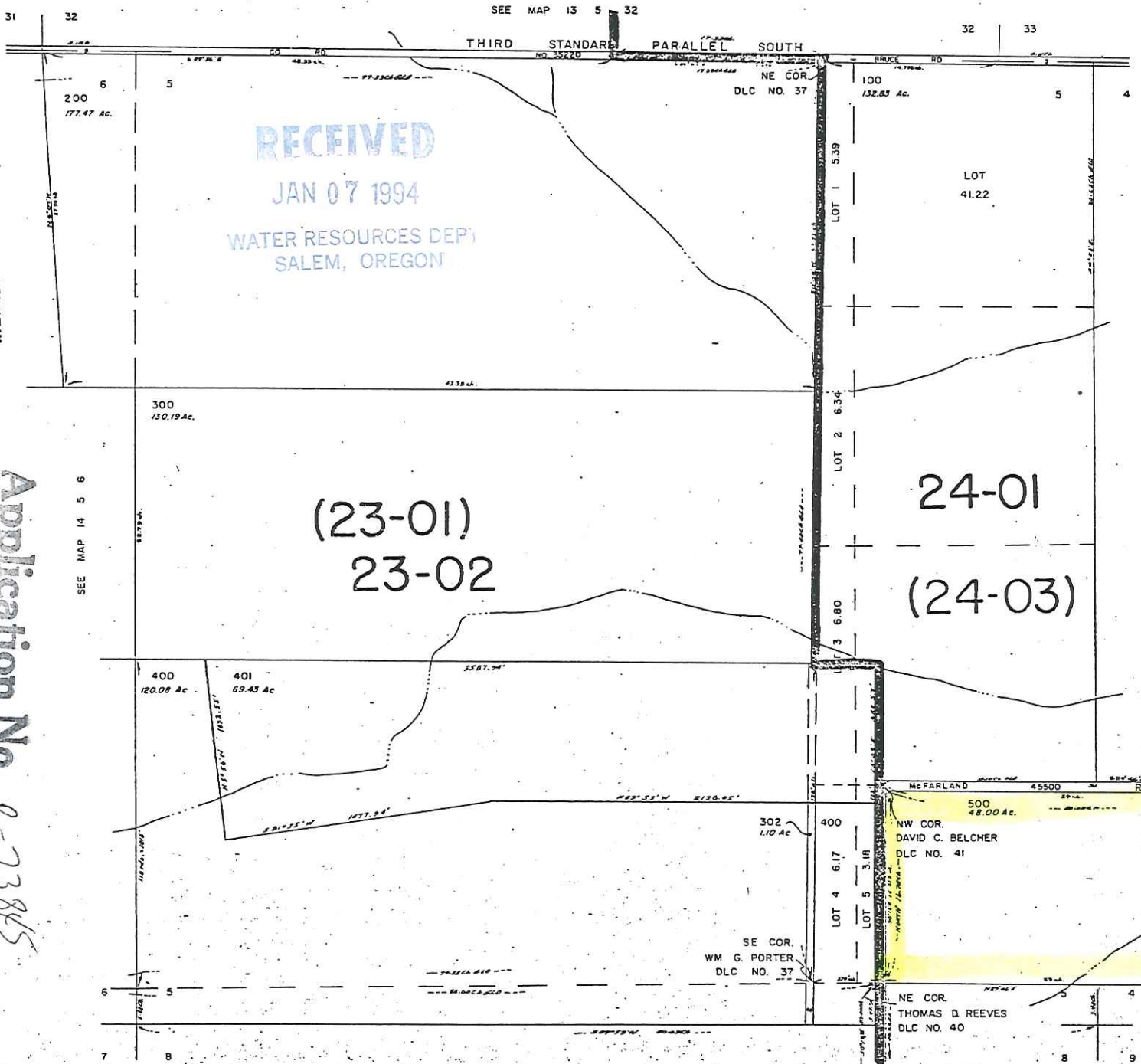
Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at SALMON, Oregon, on the 7th day of JANUARY, 1994, at 1:04 o'clock, P M.

APPLICATION NO: R-73845

14 5 5



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WATER RESOURCES DEPT
SALEM, OREGON

ACCURACY NOT
WARRANTED

(23-01)
23-02

24-01
(24-03)

Side Slough
Muddy Creek

SCALE 1:9600.



Application No. 273845
Permit No.

CERTIFICATE NO. 69057

14 5 5

T. 14 S., R. 5 W. ^{W.M.}
N15

NOT TO SCALE

PG

50.1

34.9

2.2

2.35

5.

T567

5 4
8 9

2/
5.6

1/85.7

T888

7/
3.8

2.0

Muddy creek
~~At~~

6/
48.6

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T581

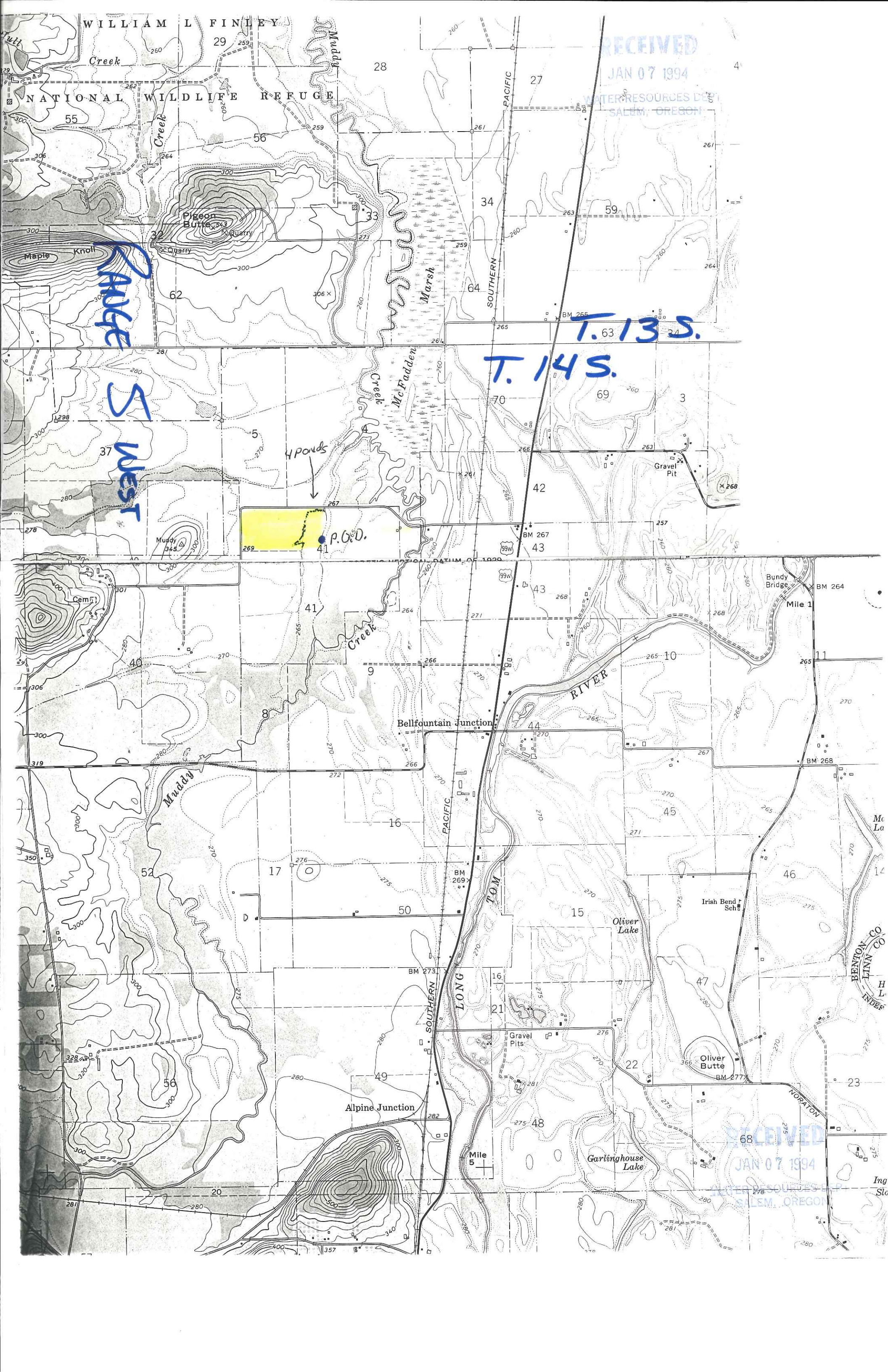
2/
15.5

3/
3.4

4/
55.3

4/
4.5

No. 173805



WILLIAM L FINLEY

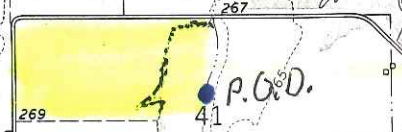
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NATIONAL WILDLIFE REFUGE

RAVE
5
WEST

T. 63 13 S.
T. 14 S.

4 ponds
P.G.D.



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SALEM, OREGON

Application No. 173845
Permit No.
Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

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

JAN 07 1994

WATER RESOURCES DEPT
 SALEM, OREGON

Applicant's Name: BART EDWARDS
 Address: 93298 river Road
 City: Junction City State: OR Zip: 97448 Day Phone: 998-8841

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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
acc 184782				
14-5-5-500	EFU	X		

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Benton 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 city limits. In this case, only the city planning agency must complete this form. Please request extra 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): BCC 55.105(1)(p). 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 below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Jim Allen
Title: Planner

Date: 12-30-93
Phone: 757-6819

Signature: Jim Allen

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:

Benton County Code permits creation, restoration, or enhancement of a wetland (BCC 55.105(1)(p)).

Lined area for additional comments.

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: _____
 Address: _____ 93298 River Road _____
 _____ Junction City OR, _____
 _____ 97448 _____
 Phone: _____ 998-2841 _____

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 SALEM, OREGON

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

Irrigation (crop type, golf course, nursery or greenhouse): _____

Livestock (type of livestock, feedlot, slaughterhouse): _____

Residential (# units, single or multi-family, # lots if partition or subdivision): _____

Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____

Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____

Institutional (i.e., school, library, etc.): _____

Mining (aggregate, metal, open pit, placer, etc.): _____

Recreation (park, campsite, pond, etc.) Duck hunting pond

Fish and Wildlife (pond, hatchery, etc.) After season it is a feeding and rest area

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

Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>A side slough off muddy creek and also run off from the fields to the west.</u>	_____ Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

273845

FARM NO. <u>Bart Edwards</u> NAME & ADDRESS <u>93292 River Rd</u> <u>Junction City Or 97448</u>	PROGRAM YEAR <u>111</u> PHOTO NUMBERS <u>N15</u>	SERIAL NO. U.S. DEPARTMENT OF AGRICULTURE Agricultural Stabilization and Conservation Service MEASUREMENT SERVICE RECORD
NAME AND ADDRESS OF PERSON TO CONTACT <u>Bart Edwards</u>	TELEPHONE NO. <u>998-2841</u>	FARM LOCATION

SECTION I - SERVICE REQUEST AND COST

1. KIND OF SERVICE REQUEST	2. PROGRAM CROP OR LAND USE	3. NO. ACRES	4. NO. PLOTS	5. COST	6. BASIC FARM RATE
<input type="checkbox"/> Stake and Reference <input type="checkbox"/> Measurement after Planting <input type="checkbox"/> Remeasurement <input checked="" type="checkbox"/> OTHER (Specify)					\$ <u>10.00</u>
					7. TOTAL ACREAGE COST
					\$
					8. TOTAL COST OF SERVICE REQUESTED
					\$
TOTAL →					\$

9. PERSON MAKING REQUEST I hereby agree to pay the cost of the service as requested. SIGNATURE OF PERSON MAKING REQUEST <u>Bart Edwards</u> DATE _____	10. CASH RECEIPT PAYMENT RECEIVED FOR SERVICES REQUESTED \$ <u>10.00</u> <input type="checkbox"/> CHECK OR MO <input type="checkbox"/> CASH SIGNATURE OF COUNTY OFFICE EMPLOYEE _____ DATE <u>12.30.93</u>
---	---

11. FOR REMEASUREMENT ONLY No Refund <input type="checkbox"/> REFUND FOR (Crop or service) _____	12. SPECIAL INSTRUCTIONS TO REPORTER _____
--	--

AMOUNT	CHECK NO.	DATE	APPROVAL	REPORTER NAME
\$				

SECTION II - RECORD OF MEASUREMENT SERVICE

TRACT NO.	FIELD NO.	CROP OR LAND USE	ACRES DETERMINED			
			GROSS	DEDUCTIONS	NET	
13	14	15	16	17	18	19
	<u>1</u>				<u>2.2</u>	
	<u>2</u>				<u>2.35</u>	
	<u>3</u>				<u>5.75</u>	
	<u>4</u>				<u>2.1</u>	
	<u>5</u>				<u>34.9</u>	
TOTALS						

POWD #

1) 2.25 2) 2.35 3) 5.75 4) 2.1	2.2 2.35 5.75 2.1 34.9	2.2 2.35 5.75 2.1 34.9	2.2 2.35 5.75 2.1 34.9	2.2 2.35 5.75 2.1 34.9
---	------------------------------------	------------------------------------	------------------------------------	------------------------------------

+ 15.5 ac.ft

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WATER RESOURCES DEPT
SALEM, OREGON

REPORTER: All required determinations for this farm visit have been made in accordance with applicable procedures.	REPORTER <u>Sylvia Forrest</u>	DATE <u>12.30.93</u>
--	--------------------------------	----------------------

Based on County Office records, the land designated for (ACR or CU for PAYMENT) (meets , does not meet , cannot be verified as meeting) the cropping requirements or other eligibility requirements, as applicable.

Oregon Property taxes for fiscal year July 1, 1987 to June 30, 1990

Code Area		Account Number				
24-01		184782				
Property Description (Tax Lot Number)						
Map Number						
Township	Range	Section	1/4	1/16	Parcel	Special Interest
BENTON	14	5	05	00	00500	
REAL	Acres		Class	Sub-Class	Pull Number	
Property Taxes	48.00		0-502			

T
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N

Assessed Value	Last Year	This Year
LAND	14,450	14,500
Net Assessed Value	14,450	14,500
Tax Rate Each \$1000	23.3138	27.0466
Property Taxes	336.88	392.18
Current Taxes Levied By	Tax Rate	Tax Amount
UH #1-MONROE	11.7748	170.74
IRISH BEND SD #24	7.1787	104.09
BENTON COUNTY	3.9285	56.96
LINN-BENTON COMMUN	1.9736	28.62
MONROE RURAL FIRE	1.3727	19.90
LINN-BENTON ESD	0.8183	11.87

Taxpayer
Other
Than
Owner

SPRICK GARLAND R ETAL
341 NE CAMBRIDGE CIR
CORVALLIS OR 97330-4103

Application No. R-73845
 Permit No.

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