

an opinion that nothing would be affected?

WALES: Yes. In my opinion.

TOPHAM: Yeah. Thank you.

CARVER: I have one question, Mr. Wales in regard to the application. Is the location of the well as shown on the application and supporting map, was that based on data furnished to you by the applicant?

WALES: Yes, over the telephone, ^{and} that's a quarter of a mile off.

CARVER: Do you know what the correct, what direction it would be to be correct?

WALES: To be correct it should be located here, it should be located near the northwest corner of the northeast of the southeast, instead of near the northeast corner.

CARVER: Does the location as shown on WRD-12 approximately fit?

WALES: Yes.

CARVER: Ok. I have no further questions. Do you have redirect, Mr. Biggs? Dick?

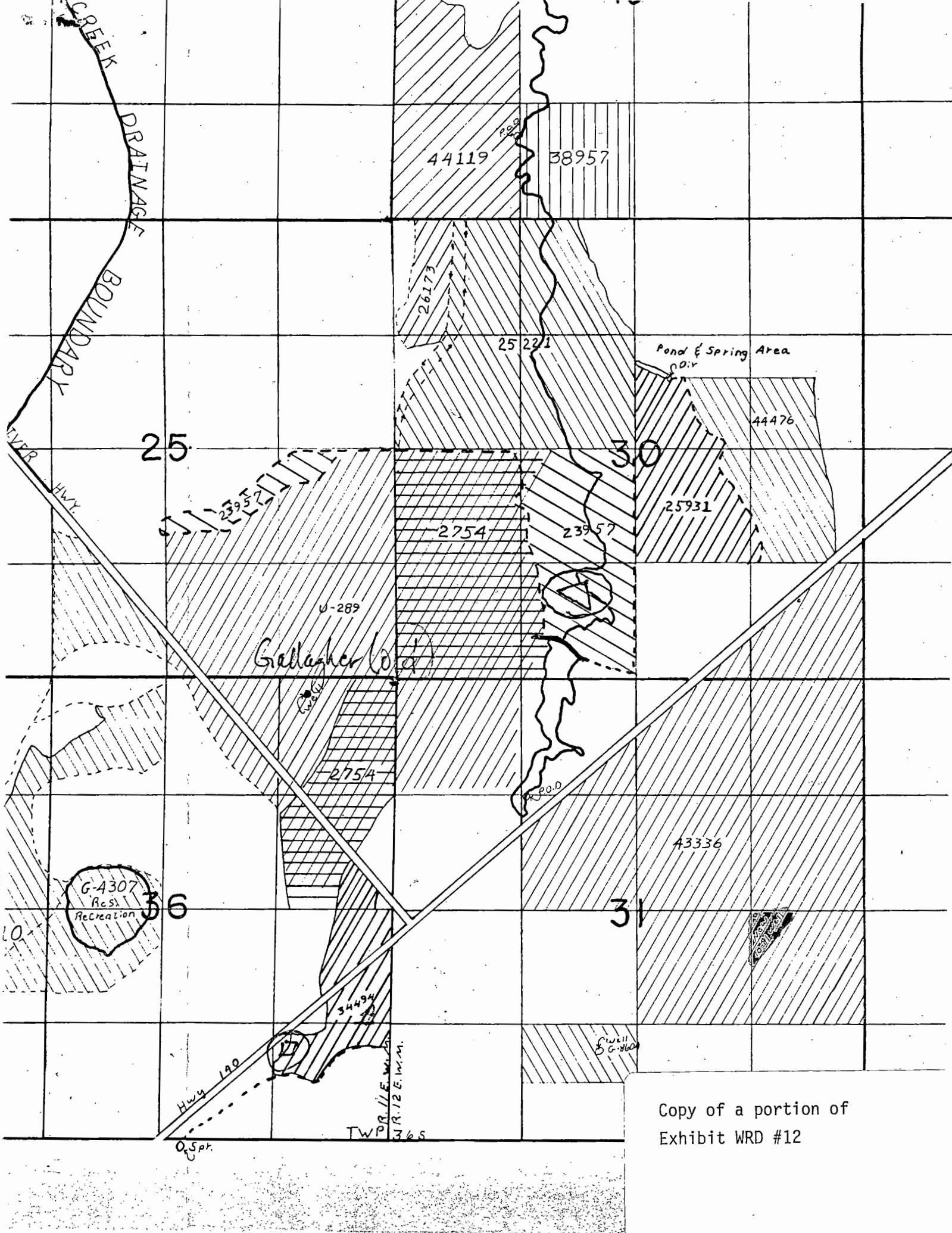
BIGGS: I don't have any further questions with about that.

CARVER: Thank you Mr. Wales.

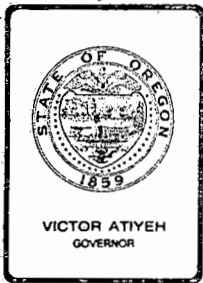
BIGGS: Thank you, Mr. Wales. I guess we're back to protesting the protestants again.

CARVER: I'm going to call about a 15 minute recess at this point. The time is 2:58. We'll reconvene at 3:15.

CARVER: We are back on the record. The time is 3:20 and immediately before we reconvene, ^{it was discussed with} ~~it's best that~~ counsel ~~it, that~~ the Circuit Court of Oregon, 13th Judicial District, Klamath Falls, in regard to the case Melhorn ^{v.} Hill, Number 78-641E, involving the waters of Modoc Billy Springs, Modoc Billy Creek and Whiskey Creek and a certain well; that the court has referred to the matter of



Copy of a portion of Exhibit WRD #12



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

July 12, 1982

PHONE 378-3066
(or message line)
(1-800 452-7813)

Clifford A. Everett
Geologist and Engineer
Dexter, Oregon 97431

Dear Mr. Everett:

REFERENCE: Applications G-10724 & 10731

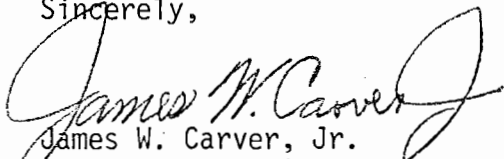
This will acknowledge receipt of your memorandum dated July 8, 1982 in regard to ground water within the Sprague River Valley.

It is not clear in the memorandum who you represent or the purpose of its submission. We assume that you are acting in behalf of the Gallaghers and that you will be called by them as an expert witness.

For the opinion of a qualified expert to gain full weight of consideration, it would necessary to appear as an expert witness in the scheduled hearings for examination and cross-examination by the parties.

Since the memorandum was not served on all parties to the matters, I will make a statement on the record at the beginning of the hearings as to receipt of the memorandum, to eliminate any question as to ex parte contact.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: William L. & Nadine F. Gallagher

RECEIVED

JUL 12 1982

WATER RESOURCES DEPT.
SALEM, OREGON

To: The Director of Oregon's Water Resources

Subject: The relationship -between the Gallagher or
the Harrison wells and the Topham springs which are
situated in Sprague River Valley (T36S,R11&12E).

Dear Sir:

From my inspection of the subject area, from
the excellent briefing by geologist Lauran Forcella and
from consultations with ground-water geologist, Professor
J. D. Meyers, who mapped the general area for the U. S.
Geological Survey, I am convinced that any significant
relationship between said wells and springs is conjectural
and is certainly insufficient to justify prohibiting
production from said wells.

Clearly, I believe said prohibition is un-
warranted, unjust and punitive. I urge immediate removal
of the prohibition and that restitution to the injured
parties be considered.

Respectfully,



8 July, 1982

cc- Forcella
Carver ✓
Learn
Gallagher (3)
Meyers





Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2982

OR

1-800-452-7813

(message line)

June 30, 1982

Edwin Vieira
Star Route, Box 6
Beatty, OR 97621

Dear Mr. Vieira:

I greatly appreciate the efforts you are making toward working out a solution to the water supply problems in the lower Whiskey Creek area. The questions you have asked are certainly to the point. I'll answer them in a more or less general way with the understanding that specific results and actions will depend, in part, on the outcome of a technical investigation currently underway by my staff.

It is too early to say whether the area in question will require critical area designation. There are apparently two distinct, but related, problems developing in the lower Whiskey Creek area. One problem consists of apparent interference between wells and between wells and surface water appropriations. The second problem is a long-term water level decline. This decline may require imposition of a critical ground water area, but the areal extent and severity of the decline are not yet known. Any critical area designation must await further technical analysis.

Typically, critical area designation carries with it the provision that no new permits will be issued in the area. Applications pending at the time a critical area is initiated are dealt with in the critical area order and may either be rejected, conditioned, or permitted, depending upon the outcome of the technical investigation.

Oregon law (ORS 537.620(3)) indicates that when an application discloses the probability that it will interfere with surface water rights, the Director of the Water Resources Department may impose conditions or limitations in the permit to prevent that interference, or he may reject the application after a hearing, or he may initiate a critical area proceeding.

If permits are already issued to the appropriators involved, the solution will honor the relative priorities. With a priority date of July, 1966, the water right on the spring in question predates most of the ground water rights in the area. One solution to the apparent interference problem might be to curtail, or eliminate, ground water production from a number of the wells with later priority dates in

Edwin Vieira
June 30, 1982
page 2

order to reestablish flow in the spring. However, Oregon statutes encourage the use of cooperative agreements among the various water users to resolve this type of problem. In this instance, some cooperative agreement among the various water users may be preferable to all parties involved than regulating a sufficient number of wells, in order of priority, to maintain a spring flow. Such cooperative agreement will be welcomed and encouraged by this Department.

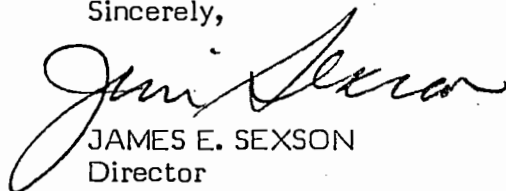
If we determine that there is indeed interference between the ground water use and the surface water supply, an equitable solution to the problem would probably require that the senior water rights be satisfied before the junior water rights. Many wells could contribute to the problem. If the junior appropriators are to continue to use the water, it may be necessary for them to assure a water supply to the senior appropriators. This is where the cooperative agreement mentioned above may benefit all concerned. Under such a cooperative agreement, the junior appropriators could voluntarily cut back their water usage if that is necessary to insure that the spring remains flowing, or they may work out a system of rotation whereby not all wells are pumping at the same time so that any interference at the spring site is small enough that spring flow is continuous. Such a cooperative agreement may go one step further and take the form of a guarantee on the part of the junior appropriators that the senior appropriators will be provided with adequate water supply, or will be provided with the means whereby they themselves can get adequate water supply, e.g., they will be provided with a well, pumping equipment, distribution lines, etc.

Even if Mr. Topham and Mr. Smith withdraw their protests, there is still the potential for some interference with the surface water rights on lower Whiskey Creek. If that interference is judged to be substantial, some conditions or limitations may have to be placed in the permits to alleviate that interference, or, as a more extreme measure, it may be necessary to proceed with a hearing or a critical area determination.

I must point out that, while there is now a general presumption of interference between ground water and surface water usage, only additional investigation and testing will determine if such interference exists and to what extent.

Our course of action in this matter will become much clearer in the next week or two. In the meantime, if you have any further questions, please call me.

Sincerely,



JAMES E. SEXSON
Director

JES:wpc
cc: Senator Fred Heard
Representative Tom Throop
1467B

RECEIVED

JUN 28 1982

WATER RESOURCES DEPT
SALEM, OREGON

Star Route Box 6
Beatty, Oregon 97621
June 20, 1982

Mr. James E. Sexson
Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

Dear Mr. Sexson:

As you are well aware, a few individuals are experiencing critical water problems in the Sprague River Valley. As was suggested by yourself and an attorney for Truman Harrison, we have discussed the problem with Bruce Topham in hopes of finding a solution to the problem without a long court battle. We being, E. K. Vieira and myself, E. J. Vieira who were asked by Bill Gallagher and Truman Harrison to talk to Mr. Topham. After talking to Mr. Topham yesterday, we need to know what the Water Resources Department's position is on the following items so we can work within the framework set up by the state.

1. Is this area going to be declared a critical water area?
2. What significance does declaring an area a critical water area have on the normal procedures for granting water application permits?
3. Even if this area is not declared a critical water area, what is your position on springs drying up and surface water being absorbed by these springs?
4. If after this year, Mr. Topham's and Mr. Smith's springs still go dry even though the alleged problem (Harrison's well) has not been pumped, will the wells in the valley be gradually shut down until Mr. Topham's and Mr. Smith's springs flow all year?
5. How would you recommend we reach an equitable solution?

Mr. James E. Sexson
June 20, 1982
Page 2

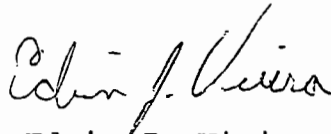
6. If Mr. Topham and Mr. Smith withdraw their protests will the state still refuse these applications?

I don't know if you are fully aware of the problem, so I will summarize it as well as possible. Bruce Topham's spring dried up and began taking water from Whiskey Creek during the summer of 1981. He and Gordon Smith have formally protested Truman Harrison's water permit application. Gordon Smith has formally protested Bill Gallagher's water application permit and Mr. Topham has verbally said he will protest it also.

Mr. Harrison's well was used last year to irrigate with. It has since been brought to our attention this was not according to water resource regulation and Mr. Harrison's well has been "red tagged". Mr. Gallagher has just completed an irrigation project but his well has never been pumped. The combined value of irrigation equipment that is not being used because of the protest exceeds \$150,000.00. This doesn't include land value and crops lost, if the issue isn't resolved quickly.

We would like to find a solution that would satisfy everyone and we would appreciate any help you could give us.

Sincerely,



Edwin J. Vieira

RECEIVED

JUN 24 1982

WATER RESOURCES DEPT
SALEM, OREGON

Flying T Ranch
Star Route 2 Box 894
Sprague River, Ore. 97639
June 23, 1982

Oregon State Water Resources Department
James E. Sexson, Director
555 13th St. N. E.
Salem, Oregon 97310

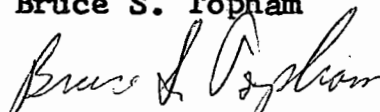
Dear Mr. Sexson:

Regarding Application G-10731 submitted by William and Nadine Gallagher for the appropriation of ground water by means of a well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T 36 S, R 12 E: This well is located within 1/3 mile of Schonchin Spring which forms the headwaters of Whiskey Creek during most of the irrigation season. Other major springs supplying Whiskey Creek are located at varying distances up to two miles from this well. Since Whiskey Creek is the source of irrigation and stock water for our ranch, any interference with the flows of any of these springs would have an adverse impact on our water supply.

In light of severe interference problems already recognized by the State Water Resources Department involving springs on lower Whiskey Creek and several wells located as far as 3 or 4 miles distant and in consideration of the amount of water applied for in Application G-10731 and the proximity of the well to Schonchin Spring it is evident that the potential for interference is quite high in this instance. Therefore this application should be considered under ORS 537.525 subsection 9.

Sincerely,

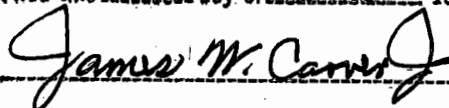
Bruce S. Topham



Virginia A. Topham



Filed this 24th day of June 1982



\$10- Paid - Rec # 31387

AFFIDAVIT OF SERVICE

The undersigned swear that on June 23, 1982 a copy of the protest of Application G-10731 (original attached hereto) was mailed to the applicant at the following address:

William L. and Nadine F. Gallagher
Whiskey Creek Ranch
Star Route 2 Box 898
Sprague River, Oregon 97639

The copy was deposited in mailbox #894 Star Route 2 Sprague River, Oregon and carried a 20¢ postage stamp.

signed *Paul S. Johnson* date 6-23-82
signed *Virginia A. Johnson* date 6-23-82



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
(or message line)
(1-800 452-7813)

June 25, 1982

Bruce S. Topham and
Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

Dear Mr. and Mrs. Topham:

REFERENCE: Application G-10731, Gallagher

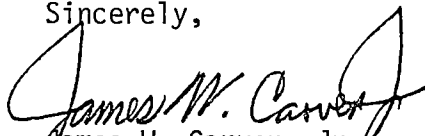
This will acknowledge your letter protest against approval of pending Application G-10731 in the names of William L. and Nadine F. Gallagher, the accompanying proof of service of a copy of the protest on the applicants, and your check in the amount of ten dollars.

The protest was filed on June 24, 1982 on the grounds that the proposed appropriation of ground water would result in injury to your existing water rights.

Our receipt numbered 31387 is enclosed to confirm your payment of the statutory protest filing fee.

As your were advised in previous correspondence, a hearing on the subject application and protests against it has been tentatively scheduled for Thursday, July 29, 1982, at the Watermaster's office in Klamath Falls.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: William L. and Nadine F. Gallagher, Applicants
cc: Del Sparks, Watermaster

RECEIVED

JUN 28 1982

Whiskey Creek Ranch

Box 898, Sprague River, OR 97639

WATER RESOURCES DEPT June 22, 1982
SALEM, OREGON

Dear Mr. Sexson,

I am writing in regards to our application #G-10731.

In Mr. Gordon Smiths protest of our well, He said, "until it can be shown that the pumping of this well does not reduce the flow of Sconchin Spring or any other spring supplying Whiskey Creek," I request application #G-10731 not be approved." He also states the spring is 1/3 mile from the well.

The Well is over 1/2 mile from the Head of Whiskey Creek. We feel that this protest would be resolved by the turning on and pumping of this well.

We are asking for a hearing as soon as possible, to resolve this problem and obtain a water permit on this well.

We have lived here for almost 17 years. Vieiras have lived here over 25 years, and Harrisons for 4 years. We have all been good neighbors, and have helped each other. Mr. Topham has lived here for about 8 years and has caused problems for most of the people around here.

Ken Vieira, representing the Harrisons, Gallaghers and Vieiras, met with Topham last Saturday, June 19th, to see if we could work out a solution to this problem. Topham didn't seem interested in working out a solution.

When we applied for our permit we proceeded working the land, and planted a crop. Mr. Bill Wales, Water Engineer, told us this was the normal procedure. Some people have waited as long as six years for a permit, but are using the water in the meantime.

We are requesting a waiver on our 30 day waiting period because we have invested over \$100,000 on this irrigation project and have crops coming up that desparately need the water.

We are requesting the minimal use of water up to the time of the hearing to try and save our investment. At the same time prove that by using our well it does not affect Sconchin Spring. Lauren has stated to Mr. Perry that she didn't think the pumping of our new well would affect the spring.

If it would expedite things we would be glad to have our hearing at the same time as the Truman Harrisons.

I am requesting a copy of all of Lauren Forcella's reports.

Page 2

Your prompt action on this problem will be appreciated.

Bill Gallagher
Bill Gallagher

cc: Fred Heard, Senator

June 22, 1982

Dear Mr Sexson,

We are requesting a hearing with the Gallaghers to expedite our obtaining water rights. I spoke to Mr. Carver this morning, June 22, to make this request of him and he agreed it would expedite this hearing. He informed us of a tentative date of July 29, 1982 as being the soonest date for all concerned. Although July 29th is a later date than we anticipated through past conversations with the Water Resources Department as to the length of time required to set up a hearing, we will agree to it at this time. We do not wish for the hearing to be able to be prolonged by the protestors to any later date.

I am requesting a copy of Lauren Forcellas' latest report concerning our well and also of any previous data collected concerning all of the wells and springs concerned.

Thank you for your time and cooperation,

Karen Harrison

Karen Harrison
Pine Hill Ranch
Sprague River, OR 97639

June 20, 1995

Oregon

WATER
RESOURCES
DEPARTMENT

WILLIAM L GALLAGHER
NADINE F GALLAGHER, WHISKEY CR RANCH
PO BOX 309
BEATTY, OR 97621

USER-ID: 11641

With regard to the pump test requirements for the following well and its associated water right:

<u>Well</u>	<u>Permit</u>	<u>Certificate</u>
POD-ID 23003 A WELL	Permit G-10021,	Certificate 54687

cc: Water Rights File

The Water Resources Department has reviewed and accepted the pump test results you submitted. The Department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted.

We appreciate your cooperation in this program. If you have any questions, please contact me or Mike Zwart at the address or phone number listed below.

Sincerely,

R. Craig Kohanek
Water Data Coordinator

cc: Water Rights Section



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

In your letter you said
we could keep the map print,
we received no print, could we please
have one?

Thank - you
Mrs. Gallagher

RECEIVED
JUL - 1 1986
WATER RESOURCES DEPT
SALEM, OREGON

Sent Copy of map to
7-2-86 JG

MAY 27 1986

Abstract of Permit KLAMATH

RECEIVED

MAR 31 1986

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

This is to certify that I have examined APPLICATION G-10731 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to William L. and Nadine F. Gallagher of Whiskey Creek Ranch, Box 898, Sprague River, Oregon 97639, phone 533-2494 for use of the waters of one well.

for the PURPOSE of irrigation of 253.0 ac

trib Whiskey Creek

that the PRIORITY OF THE RIGHT dates from May 27, 1982

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 3.16 cubic feet per second

measured at the point of diversion from the well, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: 10 feet South and 10 feet West from the Northeast Corner of NW 1/4 SE 1/4, being within the NW 1/4 SE 1/4 of Section 31, Township 36 South, Range 12 East, WM; in the County of Klamath.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before May 11, 1984, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1984.

Complete application of the water to the proposed use shall be made on or before October 1, 1985.

Witness my hand this 11th day of May, 1983.

WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION G-10731

4660 D

PERMIT

G10021

(Inspection March 20 1986 O. Sparks)

Township 36 South, Range 12 East, WM	Section 31	NE 1/4	NE 1/4	40.3 acres
		SE 1/4	NE 1/4	40.3 acres
		NE 1/4	SE 1/4	33.0 acres
		NW 1/4	SE 1/4	33.0 acres
		SW 1/4	SE 1/4	33.0 acres
		SE 1/4	SE 1/4	33.0 acres
	Section 32	SW 1/4	NW 1/4	40.4 acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to $\frac{1}{80}$ of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

provided further that this right

~~The right herein granted shall be subject to prior rights to appropriate ground water from the ground water reservoir which serves as the source of the appropriation authorized herein, and should it be determined subsequent to the issuance of this permit that the appropriation of ground water authorized has a measurable effect on the flow of Whiskey Creek and/or its tributaries, the appropriation of ground water herein authorized shall be regulated in accord with prior rights to appropriate such surface water flows.~~

RECEIVED

MAR 31 1986

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 07 1986

WATER RESOURCES DEPT
SALEM, OREGON

Info: Steve Parsons Son-in-law

Source: well Drilled by ~~North~~ Survey

Pump 50 HP ~~1/2 HP~~ U.S. Electrical Motors

1770 RPM

Johnston Turbine

Booster 50 HP

1770 RPM

centrifugal Bettley 1800 RPM

7" in 5" OUT

Pipe 3 1/4 mile wheel lines

Plenty of main line

1 1/4 mile PIVOT

Buried main to PIVOT

Sprinkler on wheel lines R.B.

11/64

Everything turns at one time

crop OATS - pasture

LIFT from well 0-5'

Inspection

pump @ 75% eff @ 60 psi

$$\frac{(100)(6.6)}{(150+50)} = 3.3 \text{ cfs}$$

$$(150+50)$$

March 20 1986

Del Sparks

Watermaster Dist 17

heads @ 60 psi

$$\frac{(99)(6.6)}{450} = 1.45 \text{ cfs plus at ctr pivot}$$

450

which must = ~~1.71~~ 770
9pm to get 3.16 cfs (duty)

Dallagher was irrigating all of this land prior
to filing for a water right permit. Map was
~~then~~ submitted or constructed

I do not have 610's at my office to check
scale on map

Del Sparks
5/4/86



STATE OF OREGON

INTEROFFICE MEMO

TO: DEL SPARKS, WATERMASTER, DISTRICT 17

DATE: APRIL 24, 1986

FROM: BRUCE ESTES

Bruce

SUBJECT: FILE G-10731

RECEIVED

MAY 07 1986

WATER RESOURCES DEPT
SALEM, OREGON

We received your final proof survey data under the William and Nadine Gallagher Permit G-10021. As you are aware, we're a little nervous about inspections on irrigation filings and we have a couple of concerns about this one. First, we have no information in the file, nor did your report inform us as to whether Bill Wells surveyed this as a completed project or proposed. The assumption here is that it was a proposed project rather than him doing a survey of what was already on the ground. That doesn't create a problem provided you're certain that everything as shown is exactly what's there and represents it as well as would be had you surveyed it on a photo or by plane table survey. The one thing I'd like to see on the map is a verification of scale, though.

- not so!
See SPA memo
of 25 July 85

I don't know if you have GLO information or not, Del. If you do, please let us know that you have compared this map to the GLO data in your office. It's also very helpful if you will compute the quantity of water involved for the acreage, the heads, and the pump capacity. When we have that information then we can do it again but we know that it's a check rather than initial information and there's less hazard of making an error.

We'll hold this proof until you get the rest of the data to us. I'm enclosing your report along with the field forms to refresh your memory. Thank you very much for your efforts.

4308D

Finding the July 25 memo changes my concerns. Just check with Wales about scale and those large 40's. Also we need a statement on your report that Wales survey was "as constructed." Gallagher "C" slip is at odds with Ms Gallagher phone report. They claimed use by June 10, 83 on "C".

See note on back of report.
Del



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

MAY 07 1986

WATER RESOURCES DEPT
SALEM, OREGON

DATE: July 25, 1985

TO: Del Sparks

FROM: Steve Applegate

SUBJECT: Gallagher Permits G-10021 and 44476; Files G-10731 and 59176

As we discussed by phone, enclosed are the field forms for the above referenced permits for Wm. and Nadine Gallagher.

According to Mrs. Gallagher, Wales' surveys were "as built" as far as the developments are concerned, so you should be able to inspect the maps provided. If not, I explained to her that they could have the project surveyed as developed or whatever you can work out.

Do at your convenience.

DEL SPARKS, WATERMASTER, DISTRICT 17

APRIL 24, 1986

BRUCE ESTES

FILE G-10731

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STATE OF OREGON

INTEROFFICE MEMO

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DATE: July 25, 1985

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Do at your convenience.

81-125-1379



May 25, 1983

William L. and Nadine F. Gallagher
Whiskey Creek Ranch, Box 898
Sprague River, OR 97639

G-10731

G-10021

378-3066
or
1-800-452-7813
(message line)

March 31, 1983

William L. Wales, PE
1740 Austin Street
Klamath Falls, OR 97601

Dear Mr. Wales:

REFERENCE: File G-10731

Thank you for the submittal of the amended Application G-10731
and map revising the described location of the well.

Sincerely,

STEPHEN C. BROWN
Senior Water Rights Examiner

SCB:wpc

cc: William L. Gallagher

5770B

RAL
REGISTERED:
OREGON
CALIFORNIA
NEVADA

TELEPHONE: 884-4739
AREA CODE: 503

WILLIAM L. WALES & ASSOCIATES
CONSULTING ENGINEERS
1740 AUSTIN STREET
KLAMATH FALLS, OREGON 97601
March 22, 1983

RECEIVED
MAR 25 1983
WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Dept.
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

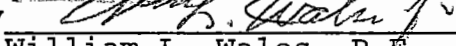
Attn: Stephen C. Brown
Re: G-10731

Gentlemen:

Enclosed is Application No. G-10731 and tracing of map which have been revised to show the correct location of the well. Sorry about the mixup.

Very truly yours,

William L. Wales & Associates

By 
William L. Wales, P.E.

WLW/pf

Encls

p.c. William L. Gallagher
P. O. Box 898
Sprague River, OR 97639



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813
(message line)

March 3, 1983

William L. and Nadine F. Gallagher
c/o William L. Wales and Associates
1740 Austin Street
Klamath Falls, OR 97601

Gentlemen:

According to information in this office it appears that the location of the well as described by Application G-10731 and the accompanying map is in error.

Please review the application and map and make the necessary corrections to properly describe the actual location of the well.

I am returning your application and map for correction and completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before May 4, 1983.

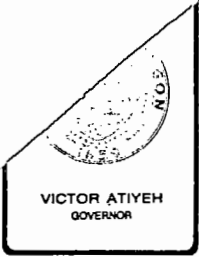
Sincerely,

Stephen C. Brown
Senior Water Rights Examiner

SCB:jvm

Enclosures

cc: William and Nadine Gallagher



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813
(message line)

January 7, 1983

Bruce S. Topham and
Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

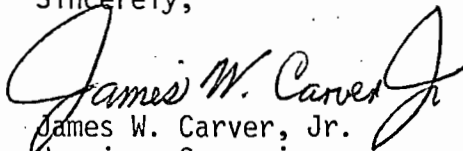
Dear Mr. and Mrs. Topham:

REFERENCE: File G-10731

We understand that you did not receive our Certified Mail letter of December 29, 1982 transmitting a certified copy of the Director's Order in the matter of Application G-10731 in the names of William L. and Nadine F. Gallagher.

A second certified copy of the said Order is enclosed together with a photocopy of the December 29, 1982 letter.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

STATE OF OREGON

INTEROFFICE MEMO

TO: JIM CARVER

DATE: JANUARY 7, 1982

FROM: LAUREN FORCELLA



SUBJECT: MAILING OF GALLAGHER ORDER TO BRUCE TOPHAM

On January 6, 1983, during a phone conversation with Bruce Topham, I was informed that he had not received a certified copy of the order resulting from the Gallagher protested case hearing, dated December 28, 1982. Mr. Topham stated that the reason he did not receive the order was probably because the local post office burned down during the approximate time of the mailing.

4398B



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3046

OR

1-800-452-7813

(message line)

December 29, 1982

Donald A. Bick
Bick and Monte, P.C.
1551 Pearl Street
Eugene, Oregon 97401

Dear Mr. Bick:

REFERENCE: File G-10731

Enclosed is a certified copy of the order of the Water Resources Director in the matter of Water Right Application G-10731 in the names of William L. and Madeline F. Callagher.

The date of service is the date of this letter.

Sincerely,

JAMES W. FAIRVER, Jr.
Hearings Officer

JW Caspe
cc: Dol Sparks, Wintermaster
Newt Perry

enclosure

0056/K
4059P

Certified, PRR

COPY



VICTOR ATIYEH
GOVERNOR

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

OR

1-800-452-7813

(message line)

December 29, 1982

Phil Studenberg
Garbutt and Studenberg
122 South 5th, Suite 300
Klamath Falls, Oregon 97601

Dear Mr. Studenberg:

REFERENCE: File G-10731

Enclosed is a certified copy of the order of the Water Resources Director in the matter of Water Right Application G-10731 in the names of William L. and Nadine F. Gallagher.

The date of service is the date of this letter.

Sincerely,

JAMES W. CARVER, Jr.
Hearings Officer

JWC:wpc
cc: Del Sparks,, Watermaster
Newt Perry

enclosure

0056/K
4055B

Certified, PRR

COPY



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
or
1-800-452-7613
(message line)

December 29, 1982

Bruce S. and Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, Oregon 97639

Dear Mr. and Mrs. Topham:

REFERENCE: File G-10731

Enclosed is a certified copy of the order of the Water Resources Director in the matter of Water Right Application G-10731 in the names of William L. and Nadine F. Gallagher.

The date of service is the date of this letter.

Sincerely,

JAMES W. CARVER, Jr.
Hearings Officer

JWC:vpcc
cc: Del Sparks,, Watermaster
Newt Ferry

enclosure

0056/K
40553

Certified, RRR

COPY



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

or

1-800-452-7913

(message line)

December 29, 1982

Gordon H. Smith
1156 Mira Mar
Medford, Oregon 97501

Dear Mr. Smith:

REFERENCE: File G-10731

Enclosed is a certified copy of the order of the Water Resources Director in the matter of Water Right Application G-10731 in the names of William L. and Nadine F. Gallagher.

The date of service is the date of this letter.

Sincerely,

JAMES W. CARVER, Jr.
Hearings Officer

JWC:wpc
cc: Del Sparks,, Watermaster
Newt Perry

enclosure

0056/K
4055B

Certified, PRR

COPY

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

KLAMATH COUNTY

IN THE MATTER OF APPLICATION G-10731)
IN THE NAMES OF WILLIAM L. GALLAGHER)
AND NADINE F. GALLAGHER FOR PERMIT)
TO APPROPRIATE GROUND WATER)

STATEMENT, FINDINGS
CONCLUSIONS AND ORDER

STATEMENT

On May 27, 1982, Application G-10731 in the names of William L. Gallagher and Nadine F. Gallagher, was filed in the office of the Water Resources Director for a permit to appropriate water from a certain ground water reservoir by means of an existing 150-foot deep, 12-inch diameter well located within the NE 1/4 SE 1/4 of Section 31, Township 36 South, Range 12 East, WM, for irrigation of a certain 253 acres of land located within the east one-half of said Section 31 and the SW 1/4 NW 1/4 of Section 32. (Exhibit WRD 2-G)

On June 18, 1982, a protest against approval of Application G-10731 was filed by Gordon H. Smith. The protest alleges that the proposed appropriation would reduce the water available to the protestant under his existing right from Whiskey Creek. (Exhibit WRD 3-G)

On June 24, 1982, a protest against approval of Application G-10731 was filed by Bruce S. Topham and Virginia A. Topham. The protest alleges that the proposed appropriation would reduce the water available to the protestants under their existing and claimed rights from Whiskey Creek and springs. (Exhibit WRD 4-G)

On July 1, 1982, a protest against approval of Application G-10731 was filed by Dell Smith. The protest alleges that the proposed appropriation would interfere with the flow of Whiskey Creek and springs, from which the protestant obtains water for domestic, stock and irrigation uses. (Exhibit WRD 5-G)

On July 1, 1982, a protest against approval of Application G-10731 was filed by Stephen D. Hess. The protest alleges that the proposed appropriation would interfere with the flow of Whiskey Creek and springs, from which the protestant obtains water for domestic, stock and irrigation uses. (Exhibit 6-G)

Pursuant to the provisions of ORS 537.622(2) and the Director's Notice of Hearing dated July 12, 1982 (Exhibit WRD 1-G), the matter was brought to hearing before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside in behalf of the Director, at Klamath Falls, Oregon, commencing on July 29, 1982. The hearing was adjourned on July 30, 1982, and reconvened on August 26, 1982, pursuant to agreement of the parties and the Director's notice dated August 3, 1982.

Protestant Gordon H. Smith was present and was represented by Robert S. Hamilton, Attorney at Law, during the first session of the hearing. Mr. Smith appeared without services of legal counsel during the second session of the hearing.

Protestants Bruce S. and Virginia A. Topham were present and were represented by Robert S. Hamilton during the first portion of the first session of the hearing. During the remainder of the hearing, the Tophams appeared without the services of legal counsel.

Protestants Dell Smith and Stephen D. Hess were present and were represented by Phil Studenberg, Attorney at Law, throughout the hearing.

Applicants William L. and Nadine F. Gallagher were present and were represented by Donald A. Bick, Attorney at Law, throughout the hearing.

The hearing was held concurrently with another hearing on the matter of pending Application G-10724 in the name of Truman Harrison, for a permit to appropriate water from a certain ground water reservoir by means of an existing well located within the SE 1/4 NW 1/4 of Section 22, Township 36 South, Range 11 East, WM, for irrigation purposes, and protests by Gordon H. Smith and by Bruce S. and Virginia A. Topham.

Based on the record, the Water Resources Director makes the following findings of fact, conclusions and order.

FINDINGS OF FACT

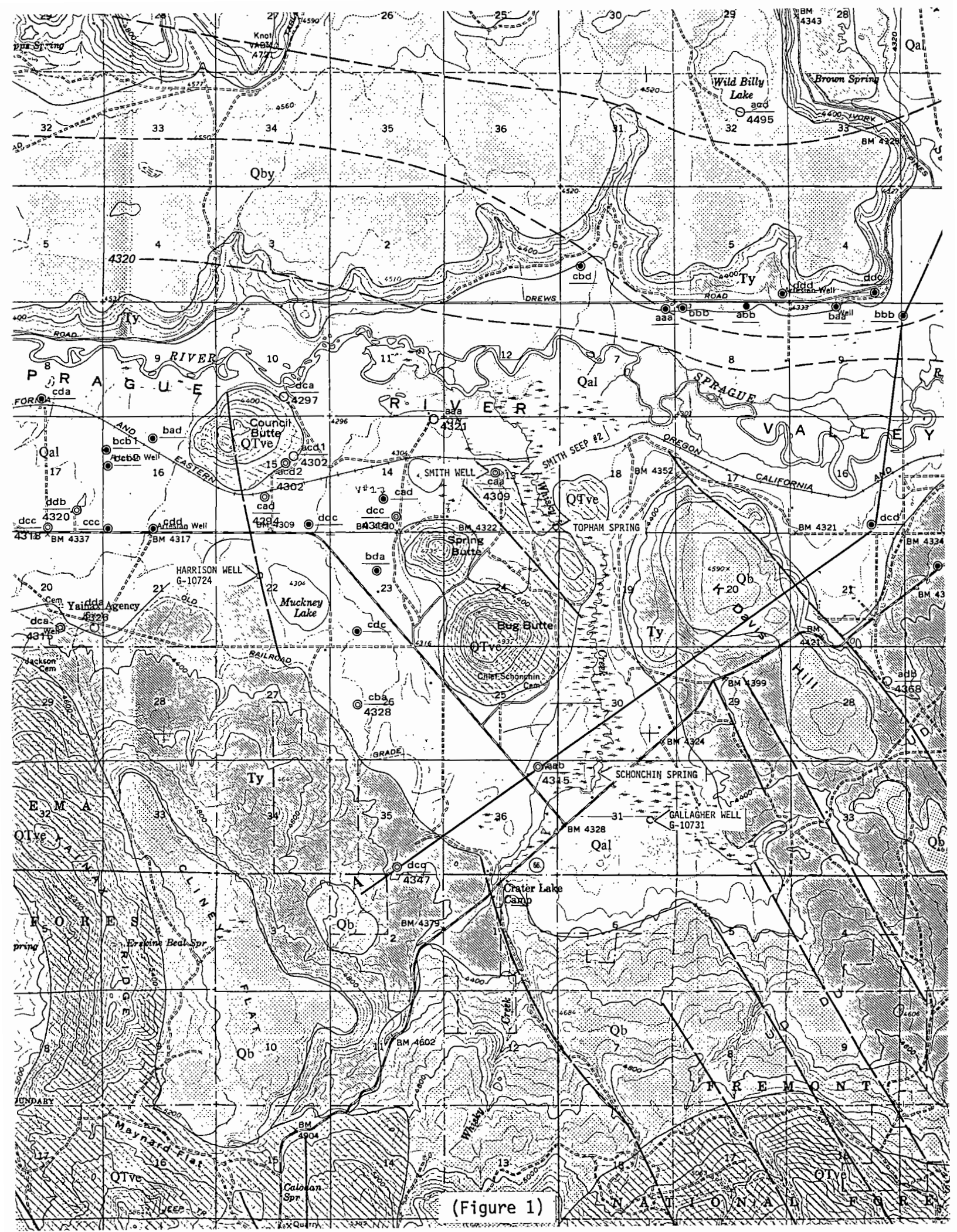
The geologic units and relative geographical locations of the Gallagher Well (Application G-10731), Whiskey Creek, Sprague River and other features are shown on Figure 1. Figure 1 is a photocopy of a portion of Plate 2, Ground Water Report 21 entitled "Ground Water in Selected Areas in the Klamath Basin, Oregon," published by the State Engineer of Oregon (Exhibit WRD 21).

The approximate boundaries of the protestants' properties within the subject area are shown on Figure 2. These lands were part of the Klamath Indian Reservation prior to termination of the reservation.

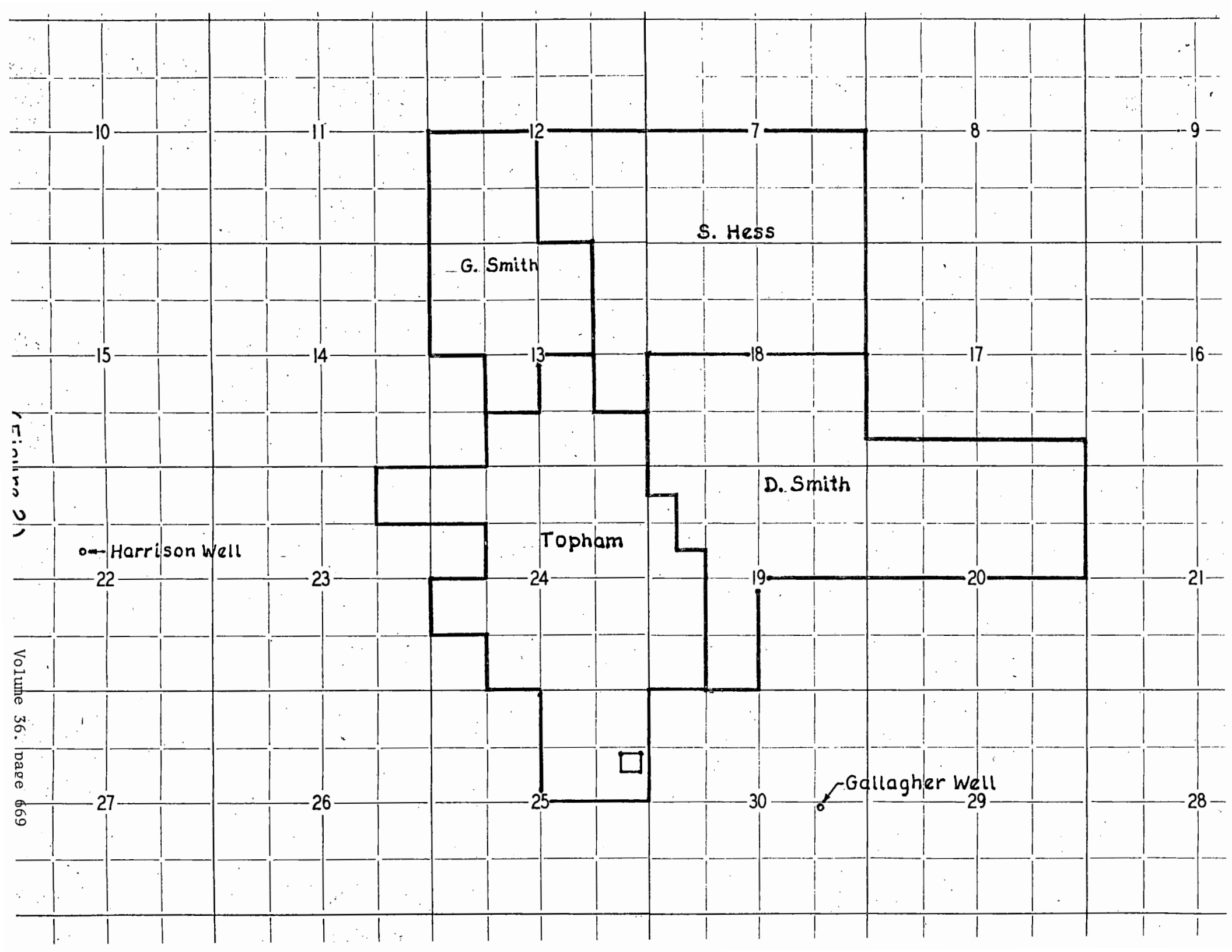
Testimony and evidence were in agreement as to the five geological units found in the study area. They are listed and described below from youngest to oldest:

1. Quaternary Alluvium: A thin layer of alluvium covers most of the study area.
2. Quaternary Basalt: Wide-spread thin flows of basalt in units of 20 to 30 feet thick cap many slopes bordering the study area.
3. Eruptive Center Rocks: Bug Butte, Spring Butte and Council Butte are remnants of Plio-Pleistocene eruptive centers comprised of eruptive and shallow intrusive rocks such as rhyolite, dacite, andesite and basalt. Much of the mountainous terrain surrounding this part of the Sprague River Valley is comprised of this unit.
4. Yonna Formation: The geology is dominated by the Pliocene Yonna Formation composed of discontinuous layers of siltstone, diatomite, sandstone, pumice, gravel, tuff and lava flows deposited in a lacustrine environment. In the study area, the Yonna Formation is of variable thickness, and based on driller's logs, ranges from 300 to 1000 feet thick.
5. Lower Basalt: These Pliocene flood basalts, not exposed in the study area, comprise a thick sequence of individual flows that cooled from a low viscosity magma that extruded along fissures and covered a large portion of Northern California and South-Central Oregon. This unit resembles the Columbia River Basalt Group both temporally and compositionally.

Testimony and evidence were also in agreement as to the general hydrogeologic character of the rock units found in the area. The aquifer from which most wells in the area produce is the confined Lower Basalt. The Yonna Formation is also capable of large sustained yields from confined strata of permeable sandstones, conglomerates, pumice and fractured lava flows. The Lower Basalt appears to have a higher head than the Yonna Formation and often flowing artesian conditions were encountered when drillers intersected the Lower Basalt.



(Figure 1)



10

11

12

7

8

9

S. Hess

G. Smith

15

14

13

18

17

16

D. Smith

Topham

Harrison Well

22

23

24

19

20

21

Gallagher Well

27

26

25

30

29

28

Figure 2)

Volume 36, page 669

Wells producing from the Yonna Formation and/or open to production from both Yonna and Lower Basalt are located west of Whiskey Creek. In upper Whiskey Creek, most production appears to be from Quaternary alluvium and/or Quaternary basalt. Wells located near volcanic eruptive centers appear to produce from a light colored volcanic rock, presumably dacite or rhyolite, from the eruptive center. The eruptive center rocks and the Quaternary basalt are fractured and considered to be good recharge units.

The protested Gallagher Well is located in upper Whiskey Creek. Upper Whiskey Creek has been arbitrarily defined as that portion of Whiskey Creek upstream of the boundary between Sections 19 and 30 in Township 36 South, Range 12 East. Expert testimony from Keith Anderson and Bruce Topham and other evidence of record concur on the following facts that relate to the upper Whiskey Creek area:

1. Wells in upper Whiskey Creek produce from Quaternary alluvium and/or Quaternary basalt.
2. Northwest-trending faults mapped on the east and west sides of the south end of the upper Whiskey Creek area, separate Yonna Formation from Quaternary basalt.
3. Well log evidence indicates the Quaternary alluvium thickens from south to north in the upper Whiskey Creek area.
4. Quaternary basalt and eruptive center rocks that form the hills south of Whiskey Creek, are thought to be recharge areas for ground water present in upper Whiskey Creek. Precipitation percolates into these permeable volcanic materials and migrates northward into alluvial deposits that form upper Whiskey Creek.
5. Results of a seepage run conducted in October, 1970, measured 21 cfs entering the Sprague River from Whiskey Creek. Considering the low gradient of Whiskey Creek (approximately 10-15 feet per mile) and the narrow width of the creek, transmissivity of the aquifer(s) in hydraulic connection with upper Whiskey Creek is probably 50 to 75 percent higher than that calculated for wells pumping from the Yonna/Lower Basalt aquifer.
6. Pump test data for the Gallagher irrigation wells show specific capacities of 45 gpm/foot of drawdown for the older well in 36S/11E-36aab and 57 gpm/foot of drawdown for the protested well in 36S/12E-31daa. These data also indicate a high transmissivity for the upper Whiskey Creek aquifer.
7. Well log information from the Gallagher irrigation wells and other domestic wells in the upper Whiskey Creek area indicate relatively unconfined ground water conditions. The water table in the upper Whiskey Creek area is very close to land surface as evidenced by water levels in wells and the marshy character of the terrain.
8. The older Gallagher Well was observed by WRD from 1954 to 1972 with no long-term decline noted. Measurements taken in 1981 and 1982 indicate no declines since 1972. Data show seasonal fluctuations in this well to be approximately two feet per year.
9. Wells drilled into upper Whiskey Creek have temperatures ranging from 7-12°C; this is in comparison to temperatures of approximately 16°C measured in wells producing from Yonna Formation and approximately 20°C measured in wells believed to intersect Lower Basalt. Conductivity values are also lower in upper Whiskey Creek wells compared to those of wells west of Whiskey Creek.

Protestants Bruce Topham, Gordon Smith and Stephen Hess testified that they first began noticing reduced flow in lower Whiskey Creek and its associated springs in August of 1980.

All reported similar, yet more severe, problems during the summer of 1981. During a WRD investigation of lower Whiskey Creek in September, 1981, many dry springs and reverse flow into Topham Spring were observed. The flow across the Gordon Smith diversion dam from Whiskey Creek (36S/11E-13dba - Application 8052) was estimated at 1.0 cfs. Topham testified that Topham Spring fluctuated between normal and reverse flow and that other springs on his property and Gordon Smith's property (which he leases) fluctuated concurrently. Topham testified that during this time, the flow of water in the creek was normal upon entering his property, but during its course across the property, flow was greatly reduced; as such, little of the creek flowed beyond Topham's property and Topham was unable to irrigate the downstream land that he leases from Gordon Smith.

Hess testified that during the summer of the 1981, his springs adjacent to Whiskey Creek (36S/11E-13d) stopped flowing and the creek level was too low to irrigate from. Hess and Topham testified that during the summer of 1982, their springs stopped flowing and that Whiskey Creek was too low to irrigate from.

Gordon Smith testified that in August of 1981, there was not enough water reaching his point of diversion from Whiskey Creek to keep his pasture irrigated and that much of the pasture that was kept naturally wet through the action of seeps, was dry. Dell Smith testified as to an ongoing decline in the flow of Whiskey Creek and its associated springs since ground water withdrawals began in the area in 1955.

The summer of 1982 marked the first time the protested Gallagher Well was put into operation.

Daily measurements of head or flow in Smith Well, Topham Spring and Smith Spring 2 were gathered during the summer of 1982. The data show a direct correlation between the water level changes recorded in Smith Well and those recorded in Smith Spring 2. Topham testified that he believed the declines and fluctuations noted in Smith Well, Smith Spring 2 and Topham Spring are related to withdrawal from the wells pumping west of Whiskey Creek. Topham, Hess, Dell Smith and Gordon Smith feel that the Gallagher Well is hydraulically connected to upper Whiskey Creek and that withdrawal from the Gallagher Well will cause a reduction in creek flow which will interfere with surface water rights of downstream users.

Dell Smith and Bruce Topham testified they observed fluctuations in the flow of Whiskey Creek on July 4 and July 5, 1982, respectively, that appeared to be related to operation of the Gallagher Well. Stephen Hess testified that on or around July 4, 1982, his springs located along Whiskey Creek ceased flowing. None of these three protestants had knowledge as to whether the observed fluctuations in lower Whiskey Creek or its associated springs were or were not caused by adjustments of upstream surface water diversions from the flow of Whiskey Creek.

The protestants' water rights of record and claims based on uses by Indian residents prior to termination of the Klamath Indian Reservation are for domestic, stock water and irrigation from Whiskey Creek and various springs which occur along Whiskey Creek. The testimony and evidence of record do not establish that appropriation of water as proposed by Application G-10731 would result in substantial interference with the water to which the protestants are entitled.

ULTIMATE FINDINGS OF FACT

The testimony and evidence adduced in the hearing do not establish that a probable measurable interference with the protestants obtaining the water to which they are entitled would result from the appropriation and use of ground water proposed by the pending Application G-10731 in the names of William L. Gallagher and Nadine F. Gallagher.

The testimony and evidence of record do not establish a probability that the proposed appropriation of ground water would cause undue interference with other existing wells or substantial interference with existing rights to appropriate surface water by others.

CONCLUSIONS OF LAW

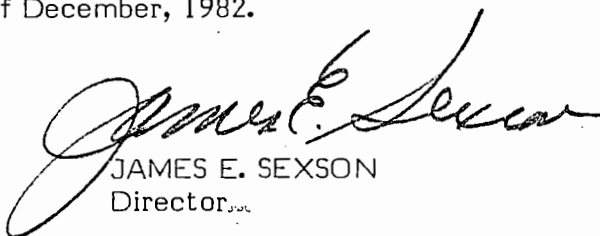
Pursuant to the provisions of ORS 537.615 to 537.625, Application G-10731 should be approved by issuance of a permit, subject to prior rights to appropriate from the aforesaid ground water reservoir, and with the provision that should the proposed appropriation and use of ground water be found to have a measurable effect on the flow of Whiskey Creek and/or its tributaries, the proposed appropriation of ground water shall be regulated in accord with prior rights to appropriate such surface water flows.

ORDER

NOW, THEREFORE, it is ORDERED that Application G-10731 in the names of William L. Gallagher and Nadine F. Gallagher be approved by issuance of a permit with the following provisions:

- (a) The right herein granted shall be subject to prior rights to appropriate ground water from the ground water reservoir which serves as the source of the appropriation authorized herein.
- (b) Should it be determined subsequent to the issuance of this permit that the appropriation of ground water herein authorized has a measurable effect on the flow of Whiskey Creek and/or its tributaries, the appropriation of ground water herein authorized shall be regulated in accord with prior rights to appropriate such surface water flows.

Dated at Salem, Oregon this 28th day of December, 1982.


JAMES E. SEXSON
Director

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

4055B

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Klamath County

IN THE MATTER OF APPLICATION G-10731)
IN THE NAMES OF WILLIAM L. & NADINE)
F. GALLAGHER FOR A PERMIT TO)
APPROPRIATE GROUND WATER)

NOTICE

To: Donald A. Bick
Attorney at Law
1551 Pearl Street
Eugene, OR 97401

Robert S. Hamilton
Attorney at Law
292 Main Street
Klamath Falls, OR 97601

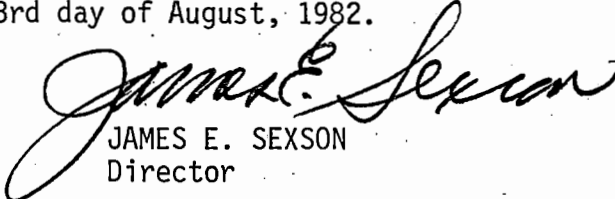
Bruce Huffman
William P. Brandsness, P.C.
411 Pine
Klamath Falls, OR 97601

Bruce S. and Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

Phil Studenberg
Garbutt and Studenberg
122 S. 5th, Suite 300
Klamath Falls, OR 97601

You are hereby notified that the hearing in the matter of Application G-10731 in the names of William L. and Nadine F. Gallagher and protests by Gordon H. Smith, Bruce S. and Virginia A. Topham, Dell G. Smith, and Stephen D. Hess against approval of the application, will be reconvened at 9:00 a.m. on Thursday, August 26, 1982, in the upstairs conference room in the Extension Service Building, 3328 Vandenberg Road, Klamath Falls, Oregon.

Dated at Salem, Oregon this 3rd day of August, 1982.


JAMES E. SEXSON
Director

CERTIFIED MAIL, RRR

cc: William L. and Nadine F. Gallagher
Gordon H. Smith
Dell G. Smith
Stephen D. Hess
Del Sparks, Watermaster

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Klamath County

IN THE MATTER OF APPLICATION G-10731)
IN THE NAMES OF WILLIAM L. & NADINE)
F. GALLAGHER FOR A PERMIT TO)
APPROPRIATE GROUND WATER)

NOTICE

To: Donald A. Bick
Attorney at Law
1551 Pearl Street
Eugene, OR 97401

Robert S. Hamilton
Attorney at Law
292 Main Street
Klamath Falls, OR 97601

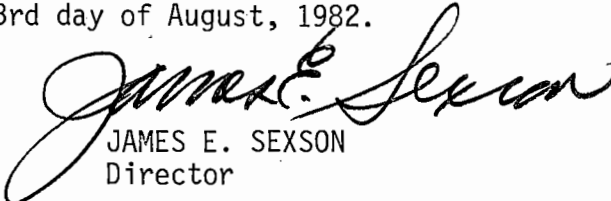
Bruce Huffman
William P. Brandsness, P.C.
411 Pine
Klamath Falls, OR 97601

Bruce S. and Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

Phil Studenberg
Garbutt and Studenberg
122 S. 5th, Suite 300
Klamath Falls, OR 97601

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Dated at Salem, Oregon this 3rd day of August, 1982.


JAMES E. SEXSON
Director

CERTIFIED MAIL, RRR

cc: William L. and Nadine F. Gallagher
Gordon H. Smith
Dell G. Smith
Stephen D. Hess
Del Sparks, Watermaster

763-2093

Del Smith - Beatty

G 10731

Running all night long

William & Nadine Gallagher

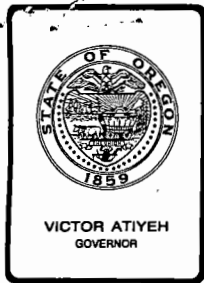
Protested July 29th

Gone 11 to 1 PM

Del Sparks notified 7-7-82
of reported violation of posting.

He was instructed to check it out in the evening
and sign complaint if there is a violation.

WMP



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-2983

July 21, 1982

Honorable Tom Throop
State Representative
P. O. Box 643
Bend, OR 97701

Scott Riordan
Senate Presidents Office
S223 State Capitol
Salem, OR 97310

Theodore Conn
Attorney at Law
P. O. Box 351
Lakeview, OR 97630

Donald A. Bick
Attorney at Law
1551 Pearl Street
Eugene, OR 97401

William P. Brandsness
Attorney at Law
411 Pine Street
Klamath Falls, OR 97601

Del Sparks
Watermaster
3328 Vandenberg Avenue
Klamath Falls, OR 97601

Wm. L. & Nadine Gallagher
Whiskey Creek Ranch
Box 898
Sprague River, OR 97639

Truman Harrison
Pine Hill Ranch
Route 2, Box 876
Sprague River, OR 97639

Bruce S. & Virginia Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

Gordon H. Smith
1156 Mira Mar
Medford, OR 97501

Dell G. Smith
Box 103
Beatty, OR 97621

Stephen D. Hess
P.O. Box 111
Beatty, OR 97621

Ladies and Gentlemen:

As previously discussed, enclosed is a copy of the Whiskey Creek Aquifer Test, Klamath County, prepared by Lauren Forcella, hydrogeologist, from this office.

Sincerely,

Chris L. Wheeler
Deputy Director

CLW:eh
Enclosure

- 1, Donald A. Bick
- 2, Bick & Monte P.C.
- 3, 1551 Pearl St.
- 4, Eugene, Oregon 97401

representing Collopy

- 6, Bruce Huffman 882-6616
- 7, William P. Brandon P.C.
- 8, 411 Pine
- 9, Klamath Falls, Ore.
- 10, 97601

representing
Harrison

- 12, Phil Studenberg ⁰³³³ 884-8152
- 13, Garbutt & Studenberg
- 14, 122 So. 5th, suite 300
- 15, Klamath Falls, Ore.
- 16, 97601

representing
Bill Smith and
Stephan Hess

Robert S. Hamilton 883-1123

292 Main Street
Klamath Falls, Ore.

representing
Topham & Gordon
Smith

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 60¢
 Show to whom, date and address of delivery.....
 RESTRICTED DELIVERY
 Show to whom and date delivered.....
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Gordon H. Smith
 1156 Mira Mar
 Medford, OR 97501

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 _____ 56428 _____
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Gordon H. Smith

4. DATE OF DELIVERY POSTMARK
 JUL 13 1982
 1982

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC 6-10731 ☆GPO : 1979-300-489

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 60¢
 Show to whom, date and address of delivery.....
 RESTRICTED DELIVERY
 Show to whom and date delivered.....
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Donald A. Bick
 Attorney at Law
 1551 Pearl Street
 Eugene, OR 97401

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 _____ 56427 _____
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Patricia Bick

4. DATE OF DELIVERY POSTMARK
 JUL 13 1982
 1982

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC 6-10731 ☆GPO : 1979-300-489

PS Form 3811, Jan. 1979

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered..... 60¢
 Show to whom, date and address of delivery.....
 RESTRICTED DELIVERY
 Show to whom and date delivered.....
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Bruce S. & Virginia A. Topham
 Flying T Ranch
 Star Route 2, Box 894
 Sprague River, OR 97639

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 _____ 56429 _____
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Virginia Topham

4. DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC 6-10731 ☆GPO : 1979-300-489

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Klamath County

IN THE MATTER OF APPLICATION G-10731)
IN THE NAMES OF WILLIAM L. & NADINE)
F. GALLAGHER FOR A PERMIT TO)
APPROPRIATE GROUND WATER)

NOTICE

To: William L. & Nadine F. Gallagher
Whiskey Creek Ranch
Box 898
Sprague River, OR 97639

Bruce S. & Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

Donald A. Bick
Attorney at Law
1551 Pearl Street
Eugene, OR 97401

Dell G. Smith
Box 103
Beatty, OR 97621

Gordon H. Smith
1156 Mira Mar
Medford, OR 97501

Stephen D. Hess
PO Box 111
Beatty, OR 97621

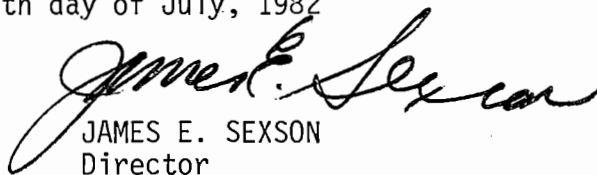
You are hereby notified pursuant to ORS 537.622(2) and 183.415 that a hearing in the matter of Application G-10731 in the names of William L. and Nadine F. Gallagher and protests by Gordon H. Smith, Bruce S. and Virginia A. Topham, Dell G. Smith and Stephen D. Hess will be held before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside in behalf of the Director, commencing at 9:30 a.m. on Thursday, July 29, 1982 at the Watermaster's office, Extension Service Building, 3328 Vandenberg Road, Klamath Falls, Oregon.

Application G-10731 was filed in the office of the Water Resources Director on May 27, 1982, and is for a permit to appropriate not to exceed 6.33 cubic feet per second of water by means of a well located 10 feet South and 10 feet West from the East Quarter-Corner of Section 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 36 South, Range 12 East, WM, for irrigation of a certain 253 acres of land within the E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 31, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32 of said township and range.

In the protests it is alleged that the proposed appropriation of ground water would conflict with the existing water rights of the protestants and others for use of surface and ground waters.

Attached is information on the procedures, right of representation and other rights of parties relating to conduct of the hearing, as required under ORS 183.413(2).

Dated at Salem, Oregon this 12th day of July, 1982


JAMES E. SEXSON
Director

CERTIFIED MAIL, RRR

cc: Del Sparks, Watermaster

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
Klamath County

IN THE MATTER OF APPLICATION G-10731)
IN THE NAMES OF WILLIAM L. & NADINE)
F. GALLAGHER FOR A PERMIT TO)
APPROPRIATE GROUND WATER)

NOTICE

To: William L. & Nadine F. Gallagher
Whiskey Creek Ranch
Box 898
Sprague River, OR 97639

Bruce S. & Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

Donald A. Bick
Attorney at Law
1551 Pearl Street
Eugene, OR 97401

Dell G. Smith
Box 103
Beatty, OR 97621

Gordon H. Smith
1156 Mira Mar
Medford, OR 97501

Stephen D. Hess
PO Box 111
Beatty, OR 97621

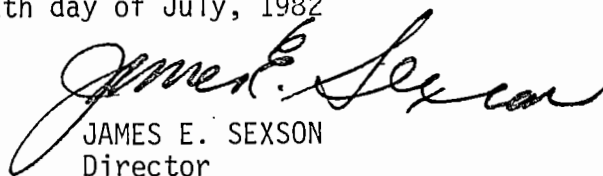
You are hereby notified pursuant to ORS 537.622(2) and 183.415 that a hearing in the matter of Application G-10731 in the names of William L. and Nadine F. Gallagher and protests by Gordon H. Smith, Bruce S. and Virginia A. Topham, Dell G. Smith and Stephen D. Hess will be held before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside in behalf of the Director, commencing at 9:30 a.m. on Thursday, July 29, 1982 at the Watermaster's office, Extension Service Building, 3328 Vandenberg Road, Klamath Falls, Oregon.

Application G-10731 was filed in the office of the Water Resources Director on May 27, 1982, and is for a permit to appropriate not to exceed 6.33 cubic feet per second of water by means of a well located 10 feet South and 10 feet West from the East Quarter-Corner of Section 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 36 South, Range 12 East, WM, for irrigation of a certain 253 acres of land within the E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 31, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32 of said township and range.

In the protests it is alleged that the proposed appropriation of ground water would conflict with the existing water rights of the protestants and others for use of surface and ground waters.

Attached is information on the procedures, right of representation and other rights of parties relating to conduct of the hearing, as required under ORS 183.413(2).

Dated at Salem, Oregon this 12th day of July, 1982


JAMES E. SEXSON
Director

CERTIFIED MAIL, RRR

cc: Del Sparks, Watermaster

H. F. SMITH
ATTORNEY AT LAW
540 MAIN STREET
KLAMATH FALLS, OREGON 97601

July 8, 1982

RECEIVED TELEPHONE 882-2555
JUL 9 1982
WATER RESOURCES DEPT.
SALEM, OREGON

Mr. James Carver
Water Resources Department
1158 Chemeketa Street NE
Salem, Oregon 97310

Dear Mr. Carver:

This will confirm our recent conversation in which I advised you that I am representing Mr. and Mrs. William L. Gallagher in regard to their application for a water right permit.

I understand that there is a geologist's report which may be ready for circulation following the Director's return to the office on Friday and that I will receive a copy of that report in due course.

Your co-operation in connection with this matter is greatly appreciated.

Yours truly,

H. F. Smith
dh

HFS:db

RECEIVED

JUL 11 1982

Dell G. Smith
Box 103
Beatty, Oregon 97621
June 29, 1982

97621
WATER RESOURCES DEPT
SALEM, OREGON

Dear Mr. Sexson:

I wish to protest Application No. G-10731 submitted by William I. and Nadine F. Gallagher for the appropriation of ground water by means of a well located ~~located~~ at a point of diversion 10'S & 10'W from E $\frac{1}{4}$ cor. sec. 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. T. 36S, R 12 E. WM.

For the past several years my neighbors and I have been experiencing severe interference problems with our water supply. This is because of an abundance of new wells being drilled in this area. These wells are effecting the flow of springs in and along Whiskey Creek. Last year for example, the springs that normally flow all year round completely quit through the months of July and August. This creates a great hardship on the ranchers who depend on the water from these springs and from Whiskey Creek itself for irrigation of our pastures, stock water, and domestic use.

I have contacted our local Water Master, Mr. Sparks in the past to no avail. I have also had the same results with other people in your department. With the reasons stated above I request that application No. G-10731 be denied.

Sincerely yours,



Filed this 1st day of July 1982

James W. Carver

\$10- Paid - Rec# 31646

Enclosed \$10⁰⁰ money order - filing fee.

AFFIDAVIT OF SERVICE

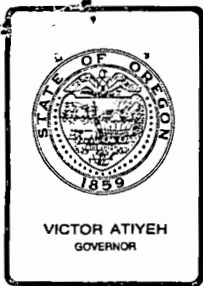
THE UNDERSIGNED SWEAR THAT ON JUNE 30, 1982 A COPY OF THE PROTEST OF APPLICATION G - 10731 (original attached hereto) WAS MAILED TO THE APPLICANT AT THE FOLLOWING ADDRESS.

WILLIAM L. & NADINE F. GALLAGHER
WHISKEY CREEK RANCH
BOX 898
SPRAGUE RIVER, OR. 97639

THE COPY WAS MAILED TO THE ABOVE ADDRESS AND CARRIED (20 cent postage stamp.)

SIGNED Cheryl Lynn Mortensen DATE 6-29-1982

SIGNED Velda May Smith DATE June 29, 1982



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

July 2, 1982

PHONE 378-3066
(or message line)
(1-800 452-7813)

Dell G. Smith
Box 103
Beatty, OR 97621

Dear Mr. Smith:

REFERENCE: Application G-10731, Gallagher

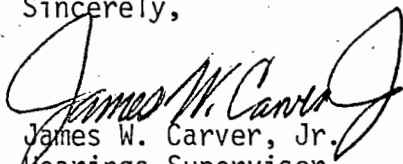
This will acknowledge your letter protest dated June 29, 1982, against approval of pending Application G-10731 in the names of William L. and Nadine F. Gallagher, the accompanying proof of service of a copy of the protest on the Gallaghers, and your money order in the amount of \$10.

The protest was received and filed on July 1, 1982, on the grounds that the proposed appropriation of ground water would result in injury to your existing water rights.

Our receipt numbered 31646 is enclosed to confirm your payment of the statutory protest filing fee.

A hearing on the matter of Application G-10731 and the protests against it has been tentatively scheduled for Thursday, July 29, 1982 in Klamath Falls, at the Watermaster's office.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: William L. and Nadine F. Gallagher
cc: Del Sparks, Watermaster

G-10731

Stephen D. Hess
P. O. Box 111
Beatty, Oregon 97621
June 29, 1982

RECEIVED

JUL 1 1982

WATER RESOURCES DEPT
SALEM, OREGON

Oregon State Water Resources Dept.
James E. Sexson, Director
555 13th. St. N.E.
Salem, Oregon

Dear Mr. Sexson;

I wish to protest application no. G-10731 submitted by William L. and Nadine F. Gallagher for the appropriation of ground water by means of a well located at a point of diversion 10'S. and 10'W. from E $\frac{1}{4}$ cor. sec, 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 36S., R. 12E., WM.

For the past several years my neighbors and I have been experiencing severe interference problems with our water supply. This is because of an abundance of new wells being drilled in this area. These wells are effecting the flow of springs in and along Whiskey Creek. Last year for example the springs that normally flow all year round completely quit through the months of July and August. They then resumed their flow again in late September when the pumps in the area were shut down. This creates a great hardship on the ranchers who depend on the water from these springs and from Whiskey Creek itself for irrigation of our pastures, stock water, and domestic water. This is also having an effect on the Fish and Wildlife of this area.

With the above reasons stated, I request that application number G-10731 be denied.

Sincerely Yours,

Stephen D. Hess

Filed this 1st day of July 19 82

James W. Carter

\$10- Paid - Rec # 31641

RECEIVED

JUL 1 1982

AFFIDAVIT OF SERVICE

WATER RESOURCES DEPT
SALEM, OREGON

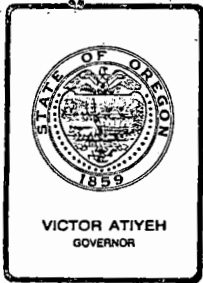
The undersigned swear that on June 30, 1982 a copy of the protest of Application G-10731 was mailed to the applicant at the following address:

William L. and Nadine F. Gallagher
Whiskey Creek Ranch
Box 898
Sprague River, Ore. 97639

The copy was posted at the U. S. Post Office in Klamath Falls, Ore. and carried a 20¢ postage stamp.

Signed Stephan D. Hess Date June 30, 1982

Signed Melissa K. Hess Date June 30, 1982



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

July 2, 1982

PHONE 378-3066
(or message line)
(1-800 452-7813)

Stephen D. Hess
PO Box 111
Beatty, OR 97621

Dear Mr. Hess:

REFERENCE: Application G-10731, Gallagher

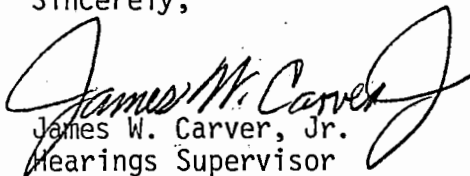
This will acknowledge your letter protest dated June 29, 1982, against approval of pending Application G-10731 in the names of William L. and Nadine F. Gallagher, the accompanying proof of service of a copy of the protest on the Gallaghers, and your check in the amount of \$10.

The protest was received and filed on July 1, 1982, on the grounds that the proposed appropriation of ground water would result in injury to your existing water rights.

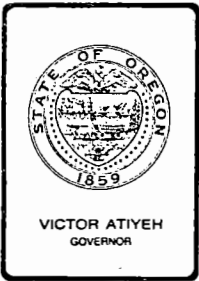
Our receipt numbered 31641 is enclosed to confirm your payment of the statutory protest filing fee.

A hearing on the matter of Application G-10731 and the protests against it has been tentatively scheduled for Thursday, July 29, 1982 in Klamath Falls, at the Watermaster's office.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: William L. and Nadine F. Gallagher
cc: Del Sparks, Watermaster



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066
or
1-800-452-7813
(message line)

June 23, 1982

Truman Harrison
Pine Hill Ranch
Route 2, Box 876
Sprague River, OR 97639

William L. Gallagher and
Nadine F. Gallagher
Whiskey Creek Ranch
Box 898
Sprague River, OR 97639

Bruce S. Topham and
Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

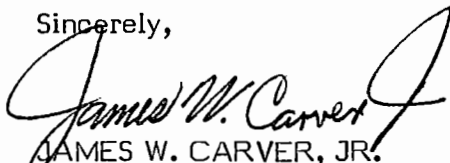
Gordon H. Smith
1156 Mira Mar
Medford, OR 97501

REFERENCE: Application G-10724, Harrison and Application
G-10731, Gallagher

Is there any reason why the hearings on the matters of Application G-10724 in the name of Truman Harrison and Application G-10731 in the names of William L. and Nadine F. Gallagher, and the protests by Gordon H. Smith and Bruce S. and Virginia A. Topham should NOT be scheduled for Thursday, July 29, 1982, commencing at 10:00 a.m. at the Watermaster's office in Klamath Falls, Oregon.

If we do not hear from you by July 7, 1982, we will assume you are agreeable to the date of July 29, 1982, and will give formal notice for that date.

Sincerely,


JAMES W. CARVER, JR.
Engineer

JWC:wpc
cc: Del Sparks, Watermaster
1360B

Medford, Oregon
June 16, 1982

Oregon State Water Resources Department
James E. Sexson, Director
555 13th St. N.E.
Salem, Oregon 97310

RECEIVED

JUN 18 1982

WATER RESOURCES DEPT
SALEM, OREGON

Dear Mr. Sexson:

I want to protest Application G-10731 submitted by William L. and Nadine F. Gallagher for the appropriation of ground water by means of a well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T 36 S, R 12 E. This well is located 1/3 mile of Schonchin Spring which forms the headwaters of Whiskey Creek. Other major springs supplying Whiskey Creek are located at varying distances up to two miles from this well. Since Whiskey Creek is the source of irrigation and stock water for my ranch, any interference with the flows of any of these springs would have an adverse impact on my operation.

In light of this severe interference already recognized by the State Water Resources Department involving springs on lower Whiskey Creek and caused by several wells located as far as 3 or 4 miles distant it is reasonable to anticipate similar disruptions will be created by the pumping of this new well. Until it can be shown that the pumping of this well does not reduce the flow of Schonchin Spring or any of the other springs supplying Whiskey Creek I request Application G-10731 not be approved.

Sincerely,

Gordon H. Smith
Gordon H. Smith

Filed this 18th day of June 1982

James W. Cannon

\$10 - paid Rec # 31250

Gordon H. Smith,
1156 Mira Mar
Medford, Or. 97501

RECEIVED

JUN 18 1982

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT OF SERVICE

The undersigned swear that on June 16, 1982 a copy of the protest of Application G-10731 (original attached hereto) was mailed to the applicant at the following address.

William L. and Nadine F. Gallagher
Whiskey Creek Ranch
Box 898
Sprague River,
Oregon 97639

The copy was deposited in mail box 1156 Mira Mar, Medford, Oregon 97501 and carried a 20 cent postage stamp.

Signed:

Garobon H. Smith

Date

June 16, 1982



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

June 21, 1982

PHONE 378-3066
(or message line)
(1-800 452-7813)

Gordon H. Smith
1156 Mira Mar
Medford, Oregon 97501

Dear Mr. Smith:

REFERENCE: Application G-10731, Gallagher

This will acknowledge your letter protest dated June 16, 1982, the accompanying proof of service of a copy of the protest on the applicants, and your check in the amount of ten dollars.

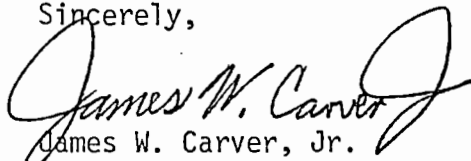
The protest was filed on June 18, 1982 on the grounds that the appropriation as proposed by the pending application would result in injury to your existing water rights.

Our receipt numbered 31250 is enclosed to confirm your payment of the statutory \$10. protest filing fee.

The pending application and the protest against it will be held without action for a reasonable period of time to allow opportunity for you and the Gallaghers to discuss the matter and, perhaps, come to agreement on the issues.

If agreement is not possible, the matter will be set for hearing at the request of the Gallaghers. The hearing would be held in Klamath Falls at a time reasonably convenient to all parties.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: William L. and Nadine F. Gallagher
cc: Del Sparks, Watermaster

RECEIVED

JUN 8 1982

WATER RESOURCES DEPT
SALEM, OREGON

Whiskey Creek Ranch
Sprague River, Or. 97639
June 7, 1982

Water Resources Dept.
Mill Creek Office Park
555 13th Street N.E.
Salem Or. 97310

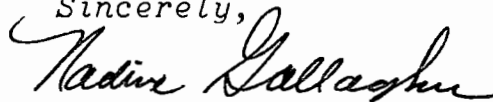
Dear Mr. Brown:

Reference: File G-10731

In reply to the phone conversation we had this A.M.
We will not use any water from Whiskey Creek to Irrigate this
land. The water will all come from the well we are making
the application on.

Thank you for calling.

Sincerely,



William L. and Nadine F. Gallagher

378-3066 or
1-800-452-7813
(message line)

June 3, 1982

William E. and Nadine F. Gallagher
Whiskey Creek Ranch, Box 898
Sprague River, OR 97639

Dear Mr. and Mrs. Gallagher:

REFERENCE: File G-10731

You are cautioned that you will not have the authority to the use of water without a proper water right of record.

An application is a request for permission to use public water, subject to existing rights, and legislative and administrative limitations. The acceptance of an application or the issuance of a permit gives no assurance that water will be available.

An approved application constitutes a permit, which would allow for the use of the water and until the application is approved, you will not have the authority to the use of the water.

Sincerely,

Stephen C. Brown
Senior Water Rights Examiner

SCB:tw
cc: Del Sparks, Watermaster

CIVIL
STRUCTURAL

REGISTERED:
OREGON
CALIFORNIA
NEVADA

TELEPHONE: 884-4739
AREA CODE: 503

WILLIAM L. WALES & ASSOCIATES
CONSULTING ENGINEERS
1740 AUSTIN STREET
KLAMATH FALLS, OREGON 97601
May 26, 1982

Application No. G-10731
Permit No.

RECEIVED

MAY 27 1982

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

Gentlemen:

Enclosed is an application in the names of William L. and Nadine F. Gallagher to appropriate 6.33 c.f.s. of the ground waters of the State Of Oregon for irrigation, together with the applicant's check in the amount of \$303.00 to cover the statutory filing fees computed as follows:

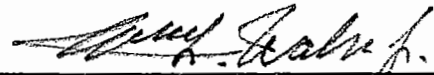
Examination Fee		\$40.00	
Recording Fee:			
First 10 Acres	\$20.00		
243 Acres @ \$1.00	<u>243.00</u>	<u>263.00</u>	\$303.00

Also enclosed are the tracing and one print of the map showing the lands to be irrigated, a copy of the well log, and a copy of the well test.

I trust you will find all in order.

Very truly yours,

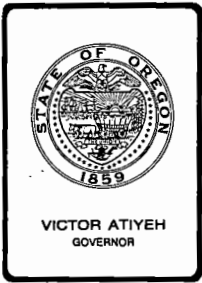
William L. Wales & Associates

By 
William L. Wales, P.E.

WLW/pf

Encls.

c.c. W. L. Gallagher
P. O. Box 898
Sprague River, Oregon 97639



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

NOTICE OF FILING APPLICATION FOR A PERMIT TO APPROPRIATE WATER

File No. G-10731

Name William L. and Nadine F. Gallagher
 Address Whiskey Creek Ranch
 Box 898
 Sprague River, OR 97639
 Water source one well
 Use irrigation
 Point of diversion 10' S. & 10' W. from E $\frac{1}{4}$ Cor. Sec. 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 31, T. 36S., R. 12E., WM
 Amount of water 6.33 cfs

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
36S	12E	31	40.3			40.3										33.0	33.0	33.0	33.0
		32						40.4											

Any person desiring to protest the approval of this application shall file a written protest in the office of the Director of the Water Resources Department at Salem, Oregon, within thirty days from the date of this notice.

A copy of the Rules for Administrative Procedures in Contested Cases Before the Director of the Water Resources Department of Oregon will be supplied free upon request.

Dated at Salem, Oregon, this 4th day of June, 19 82.

James E. Sexson
Water Resources Director

378-3066
or
1-800-452-7813
(message line)

6-3-82

William L. and Nadine F. Gallagher
Whiskey Creek Ranch
Box 898
Sprague River, OR 97639

Dear Mr. and Mrs. Gallagher:

REFERENCE: File G-10731

We have received your application for use of water for irrigation purposes along with the supporting data and fees. Our Receipt 30974 is enclosed. Your application has been filed and assigned number G-10731.

Because of the many applications which have been filed in recent months, we are temporarily behind in our processing. Your application will be examined in detail as soon as possible. We will contact you if we need any additional information. If a permit is required to satisfy the conditions of a loan or land sale or if other emergency conditions exist, please let us know and we will attempt to process your application in the shortest possible time.

After examining your application, a permit may be issued without further correspondence if no additional information is required and it does not conflict with existing rights. The proposed appropriation will be subject to the Water Policy Review Board's Basin Program Statements, existing minimum flows, and demands of prior rights during periods of low water.

Thank you for your patience.

Sincerely,

RALPH H. JACKSON
Supervisor, Application/Permit Section
Water Rights Division

RHJ:wpc
enclosure
0427A/i
1016B

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

RECEIVED

MAY 27 1982

WATER RESOURCES DEPT
SALEM, OREGON

We, William L. and Nadine F. Gallagher
(Name of Applicant)

of Whiskey Creek Ranch, Box 898 Sprague River
(Mailing Address) (City)

State of Oregon 97639 Phone No. (503) 533-2494
(Zip Code)

do hereby make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. The development will consist of 1 Well
(Give number of wells, tile lines, infiltration galleries, etc.)

having a diameter of 12" and an estimated depth of 150 feet.

2. The well or other source is to be located 10 ft. S. and 10 ft. W.
(N. or S.) (E. or W.)

from the NE corner of Sec. 31, T. 36 S., R. 12 E., W.M. NW 1/4 - SE 1/4
(Public Land Survey Corner)

Sec. 31, T. 36 S., R. 12 E., W.M.
(If there is more than one well, each must be described)

being within the NE NW 1/4 1/4 of the SE SE 1/4 1/4 of
Sec. 31 Tp. 36 S. R. 12 E., W.M., in the county of Klamath

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List 1/4 1/4 of Section	List use and/or number of acres to be irrigated
36 S.	12 E.	31	NE 1/4 - NE 1/4	40.3 Acres
			SE 1/4 - NE 1/4	40.3
			NE 1/4 - SE 1/4	33.0
			NW 1/4 - SE 1/4	33.0
			SW 1/4 - SE 1/4	33.0
			SE 1/4 - SE 1/4	33.0
		32	SW 1/4 - NW 1/4	40.4
				253.0 Acres

KLAM 2099 { 4. It is estimated that 60 feet of the well will require Steel casing.
(Kind)
5. Depth to water table is estimated 6 Well drilled by Norm Seavey
(Feet)

6. The amount of water which the applicant intends to apply to beneficial use is 6.33 cubic feet per second or gallons per minute.

7. The use to which the water is to be applied is Irrigation

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

N.A.

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

N.A.

10. **DESCRIPTION OF WORKS**

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

Pump on well will be 10" diameter turbine with a capacity of 1600 gpm @ 117 feet. Water will be supplied to 3 wheel sprinkler lines and one center pivot line to irrigate the land upon which the filing is being made.

11. Construction work will begin on or before Well already drilled

12. Construction work will be completed on or before October 1, 1984

13. The water will be completely applied to the proposed use on or before October 1, 1985

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right. N.A.

Application No. G-10731

Permit No.

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from..... One well 3.16

The use to which this water is to be applied is..... irrigation

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; 3

(a) The right herein granted shall be subject to prior rights to appropriate ground water from the ground water reservoir which serves as the source of the appropriation authorized herein, and

(b) Should it be determined subsequent to the issuance of this permit that the appropriation of ground water herein authorized has a measurable effect on the flow of Whiskey Creek and/or its tributaries, the appropriation of ground water herein authorized shall be regulated in accord with prior rights to appropriate such surface water flows.

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.
The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.
The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.
The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is May 27, 1982

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of....., 19.....

Remarks: This land has never been owned by other than Indians. In fact, the present owner is an indian who is selling the land to a white-man. In filing this application, the applicants do not waive or abandon any vested right appurtnement to said land.

This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

William L. Gallagher
Signature of Applicant
Kadina J. Gallagher

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before May 3, 1983

WITNESS my hand this 3rd day of March, 1983

James E. Sexson Water Resources Director

By Stephen C. Brown

RECEIVED

MAR 25 1983

WATER RESOURCES DEPT.
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 27th day of May, 1982, at 11:15 o'clock A.M.

Application No. G-10731

Permit No.

IF IT'S A PUMP, PHONE 884-9776

KLAM 2099

ARTHUR E. FARR, OWNER

VALLEY PUMP & EQUIPMENT CO.

7364 SOUTH SIXTH ST.

KLAMATH FALLS, OREGON 97601

CUSTOMER Gallagher Bill DATE: Nov. 4 1981 19

ADDRESS Wisker Creek Ranch Sprague River Oregon 97639

TIME		GPM	PUMPING LEVEL	TEMPERATURE
			Well 12" ID 147' deep cased 63'	
			Static level 7'8"	
			50' of 10" column 12" bowls test pump	
4:05	PM	1400		
4:10		1700		54
4:15		2250	42	
4:20		Stopped pumping		
9:35	AM	November 4 1982		
9:35		1700		
9:50		1800	34	
10:00		2350	45.4	54
10:15		2350	45.4	
10:30		2350	50	
10:45		2350	50	
11:00		2000	38.5	
11:15		1500	31.6	53
11:35		2500	50	
12:00		2500	50	
12:00		Stopped pumping		
		Water level 7'10" at 3:00 PM		

RECEIVED

MAY 27 1982

WATER RESOURCES DEPT
SALEM, OREGON

Application No. G-10731

Permit No. G10021

IF IT'S A PUMP, PHONE 884-9776

KLAM 2099

ARTHUR E. FARR, OWNER

VALLEY PUMP & EQUIPMENT CO.

7364 SOUTH SIXTH ST.

KLAMATH FALLS, OREGON 97601

CUSTOMER Gallagher Bill

DATE: Nov. 4 1981 19

ADDRESS Wisker Creek Ranch Sprague River Oregon 97629

Well 12" ID 147' deep cased 63'

Static level 7'8"

50' of 10" column 12" bowls test pump

TIME	GPM	PUMPING LEVEL	TEMPERATURE
4:05 PM	1400		
4:10	1700		54
4:15	2250	42	
4:20	Stopped pumping		
9:35 AM	November 4, 1982		
9:35	1700		
9:50	1800	34	
10:00	2350	45.4	54
10:15	2350	45.4	
10:30	2350	50	
10:45	2350	50	
11:00	2000	38.5	
11:15	1500	31.6	53
11:35	2500	50	
12:00	2500	50	
12:00	Stopped pumping		
	Water level 7'10" at 3:00 PM		

RECEIVED

MAY 27 1982

WATER RESOURCES DEPT
SALEM, OREGON

Application No. G-10731

Permit No.

ORDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

The following service is requested (check one).

Show to whom and date delivered **60¢**

Show to whom, date, and address of delivery.. —¢

RESTRICTED DELIVERY —¢

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:

Robert S. Hamilton
Attorney at Law
292 Main Street
Klamath Falls, OR 97601

4. TYPE OF SERVICE:

- REGISTERED INSURED
 CERTIFIED COD
 EXPRESS MAIL

ARTICLE NUMBER

56204

(Always obtain signature of addressee or agent)

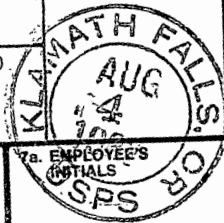
I have received the article described above.

SIGNATURE Addressee Authorized agent

Patricia Barta

5. DATE OF DELIVERY
8-4-82

POSTMARK



6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

dwc G-10731

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST., N.E.
SALEM, OREGON 97310

(Name of Sender)

(Street or P.O. Box)

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one). 60¢
- Show to whom **and** date delivered 60¢
 - Show to whom, date, and address of delivery.. —¢
2. **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to
the return receipt fee.)
- TOTAL** \$ _____

3. **ARTICLE ADDRESSED TO:**

Bruce S. and Virginia A. Topham
Flying T Ranch
Star Route 2, Box 894
Sprague River, OR 97639

4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER 56205
---	---

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. **DATE OF DELIVERY**
8-9-82

Bruce Topham

6. **ADDRESSEE'S ADDRESS** (Only if requested)

SPRAGUE RIVER, OR
POSTMARK
AUG
9
1982
97639

7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS GC
--------------------------------------	---

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

fwc 9-10831

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one). 69
- Show to whom and date delivered 69
 - Show to whom, date, and address of delivery.. —
2. **RESTRICTED DELIVERY** —
(The restricted delivery fee is charged in addition to the return receipt fee.)
- TOTAL \$** _____

3. ARTICLE ADDRESSED TO:

Phil Studenberg Garbutt and Studenberg 122 S. 5th, Suite 300 Klamath Falls, OR 97601

4. TYPE OF SERVICE:

- REGISTERED INSURED
- CERTIFIED COD
- EXPRESS MAIL

ARTICLE NUMBER

56203

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE, Addressee Authorized agent

5. DATE OF DELIVERY

8-4-82

POSTMARK



6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC G-10731

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
 Show to whom and date delivered **60¢**
 Show to whom, date, and address of delivery.. —¢
2. **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:

Bruce Huffman
William P. Brandsness, P.C.
411 Pine
Klamath Falls, OR 97601

4. TYPE OF SERVICE:

- REGISTERED INSURED
 CERTIFIED COD
 EXPRESS MAIL

ARTICLE NUMBER

56202

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Michelle Miller

5. DATE OF DELIVERY:

8-4-82

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC G-10731

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



(Name of Sender)

WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310

(Street or P.O. Box)

(City, State, and ZIP Code)

SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- Show to whom and date delivered 62¢
 Show to whom, date, and address of delivery.. —¢

2. **RESTRICTED DELIVERY** —¢

(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**

Donald A. Bick
Attorney at Law
1551 Pearl Street
Eugene, OR 97401

4. **TYPE OF SERVICE:**

- REGISTERED INSURED
 CERTIFIED COD
 EXPRESS MAIL

ARTICLE NUMBER

56201

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

John Haley

5. **DATE OF DELIVERY**

POSTMARK

EUGENE, OREGON
AUG 14 1982

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

SECTION RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC G-10731

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



(Name of Sender)

WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK

(Street or P.O. Box)

555 13th ST. N.E.
SALEM, OREGON 97310

(City, State, and ZIP Code)

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
- Show to whom and date delivered. 60¢
 - Show to whom, date and address of delivery. ¢
 - RESTRICTED DELIVERY
Show to whom and date delivered. ¢
 - RESTRICTED DELIVERY,
Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

William L. & Nadine F. Gallagher
Whiskey Creek Ranch
Box 898
Sprague River, OR 97639

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	56428	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Nadine Gallagher

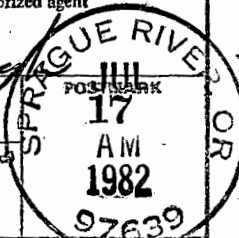
DATE OF DELIVERY

7-17-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
PR



JWC B-10731

GPO : 1979-366-459

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



(Name of Sender)

WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310

(Street or P.O. Box)

(City, State, and ZIP Code)

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one). 60¢
- Show to whom and date delivered 60¢
- Show to whom, date, and address of delivery.. —¢
2. **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to
the return receipt fee.)
- TOTAL \$ 60**

3. **ARTICLE ADDRESSED TO:**

Donald A. Bick
Bick and Monte, P.C.
1551 Pearl Street
Eugene, OR 97401

4. **TYPE OF SERVICE:**

- REGISTERED INSURED
 CERTIFIED COD
 EXPRESS MAIL

ARTICLE NUMBER

56363

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. **DATE OF DELIVERY**

Patti Wiley

POSTMARK

6. **ADDRESSEE'S ADDRESS** (Only if requested)

DEC 20 1982

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC G-10731

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- Show to whom and date delivered 60c
 - Show to whom, date, and address of delivery .. —c
2. **RESTRICTED DELIVERY** —c
(The restricted delivery fee is charged in addition to the return receipt fee.)
- TOTAL \$ 60**

3. **ARTICLE ADDRESSED TO:**

Gordon H. Smith
1156 Mira Mar
Medford, OR 97501

4. **TYPE OF SERVICE:**
- REGISTERED INSURED
 - CERTIFIED COD
 - EXPRESS MAIL

ARTICLE NUMBER

56366

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Gordon H. Smith

5. **DATE OF DELIVERY**

DEC 30 1982



6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC 6-10731

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

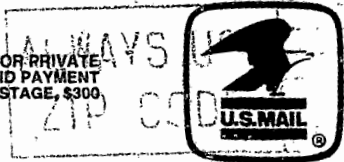
SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310

(Name of Sender)

(Street or P.O. Box)

(City, State)

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- Show to whom and date delivered **60¢**
 - Show to whom, date, and address of delivery.. **—¢**
2. **RESTRICTED DELIVER)** **—¢**
(The restricted delivery fee is charged in addition to
the return receipt fee.)
- TOTAL \$60**

3. ARTICLE ADDRESSED TO:

Phil Studenberg
Garbutt and Studenberg
122 S. 5th, Suite 300
Klamath Falls, OR 97601

4. TYPE OF SERVICE:

- REGISTERED INSURED
- CERTIFIED COD
- EXPRESS MAIL

ARTICLE NUMBER

56364

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. *J. Schucka for Phil Studenberg*

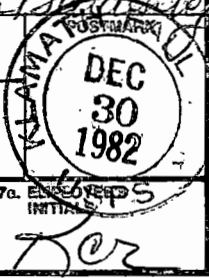
DATE OF DELIVERY

12-30-82

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

7a. **ENCLOSURES**
INITIALS



Dec 1980
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

JWC G-10731

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300.**



**RETURN
TO**



(Name of Sender)

WATER RESOURCES DEPT.
MILL CREEK OFFICE PARK
555 13th ST. N.E.
SALEM, OREGON 97310

(Street or P.O. Box)

(City, State, and ZIP Code)